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PLACE OF USE

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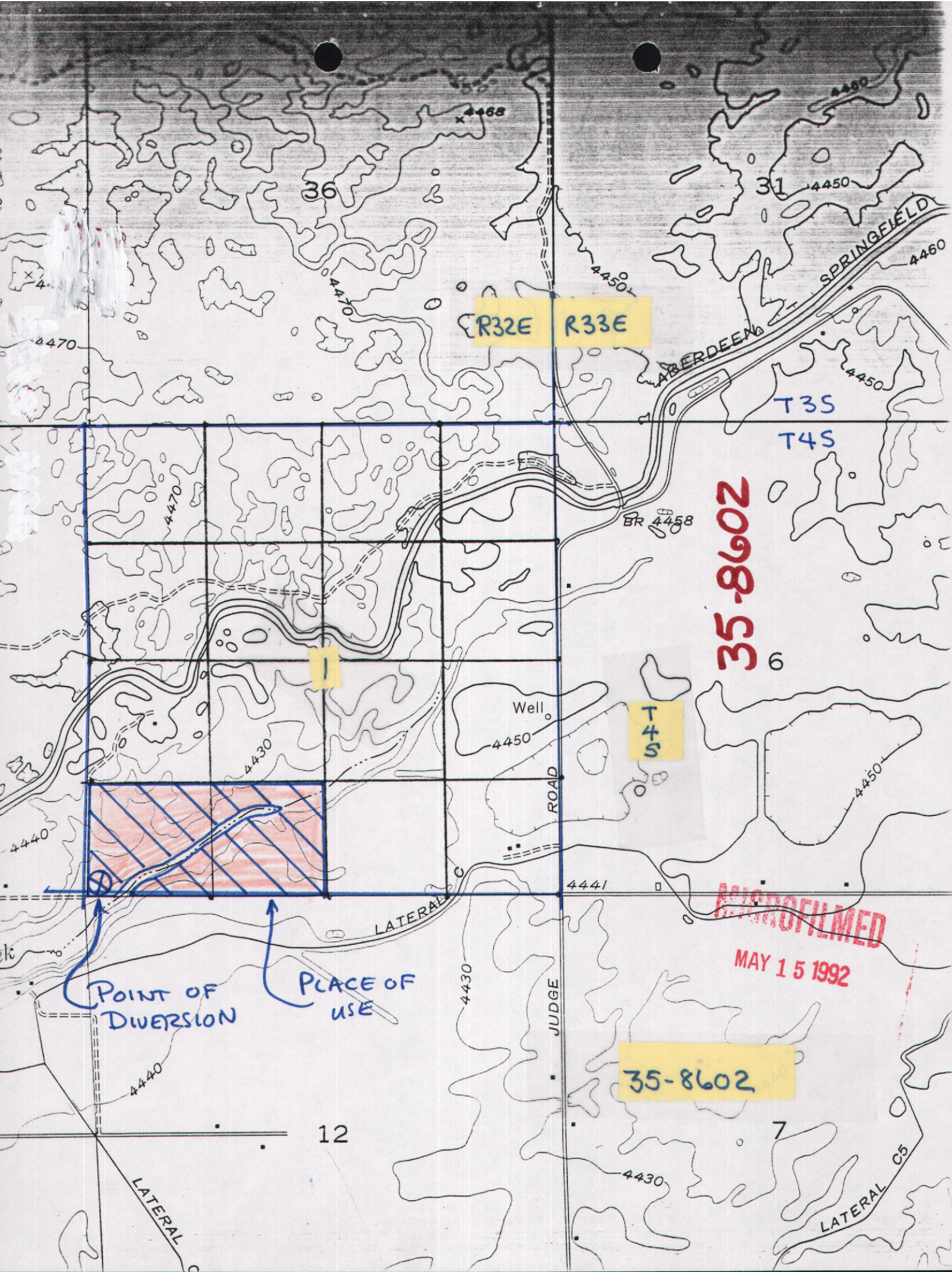
6
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POINT OF
DIVERSION

MICROFILMED

MAY 15 1992

35-8602



Negatives to the left © Mini Sleeve UFS Inc. 1978 ©

35-8602 JUDGE

REORDER: Indicate quantity above each negative.

INKLEY'S

35-8602
JUDGE

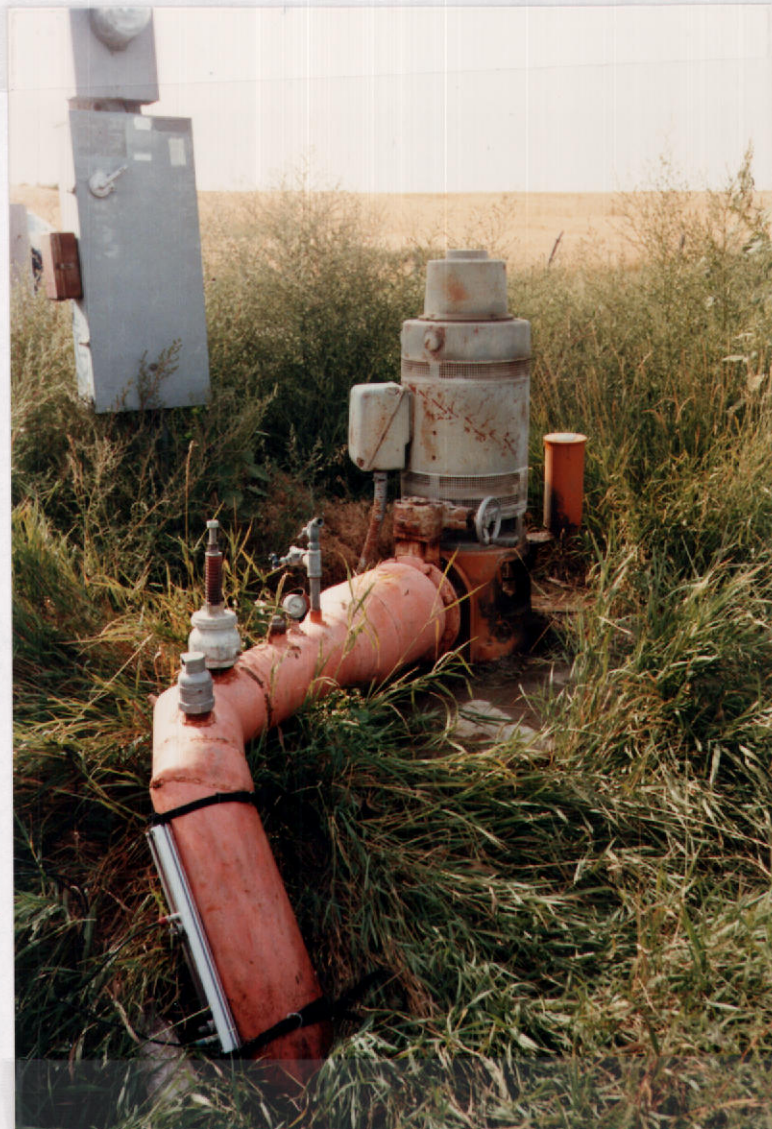


MICROFILMED

MAY 15 1992

35-8602

35-8602



Sonic
meter
Attached →

MICROFILMED

MAY 15 1992

35-8602

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08602

Priority: June 28, 1985

Maximum Diversion Rate: 1.52 CFS
Maximum Diversion Volume: 302.7 AF

This is to certify, that GARY JUDGE
MURIEL JUDGE

692 S 1800 W
PINGREE ID 83262

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1983; and has submitted Proof of Beneficial Use on November 22, 1989. An examination indicates that the works have a diversion capacity of 1.820 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	1.50 CFS	300.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	2.7 AF
	Totals	1.52 CFS	302.7 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 1, Township 04S, Range 32E
BINGHAM County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>	
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>					
04S	32E	1	SWSW	37	SESW	38	75
Total number of acres irrigated:							75

PLACE OF USE: STOCKWATER, same as IRRIGATION use

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.

MICROFILMED
MAY 15 1992

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 35-08602

CONDITIONS/REMARKS:

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. 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.
7. Stockwater use is for 200 range cattle.

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 15
day of MAY, 1992.

Acting for R. Keith Higginson, Director

MICROFILMED
MAY 15 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08602

Proposed Priority: June 28, 1985

Maximum Diversion Rate:

1.62 CFS

This is to certify, that **GARY JUDGE**
MURIEL JUDGE
692 S. 1800 W.
PINGREE, ID 83262

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.60 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
	Totals	1.62 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW Sec. 1, 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	1	SWSW 40	SESW 40		80
Total number of acres irrigated:						80

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 December 1, 1990.
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.

MICROFILMED

NOV 20 1989

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

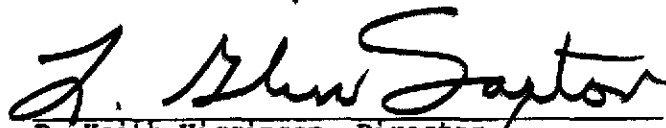
NO. 35-08602

CONDITIONS/REMARKS:

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.

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

30th day of October, 1989.

for 
R. Keith Higginson, Director

MICROFILMED

NOV 20 1989

RECEIVED

OCT 10 1989

State of Idaho

Department of Water Resources

RECEIVED

OCT 05 1989

ASSIGNMENT OF PERMIT (APPLICATION)

Department of Water Resources
Eastern District Office

Department of Water Resources

I, Valley Bank, hereby assign to Gary or Muriel Judge

of 692 South 1800 West, Pingree, ID 83262
Address

All my right, title, and interest in and to ^{application} ~~Permit~~ No. 35-8602
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to application No. 35-8602 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 3 day of October, 1989.

Valley Bank
By Ed. L. Abrahams
Permit Holder

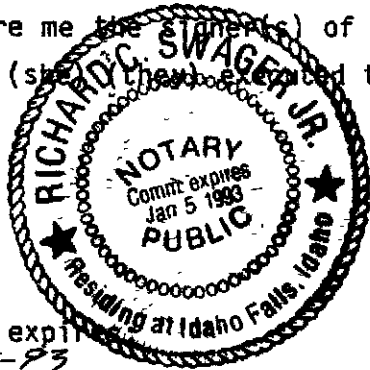
Spouse of Permit Holder

State of Idaho)

County of Bonneville) ss

On this 3 day of October, 1989, personally
appeared before me the signers) of the above instrument, who duly acknowledged
to me that he (she) ~~they~~ executed the same.

seal



Richard C. Swager, Jr.
Notary Public residing at Idaho Falls

My commission expires
1-5-93

NOT RECORDED
NOV 20 1989

RECEIVED

STATE OF IDAHO

RECEIVED

OCT 10 1989

Department of Water Resources

OCT 05 1989

ASSIGNMENT OF APPLICATION FOR PERMIT

Department of Water Resources

We/I, Lamar Whyte & Marie Whyte, hereby assign to Valley Bank

of P. O. Box 51270, Idaho Falls, ID 83405-1270
Address

all my right, title, and interest in and to Application for Permit No.
35-2602 to appropriate the public waters of the State of
Idaho.

Made this 27th day of September, 1989.

Lamar Whyte
Applicant

Marie Whyte
Spouse of Applicant

State of Idaho)
County of BANNOCK) ss.

On this 27th day of September, 1989, personally
appeared before me the signer(s) of the above instrument, who duly
acknowledged to me that he (she) (they) executed the same.

s e a l

[Signature]
Notary Public residing at
Pocatello Idaho

My commission expires:

Life

MICROFILMED

NOV 20 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

ASSIGNED TO:
Valley Bank who in turn
ASSIGNED TO:
Gary or Muriel Judge
692 S. 1800 W.
Pingree, ID 83262

To appropriate the public waters of the State of Idaho

1. Name of applicant LA MAR 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 $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 Township 4S

Range 32E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.60 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 1.62 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, 60 hp turbine and a 3/4 hp
submersible pump and sprinkler system

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 16 inches; proposed depth of well is 55 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: S $\frac{1}{2}$ $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 Township 4S
Range 32E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 400 head 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: _____

MICROFILMED
NOV 20 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	32E	1																	80

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above. 80 shares

Aberdeen-Springfield Canal

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 _____

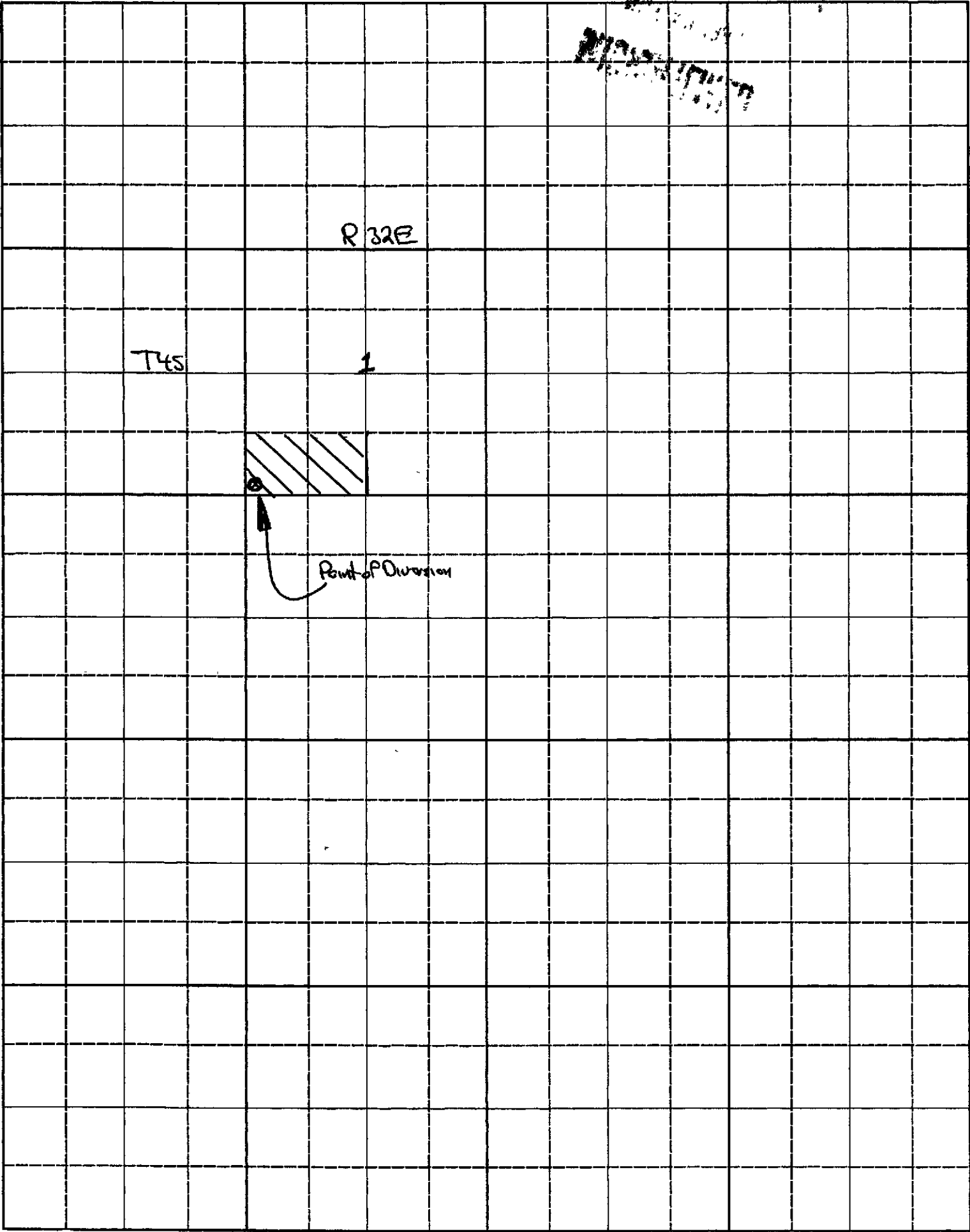
10. Remarks Applicant will eventually sell Aberdeen-Springfield Shares

This system was in place and irrigating the above
described ground in 1978. This application takes
the place of Lapsed permit 35-7674.

RECEIVED

NOV 20 1989

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
NOV 20 1989

Roman White
(Applicant)

Asst. by Hwy
Received by CT Date 6-28-85 Time 11:00 am.
Preliminary check by KAB Fee \$ \$65.00 # 35410
Receipted by RECEIVED 6-28-85
Publication prepared by CT Date 8-19-85
Published in Morning News
Publication dates 4-6, 13, 89
Publication approved CW Date 5-3-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ALJ

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:

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NOV 20 1989

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APR 28 1989

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

Department of Water Resources
Eastern District Office

27-07449

OLESON, Lila
363 E. 200 N
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt.: NESENE, Sec. 27, T. 02S, R.
36E
Use: IRRIGATION (2 560 CFS).
Date Filed: 8/31/1988
In: T02S, R36E, S26, NWNW; S27, NENE,
NWNE, SWNE, SENE, 128.0 ACRES TOTAL.

35-08589

INSKEEP, Ronald
Rt 1, Box 189
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversion Pt: SESW, Sec. 12, T. 05S, R.
30E.
Use: IRRIGATION (.230 CFS).
Date Filed: 6/25/1985.
In: T05S, R30E, S12, NENW, NWNW,
SWNW, SENW, 153.0 ACRES TOTAL

35-08602

WHYTE, LaMAR
Springfield, Idaho 83277
Source: GROUNDWATER
Diversion Pt SWSW, Sec. 1, T 04S, R.
32E
Use: IRRIGATION (1 600 CFS);
STOCKWATER (.020 CFS).
Date Filed: 6/28/1985.
In: T04S, R32E, S01, SWSW, SESW —
80.0 ACRES TOTAL.

35-08695

UNIVERSITY OF IDAHO
REGENTS
P.O. Box AA
Aberdeen, Idaho 83421
Source: GROUNDWATER
Diversion Pt: SWSWSW, Sec 27, T 05S,
R. 31E.
Use: COMMERCIAL (.020 CFS), DOMESTIC
(.040 CFS).
Date Filed: 2/7/1989.
IN T05S, R31E, S27; NWSW, SWSW

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed on the criteria of Sec. 42-203A, Idaho Code
and/or the new public interest criteria of Sec
42-203C, Idaho Code. Protests must be filed
with the Director, Dept of Water Resources,
150 Shoup Ave., Suite 15, Idaho Falls, Idaho,
83402, on or before APRIL 24, 1989

R. KEITH HIGGINSON
Director

(342)
Pub : 4/6, 13

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

I, Michael Bell 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
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks.

the first publication having been made on the

6th day of April, 19 89;

and the last publication having been made on the
13th day of April, 19 89;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 24th day of April in
the year 1989, before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee \$5.00

MICROFILMED

NOV 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 11, 1992

Gary Judge
692 S. 1800 W
Pingree, ID 83262

Dear Mr. Judge:

Enclosed is a copy of the license which was recently issued; I have put the Director's seal on the form per your telephone request to Cindy Zimmerman of this office.

You stated on the phone that you irrigate 80 acres and would like the license changed to reflect a total of 80 acres. I have enclosed a copy of the map attached by our field examiner to his field report. Please note the portion of land marked "out" (non-irrigated land within each of the 40-acre tracts). The non-irrigated acreage amounted to 5 acres, thus the license covers only 75 acres.

If you have any further questions, give me a call.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

SHARLA CURTIS
Water Resource Agent

Enclosures

MIRROFILMED
MAY 15 1992

May 5, 1992

GARY JUDGE
MURIEL JUDGE
692 S 1800 W
PINGREE ID 83262

RE: WATER RIGHT NO. 35-08602

Dear Water Right Holder(s):

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

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:clh

Enclosure

MICROFILMED

MAY 15 1992

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY JUDGE	06/28/1985	IRRIGATION	04-01 10-31	1.50 CFS	300.0 AFA
C	MURIEL JUDGE 692 S 1800 W PINGREE ID 83262		STOCKWATER	01-01 12-31	0.02 CFS	2.7 AFA
TOTAL DIVERSION:					1.52 CFS	302.7 AFA
O	LA MAR WHYTE SPRINGFIELD ID 83277					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.82 CFS

Point(s) of Diversion: T04S R32E S01 SW SW

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	:	---						
04S	32E	1	:					:					:					:					:	75.0						
																					37		38	:	TOTAL ACRES				:	75.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:
35-08602

Other Water Rights Listing Overlapping Place(s) of use:
35-08602

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.
- R31 - 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.

Remarks: Stockwater use is for 200 range cattle.

Dates: App. Received: 06/28/1983 Priority Date: 06/28/1985
 Proof Due Date: 12/01/1990 Proof Made Date: 11/22/1989
 Exam Made Date: 08/28/1990 Exam Sent to S.O.: 04/10/1992
 Licensed Date:

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

.....

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM													
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																
L3508602	T04S R32E S 1	GROUNDWATER																75													
	:																	37	38	:											
A010002320	SNAKE RIVE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
0100297	SNAKE RIVE :																									:					
A010029720	SNAKE RIVE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
A010206460	SNAKE RIVE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
A010206860	SNAKE RIVE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
A0102068H0	SNAKE RIVE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
3502226	GROUNDWATE :																									34	05	15	25	:	84
A3502226	GROUNDWATE :																									34	05	15	25	:	84
A350254320	GROUNDWATE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
A350424620	GROUNDWATE :					37	33	:					38	38	:	40	38	32	30	:	40	40	39	38	:	443					
3508602	GROUNDWATE :																									40	40	:		:	80
✓ A3508602	GROUNDWATE :																									40	40	:		:	80
--86 MAP--	C11Q-Z 87 :					04	32	:					04	:	38	21	36	40	:	41	36	40	40	:		:	332				
NO QTRS	MAPPING	Lot01-01																													

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

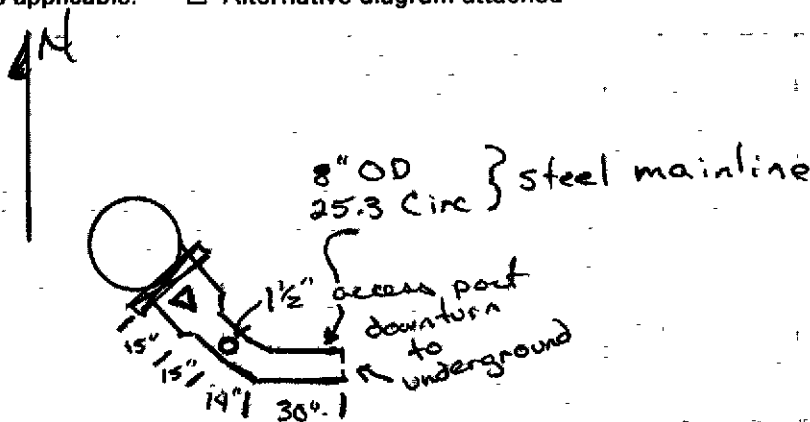
Permit No. 35-8602
1. Owner: Gary Judge Phone No. 328-2484
Current Address: 6925 1800 W. Pingree, ID 83262
2. Accompanied by: Gary EXAM. DATE: 8-28-90
Address: Same Phone No. Same
Relationship to Permit Holder: Holder
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

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

C. SYSTEM DESCRIPTION

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



MICROFILMED
MAY 15 1992

Scale: 1" = _____

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

System Description (continued)

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

Well, pump, mainline, to 5 1/4 mile handlines, 33 length/line

According to Gary Judge stockwater is for 200 head range cattle

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	60	JKJ918518	Berkeley	7425 788

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	SW	1	4S	32E	Bingham	On site inspection, USGS Quad

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

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 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	1											37	38					75
													5	5					

MICROFILMED

MAY 15 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Meter Station	non-contact	Polysonics	TF-P		Small	
Water Level Indicator	electric	M-Scope			500'	
Pressure Gauge		Rainbird			0-100	

2. Measurements:

Sonic Meter - 814 gpm
 Dynamic Water Level - 80" = 6' 8"
 Operating Pressure - 85 psi

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Sonic Meter - 814 gpm = 1.81 cfs

2. Alternate Method for Checking Purposes:

$$\text{Theoretical: } \frac{8.8(1.7)(60)}{6.66 + 2.31(85)} = 1.82 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

Meter Input HP: (6) x 1.34 = _____ (7)

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 75 \left(\frac{4.0}{3.5} \text{ af/ac/season} \right) = 85.7 \text{ af}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.60(484)(1.9835) = 154.7 \text{ af}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 154.7 \text{ af}$$

2. Volume Calculations for Other Uses:

$$V_{STOCK} = 2.7 \text{ af}$$

MICROFILMED
 MAY 15 1982

10

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04/01	11/01	~~1.60~~ 1.50	300 afa
Stockwater (200 range)	01/01	12/31	0.02	2.7 afa
Totals:			1.62 cfs 1.52	302.7

☐ 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

Field Examiner's Name Scott N King
Signature Scott N King
Certification Date _____
Field Report Preparation Date 4/10/1992

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

MICROFILMED

MAY 15 1992

PRINTER USE
?

YES

MODE SELECT
INPUT

Judge

OUTER DIAMETER
8.0531 IN

35-8602

PIPE MATERIAL
?

CS,SS

WALL THICKNESS
.111000 IN

INNER LINING
?

NO LING.

KIND OF FLUID
?

WATER

SENSOR MOUNTING
?

U

TYPE OF SENSOR
?

SMALL

DATA CHANGE
?

NO

SPACING
5.849 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO QPR

DAMPING SET
01 SEC

DAMPING SET
15 SEC

DAMPING SET
20 SEC

MODE SELECT
DATA SET

DATA SET MODE
?

PRINTER

17:09+803.611E 00PM 00R

17:10+809.423E 00PM 00R

17:11+808.102E 00PM 00R

17:12+807.045E 00PM 00R

17:13+810.480E 00PM 00R

17:14+813.914E 00PM 00R

17:15+810.480E 00PM 00R

17:16+807.574E 00PM 00R

MAY 15 1992

SONIC Meter
Tape

SONIC Meter
Tape

35-8602

MIC

MA

PRINTER ☒ YES
?

MODE SELECT
INPUT

OUTER DIAMETER
8.0531 IN

PIPE MATERIAL
?

WALL THICKNESS
.111000 IN

INNER LINING
?

KIND OF FLUID
?

SENSOR MOUNTING
?

TYPE OF SENSOR
?

DATA CHANGE
?

SPACING
5.849 IN U

ZERO MODE
CLEAR

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AUT ZERO

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ZERO OPR

DAMPING SET
01 SEC

DAMPING SET
15 SEC

DAMPING SET
20 SEC

MODE SELECT
DATA SET

DATA SET MODE
?

17:09+803.611E 00PM 00R

17:10+809.423E 00PM 00R

17:11+808.102E 00PM 00R

17:12+807.045E 00PM 00R

17:13+810.480E 00PM 00R

17:14+813.914E 00PM 00R

17:15+810.480E 00PM 00R

17:16+807.574E 00PM 00R

MAY 15 1992

W. J. MED

R320

5-10-12

PLACE OF USE

11
78.1

AW

Pasture

7
6.1

8
60.2

1997
37

38

2
3.7

4
12.5

1
8.0

3
6.9

5
7.9

6
5.9

Point of

DIVERSION

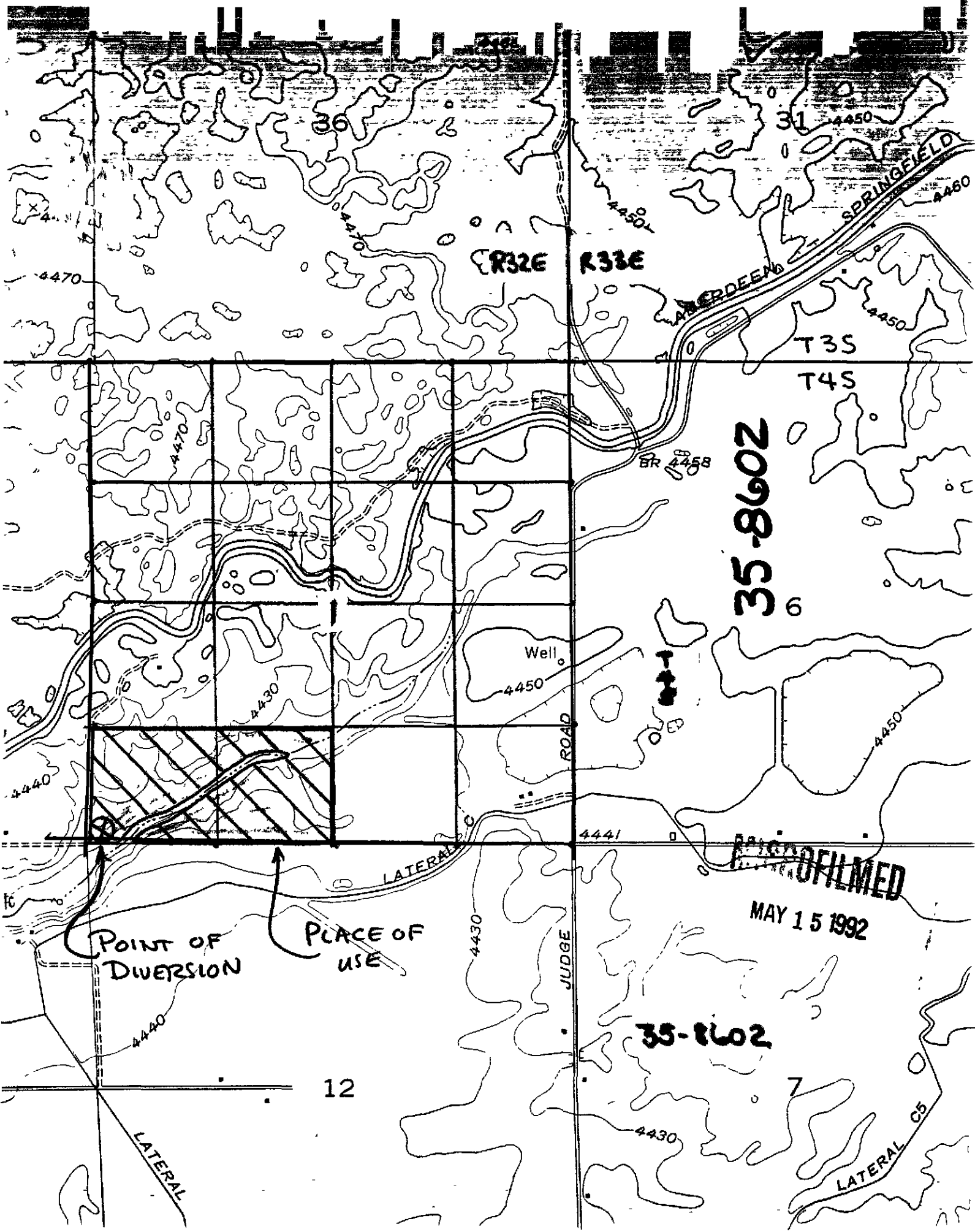
AEL
1
16.3

1784
6.0

MICROFILMED

MAY 15 1992

35-8602



Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8602

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 4S, Rge 32E, Sec. 1, SW 1/4 SW 1/4 or Lot _____.
2. Owner: Gary Judge
Address 6925. 1800W, City Pingree, St ID
3. Casing $\geq$ 12 inches above ground: Yes _____ No X
4. Access Port: Yes X No _____ Static Water Level: 80"
Pressure Gauge: Yes _____ No X Casing Diameter: 16"
Flowing: Yes _____ No X Temperature: _____
5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes _____ No X

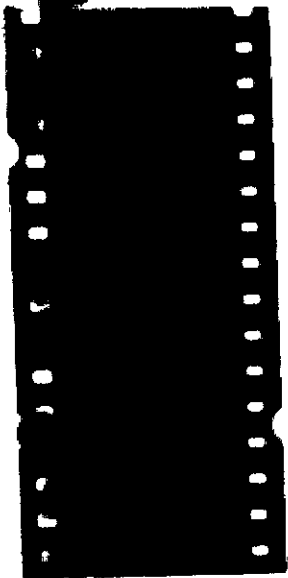
If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

MICHAEL
MAY 15 1992

35-8602
JUDGE

3
JUDGE



MICROFILMED

MAY 15 1992

35-8602

35-8602



Sonic
meter
Attached →

REPROFILMED

MAY 15 1992

35-8602

January 24, 1990

GARY JUDGE
MURIEL JUDGE
692 S. 1800 W.
PINGREE, ID 83262

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08602

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

RECORDED

FEB 14 1990

1/80

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 35-8602

Date: 1-8-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely _____
_____ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
_____ 1. well log in file April 1981 - no well log found
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
_____ ☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- NA Is a measuring device or access port required?
NA Has one been installed?
_____ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received	<u>NA</u>	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority date	_____	_____
NEW PRIORITY DATE	_____	_____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
NOV 22 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 125⁰⁰
Date 11-22-89
Receipt # 6011188
Receipt by SA
Reviewed by SA 11-22-90
Sent to region

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 35-08602
Name(s) of Permit Holder: GARY OR MURIEL JUDGE
Post Office Address: 692 S. 1800 W., PINGREE, ID. 83262
Telephone No. 328-2484

Source of Water: GROUNDWATER

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)
Irrigation 80 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 1.62 cfs acre-foot

Show the date water was first diverted and beneficially used under this permit: APRIL 1, 1981 (35-7674)

Measuring Device: Required? Yes No
Installed? Yes No

Fee enclosed \$ 125⁰⁰
(See License Examination Fee Schedule)

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

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

GARY JUDGE 328-2484
(Name) (Telephone Number)

(Address)

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

11-21-89
Date

Gary Judge
Signature of Permit Holder (and title, if appropriate)

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 30, 1989

GARY JUDGE
MURIEL JUDGE
692 S. 1800 W.
PINGREE, ID 83262

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08602

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.

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

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

FILED

NOV 20 1989

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

NOV 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 18, 1989

RE: Applications for Permit Nos. 35-8602 and 35-8795

Valley Bank
Attn: Ed Woolstenhulme
501 Broadway
Idaho Falls, ID 83402

Dear Mr. Woolstenhulme:

We have received the assignments of Application for Permit No. 35-8602 which transfer this application from LaMar Whyte to Valley Bank, who in turn assigned it to Gary and Muriel Judge. We will now proceed with the final processing of this application for water right permit.

We also have in our office the duplicate filing, Application for Permit No. 35-8795 which was filed by Valley Bank when Mr. Whyte refused to assign the original application over to the bank. In order for our Department to clear this filing from our records, we request that you submit the enclosed "withdrawal" of application form.

If you have any questions in regard to this matter or if we can be of further assistance to you, please feel free to contact either this office or our Eastern Regional Office in Idaho Falls.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

cc: Eastern Region
Gary & Muriel Judge

MAIL ROOM

NOV 20 1989

State of Idaho
Department of Water Resources

35-8602

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KCW

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: 4-24-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4-28-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05
6-28-85 Date of priority recommended.
Special conditions of approval or cover letter. <0167

App. in NON-TRUST area-

By: HWJ Date: 5-8-89

STATE OFFICE REVIEW:

P03, P03, P05 P16 48 49 46 016 **RECEIVED**

- ☐ See attached sheet for more information.

By: KW Date: 10/17/89

MAY 12 1989

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX



VALLEY BANK

501 BROADWAY • IDAHO FALLS, IDAHO 83401 • TELEPHONE (208) 525-6300

RECEIVED

OCT 05 1989

Department of Water Resources
Eastern District Office

RECEIVED

OCT 10 1989

October 3, 1989

Eric,

Department of Water Resources

This should cancel our application for permit. Also, if you could, will you send Gary Judge something to state we have transferred this application.

Thank you,

VALLEY BANK

Ed Woolstenhulme

EW/slt

4022y



RICHARD C. JAGER JR.
C
COLLECTION OFFICER

VALLEY BANK

501 BROADWAY • IDAHO FALLS, IDAHO 83402
TELEPHONE (208) 525-6271

MICROFILMED

NOV 20 1989

FROM: KEITH C. WILSON

18 SEPT 1989

TO: GARY SPACKMAN

SUBJECT: APPLICANTS INTENTIONS APPLICATION 35-08602

MR. WHYTE CAME INTO THIS OFFICE TODAY TO EXPRESS THAT HE WOULD LIKE TO COMPLETE DEVELOPMENT OF A WATER RIGHT AS EXPRESSED ON THE APPLICATION FOR PERMIT 35-08602.

ACCORDING TO MR. WHYTE THE SYSTEM HAS BEEN IN OPERATION FOR A NUMBER OF YEARS (APPROXIMATELY 10 YEARS).

Keith C. Wilson

KEITH C. WILSON

*Lamar Whyte
I concur*

MICROFILMED

NOV 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 30, 1989

Bart M. Davis, Attorney at Law
408 Shoup Avenue
P.O. Box 50190
Idaho Falls, ID 83405-0190

RE: Application for Permit to Appropriate Water No. 35-8602 in
the Name of LaMar Whyte

Dear Mr. Davis:

I acknowledge receipt of your letter dated August 22, 1989.
I am willing to hold application no. 35-8602 for an additional
sixty (60) days. The application has languished without action
for a long period of time, however, and additional lengthy delays
are not warranted.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

NOV 20 1989

LAW OFFICES OF

Weinpel, Wolf, Just, Combo & Davis

408 SHOUP AVENUE

POST OFFICE BOX 50190

IDAHO FALLS, IDAHO 83405-0190

MARC J. WEINPEL
JERRY K. WOLF
CHARLES C. JUST
WILLIAM P. COMBO
BART M. DAVIS

*ALSO ADMITTED
NEW JERSEY
NEBRASKA

RECEIVED

AUG 23 1989

TELEPHONE
AREA CODE 208
524-5380
FAX NO. 524-5451
—
JOHN X. COMBO
OF COUNSEL

*ALSO ADMITTED
MONTANA
DISTRICT OF COLUMBIA

Department of Water Resources

August 22, 1989

Mr. Larry Spackman, Manager
Water Right Permits Section
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Application for Permit to Appropriate Water
No. 35-8602

Dear Mr. Spackman:

Be advised that this office represents Valley Bank in reference to the above referred to matter. You should be aware that the Bankruptcy Court has ordered Mr. LaMar Whyte to execute the appropriate application to transfer sufficient and appropriate waters for the water rights application number 35-8602. I am enclosing herewith for your review a copy of the Stipulation and Order as I have indicated.

I have already sent to Mr. John Souza, attorney for LaMar Whyte a proposed application for transfer for him to obtain his clients signature. As of the date of this letter I have received the same back from him; however, I anticipate receiving the same within the next several days.

We would appreciate it if the department would not remove the application as indicated in the letter and this letter is intended to be the reply to your letter. Further, once Valley Bank obtains the appropriate transfer it is the intention of Valley Bank cooperate in the transfer of the water to Mr. Gary Judge, the new purchaser of the real estate.

MICROFILMED

NOV 20 1989

Mr. Larry Spackman
Page 2
08-22-89

Should you have any questions I would appreciate it if you would direct the same to this office. Further, any additional notices of intent to remove the application or deny the request for reinstatement shall also be directed through this office.

Your courtesies in this matter are greatly appreciated.

Yours very truly,

Bart M. Davis
/BART M. DAVIS, ESQ.

BMD/dw

Enclosure
cc: Tom Harris
9770S

MICROFILMED

NOV 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

COPY

August 15, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Gary Judge
629 South 1800 West
Pingree, ID 83262

RE: Reinstatement of Permit No. 35-7674

Dear Mr. Judge:

I wrote you a letter in February, 1989, asking whether you planned to submit additional information to reinstate lapsed permit no. 35-7674. You did not respond to my inquiry. The point of diversion identified in lapsed permit no. 35-7674 is outside of the trustwater boundary. We are presently approving new applications to appropriate water in this area. I suggest that if you are not interested in pursuing reinstatement of the permit no. 35-7674, you might file a new application to appropriate water.

If I do not hear from you in thirty (30) days, I will assume that you have no interest in submitting the additional information requested, and the Department will deny request for reinstatement of lapsed permit no. 35-7674.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Van Johnson
Valley Bank
P.O. Box 729
Blackfoot, ID 83221

Eastern Region

MICROFILMED

NOV 20 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 15, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

La Mar Whyte
Springfield, ID 83277

RE: Application for Permit to Appropriate Water No. 35-8602

Dear Mr. Whyte:

You filed an application for permit to appropriate water no. 35-8602 in June, 1985. The Department has received information from other sources which leads us to believe you may not be interested in pursuing the application any further.

Application no. 35-8602 was held without action pending the outcome of Swan Falls litigation. It can now be processed by the Department. We desire, however, to know your intentions regarding the application prior to processing.

Please provide the Department a statement of your intentions regarding the application. If you do not wish to pursue it, I have enclosed a withdrawal form which you should sign and return to me.

If you have not responded to this inquiry by the Department within thirty days (30) of the date of this letter, the Department will act to remove application no. 35-8602 from its records.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Eastern Region

Van Johnson
Valley Bank
P.O. Box 729
Blackfoot, ID 83221

Gary Judge
692 South 1800 West
Pingree, ID 83262

RECORDED

NOV 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 15, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

La Mar Whyte
Springfield, ID 83277

RE: Application for Permit to Appropriate Water No. 35-8602

Dear Mr. Whyte:

You filed an application for permit to appropriate water no. 35-8602 in June, 1985. The Department has received information from other sources which leads us to believe you may not be interested in pursuing the application any further.

Application no. 35-8602 was held without action pending the outcome of Swan Falls litigation. It can now be processed by the Department. We desire, however, to know your intentions regarding the application prior to processing.

Please provide the Department a statement of your intentions regarding the application. If you do not wish to pursue it, I have enclosed a withdrawal form which you should sign and return to me.

If you have not responded to this inquiry by the Department within thirty days (30) of the date of this letter, the Department will act to remove application no. 35-8602 from its records.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Eastern Region

Van Johnson
Valley Bank
P.O. Box 729
Blackfoot, ID 83221

Gary Judge
692 South 1800 West
Pingree, ID 83262

MICROFILMED

NOV 20 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 29, 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 APRIL 24, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

NOV 20 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

NOV 20 1989

35-08602

WHYTE, LA MAR
SPRINGFIELD, ID 83277

Source: GROUNDWATER

Diversion Pt: SWSW Sec 1 T 04S R 32E

Use: IRRIGATION (1.600 CFS)
STOCKWATER (.020 CFS)

Date Filed: 6/28/1985

In: T04S R32E S01 SWSW SESW

80.0 ACRES TOTAL

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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 APRIL 24, 1989.

R. Keith Higginson, Director

Published 4/06/1989 & 4/13/1989

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CONVERSATION MEMORANDUM

Date 2/23/89 File # 35-8602

NAME OF PARTY Tom Harris - VALLEY BANK

EMPLOYEE ERIC VERUGER

RE 35-8602

Mr. Whyte lost property under app to Valley Bank who has sold property to another party.

Mr. Whyte has been reluctant to reassign application to anyone, but under legal advice from his attorney, may sign one soon.

Tom called to verify application number for application assignment.

February 6, 1989

La Mar Whyte
Springfield, ID 83277

RE: APPLICATION FOR PERMIT NO. 35-8602

Dear Applicant:

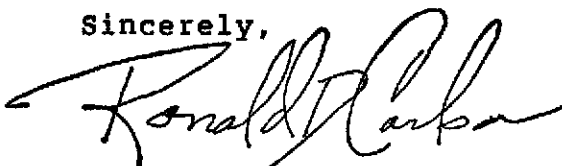
The department is now beginning the processing of applications which have been held as a result of the Swan Falls controversy. In connection with this processing, the department requests the information described below.

From the department's review of the above referenced water right application, it appears the application is only subject to the usual water right processing described in Section 42-203A, Idaho Code, and is not subject to the public interest criteria processing required of some applications in the Swan Falls settlement.

The department asks that you advise us within 15 days of this letter if you no longer have a continued interest in developing a water right as proposed by the application. If you do not respond in this time period, the department will proceed with the usual processing of the application including advertisement.

Please feel free to contact the department if you have questions.

Sincerely,



Ronald D. Carlson
Eastern Regional Manager

RDC/rb

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State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

May 24, 1988

CECIL D. ANDRUS

GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JUN 1 1988

Department of Water Resources
Eastern District Office

Van Johnson
Valley Bank
P.O. Box 729
Blackfoot, ID 832201

Re: Application to Appropriate Water No. 35-8602, Lapse Permit
No. 35-7674; all in the name of LaMar Whyte

Dear Mr. Johnson:

This letter is a confirmation of our telephone conversation on May 5, 1988. Application 35-8602 is in the name of LaMar Whyte. Although the application names as a place of use and point of diversion lands which apparently Valley Bank now owns, the application is still owned by Mr. Whyte, and we cannot change the name of the applicant without his consent.

The evidence which you have submitted shows that currently water is being irrigated without a valid water right. This is in violation of Idaho Code § 42-351, and Idaho Code § 42-352 imposes penalties for illegal diversions of water of up to \$100 per day per diversion. You must find some water right which will authorize diversion and irrigation of the lands. I see three alternatives:

1. Reinstate Lapsed Permit No. 35-7674. The reinstatement process is set forth in Idaho Code § 42-218a:

That upon receipt of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received; (emphasis added).

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NOV 20 1989

As we discussed on the telephone, reasonable cause for filing a late proof must be shown, and the extent of beneficial use made during the time authorized by the permit must be clearly established. The statute specifically states that the information must be submitted by the permit holder,

not a third party. I am not optimistic about your chances of reinstating the old permit. If you wish to pursue the matter, however, you must submit ASCS aerial photos outlining the land irrigated prior to 1982, and a statement by either ASCS or a county agent verifying the number of acres that were irrigated. You must also submit a statement showing reasonable cause why proof was submitted late. This must be more than simply a statement that the permit holder was lazy or forgot.

2. Obtain other water rights, and transfer them to the well and lands identified under Application No. 35-8602. This alternative seems to be the most viable. The water may not be easy to find, however and, in addition, if it is found, it will probably cost a substantial sum of money.

3. Obtain an assignment of Application No. 35-8602 from Mr. Whyte. Based upon your representations, this may be difficult.

4. File a new application with a later priority date.

Alternatives 3 and 4 will not resolve the illegal diversion problem. Alternatives 1 and 2 are the most viable at the present time.

I advise you to pursue your alternatives immediately. I am requesting that our eastern region staff investigate the place of use in thirty (30) days to determine whether water is being diverted without a water right. If it is, we will have no choice but to issue a cease and desist order under Idaho Code § 42-351, and pursue legal remedies if necessary.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern

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IN THE MATTER OF:

AFFIDAVIT

Application For Permit

State of Idaho
County of Bonneville

_____ being first duly sworn,
deposes and says: The well system in the SW 1/4 SW 1/4
Sect. 1 T4S R32E was in place and pumping
on ground in the S 1/2 of SW 1/4 Section 1
T4S R32E as of 1978. Permit 35-7674
was issued but lapsed and this affidavit is
to support a new application for this historic
use.

Dan W. White
(Signature)

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

Charles Thompson
(Notary Public)

Residing at Idaho Falls
My Commission Expires March 20, 1988

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WATER PIGGY
DATA LINE 100

Initials	Date	Item
ct	8-19-85	Original form entered
ct	8-21-85	Edit Report Correct
		Date Protested
		Date of hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Issued
		Transfer Updated
		Reported to State Office