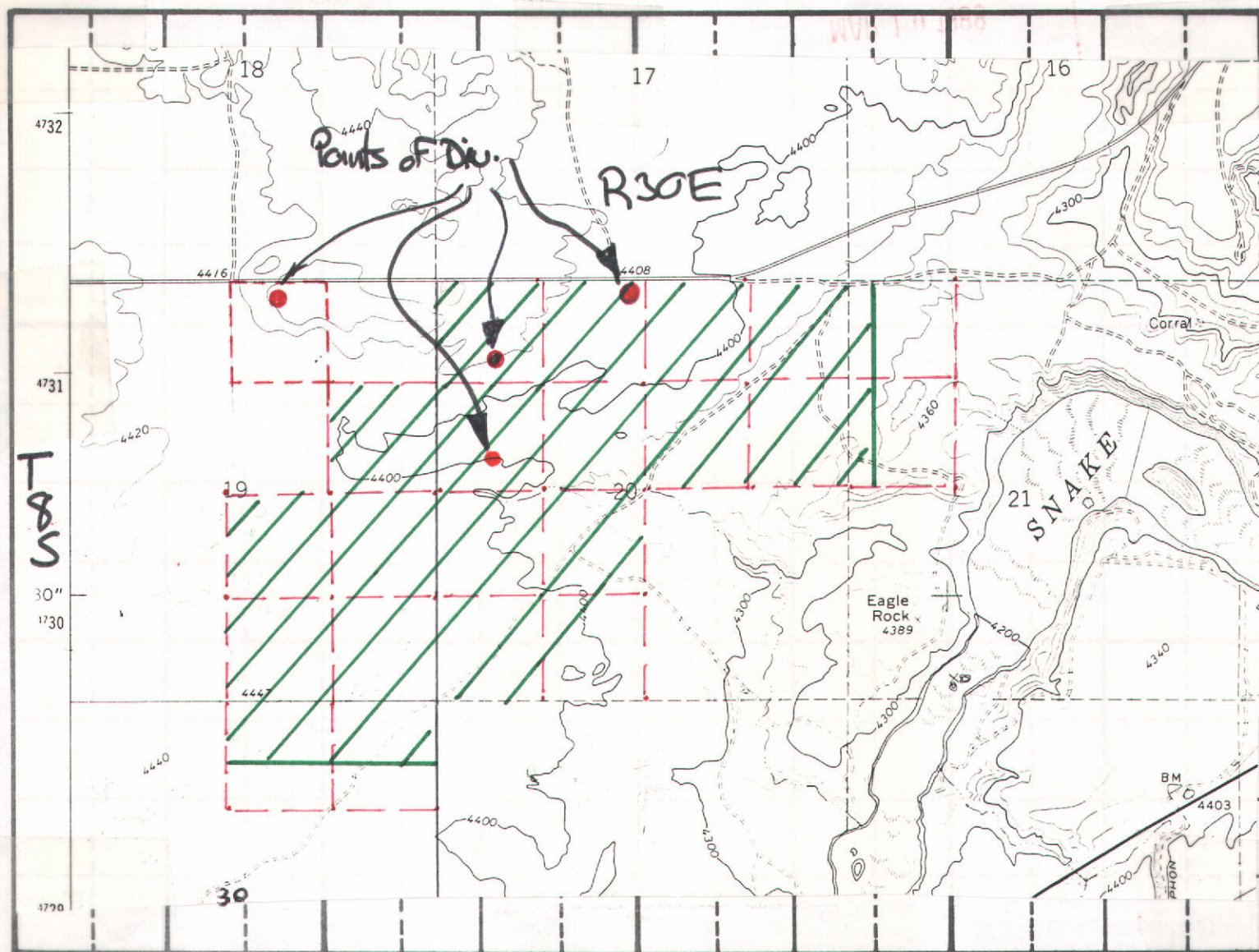


Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



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

Signed at American Falls, Id, this 29 day of September, 1987.

Arthur & Sons Inc.
by Lee Press
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 rec'd

Received by dg Date 10-2-87

Publication prepared by dg Date 10-7-87

Published in Power County Press

Publication dates 10-15 + 10-22-87

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth in
conditionally approved Water Right No. 35-8582 are met.

Witness my hand this

17
MICROFILMED
MAR 10 1988

day of

February

19 88

L. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

Erma Crompton
..... being first, duly
sworn on oath, states:

That she is the publisher
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight conse-
cutive weeks, prior to the first publication
of the annexed notice or advertisement:

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for two successive weekly issues thereof,
the date of the first publication being the

14th day of October 1987
and the date of last publication being the

21st day of October 1987

Subscribed and sworn to before me this

4th day of November 1987

(SEAL)

Notary Public, residing at
American Falls, Idaho
My commission expires the

8th day of June 1993.

RECEIVED
NOV 6 1987

Department of Water Resources
Eastern District Office

Amending of
water permit

Published in The Power County Press
October 14 and 21, 1987

Notice is hereby given that Permit
No. 35-8582 in the name of Art Kress
& Sons, Inc. and/or Kay Hunt and/or
Bette Hunt, was conditionally approv-
ed for the diversion of 12.8 cfs of
water from a groundwater source with
the point of diversion within the
NW 1/4 NW 1/4 NE 1/4, Sec. 19,
NW 1/4 NW 1/4 NE 1/4, Sec. 20, T. 8S, R.
30E, Power County, to be used for the
irrigation of 640 acres from Apr. 1 to
Nov. 1, within the SE 1/4 NE 1/4, SE 1/4,
Sec. 19, NE 1/4, N 1/2 SE 1/4, Sec. 20,
W 1/2 NW 1/4, Sec. 21, NE 1/4, Sec. 30, T.
8S, R. 30E.

The permit holder (Art Kress &

Sons, Inc.) now proposes to amend
Permit No. 35-8582 for the diversion
of 12.8 cfs of the water within the
SW 1/4 NW 1/4, NE 1/4 NW 1/4,
NW 1/4 NW 1/4, Sec. 20, NW 1/4 NE 1/4,
Sec. 19, T. 8S, R. 30E, and used to ir-
rigate 640 acres within the SE 1/4 NE 1/4,
SE 1/4, Sec. 19, N 1/2, SW 1/4, Sec. 20,
W 1/2 NW 1/4, Sec. 21, N 1/2 NE 1/4, Sec.
30, T. 8S, R. 30E, B.M.

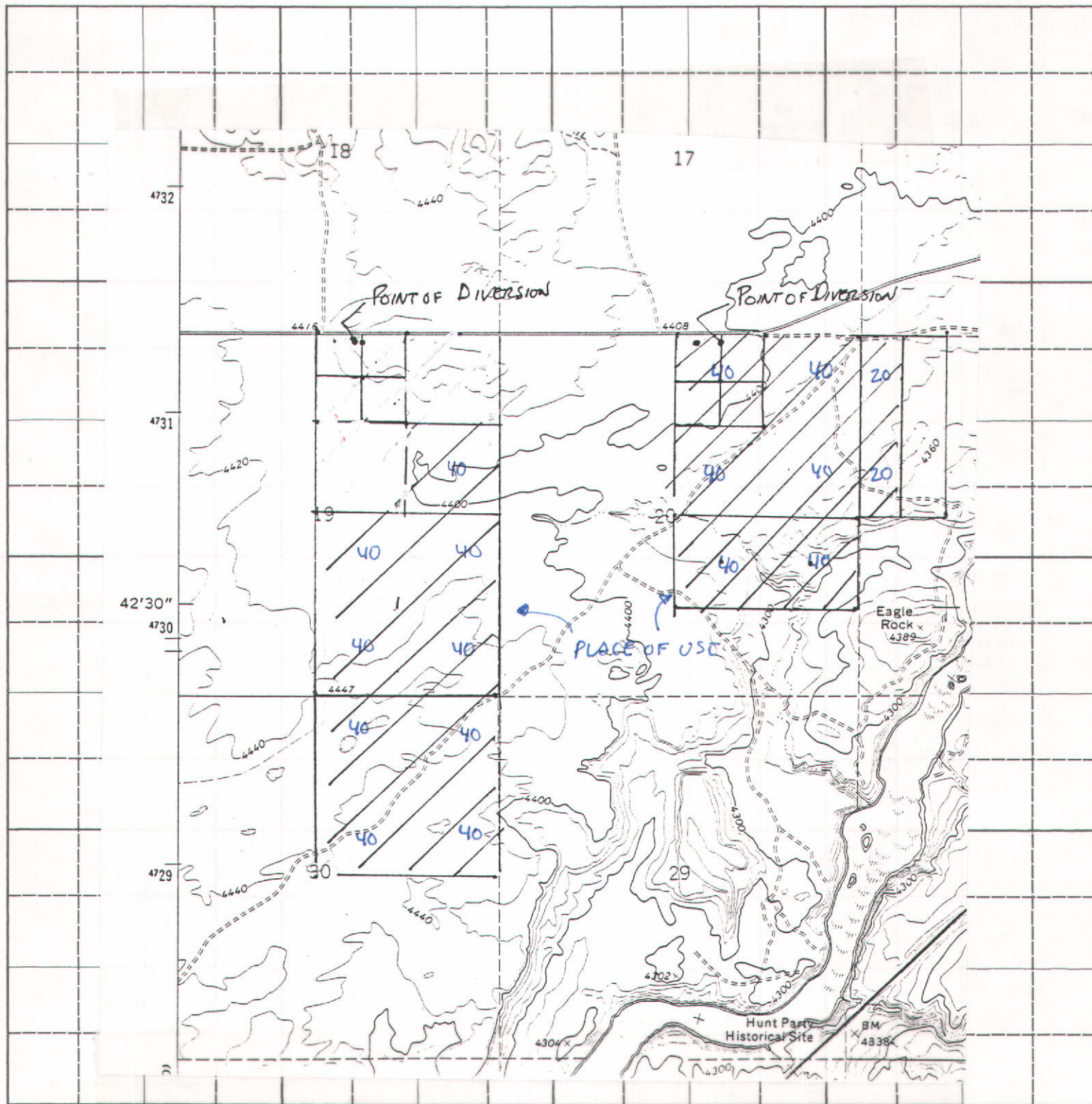
Any protest to the proposed amen-
ding of the permit must be filed with
the Idaho Department of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before
November 2, 1987.

R. Keith Higginson
Director

MICROFILMED

MAR 10 1988

13. 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.

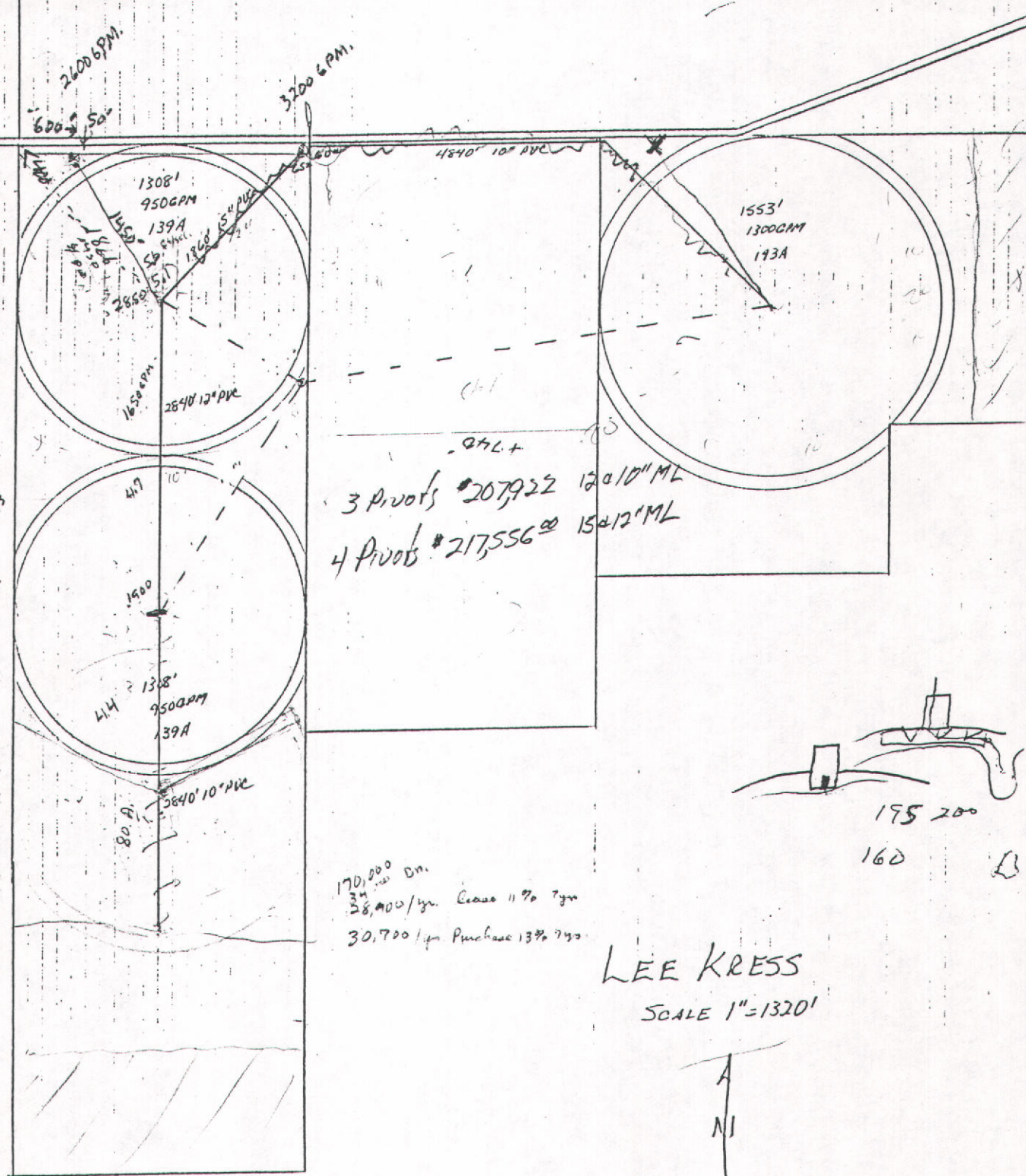
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Art Huns & Sons Inc. by,
Lee Huns
(Applicant)

MICROFILMED

484

086



51

210A
350A
543

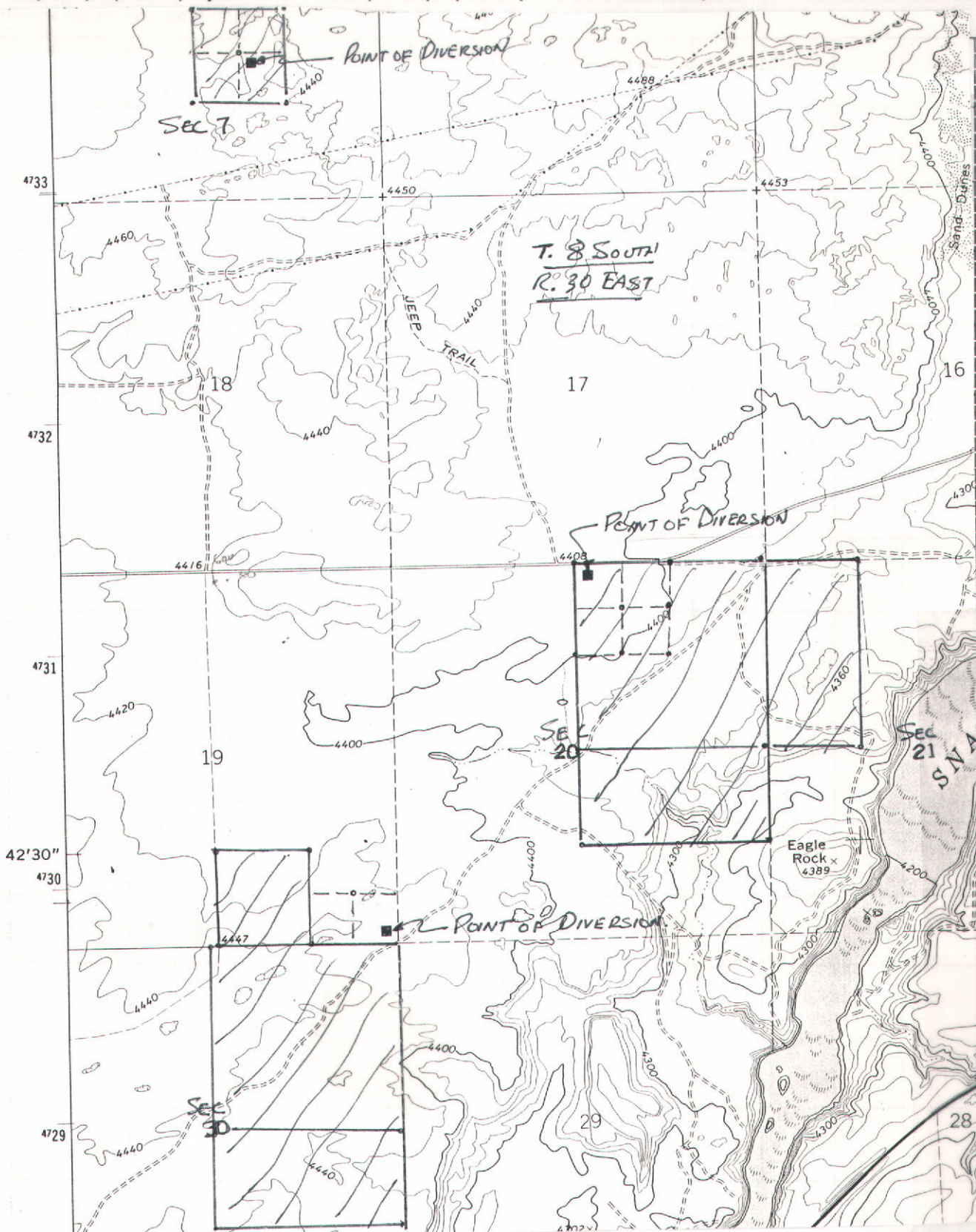
096
008
028
037

086
021
049

260
234
23
247

MICROFILMED

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number,

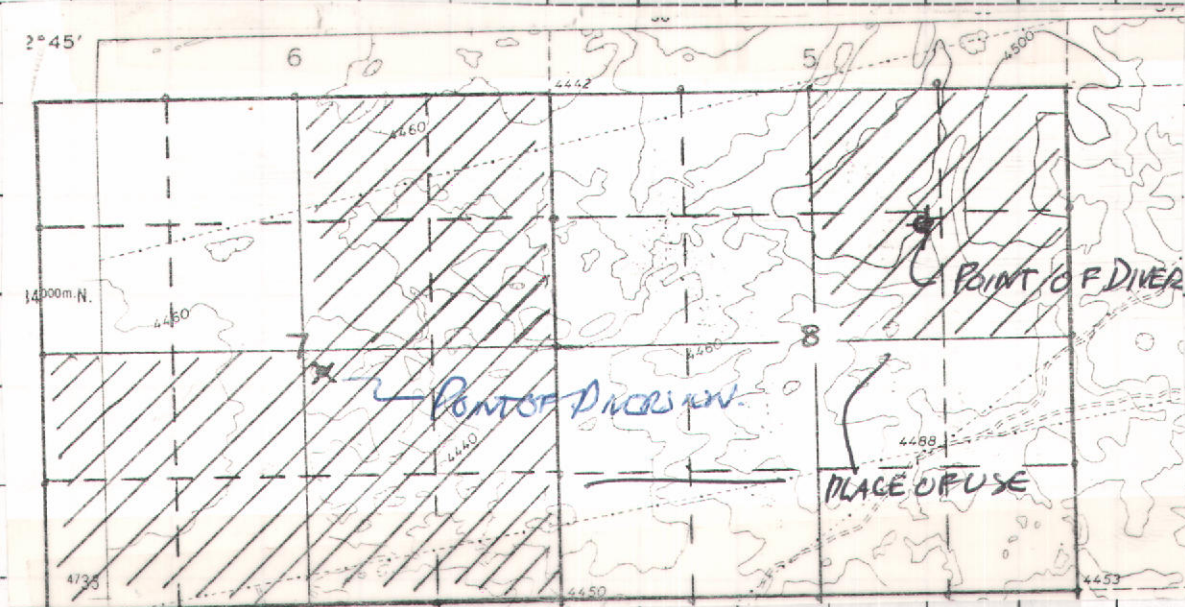


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

by *Art Kress & Sons Inc.*
Lee Kress
 (Applicant)

MICROFILMED

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.

Art Kress & Sons, Inc.
by Lee Kress Treas.
(Applicant)

MICROFILMED
INDEXED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

Brett Crompton..... being first duly
sworn on oath, states:

That ...he.. is the ..editor.....
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight consec-
utive weeks, prior to the first publication
of the annexed notice or advertisement:

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for..2.... successive weekly issues thereof,
the date of the first publication being the

....26.... day of February.....1986....
and the date of last publication being the

.....5.... day of March.....1986....

(Signed) *Brett Crompton*
Subscribed and sworn to before me this

.....5.... day of March.....1986....

(SEAL)

Bruce Hobb
Notary Public, residing at
American Falls, Idaho

My commission expires the

.....18.... day of *March* 1986..

MAR 6 1985

Department of Water Resources
Eastern District Office

Application for
water right

Published in The Power County
Press February 26 and March 5,
1986.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-8582

ART KRESS & SONS, INC.
HUNT, KAY &/or BETTE
Box 204, AMERICAN FALLS, ID
83211

Source: Groundwater

Date Filed: 05/29/1985

Diversion point: NWN/WNE Sec 19
T 08S R 30E

NWN/WNE Sec 20 T 08S R 30E

Use: IRRIGATION (12.8 CFS)

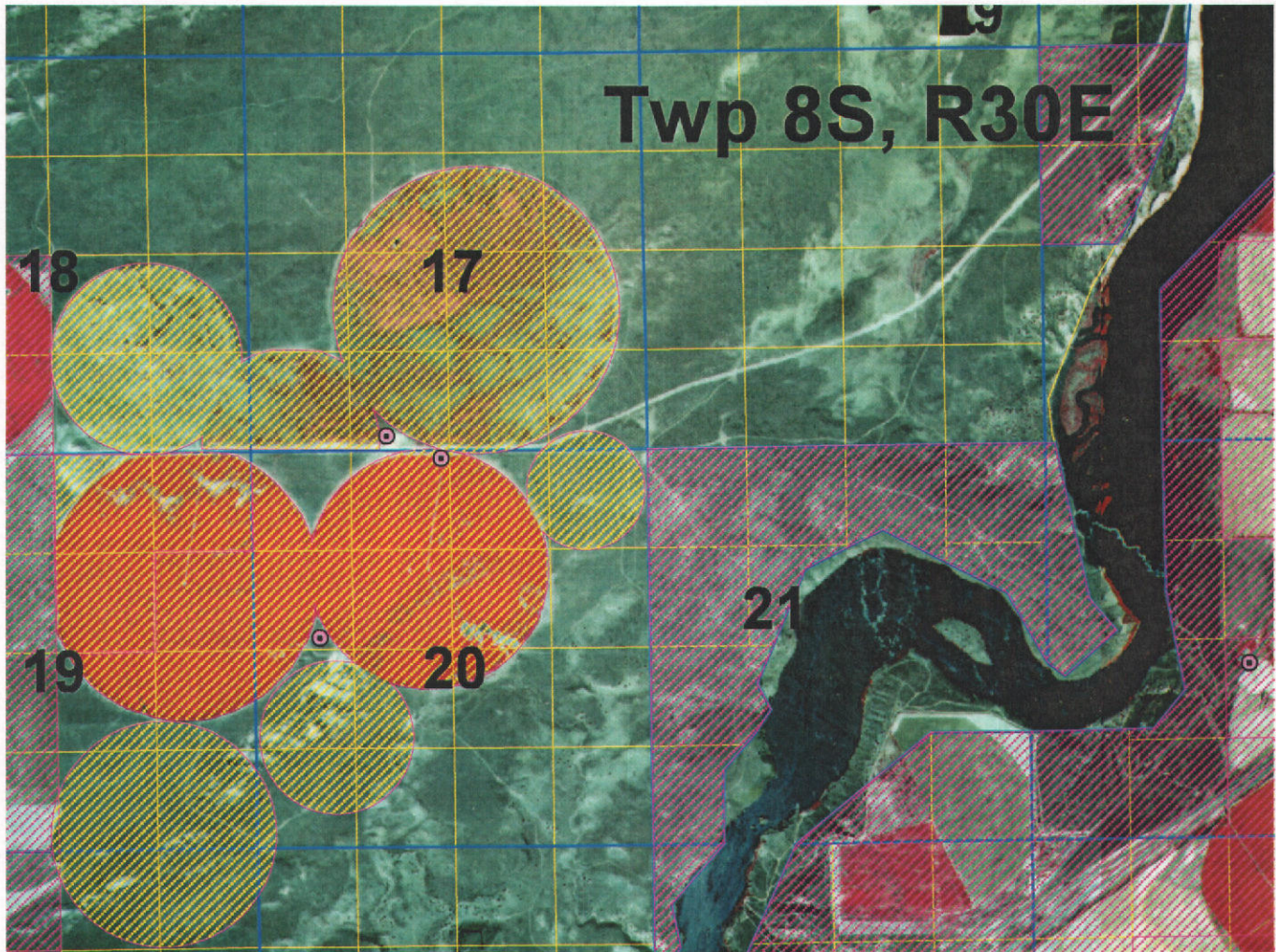
In: SENE NESE NWSE SWSE
SESE Sec 19 T 08S R 30E NENE
NWNW SWNE SENE NESE NWSE
Sec 20 T 08S R 30E NWNW SWNW
Sec 21 T 08S R 30 E NENE NWNE
SWNE SENE Sec 30 T 08S R 30E

The permits will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code and/or
the public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402
on or before March 17, 1986.

KEN DUNN
Director

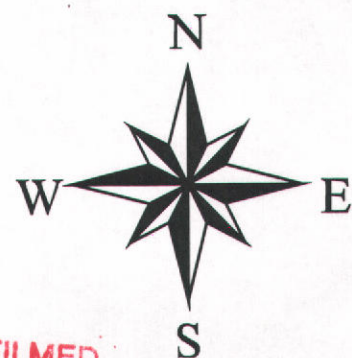
MICROFILMED

Licenses 35-8581A/B & 35-8582

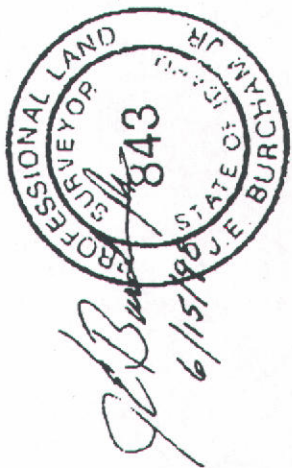
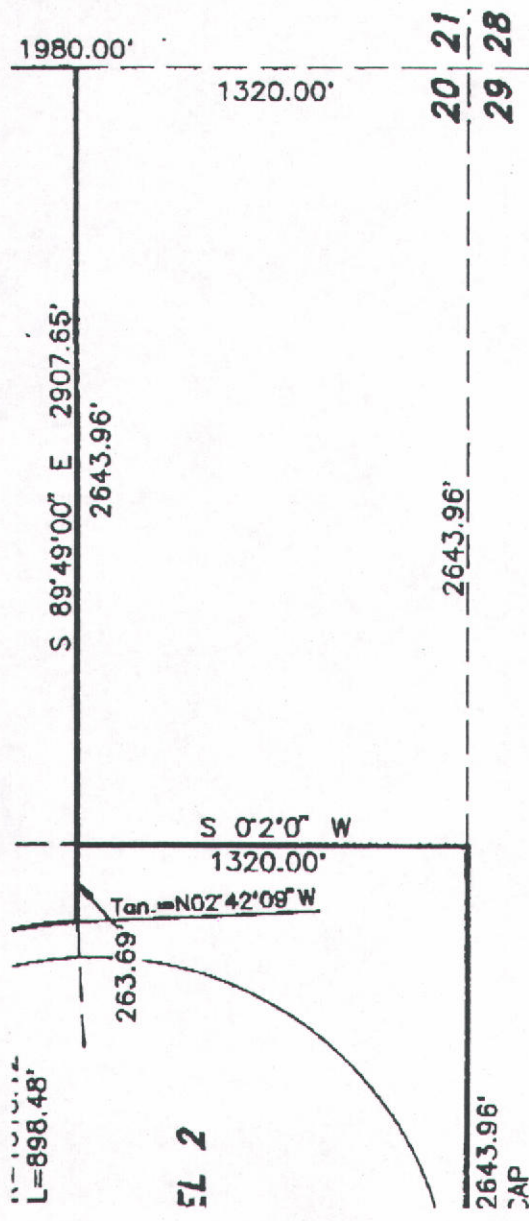


1987 NAPP
Prepared by Sharla Curtis
April, 2002

- Points of Diversion
- ▨ Places of Use
- ▭ Sections
- ▭ QQ



MICROFILMED
JUN 05 2002



ABLE

1'E	89.18'
2'E	1131.23'
3'W	620.32'
4'W	405.76'
5'W	336.99'
6'E	767.28'
7'E	547.11'
8'E	1439.94'

MICROFILMED
JUN 05 2002

PLAT OF PROPERTY BOUNDARIES
IN SECTIONS 19, 20, 21 & 30
T8S, R30E, B.M.

FOR A.L.L. FARMS

AMERICAN FALLS, IDAHO

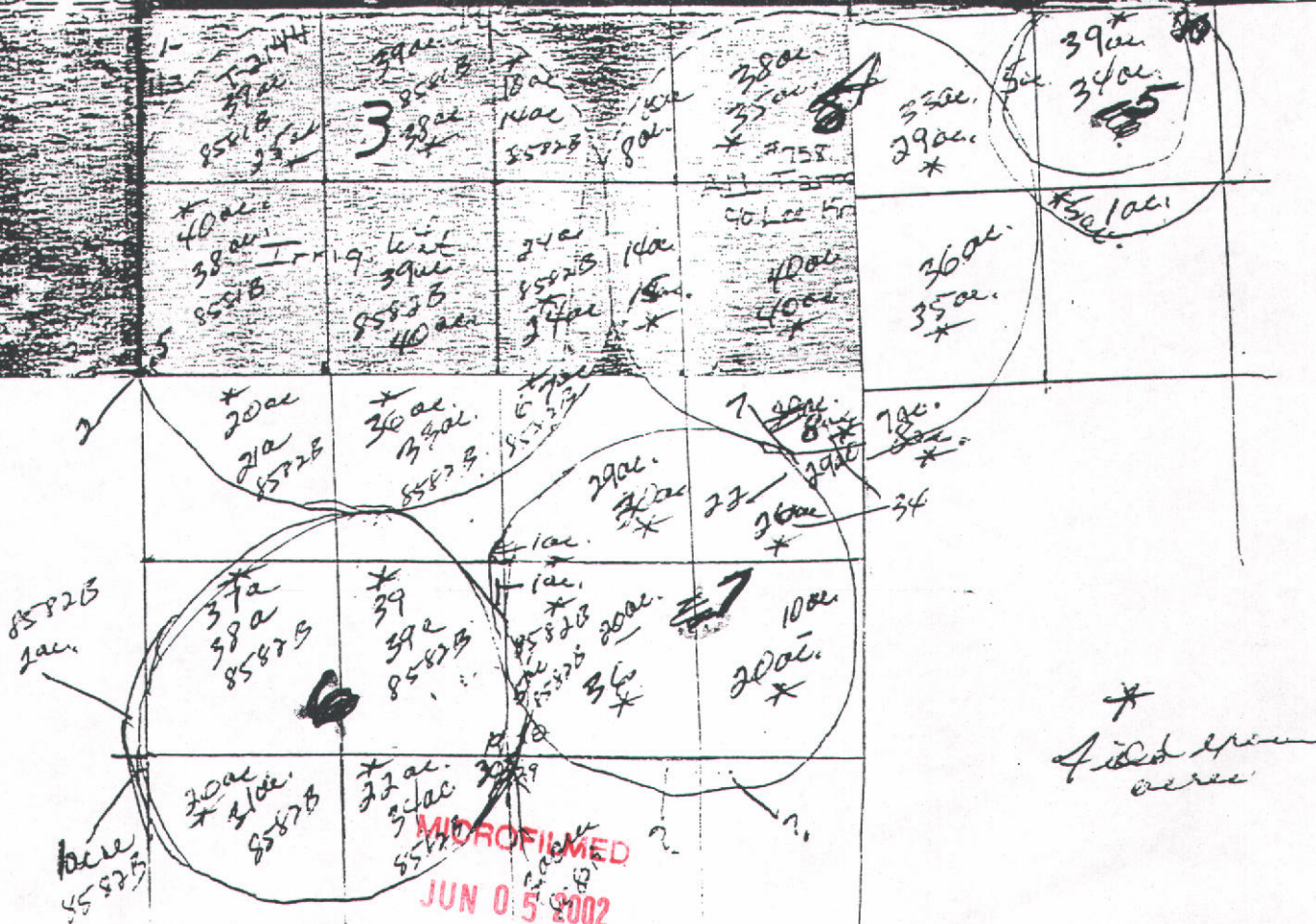
SLAKE RIVER SURVEYING, INC.

AMERICAN FALLS, IDAHO

DRAWN BY: DRL 98055 MAY 1998

2222

IRAC 1000



Hunt

7.8
R17

8.9
17.16

T-2144

- 1- 11.3 +
- 2- 0.5 +
- 3- 227.8 +
- 4- 177.7 +
- 5- 53. +
- 6- 135. +
- 7- 105. +

710.3 *

#195

golf
Hunt

Spud Celer

101.0

Lake Channel

#758
ALL Farms
c/o Lee Kress

In SWS

Spuds

3- 227.8

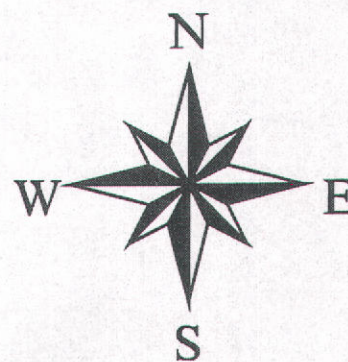
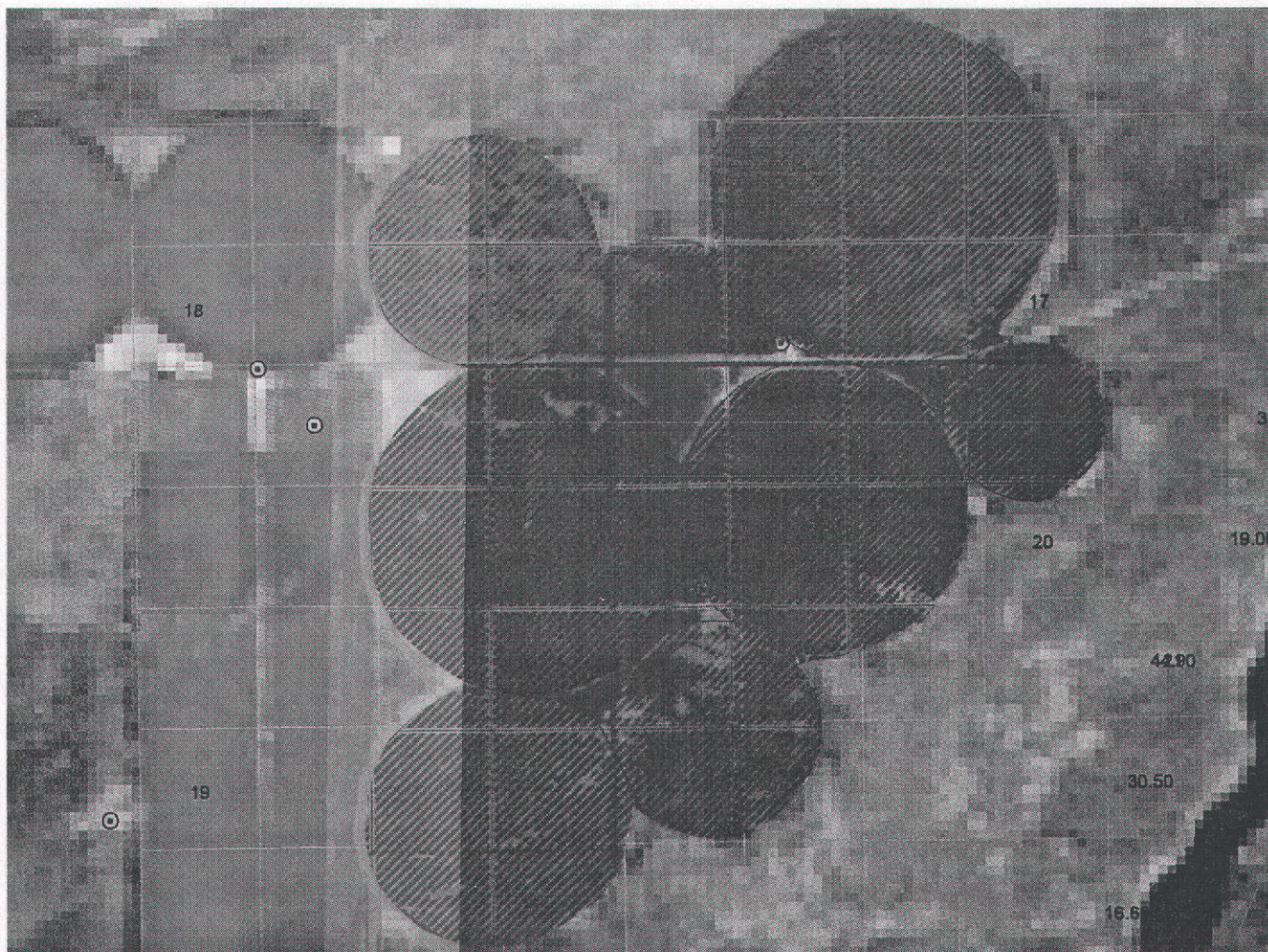
4- 177.7

7- 105.0

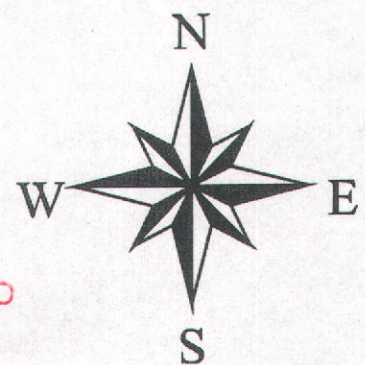
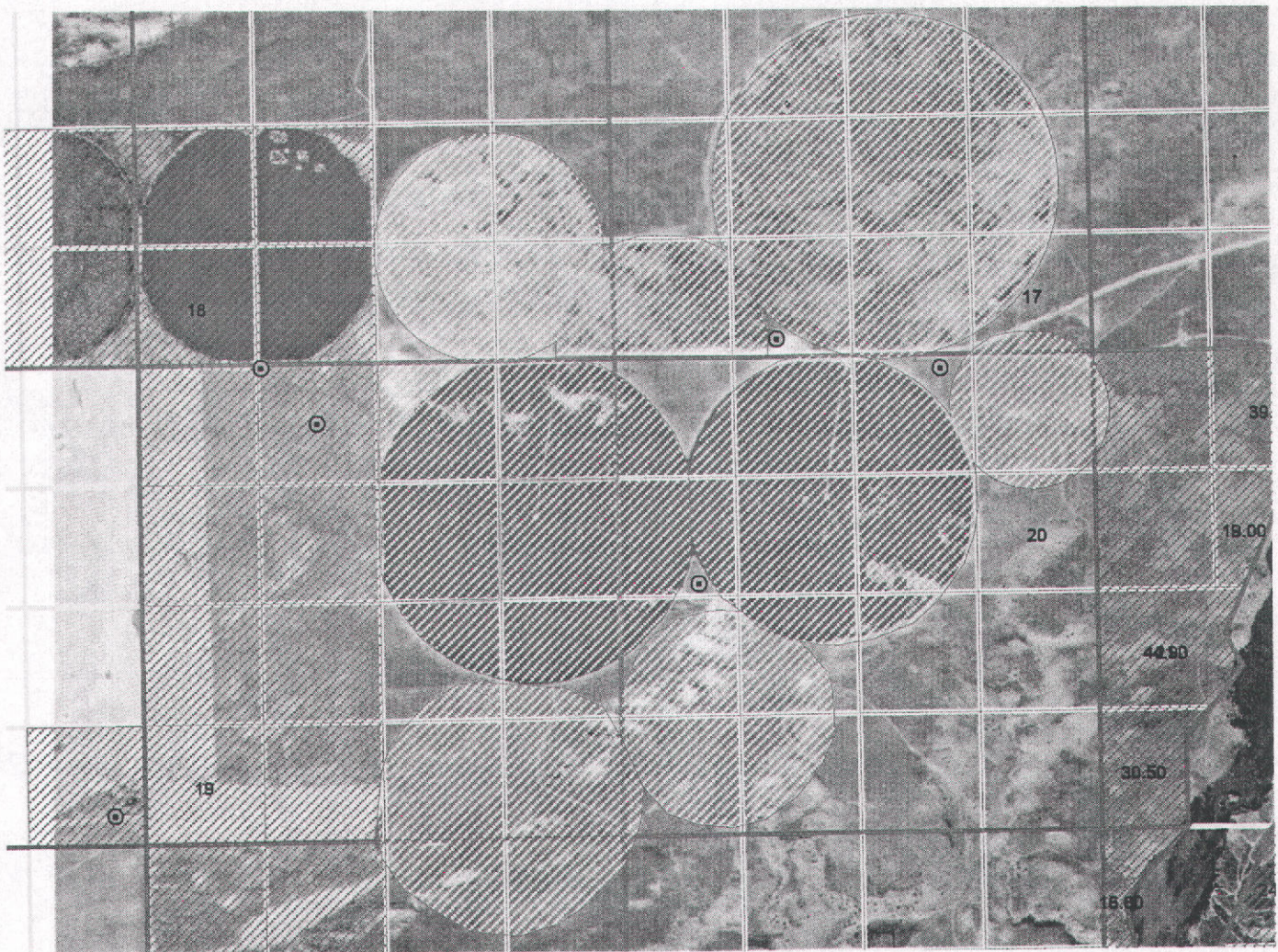
Not To Scale

I-14

JUN 05 2002



MICROFILMED
JUN 05 2002



MICROFILMED
JUN 05 2002

7/8
8/17

7/10

T2144

- 1- 11.3+
 - 2- 7.5+
 - 3- 207.8+
 - 4- 177.7+
 - 5- 55.0+
 - 6- 135.0+
 - 7- 105.0+
- 710.3T



1-
113-
T-2144

3

Irrig. Unit

MICROFILMED
JUN 05 2002

3- 227.8

5

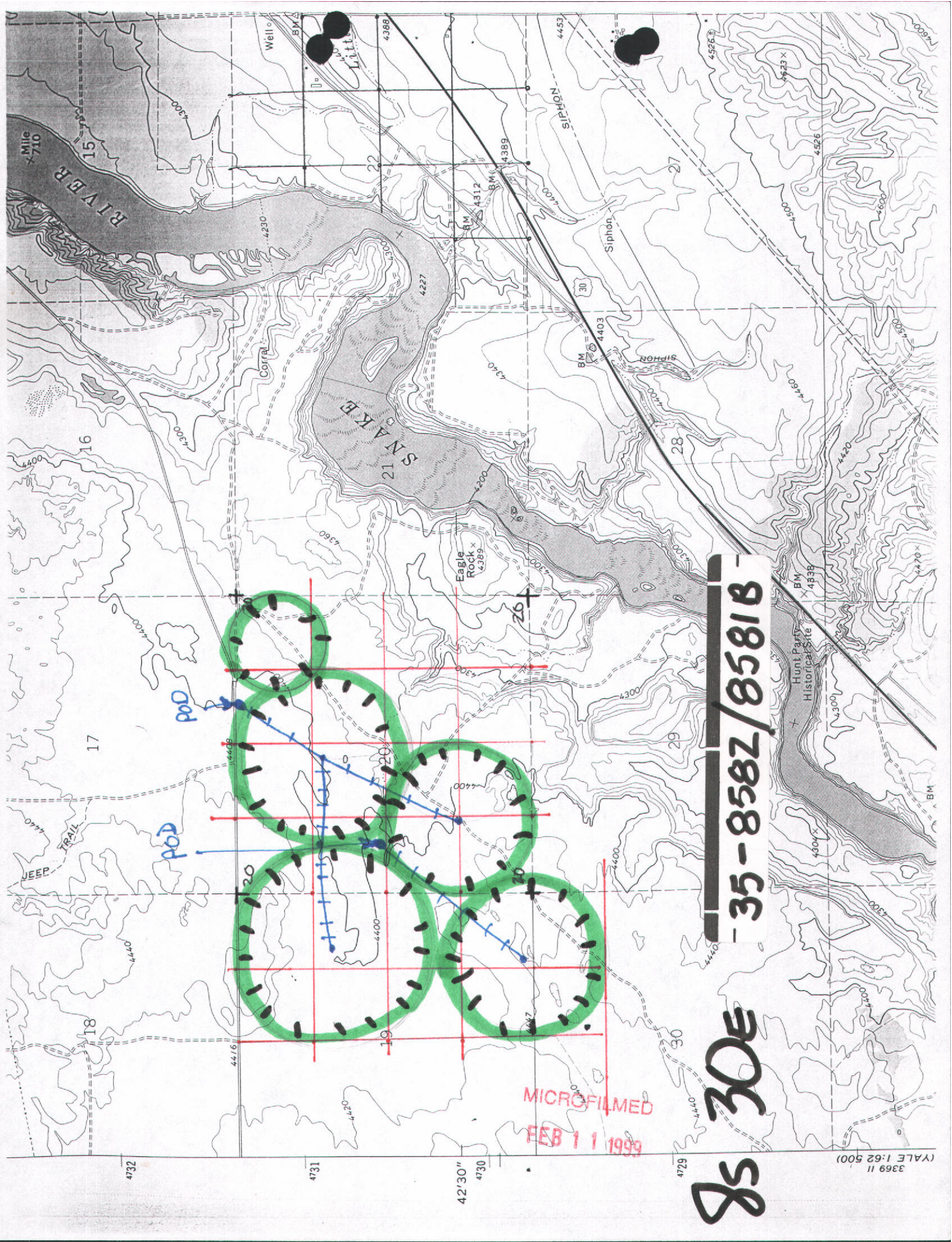
#758
All Farms
Co Lee Kress

4- 177.7

7

530

Not to scale T-14



8s 30E -35-858Z/85818-

MICROFILMED
FEB 11 1999

3369 II
(SCALE 1:62 500)

Hunt

85

R 30 E =

4	8
8	7

8	9
17	18

35-8582 / 8581 B

all corners out

Channel Rd

MICROFILMED

Not to Scale

I-14

FEB 11 1999

35-8582



measurement port

MICROFILMED

FEB 11 1999

35-8582



MICROFILMED
FEB 11 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08582

Priority: May 29, 1985

Maximum Diversion Rate: 12.11 CFS
Maximum Diversion Volume: 2,484 0 AF

It is hereby certified that A L L FARMS
PO BOX 204
AMERICAN FALLS ID 832110204 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 29, 1985, and has
submitted Proof of Beneficial Use on December 12, 1990. An examination indicates that the works have
a diversion capacity of 12.11 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	12.11 CFS	2,484 0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 20, Twp 08S, Rge 30E, B M	POWER County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 20, Twp 08S, Rge 30E, B M	POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 30E 17												1 0			1 0	5 0	7 0
08S 30E 19				40 0									37 0	24 0	39 0	40 0	180 0
08S 30E 20	39 0	33 0	37 0	3 0	37 0	21 0	38 0	40 0	33 0	38 0	35 0	21 0		7 0			382 0
08S 30E 21						3 0											3 0
08S 30E 30	25 0	24 0															49 0

Total Acres: 621

CONDITIONS OF APPROVAL

1. 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
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 35-8581B and 35-8582 when combined shall not exceed a total diversion rate of 12.11 cfs.
4. Right 35-8581B is also diverted through the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 17TH day of MAY, 2002.

MICROFILMED

Acting for

KARL J. DREHER
Director

RECEIVED

MAY - 6 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 35-08582

Date of Priority: May 29, 1985
January 01, 1900

Maximum Diversion Rate 12.11
~~10.82~~ CFS
Maximum Diversion Volume: 2,484.0 AF

Comes now ALL FARMS
PO BOX 204

AMERICAN FALLS ID 832110204 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No 35-08582, and requests that the permit be changed as follows.

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	<u>12.11</u> ~~10.82~~ CFS	2,484.0 AF

LOCATION OF POINT(S) OF DIVERSION:

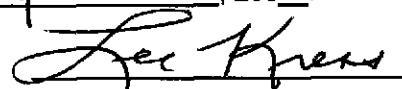
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 20, Twp 08S, Rge 30E, B.M. POWER County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 20, Twp 08S, Rge 30E, B.M. POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 30E 17												1.0			1.0	5.0	7.0
08S 30E 19				40.0									37.0	24.0	39.0	40.0	180.0
08S 30E 20	39.0	33.0	37.0	3.0	37.0	21.0	38.0	40.0	33.0	38.0	35.0	21.0		7.0			382.0
08S 30E 21						3.0											3.0
08S 30E 30	25.0	24.0															49.0

Total Acres 621

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk Signed this 1st day of May, 2002.


(Signature)

MICROFILMED

JUN 3 5 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08582

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Received by [Signature] # C361874 Date 5/6/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-08582 with the following:

CONDITIONS OF APPROVAL

1. 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.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- 3 Rights 35-8581B and 35-8582 when combined shall not exceed a total diversion rate of 12.11 cfs.
- 4 Right 35-8581B is also diverted through the points of diversion described above.

Witness my hand this 17TH day of MAY, 2002.

Acting for

[Signature]
KARL J. DREHER
Director

MICROFILMED

JUN 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, Northwest Farm Credit Services, ACA, hereby assign to A.L.L. Farms, a partnership
of, P O Box 204 American Falls, ID 83211 208-226-2766
(Full Address) (Phone)

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

Of (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. 35-08582 B to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Township 8 South, Range 30 EBM, Power County, Idaho
Section 19: SE1/4; Section 20: SW1/4NW1/4; and the West 30 feet of the NE1/4 of
Section 19. 4.00 CFS for 200 acres from a well.

Made this 3rd day of February, 19 99.

Northwest Farm Credit Services, ACA

By: *Benjamin Taylor* Authorized Agent
Permit Holder

State of Idaho)
County of Power) ss

On this 3rd day of February, 19 99, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Sylvia D. Hollenbeck
Notary Public residing at
American Falls, ID 83211

seal

My commission expires: 3-27-2002

MICROFILMED
FEB 1 1999

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-08582	Art Kress & Sons, Inc. &/or Betty Hunt &/or Kay Hunt	12.80
~~Full Assignment~~	~~35-08582~~	~~Art Kress & Sons, Inc.~~	~~12.80~~
~~Full Assignment~~	~~35-08582~~	~~Art Kress & Sons, Inc. Northwest Farm Credit Services ACA~~	~~12.80~~
~~Full Assignment~~	~~35-08582~~	~~A.L.L. Farms~~	~~12.80~~

SPLIT INTO PARTS A & B BY ASSIGNMENT

Partial Assignment	35-08582A	A.L.L. Farms	8.80
Partial Assignment	35-08582B	Northwest Farm Credit Services ACA A.L.L. Farms	4.00

DEC 29 1994

RECEIVED

DEC 12 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Filing Fee: 25.00
Received 12-12-94
Receipt # 0031847

Department of Water Resources

ASSIGNMENT OF PERMIT

I, A.L.L. Farms, a partnership hereby assign to A.L.L. Farms, a partnership
of P.O. Box 10, Blackfoot, ID, 83221; and PO Box 204, American Falls, ID 83211
Address

Check One:

1. All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.
- X 2. The following described portion of my right, title, and interest in
and to Permit No. 35-08582 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)

Part B: Township 8 South, Range 30 E.B.M., Power County, Idaho
Section 19: SE $\frac{1}{4}$; Section 20: SW $\frac{1}{4}$; and the West 30 feet of the NE $\frac{1}{4}$ of Section 19.
4.00 CFS for 200 acres from a well.

Made this 5 day of December, 1994.

A.L.L. Farms, a partnership

BY: Art Kress
Art Kress, Partner

BY: Lee Kress
Water Right Holder Lee Kress, Partner

Larry Kress
Water Right Holder Larry Kress, Partner

State of Idaho)
County of Bingham) ss

On this 5 day of December, 1994, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged to
me that he (she) (they) executed the same.

Janel Gamble
Notary Public residing at
Blackfoot

s e a l

My commission expires:

6-12-97

DEC 29 1994

database updated. 12/14/94 cjs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Filing Fee: 35.00
Received 12-12-94
Receipt # C031816

ASSIGNMENT OF APPLICATION FOR PERMIT

Art Kress & Sons, Inc.
Northwest Farm Credit Services, ACA
I, _____, hereby assign to A.L.L. Farms, a partnership
Of, P.O. Box 204, American Falls, Idaho, 83211
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 35-08582 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. _____ to appropriate the public
waters of the State of Idaho.

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

Made this 2nd day of December, 1994

BY: Lee Kress
Lee Kress, Applicant General Partner

State of Idaho)
ss Northwest Farm Credit Services, ACA

County of Bingham)
BY: W. Gordon Wampler
Authorized Agent

On this 2 day of Dec, 1994, personally appeared before me the signers of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

seal

Janice Bethke
Notary Public
Locatello

My commission expires: 11-3-98

DEC 29 1994

database updated 12/14/94 c38

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 01 1994
Department of Water Resources

ASSIGNMENT OF PERMIT

Art Kress & Sons, Inc.

I, Art Kress & Sons, Inc., hereby assign to Northwest Farm Credit Services, ACA
P.O. Box 204, American Falls, Idaho 83211
of 10 W. Judicial, Blackfoot, Idaho 83221
Address

Check One:

- ☒ 1. All my right, title, and interest in and to Permit No. 35-08582
to appropriate the public waters of the State of Idaho.
- ☐ 2. The following described portion of my right, title, and interest in
and to Permit No. _____ 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 29th day of March, 1994.

Art Kress & Sons, Inc.

BY: Lee Kress Pres.

BY: _____

State of Idaho)
County of Power) ss

On this 29 day of March, 1994, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged to
me that he (she) (they) executed the same.

James B. Batts
Notary Public residing at

Pocatello, Idaho

s e a l

My commission expires:

11-3-98

APR 26 1994

For Office Use Only
Amt of Fee \$ 400.00
Date 12/12/90
Receipt No. C-217123
Received by [Signature]

RECEIVED
DEC 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

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

- 1 Permit No. 35-08582 Telephone No. 208-226-2766
- 2 Name(s) of Permit Holder(s) Art Kress & Sons Inc.
- 3 Post Office Address P.O. Box 204 American Falls, ID 83211
- 4 Source of Water: Ground
- a If ground water, well driller's name: Ken Vollmer Well Drilling Date drilled: 1986, 1987
- b. Pump horsepower: 300-100 Pressure (psi): 75 PSI Dynamic pumping level (ft.): 320'
300-125 85 PSI 300'
- 5 Extent of Use:
- | | |
|--|--------------------------------------|
| Domestic _____ (No. of households) | Irrigation <u>640</u> (No. of acres) |
| Stockwater <u>200 cattle</u> (No. and type of stock) | Other _____ |

6 Total rate and/or volume for which proof is submitted 12.8 cfs _____ acre/feet

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

Measuring device: Required? Yes X No Installed? Yes X No
OR
Flow Measurement Port: Required? X Yes No Installed? X Yes No

8 Fee Enclosed \$ 400.00 (See License Examination Fee Schedule)

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

Lee Kress 226-2766
Name Telephone No.
3584 S. Liberty Ln, P.O. Box 204, American Falls, ID 83211
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

12/11/90 Lee Kress, President
Date Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08582

Proposed Priority: May 29, 1985 Maximum Diversion Rate: 12.80 CFS

This is to certify, that **ART KRESS & SONS INC.**
P.O. BOX 204
AMERICAN FALLS, ID 83211

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	12.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE	Sec. 19, Township 08S, Range 30E
NWNW	Sec. 20, Township 08S, Range 30E
SWNW	Sec. 20, Township 08S, Range 30E
NENW	Sec. 20, Township 08S, Range 30E

POWER 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>
08S	30E	19	SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		200
		20	NENE 40	NWNE 35	SWNE 40	
			SENE 12	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 26	390
			NWSW 40	SWSW 28	SESW 9	10
		21	NWNW 7	SWNW 3		40
		30	NENE 20	NWNE 20		

Total number of acres irrigated: 640

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. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.

MICROFILMED

FEB 14 1990

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

NO. 35-08582

CONDITIONS/REMARKS:

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.

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

28th day of December, 1989

for R. Keith Higginson
R. Keith Higginson, Director

RECEIVED
FEB 14 1989

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Art Kress & Sons, Inc. Phone 226-2166
of (address) P.O. Box 204, American Falls, ID 83211, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 35-8582, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 NW 1/4, Section 20, Township 8S, Range 30E, B.M.,
County of Power. Other points of diversion: NE 1/4 NW 1/4, NW 1/4, NW 1/4
S. 20, T. 8S, R. 30E
NW 1/4 NE 1/4 Sec 19 Twp 8S. Rge 30E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 12.80 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

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	
8S	30E	19				40									40	40	40	40	200
		20	40	35	40	12	40	40	40	40	26	40	28	9					390
		21						7	3										10
		30	20	20															40

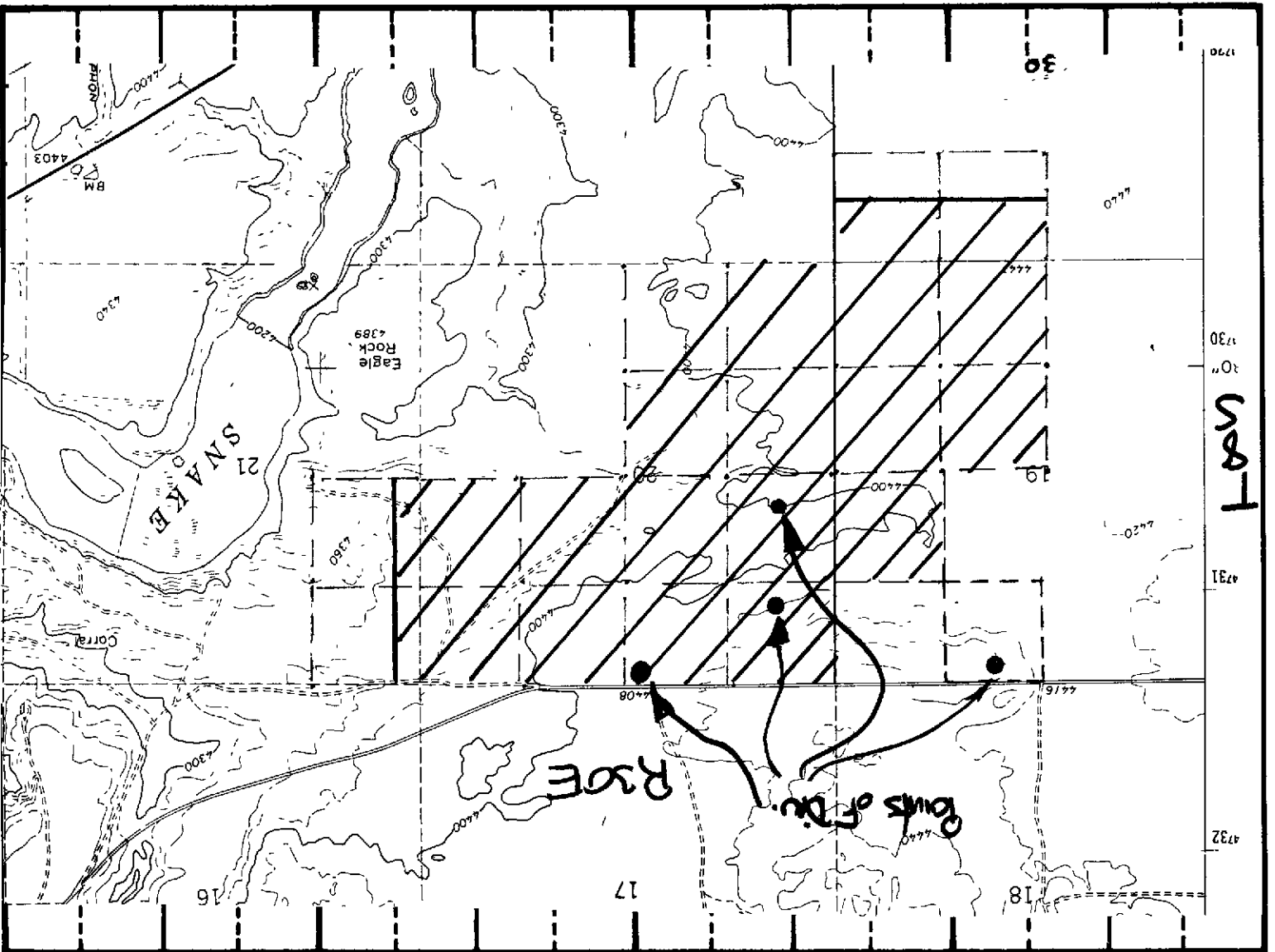
Total number of acres to be irrigated = 640

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the 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: _____

MICROFILMED

MAR 10 1988

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



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

Signed at American Falls, ID, this 29 day of September, 1987.

[Handwritten Signature]
by *[Handwritten Name]*
(Signature)

FOR DEPARTMENT USE ONLY

#42036

Preliminary check by

Fee = \$20.00

Received by *[Handwritten Signature]*

Date 10-2-87

Publication prepared by *[Handwritten Signature]* Date 10-7-87

Published in Lower County Press

Publication dates 10-15 + 10-22-87

ACTION OF THE DEPARTMENT OF WATER RESOURCES

L. GLEN SAXTON

Approve the above referenced Amendment provided the conditions as set forth in conditionally approved Water Right No. 35-8582 are met.

Witness my hand this

day of

February

19 88

Chief, Operations Bureau

[Handwritten Signature]

RECEIVED

MAR 10 1988

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

Erma Crompton
..... being first, duly
sworn on oath, states:

That she is the publisher
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight conse-
cutive weeks, prior to the first publication
of the annexed notice or advertisement:

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof
for... successive weekly issues thereof,
the date of the first publication being the
14th day of October 1987
and the date of last publication being the
21st day of October 1987

(Signed) *[Signature]*
Subscribed and sworn to before me this
4th day of November 1987

(SEAL)

Notary Public, residing at
American Falls, Idaho
My commission expires the

8th day of June 1993.

NOV 6 1987

Department of Water Resources
Eastern District Office

RECEIVED

Amending of
water permit

Published in The Power County Press
October 14 and 21, 1987

Notice is hereby given that Permit
No. 33-8582 in the name of Art Kress
& Sons, Inc. and/or Kay Hunt and/or
Bette Hunt, was conditionally approv-
ed for the diversion of 12.8 cfs of
water from a groundwater source with
the point of diversion within the
NW 1/4 NW 1/4 NE 1/4, Sec. 19,
NW 1/4 NW 1/4 NE 1/4, Sec. 20, T. 8S, R.
30E, Power County, to be used for the
irrigation of 640 acres from Apr. 1 to
Nov. 1, within the SE 1/4 NE 1/4, SE 1/4,
Sec. 19, NE 1/4, NW 1/4 SE 1/4, Sec. 20,
W 1/2 NW 1/4, Sec. 21, NE 1/4, Sec. 30, T.
8S, R. 30E.
The permit holder (Art Kress &

Sons, Inc.) now proposes to amend
Permit No. 33-8582 for the diversion
of 12.8 cfs of the water within the
SW 1/4 NW 1/4, NE 1/4 NW 1/4,
NW 1/4 NW 1/4, Sec. 20, NW 1/4 NE 1/4,
Sec. 19, T. 8S, R. 30E, and used to ir-
rigate 640 acres within the SE 1/4 NE 1/4,
SE 1/4, Sec. 19, NW 1/4, SW 1/4, Sec. 20,
W 1/2 NW 1/4, Sec. 21, NW 1/4 NE 1/4, Sec.
30, T. 8S, R. 30E, B.M.
Any protest to the proposed amend-
ing of the permit must be filed with
the Idaho Department of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before
November 2, 1987.

R. Keith Higginson
Director

RECEIVED

MAR 10 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

WITH RESPECT TO INTERIM APPROVAL OF

APPLICATION FOR PERMIT NO. 35-8582

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8582; and interim approval is granted subject to the following limitations and conditions:

- a. Subject to all prior water rights.
- b. A measuring device or an access port of a design approved by IDWR shall be installed prior to diverting water under the interim approval.
- c. The water user acknowledges that the interim approval does not convey a continuing right to divert water and does not convey any right to divert water except as specifically provided in the interim approval.
- d. The water user assumes all risk that he or she will be successful in obtaining a permit for water which may be reallocated under the Water Appropriation Rules and Regulations. The water user accepts all risk that storage water will be available and obtainable from the rental pool in future years to allow the interim approval procedure to continue, if storage water is required.
- e. Violation of interim approval conditions, provisions of the Idaho Code, or the Water Allocation Rules and Regulations is cause for cancellation of the interim approval and denial of future requests.
- f. By accepting and commencing diversion of water under this interim approval, the water user acknowledges and agrees that the Director of IDWR is authorized to disconnect the power supply from the pump motor used to divert water under the interim approval or to take other reasonable steps to insure that water is not diverted during any period the interim approval is suspended or revoked.
- g. The Director may impose additional conditions not a part of the original interim approval conditions as determined by the Director.
- h. The filing on which the interim approval is given may be reprocessed under the provisions of Section 42-203C, Idaho Code, at the request of the water user or as determined by the Director in compliance with pertinent adopted rules and regulations and statutes.
- i. Investments made by the water user to divert and use water under the interim approval will not be considered by IDWR when reprocessing the filing under the provisions of 42-203C, Idaho Code.

Witness my hand this 30th day of March, 1987.

MicroFILMED

J. Glen Saxton
Chief, Operations Bureau

APR 13 1987

RECEIVED

MAR 24 1987

State of Idaho

Department of Water Resources

APPLICATION
ASSIGNMENT OF PERMIT

Department of Water Resources

I, KAY HUNT, hereby assign to ART KRESS & SONS
of P.O. Box 204 AMERICAN FALLS, IDAHO 83211
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-8582
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ 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 20 day of March, 19 87.

Kay Hunt
Permit Holder

Butte Hunt
Spouse of Permit Holder

State of Idaho)
County of Tingham) ss.

On this 20th day of MARCH, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

Fort, Idaho

My commission expires:
2/14/89

NOT RECORDED

APR 13 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident No 35-8582

CONDITIONAL APPROVAL

To appropriate the public waters of the State of Idaho

1. Name of applicant Art Kress & Sons Inc. &/or Kay Hunt &/or Bette Hunt Phone 226-2703
Box 204, American Falls, ID 226-2766
Post office address Box 187, American Falls, ID 83211
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt Lot _____
Sec. 19 Township 8S Range 30E B M Power County, additional
points of diversion if any. NWNWNE, Sec. 20, T. 8S, R. 30E
4. Water will be used for the following purposes
Amount 12.8 cfs for Irrigation purposes from 4/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 12.8 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works
a. Description of ditches, flumes, pumps, headgates, etc 2 wells with mainline to
sprinkler systems

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet, period of year when water will be diverted to storage
_____ to _____ inclusive.
c. Proposed well diameter is 16 inches, proposed depth of well is 400 feet
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5
_____ years (minimum 1 year)

MICROFILMED

CONFIDENTIAL

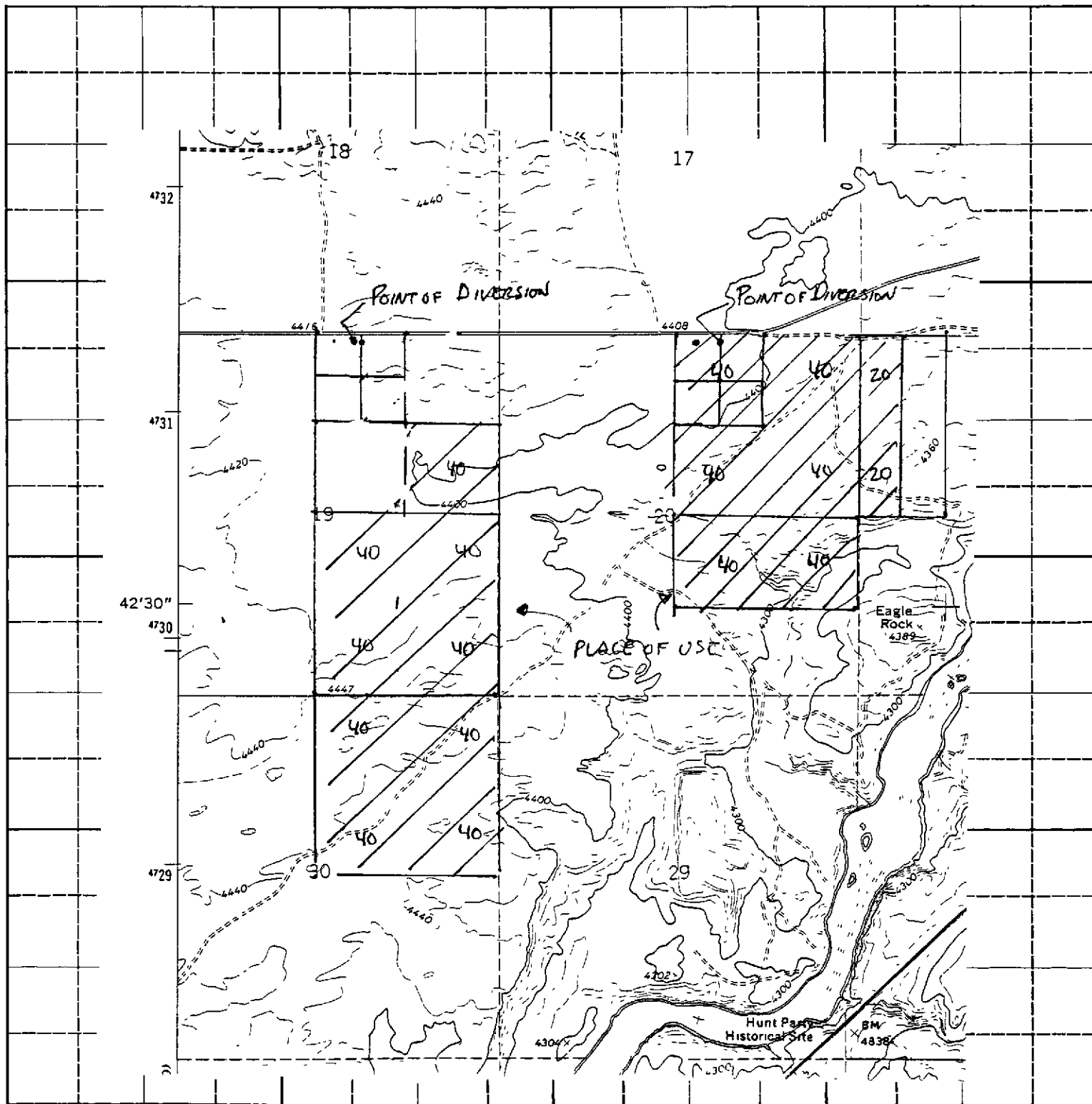
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b If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding

ponding place of use below. See instructions for standard symbols.

[illegible]

c If the property is owned by a person other than the applicant, describe the arrangement enabling the



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

Art Gross & Sons Inc. by,
Joe Gross
(Applicant)

(Applied

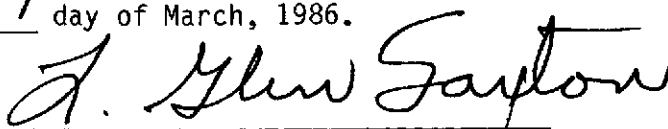
REFUSED

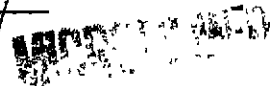
CONDITIONS OF APPROVAL

The following conditions are hereby made a part of the action of the Director of the Idaho Department of Water Resources (IDWR) on Application for Permit No. 35-8582.

- e. Issuance of this permit is on an interim basis until processing can be accomplished under Section 42-203, as amended, Idaho Code, and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- f. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water taken from other water rights.
- g. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director. For the 1986 irrigation season and each following year that this permit is to be used or until modified by Order of the Director of IDWR, the volume of stored water required is 1280 acre-feet (640 acres x 2.0 acre-feet per acre = 1280 acre-feet per year).
- h. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.
- i. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.
- j. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.
- k. This permit will be reprocessed under the provisions of Section 42-203D, Idaho Code, at the request of the permit holder or as determined necessary by the Director for compliance with Section 42-203D, Idaho Code, and Section 7D of the Swan Falls Agreement.
- l. 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.

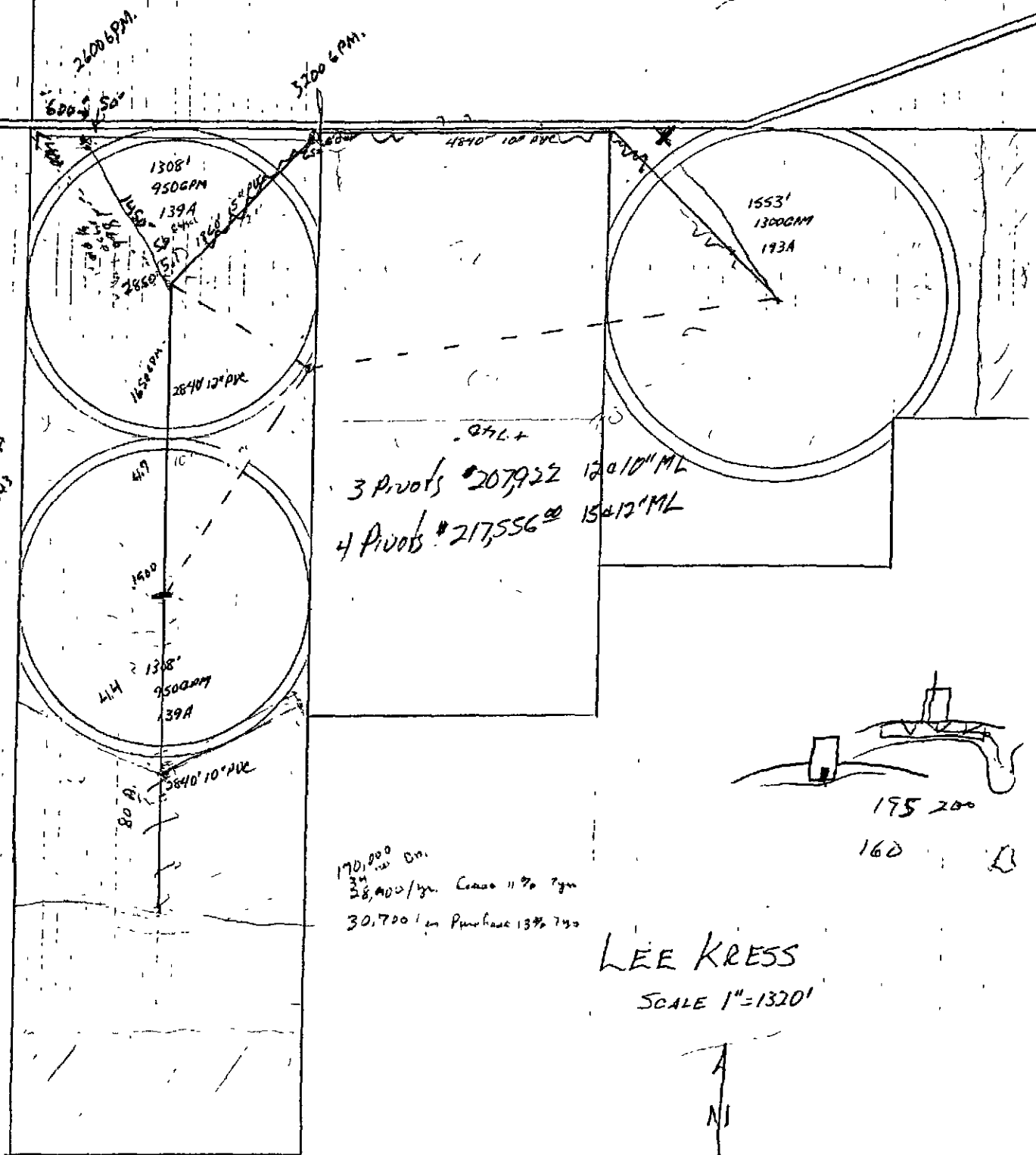
Witness my hand this 27th day of March, 1986.


Chief, Operations Bureau



082

480A



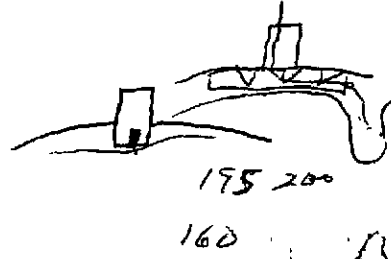
2700
350 A
SW

092
008
028
030
037

170,000 GPM

28,000 GPM

30,700 GPM



086
021
049

260
234
23
247

086077 177

WATER BANK WATER LEASE AGREEMENT
FOR 1986

The Committee of Nine being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Water Supply Bank by water users who own space in the various Bureau of Reclamation Upper Snake reservoirs and have excess supplies for the current year, does agree to sell Art Kress & Sons, Inc. &/or A.F. of water ~~Kay &/or Bette Hunt—2560—~~ requested for 1986. This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and execution of same by the party herein named.

Upon receipt of \$ 3,200.00 and the information requested below, the Snake River Watermaster will release to you from storage, at the rate you specify 1280 A.F. of stored water between April 1 and November 1 of 19 86.

Description of point of diversion:

Located in ____ $\frac{1}{4}$ ____ $\frac{1}{4}$, Sec. _____, T. _____, R. _____;
Other: NWNWNE, Sec. 19, NWNWNE, Sec. 20, T. 8S, R. 30E
on source _____
Pump H.P. _____ Lift _____
Headgate _____ (canal name if appropriate.)

Description of place of use:

Legal Description: SENE SE1/4 Sec 19, NE1/4, N1/2SE1/4,
Sec. 20, W1/2NW1/4, Sec. 21, NE1/4, Sec. 30, T. 8S, R. 30E
 Total number of acres irrigated: 640
 Dated this 6th day of Feb, 1986.

Art House & Sons Inc.
by Lee H. Ross
(name)
P.O. Box 204
Americana Falls, Id. 83211
(address)

State of Idaho)
County of Bonneville)

On this 6th day of February, 1986, before me the undersigned Notary Public in and for said county and state, personally appeared Lee Kress, known to me to be the person whose name is subscribed to 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, the day and year in this certificate
first written.

Notary Public in and for Idaho
Residing at: Idaho Falls, ID

I have accepted the request of Art Kress & Sons, Inc. &/or Kay & Bette Hunt
to purchase water from the Water Supply Bank this 6th
day of February, 19 86.

Watermaster, Water District No. 1
Agent for the Committee of Nine

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AMENDED

AMENDED

To appropriate the public waters of the State of Idaho

- Art Kress and Sons Inc. and/or 226-2703
- 1 Name of applicant Kay Hunt and/or Bette Hunt Phone 226-2766
Box 204 American Falls, ID
Post office address Box 187, American Falls, ID 83211
- 2 Source of water supply Groundwater which is a tributary of _____
- 3 Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 19 Township 8S Range 30E B.M. Power County; additional
points of diversion if any. NW $\frac{1}{4}$ NE Sec 20 T 8S R 30E B.M. SE $\frac{1}{4}$ NE Sec 7 T 8S R 30E B.M.
- 4 Water will be used for the following purposes
- Amount 12.8cfs for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) 12.80cfs and/or (b) _____
cubic feet per second acre feet per annum
- 6 Proposed diverting works:
- a Description of ditches, flumes, pumps, headgates, etc 3 wells to a sprinkler system.
- _____
- _____
- b Height of storage dam _____ feet; active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre-feet, period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is 16 inches, proposed depth of well is 400 feet
- d. Is ground water with a temperature of greater than 90°F being sought? _____
- 7 Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year)

SECRET

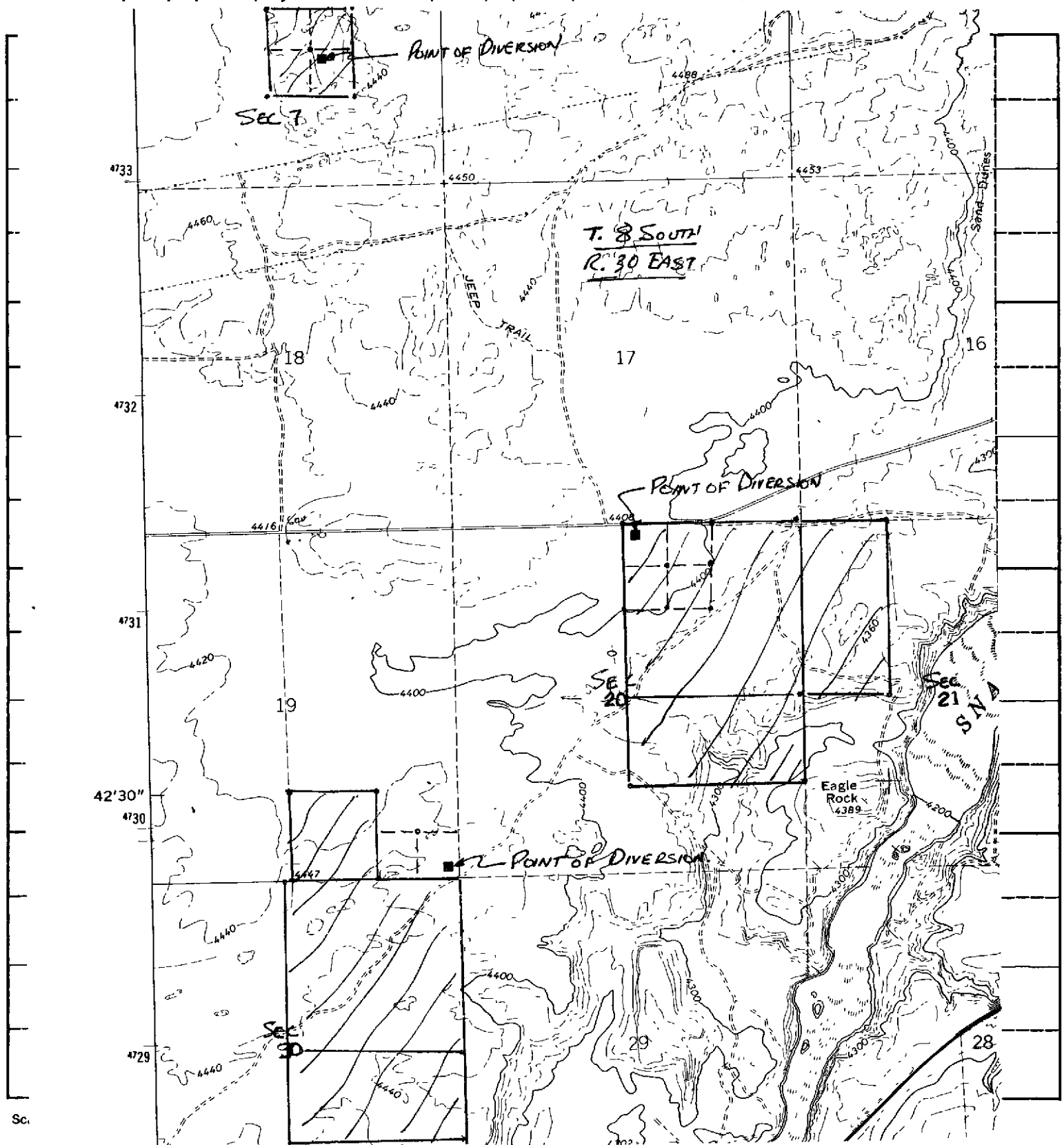
- e Other, describe fully

ponding place of use below. See instructions for standard symbols.

[illegible]

12 Remarks

13. Map of proposed project. show clearly the proposed point of diversion, place of use, section number,



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

by *Art Kress & Sons Inc.*
Lee Kress
 (Applicant)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by S.M. Date Jan 10/1985 Time 5:00 PM Preliminary check by _____
Fee \$ 20.00 Received by M.W. # 35548 Date 1/10/84
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit

e. Other _____

STATE OF IDAHO

ACRES IRR. DEPARTMENT OF WATER RESOURCESPRIORITY APPLICATION FOR PERMITSTATUS To appropriate the public waters of the State of Idaho1. Name of applicant ART KRESS AND SONS INC. &/or Phone 226-2703
KAY HUNT &/or BETTE HUNT Phone 226-2766Post office address Box 187, American Falls, ID 832112. Source of water supply groundwater which is a tributary of 3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8 Township 8SRange 30E B.M. Power County, additional points of diversion if any: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 8S, R. 30E

4. Water will be used for the following purposes:

Amount 12.8 cfs for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12.80 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells interconnected with a
mainline to sprinkler systemb. 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 400 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

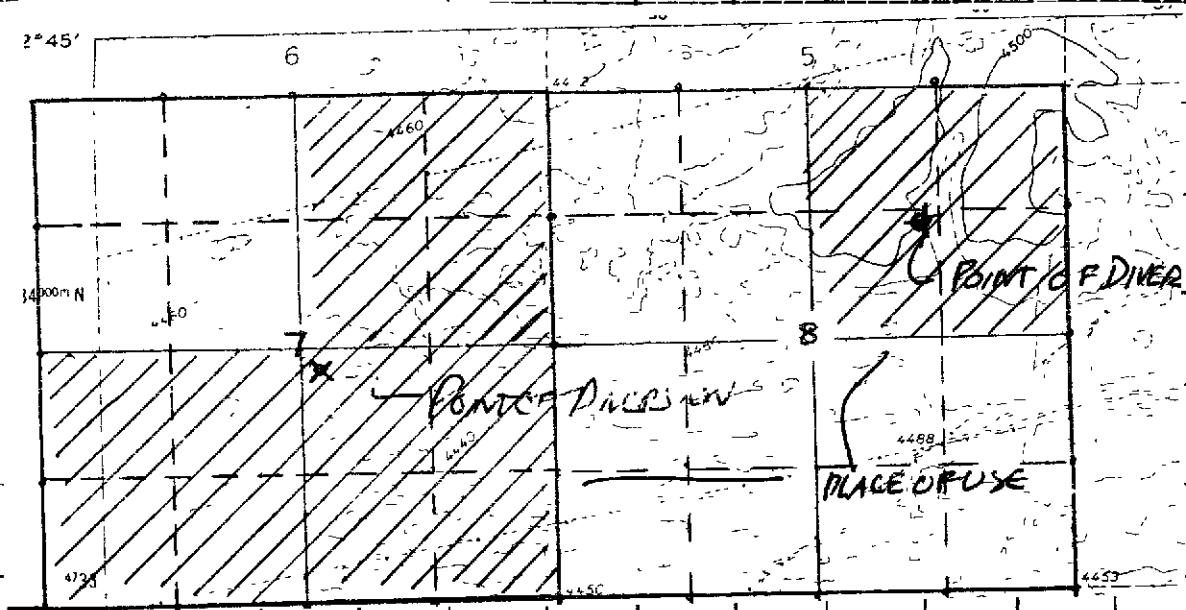
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township Range 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 (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:

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.

Art Kress & Sons, Inc.
by Lee Kress Treas.
(Applicant)

2-1-85
ID

Received by AT Date 5-29-85 Time 3:00 PM
Preliminary check by AW Fee \$ 285.00 + 33.99
Received by AT Date 5-30-85

Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

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

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:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

Brett Crompton..... being first duly
sworn on oath, states:

That ...he.. is the ..editor.....
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight consec-
utive weeks, prior to the first publication
of the annexed notice or advertisement:

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for..2.... successive weekly issues thereof,
the date of the first publication being the

....26.... day of February.....1986...
and the date of last publication being the

.....5.... day of March.....1986....

(Signed) *Brett Crompton*
Subscribed and sworn to before me this

.....5.... day of March.....1986....

Paula Hall

Notary Public, residing at
American Falls, Idaho

My commission expires the

.....18.... day of March, 1986.

MAAR 6 1986

Department of Water Resources
Eastern District Office

**Application for
water right**

Published in The Power County
Press February 26 and March 5,
1986.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-8392

ART KRESS & SONS, INC.
HUNT, KAY & BETTE
Box 204, AMERICAN FALLS, ID
83211

Source: Groundwater

Date Filed: 05/29/1985

Diversion point: NW1/4NE Sec 19

T 08S R 30E

NW1/4NE Sec 20 T 08S R 30E

Use: IRRIGATION (12.8 CFS)

1st: SENE NESE NWSE SWSE

SESE Sec 19 T 08S R 30E NENE

NWNE SWNE SENE NESE NWSE

Sec 20 T 08S R 30E NW1/4 NW1/4

Sec 21 T 08S R 30 E NENE NWNE

SWNE SENE Sec 30 T 08S R 30E

The permits 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 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 March 17, 1986.

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2002

ALL FARMS
PO BOX 204
AMERICAN FALLS ID 83211-0204

RE License No. 35-8582 - Issuance of License

Dear Water Right Holder(s).

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s) INCLUDE COPY OF APPLICATION FOR AMENDMENT

cc: LING NIELSEN & ROBINSON

MICROFILMED

MAY 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-8582

**A L L FARMS
PO BOX 204
AMERICAN FALLS ID 83211-0204**

**LING NIELSEN & ROBINSON
PO BOX 396
RUPERT ID 83350-0396**


Kari Lynn Townsend
Secretary

**MICROFILMED
JUN 05 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

JUN 05 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii The final agency action was taken,
- iii The party seeking review of the order resides, or
- iv The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

To: Files 35-8581B and 35-8582

From: Sharla

Date: April 24, 2002/*May 9, 2002*

Re: Final Licensing

For more than 3 years we have been attempting to get these licenses issued. At one point we split 35-8582 into parts A & B, however, the systems are connected and used together and by assignment both parts were once again in the name of ALL Farms, so the license has been prepared as a single right, which is how the field examiner made his recommendation.

Several amendments were sent for signature at various times and numerous letters/phone calls went back and forth between me and Roger Ling and eventually Lee Kress. The final licenses are for a combined total of 737 acres and 12.11 cfs.

A recent survey was conducted by Snake River Surveying, Inc.; the result changed the legal description of one of the points of diversion from the NWN to the NENW, S20. In the fax sent by Mr. Kress, he also noted some slight acreage changes for 35-8582 and those changes were updated in the computer and the amendments were prepared for signature and have been returned with the fees. The acreage changes that Mr. Kress identified only made a difference of 5 acres, including the removal of 1 acre that he identified as BLM ground. The small difference was acceptable.

The changes made from the examiner's recommendations are as follows:

Right 35-8581A 6.78 cfs for 434 acres (examiner recommended 426 acres – GIS data was used to determine total acres)

Right 35-8581B 2.32 cfs and 116 acres (examiner recommended 1.77 cfs for 103 acres – GIS data was used to determine total acres and licensed rate allows an inch/acre with a limit of 12.11 cfs in combination with license 35-8582)

Right 35-8582 12.11 cfs and 621 acres (examiner recommended 10.34 cfs for 602 acres – GIS data was used to determine total acres along with the minor changes identified by right holder as noted above and licensed rate allows use of full system capacity with a limit to same in combination with license 35-8581B)

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JUN 11 2002

Licenses 35-8581A/B & 35-8582



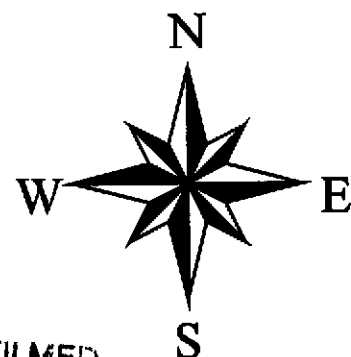
1987 NAPP

Prepared by Sharla Curtis

April, 2002

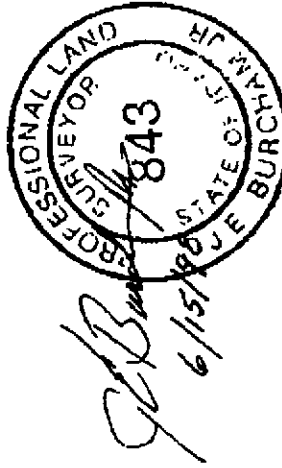
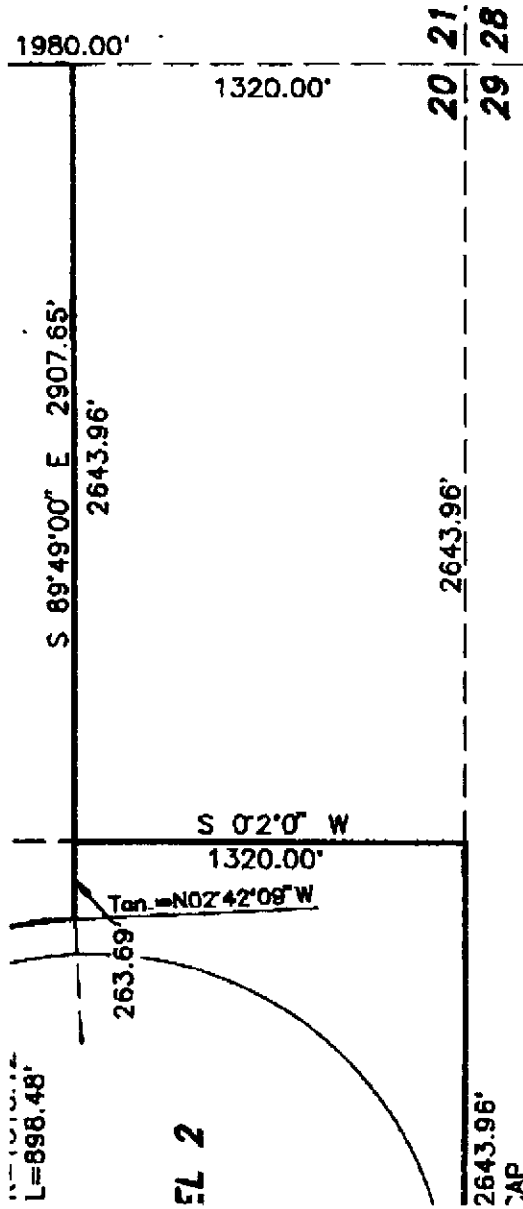
- **Points of Diversion**
Places of Use

☐ **Sections**
QQ



MICROFILMED

JUN 15 2002



MICHAEL

1E	89.18'
1E	1131.23'
2W	620.32'
2W	405.76'
2W	336.99'
2E	767.28'
2E	547.11'
2E	1439.94'

PLAT OF PROPERTY BOUNDARIES
IN SECTIONS 19, 20, 21 & 30
T8S, R30E, B.M.

FOR A.L.L. FARMS

AMERICAN FALLS, IDAHO

SLAKE RIVER SURVEYING, INC.

AMERICAN FALLS, IDAHO

DRAWN BY: ORL 98055 MAY 1998

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08582

Date of Priority:

Maximum Diversion Rate: 10.82 CFS

Maximum Diversion Volume: 2,460.0 AF

Comes now ALL FARMS

PO BOX 204

AMERICAN FALLS ID 832110204 and represents to the Director of the Idaho
Department

of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-08582, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	10.82 CFS	2,460.0 AF

LOCATION OF POINT(S) OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$

GROUND WATER ~~NW $\frac{1}{4}$ NE $\frac{1}{4}$~~ Sec. 20, Twp 08S, Rge 30E, B.M. POWER County

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, Twp 08S, Rge 30E, B.M. POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 30E 17												1.0			1.0	5.0	7.0 7.0
08S 30E 19				40.0									37.0				77.0 180.0
08S 30E 20	30.0	33.0	37.0	3.0	37.0	21.0	37.0	40.0	33.0	36.0	35.0	21.0			7.0		370.0 382.0
08S 30E 21						3.0											3.0 3.0
08S 30E 29						1.0											1.0
08S 30E 30	25.0	24.0															49.0 49.0

Total Acres: 616

621

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

MICROFILMED

JUN 05 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-08581B

Date of Priority: May 29, 1985

Maximum Diversion Rate: 2.32 CFS

Maximum Diversion Volume: 424.0 AF

Comes now A L L FARMS

PO BOX 204

AMERICAN FALLS ID 832110204 and represents to the Director of the Idaho
Department

of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 35-08581B, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.32 CFS	424.0 AF

LOCATION OF POINT(S) OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$ GROUND WATER ~~SEC. 20, TWP. 08S, RGE. 30E, B.M.~~ Sec. 20, Twp 08S, Rge 30E, B.M. POWER CountyGROUND WATER ~~SEC. 20, TWP. 08S, RGE. 30E, B.M.~~ Sec. 20, Twp 08S, Rge 30E, B.M. POWER CountyPLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 30E 19	39.0	39.0	38.0														116.0

Total Acres: 116

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

MICROFILMED

JUN 15 2002

ROGER D LING
BRENT T ROBINSON

JASON D WALKER
TIMOTHY J SCHNEIDER
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
615 'H' STREET
P O BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED

MAR 20 2002

March 18, 2002

Department of Water Resources

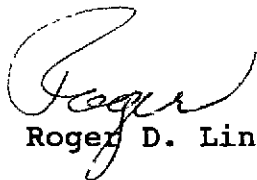
Ms. Sharla Curtis
Water Resource Agent
Department of Water Resources
1301 N. Orchard Street
P. O. Box 83720
Boise, ID 83720-0098

RE: Water Right Permit Nos. and 35-08581B and 35-08582

Dear Ms. Curtis:

I did appreciate your sending a letter to my clients on March 15, 2002 in regard to the above water permits. Perhaps the principals of A.L.L. Farms will now address the issues that I have requested be discussed for the last couple of months. However, I would request that you notify me before you unilaterally issue the licenses.

Very truly yours,


Roger D. Ling

RDL:jb

MICROFILMED

JUN 05 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2002

A L L FARMS
PO BOX 204
AMERICAN FALLS ID 83211-0204

RE. Water Right Permits 35-08581B and 35-08582

Dear Permit Holder(s):

I previously forwarded to your attorney, Roger Ling, Applications for Amendment so that you could amend your permits to depict your water rights as they have actually been developed

As of this date, I have not received these amendments. If I do not receive the amendments within 14 days, Water Right Licenses will be issued for less than could have been allowed. In case the amendment forms I sent your attorney have been misplaced, new ones are enclosed. Please note that the filing fee for these amendments is \$50.00 per amendment

If you have any questions regarding this matter, please call me at 208-327-5452.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

SC:klt

Enclosures

Cc. Roger Ling
PO Box 396
Rupert, ID 83350-0396

MICROFILMED

MAR 23 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 4, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALL FARMS
C/O ROGER LING
PO BOX 396
RUPERT ID 833500396

RE. Water Right Permit Nos 35-8581B and 35-08582

Dear Roger,

I'm sending the amendment forms for these to you so that if ALL Farms finally agrees with the licensing recommendations, they can sign them and then you can return them to me along with the filing fees (\$50 each) ASAP.

If for some reason they still have a problem with our recommendations, please let me know immediately so we can keep moving towards license issuance. I know you are as anxious to get these finished as I am; I really appreciate all your assistance with them.

If you have any questions, please call me at 327-5452.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

Enclosures

MICROFILMED

JUN 05 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

January 4, 2002 Sent by fax

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROGER D LING
LING & ROBINSON
PO BOX 396
RUPERT ID 83350-0396

Re: Licensing of Permits 35-8581B, 35-8582A & B

Dear Mr. Ling:

In follow-up to our phone conversation earlier this morning, the following is a summary of our license recommendations for the above referenced permits

First, I propose re-combining permits 35-8582A & B; since they are both in the name of A.L.L. Farms and the two wells are connected, I think combining them back together makes sense. That way, the entire 12.11 cfs capacity will be linked to the total ⁷¹⁵ acres. We will just use a remark to show that 35-8582 and 35-8581B when combined are ⁷³² limited to the capacity of 12.11 cfs.

After using some later photography to complete the GIS data/calculations, pivot #3 winds up with a total of 245 acres, including the 113 acres and 05 acre in fields 1 and 2. Pivot #6 will show a total of 146 acres. Pivot #4 is 182 acres; pivot #5 is 52 acres, and pivot #7 is 107 acres.

We will show both points of diversion on both of the rights. By combining A & B for 35-8582, we will only need a total of 2 amendments rather than 3. We will seek the amendment for 35-8581A from the owners of that permit, Kay and Bette Hunt. I apologize for always including that right in my correspondence to you, I wasn't paying attention to the fact that it isn't in the name of A.L.L. Farms. If you represent the Hunt's as well, just let me know and I will continue working with you on that one too. Otherwise, I'll send the amendment request directly to them.

If you have any questions, let me know. I really look forward to getting these rights licensed and I want you to know it has been a pleasant experience to work with you on these.

Sincerely,

Sharla Curtis
Sr Water Resource Agent

MICROFILMED
JAN 9 5 2002

LING & ROBINSON

ATTORNEYS AT LAW

615 'H' STREET

P O BOX 396

RUPERT, IDAHO 83350-0396

ROGER D LING
BRENT T ROBINSON

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

JASON D WALKER
TIMOTHY J SCHNEIDER
ASSOCIATES

December 18, 2001

Sharla Curtis
Sr. Water Resource Agent
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Licensing of Rights 35-08581A & B and
35-08582A & B

Dear Ms. Curtis:

I apologize for my delay in responding to your letter of March 26, 2001, and your recommendations attached thereto. I have finally had an opportunity to review all of my documents in the file. Upon reviewing the original measurements by Farm Service Agency of the Department of Agriculture, the original exam report prepared by Gary Buss of IDWR, and the proposed amendments and licenses recently sent to me, I have numerous questions. It is possible that my questions have arisen because I do not have your GIS data.

As you know, the property to receive the licensed water right consists of five (5) pivot sprinkler systems. I have enclosed a rough sketch of those pivot systems which show the acres irrigated according to the field exam and the number of acres being irrigated according to the proposed licenses. This sketch also has a tabulation of the number of acres computed by Farm Service Agency.

In reviewing the acres being irrigated under pivot number 3 (pivot numbers have been given the same numbers as the fields used by FSA), I found that FSA identified 239.6 acres being irrigated under pivot 3 and fields 1 and 2. The examination report showed 240 acres irrigated under this pivot, and excluded the 11.3 acres and .5 acres in fields 1 and 2. Otherwise, the examination report was similar to the FSA acres. The proposed license is for 241.2 acres plus the 11.3 acres and .5 acres, for a total of 253 acres. I have no

MICROFILMED
JAN 25 2002

Sharla Curtis
Sr. Water Resource Agent
Page 2
December 18, 2001

objection to the acres proposed to be licensed, although the 39 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 may be a couple of acres long, as 2.66 acres of this 40 was sold for a potato cellar and a potato cellar was placed on these acres. *after exam - licensed was developed as a water right*

As to pivot number (6), the Farm Service Agency shows 135 acres under this pivot while the examiner's report showed only 118 acres. You are now proposing 153 acres under this pivot. My question is how did you arrive at the 153 acres. I assume it was from your GIS data.

Pivot number (4) showed 177.7 acres as measured by the Farm Service Agency. The examination report showed 180 acres, and the proposed water right shows 185 acres covered by this pivot. This is acceptable.

The next pivot is number (5). This pivot was measured by the FSA as 53 acres. The examination report of IDWR also showed 53 acres. However, the land covered under the proposed water right is only 40 acres. I can find no explanation as to why the acres under this pivot have been so substantially reduced. Perhaps you can help me on this.

The last pivot is number (7). By the measurements of FSA, there were 105 acres being irrigated under this pivot. The examiner's report of IDWR showed 114 acres. You have proposed a water right for only 81 acres. This is a substantial reduction that I cannot account for. Perhaps you can explain to me why the irrigated acres under this pivot, located primarily in the SW $\frac{1}{4}$ of Section 20, have been reduced to 81 acres.

After the acre issue has been resolved, we feel that it is appropriate to review the position previously taken that each water right would only have one point of diversion. Because of the substantial number of acres in Water Right No. 35-08581B and 35-08582B, it may be necessary to show the diversion is from both wells for the irrigation under these licenses, as one well will only provide .74 inches per acre.

Pending a response from you, I have asked my clients to again review their records to confirm the number of acres

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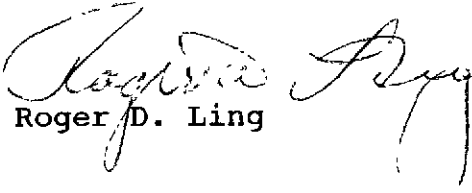
JUN 6 2002

Sharla Curtis
Sr. Water Resource Agent
Page 3
December 18, 2001

being irrigated under these water rights.

Very truly yours,

LING & ROBINSON


Roger D. Ling

RDL:bcl
Enclosure

cc: A.L.L. Farms
Larry Kress

MICROFILMED

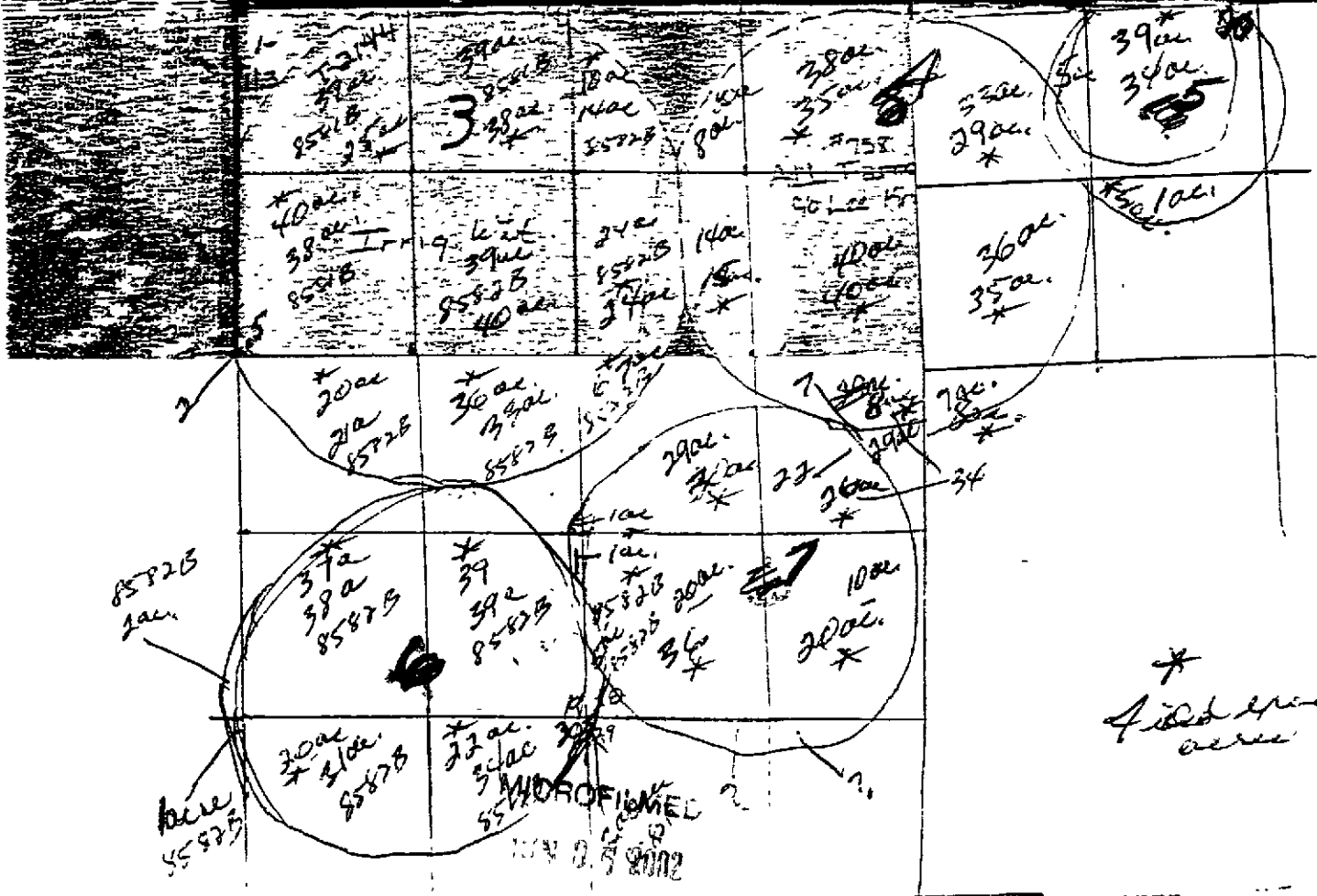
JAN 25 2002

T2144

11.3 1- 11.3-
 2- 7.5-
 253 - 3- 227.8-
 178 - 4- 177.7-
 40 - 5- 55.-
 147 - 6- 125.-
 81 - 7- 125.-

717.57

+ 4 in Sec 17, S55E (N)



T-2144

- 11. -
- 2. -
- 3- 227.8
- 4- 177.8
- 5- 57.8
- 6- 17.8
- 7- 10.8

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T-2144

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3- 227.8

477.7

165.0



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROGER LING
LING NIELSEN & ROBINSON
PO BO 396
RUPERT ID 83350-0396

RE: Licensing of Rights 35-08581A & B and 35-08582A & B

Dear Mr Ling.

You aren't going to believe this but I have finally finished reviewing the above referenced rights and am enclosing documents which list our proposals for the licenses I used GIS data, our field examiner's reported information, and your letter of April 2, 1999 to finalize the proposals. I hope you will find the recommendations satisfactory and that we can get the licenses signed in the very near future.

Rights 35-08582A & B will require licensing amendments (35-08582A needs an amendment to change the point of diversion description and include the 7 acres in Section 17 for the place of use, 35-08582B needs an amendment to add the SESW, S19, the NENW, S30 and Section 29 to the place of use). I am enclosing the amendment forms. If you agree with the information, please return them with the filing fees (\$50 each application) within the next couple of weeks. Rights 35-08581A & B are ready for licensing without amendments and I have enclosed copies of the draft proposals for them

If you have any questions, please give me a call. I look forward to wrapping these licenses up and I know you are just as anxious I really appreciate the patience you've shown in the time it has taken for this process to be completed.

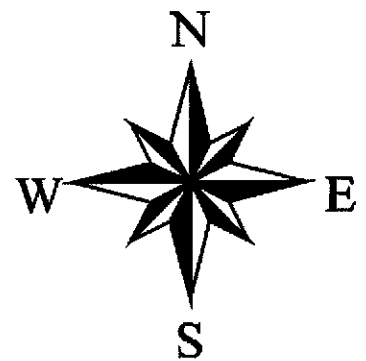
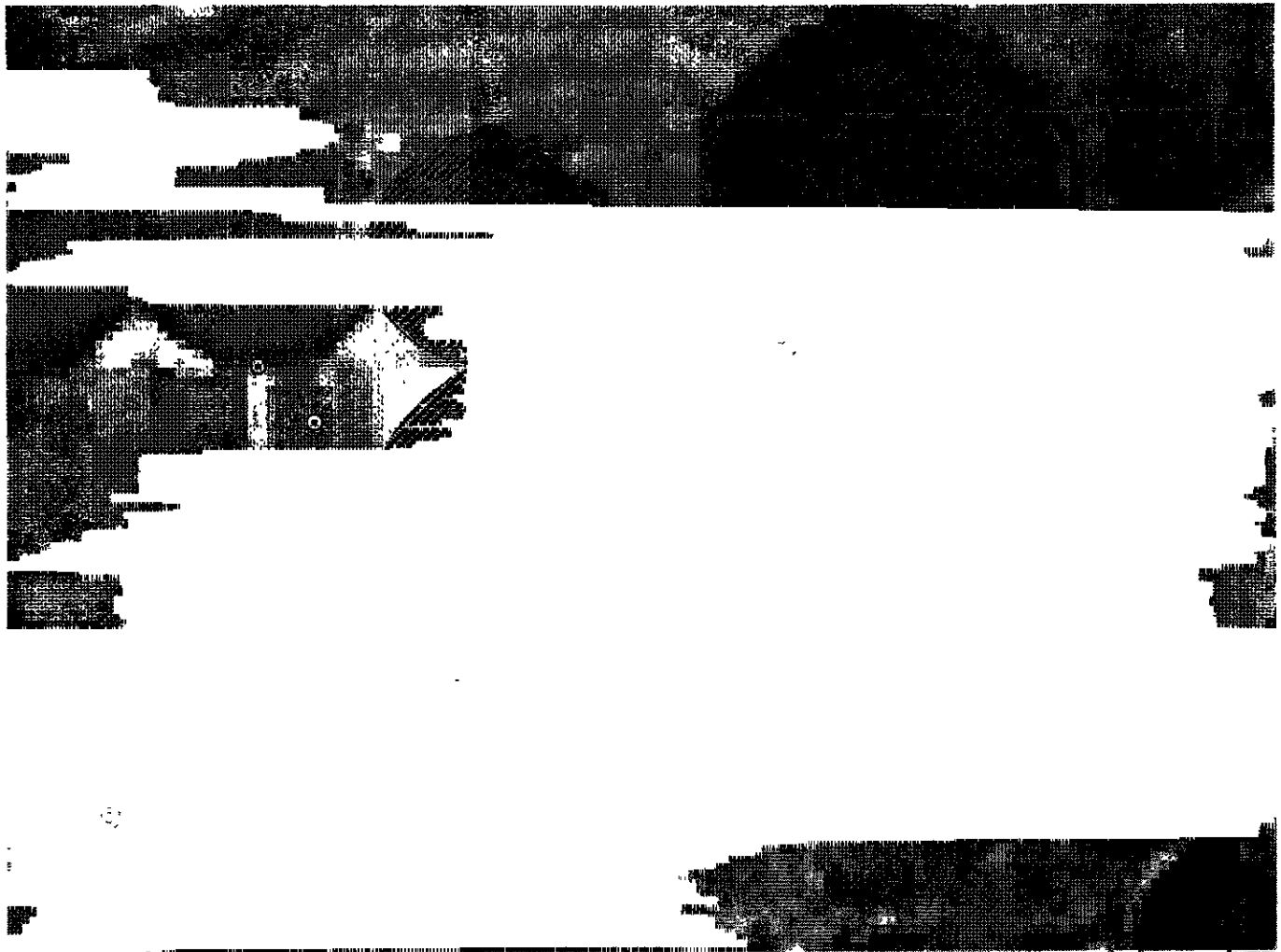
Sincerely,

Sharla Curtis
Sr Water Resource Agent

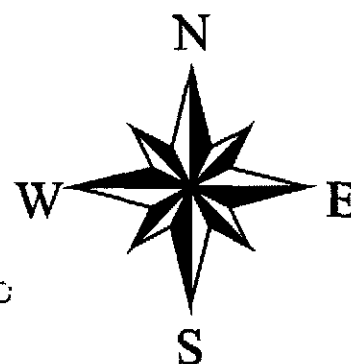
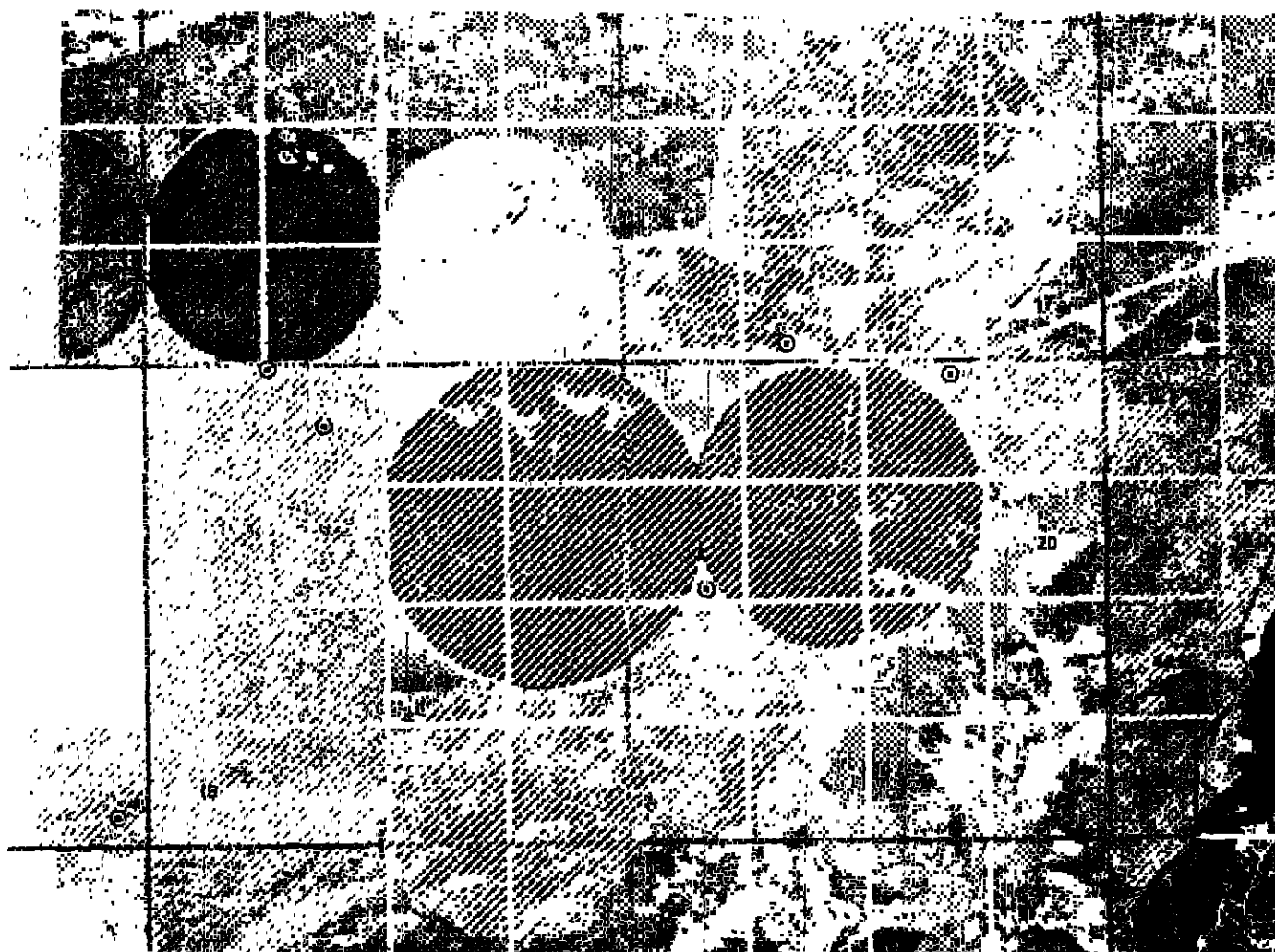
Enclosures

MICROFILMED

1997 11 2802



MICROFILMED
JUN 9 5 2002



MICROFILMED

JUN 05 2002

MEMORANDUM

To: Files 35-8581A & B and 35-8582A & B

From: Sharla

Date: March 19, 2001

Re: License Review

Licenses for these rights were prepared several years ago and the proposals were sent to the right holders and/or their attorney for comment. Roger Ling (the attorney for A L L Farms) responded to our proposals in a letter dated April 2, 1999.

It is now the year 2001 and I have re-reviewed these files for licensing and have incorporated GIS for determining acres, etc. All data entry has been completed and licensing amendments are required for 35-8582A & B.

There are no point(s) of diversion or place(s) of use overlaps. The system capacities and pivot breakdowns are as follows:

Well	Capacity	Pivots served
201 (NWNE, S20)	6.09 cfs	5,6,7 (Section 20)
202 (SWNW, S20)	6.02 cfs	3, 4 (primarily Section 19)
SESW S17	6.78 cfs	Sections 17 and 18

If these proposals are acceptable to the right holders via Mr. Ling, as soon as the licensing amendments are returned with their fees, the licenses can be issued.

MICROFILMED
JUN 15 2002

RECEIVED

APR 05 1999

Department of Water Resources

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
615 'H' STREET
P O BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

April 2, 1999

Ms. Sharla Curtis
Water Resource Agent
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Permit No. 35-08582A & B and 35-08581B - A.L.L. Farms

Dear Ms. Curtis:

I have reviewed the information you provided me in regard to the above permits, the original permits themselves, and the irrigable acre computation made and being used by the Farm Service Agency of Power County. From my examination, I can find little dispute with the figures contained in the field exam of IDWR.

Before addressing the specific facts, we believe that Permit 35-08582 should not be split, at least in the manner that it is presently split. The reason for the previous split no longer exists. However, there still needs to be a split of that permit, as it is not the desire of A.L.L. Farms to have these permits combined and the irrigation system be treated as one system. There are two wells, and two separate systems, and the water rights should be divided accordingly.

There appears to be no difficulty in granting a license under both permits, as the permits were for more acres and more water than has been developed. The record indicate that Permit 35-08582, before it was split, was for 640 acres and a diversion of 12.8 cfs., while Permit No. 35-08581B was for 120 acres and a diversion of 2.4 cfs. Both permits identified both wells as a diversion point, as well as other diversion points that were not developed.

The field exam shows a place of use of 705 acres. There is only one significant discrepancy between the Farm Service Agency survey of irrigable acres and the field exam of IDWR. The discrepancy is in the number of acres irrigated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19. The field examiner indicated only 25 acres were being irrigated within that 40-acre parcel, all of which apparently was identified as being irrigated by the pivot, whereas there was an additional 11.3 acres outside of the pivot shown to be irrigated by Farm Service Agency records. I have attached an aerial photo with the acres marked. You will note that in the tabulation in the photo, only 710.3 acres were identified. The reason for this is that the 6 acres (identified as 4 acres by the IDWR field examiner)

MICROFILMED

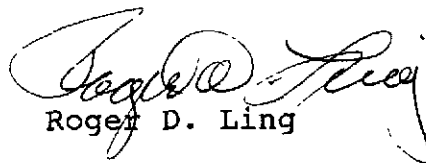
APR 05 1999

Ms. Sharla Curtis
Water Resource Agent
Department of Water Resources
April 2, 1999
Page 2

in Section 17 are actually leased from a third party and are therefore identified as a separate tract by the Farm Service Agency and are not included in the computation of irrigable acres of A.L.L. Farms.

The field exam shows that the well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, known as Well 201, produces 6.09 cfs, which is within the diversion rates provided in the permits. This well is used to irrigate the lands under the pivots identified on the attached aerial photo as 5, 6 and 7. The second well, identified as Well 202 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, produces 6.02 cfs, which is also within the diversion rates provided in the permits and is used to irrigate the lands under the pivots identified as pivots 3 and 4. If you would recognize the 11.3 acres identified by the Farm Credit Service Agency as irrigated under the permit within the proof of beneficial use, the Farm Credit Service Agency's records would be consistent with the water right records. We would then have two licenses issued, one for Well 201 in the amount of 6.09 cfs for the irrigation of 342 acres being irrigated under pivots 5, 6, and 7. The other license would be for 6.02 cfs diverted from Well 202, for the irrigation of 374 acres if the 11.3 is included, or 363 if it is not included. I have enclosed a chart which would show where the irrigable acres are under each license. We have an actual survey of the lands where the 5 pivots are located which I used to prepare the chart. Of course, there is still some estimation as to acres in irregular shaped parcels. If you have any questions, please feel free to contact me.

Very truly yours,


Roger D. Ling

RDL:jkb

enclosures

pc: A.L.L. Farms

MICROFILMED

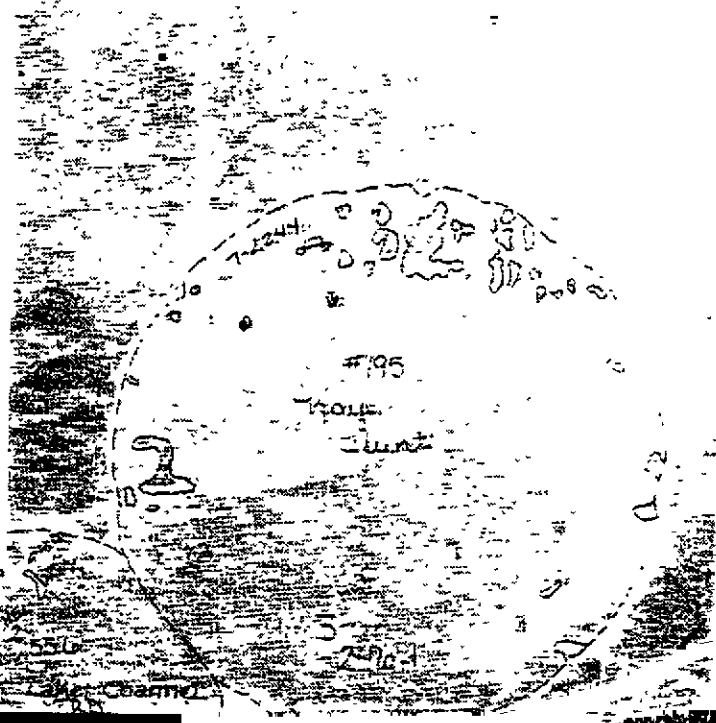
APR 9 5 2002

7/8
18117

T2144

- 1- 11.3+
- 2- 1.5+
- 3- 207.8+
- 4- 177.7+
- 5- 33.0+
- 6- 135.0+
- 7- 125.0+

71.3T



T-2144
3
Irrig Unit
MICROFILMED
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3- 227.8

5
#758
All Farms
Go Lee Kross

Not to scale 1-14

WELL 201

TOWNSHIP 8 SOUTH, RANGE 30 EAST

<u>Section</u>	17	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -	4 acres
	19	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -	1 acre
		SE $\frac{1}{4}$ SE $\frac{1}{4}$ -	1
	20	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -	39 acres
		NW $\frac{1}{4}$ NE $\frac{1}{4}$ -	34
		SW $\frac{1}{4}$ NE $\frac{1}{4}$ -	35
		SE $\frac{1}{4}$ NE $\frac{1}{4}$ -	5
		NE $\frac{1}{4}$ NW $\frac{1}{4}$ -	35
		NW $\frac{1}{4}$ NW $\frac{1}{4}$ -	✓10
		SW $\frac{1}{4}$ NW $\frac{1}{4}$ -	✓13
		SE $\frac{1}{4}$ NW $\frac{1}{4}$ -	40
		NE $\frac{1}{4}$ SW $\frac{1}{4}$ -	34
		NW $\frac{1}{4}$ SW $\frac{1}{4}$ -	✓27
		SW $\frac{1}{4}$ SW $\frac{1}{4}$ -	36
		SE $\frac{1}{4}$ SW $\frac{1}{4}$ -	20
		NW $\frac{1}{4}$ SE $\frac{1}{4}$ -	8
			342 acres

WELL NO. 202

TOWNSHIP 8 SOUTH, RANGE 30 EAST

<u>Section</u>	19	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -	38 acres	
		NW $\frac{1}{4}$ NE $\frac{1}{4}$ -	25	(36 acres)
		SW $\frac{1}{4}$ NE $\frac{1}{4}$ -	40	
		SE $\frac{1}{4}$ NE $\frac{1}{4}$ -	40	
		NE $\frac{1}{4}$ SE $\frac{1}{4}$ -	36	
		NW $\frac{1}{4}$ SE $\frac{1}{4}$ -	20	
		SW $\frac{1}{4}$ SE $\frac{1}{4}$ -	37	
		SE $\frac{1}{4}$ SE $\frac{1}{4}$ -	39	
	20	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -	10 acres	
		SW $\frac{1}{4}$ NW $\frac{1}{4}$ -	26	
		NW $\frac{1}{4}$ SW $\frac{1}{4}$ -	10	
	30	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -	22 acres	
		NW $\frac{1}{4}$ NE $\frac{1}{4}$ -	20	
			363 acres	(374 acres)

MICROFILMED

11 5 9 2002

ROGER D LING
ROBERT M NIELSEN
BRENT T ROBINSON
BRENT C TINGEY

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
615 'H' STREET
P O BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

March 24, 1999

RECEIVED

MAR 25 1999

Department of Water Resources

Ms. Sharla Curtis
Water Resource Agent
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: A.L.L. Farms Water Permit Nos.
35-08581B, 35-08582A and 35-08582B

Dear Ms. Curtis:

I very much appreciated your sending to me the records in regard to the above water permits. At this time, there is no need for the split of Water Right No. 35-08582 in the manner that it was split to accommodate a mortgagee of the property. However, it is still possible that this water right will be split as the partners of A.L.L. Farms seek to dissolve the partnership and distribute the land to the partners. We are in the process of determining whether or not the parties desire to have two diversion points for each water right, or one well conveyed to one of the partners and the other well to the remaining two partners. It of course would be helpful if the license is not issued until this matter has been resolved. We recognize that there will be a need for a Joint Use and Maintenance Agreement on at least one well, and perhaps on both.

At the present time, it would appear that Water Right No. 35-08581B for the irrigation of 103 acres will go to one of the partners, and the other water right will be split three ways so that each individual owner has his own water right for his own land, even though there may be a joint well involved. As soon as the partners have resolved the land division and the water right issues, I will advise you. Meanwhile, if there is any information that you need from A.L.L. Farms, please do not hesitate to contact this office.

Very truly yours,

MICROFILMED

Roger D. Ling

RDL:jkb
pc: A.L.L. Farms

MAR 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

A L L FARMS
PO BOX 204
AMERICAN FALLS ID 83211

RE: ASSIGNMENT OF PERMIT 35-08582B

Dear Water Right Holder(s):

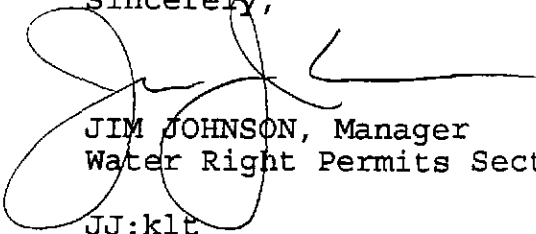
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208)327-7900 FAX: (208)327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

January 20, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NORTHWEST FARM CREDIT SERVICES
SYLVIA VOLLWEILER
PO BOX 130
AMERICAN FALLS ID 83211-0130

RE: Release of Permit 35-08582B

Dear Ms. Vollweiler:

The Release that you sent regarding the above listed permit has been forwarded to me for handling.

As our office protocol requires an Assignment of Permit form for the changing of permit ownership, I am returning your release forms and envelope.

Also enclosed is an assignment form which should be filled out and returned to our office with the required \$25.00 filing fee.

We will be happy to finalize the ownership change upon receipt of the completed assignment form and filing fee.

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

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosures

MAILED - 1001
FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Permit No. 35-08582A & B

A L L Farms
PO Box 204
American Falls, ID 83211

Gentlemen.

We are in the processing of reviewing Permit Nos 35-08582A and 35-08582B for licensing. The original right, 35-08582, was split into parts A & B in December of 1994. Part A is in the name of A L L Farms while Part B is in the name of A L L Farms and Northwest Farm Credit Services. The field examination was conducted in July of 1991, prior to the splitting of the right. Thus, the field report was written up as one single right. This is where the confusion begins.

It appears by means of the split that the acres under Part B in the SE $\frac{1}{4}$, S19 and the SWNW, S20 are irrigated by the well in the SWNW, S20 and the remaining acres under Part A are served by the well in the NWN, S20. Unfortunately, when the field examiner wrote up his report both wells were serving the entire land base now under the separate portions and Part B of Right 35-08581.

I am enclosing a copy of the aerial photo attached to the exam report and ask that you identify the separation of the two systems, if indeed they are two separate systems. If the two wells serve the entire land base, then we could issue the licenses with each showing the entire land base covered and a remark indicating the number of acres irrigated within that land base by each individual right.

Please either let me know that the systems irrigate the entire land base or return the aerial photo with the information showing the separation of the systems within 30 days so that we can proceed with licensing these rights. If you have any questions, please give me a call.

Sincerely,

SHARLA CURTIS
Water Resource Agent

Enclosure

MICRO FILMED
FEB 11 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

December 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NORTHWEST FARM CREDIT SERVICES ACA AND
A.L.L. FARMS
PO BOX 10
BLACKFOOT ID 83221-0010

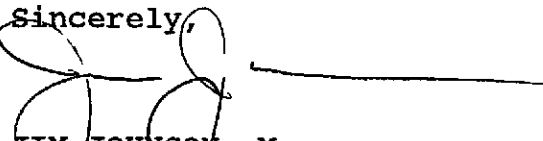
Re: Application for Permit No. 35-08582B

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence assigning this portion of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

c: A.L.L. Farms

MAILED 11-23

DEC 29 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 06 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-8582/8581B
1 Owner Art Kress & Sons Inc Phone No. 226-2766
Current Address: P.O. Box 204 American Falls, ID 83211
2 Accompanied by: Lee Kress EXAM. DATE: 7-1-91
Address: 3584 S Liberty Ln, American Falls Phone No. 226-2766
Relationship to Permit Holder. Son
3. Source groundwater tributary to _____

B. OVERLAP REVIEW

1 Other water rights with same place of use: 35-8581 B / 8582

☐ Copies Attached
2 Other water rights with same point of diversion: 35-8581 B / 8582

☐ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

Scale: 1" = _____

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

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

RECORDED
FEB 11 1997

System Description (continued)

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

Pump # 201 is 300 Hp with 100 Hp booster to 12" Mainline to Center pivots # 5, 6, 7 to pump # 202 which is 300 Hp with 125 Hp booster to 12" mainline which supply Center pivots # 3 & # 4

(# 201 according to Lee Dynamic Pumping Depth is appx. 300')
(# 202 according to Lee Dynamic Pumping Depth is appx. 300')

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
201	US Electric	300	R032279R011R-1	Edmiston	10" discharge
Booster	Marathon	100	19-03591-a/10-07	Cornell	55 2 1/4 - 12
202	US Electric	300	N588072C-02	Washington	12" discharge
Booster	Marathon	125	19-03038-6/18-04	Cornell	5 1/2 8 9

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	%	%	%	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
201					N 1/2 E 20	8 S	30 E	Power	Quad Map + onsite Inspection
202					S 1/2 NW 20	8 S	30 E	Power	Quad Map + onsite Inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE%	NW%	SE%	SW%	NE%	NW%	SE%	SW%	NE%	NW%	SE%	SW%	NE%	NW%	SE%	Totals
8 S	30 E	17																4
		19	38	23	40	40												277
		20	39	34	35	5	35	20	39	40	34	37	36	20	8			382
		30	22	20														42 = 705
		19																103
																		602

over-lap

35 - 8582

35 - 85818

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 metering station~~ ~~Flow Halls Meter~~	~~Annubar~~ ~~Pitot~~	~~Dieterich~~	~~7517-316-SS~~	~~#191156~~	~~12~~	~~—~~
Flow Indicator	Manometer	IDWR	—	—	60"	—
Pressure Gage	Fluid	Rainbird	—	RBC-1160PB	0-160	—

2. Measurements:

#201 operating pressure 50 psi	#202 operating pressure 60 psi
$2664.4 \text{ gpm} = \frac{400 \text{ Hp} (8.814)(.7)}{300' + (50 \text{ psi} \times 2.308)}$	$2681.7 \text{ gpm} = \frac{425 \text{ Hp} (8.814)(.7)}{300' + (60 \text{ psi} \times 2.308)}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Annubar (see attached sheets)

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 602 \times 4 = 2408$

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 2408$

2. Volume Calculations for Other Uses:

APPROVED
JUL 1 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Well 201 - 2730.4 = 6.09 cfs
 448.8
 cfs =

Well 202 cfs = 2702.96 = 6.02 cfs
 12.11 705 AC
 448.8

35-8582 → 602 AC = 10.34

35-8581B - 103 AC = 1.77
 705 AC
 12.11 cfs

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Period of Use
 From 4/01 To 10/31
 Rate of Diversion
 Q (cfs) 10.34
 Annual Volume
 V (afa) 2408

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

GARY BUSS

Signature

Certification Date

Field Report Preparation Date

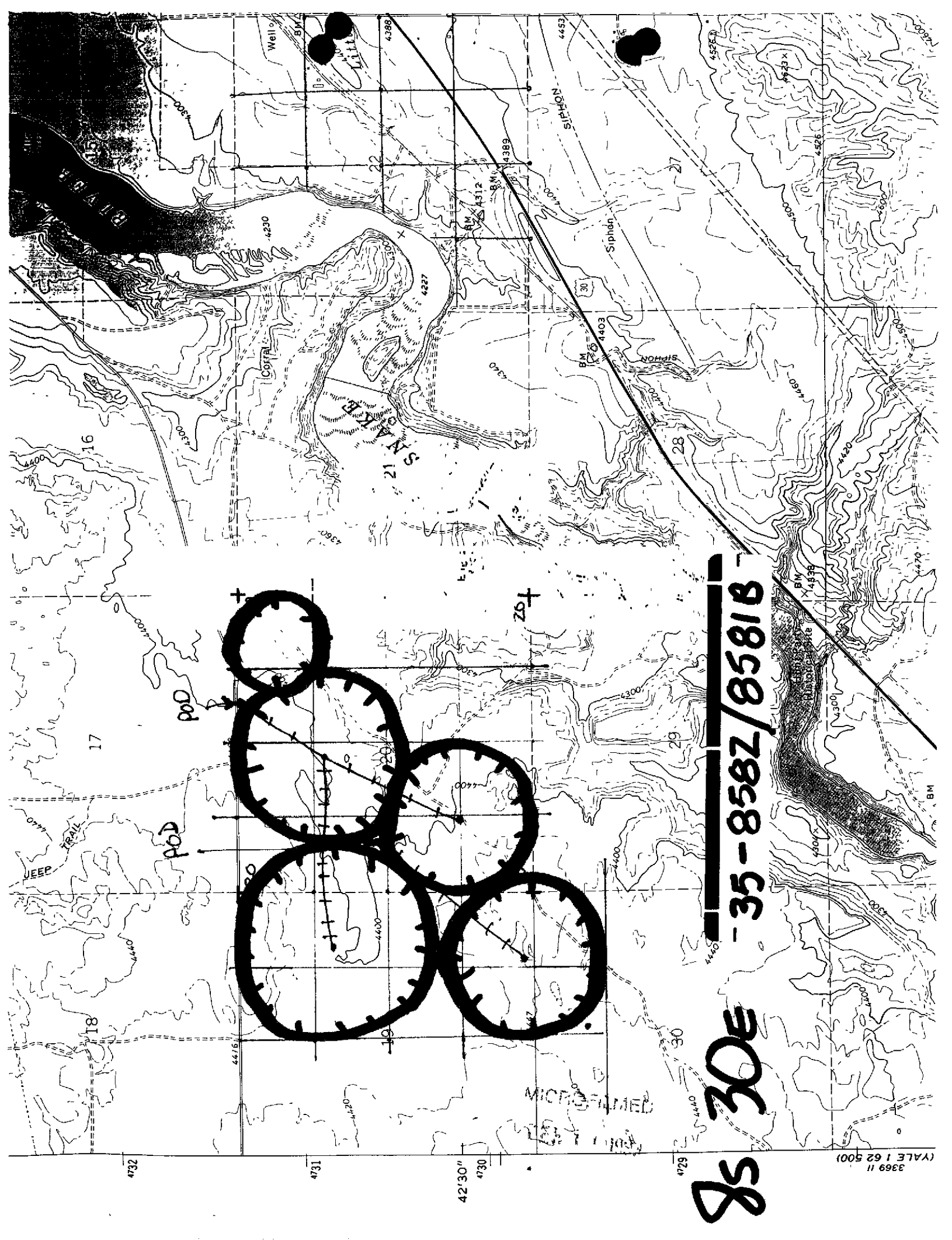
BUSSON 2/14/97

CONSULTANT SEAL

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

MICROFILMED

2012-10-19



SR 30E -35-858Z/85818-

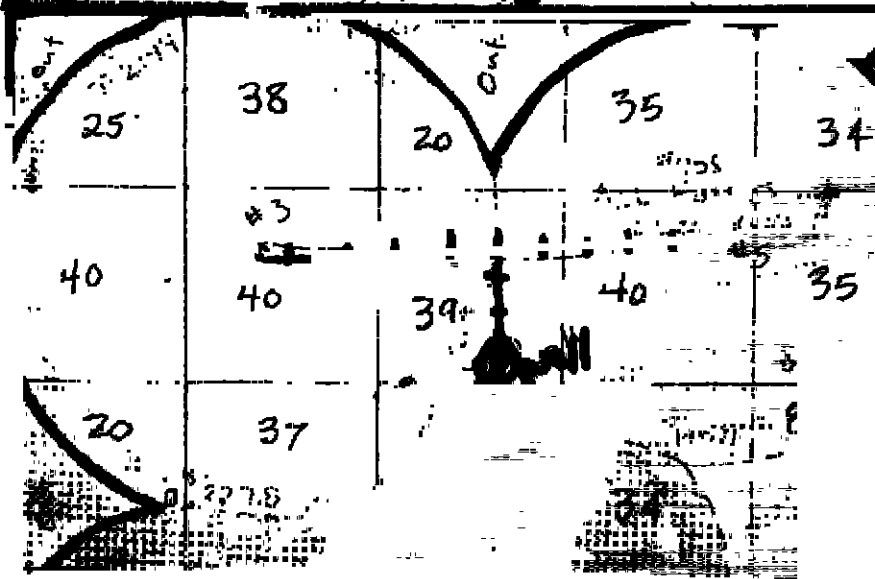
3369 11 (YALE 1 62 500)

Kress

T
8
S
K 50 E

- 35-8582 / 8581 B -

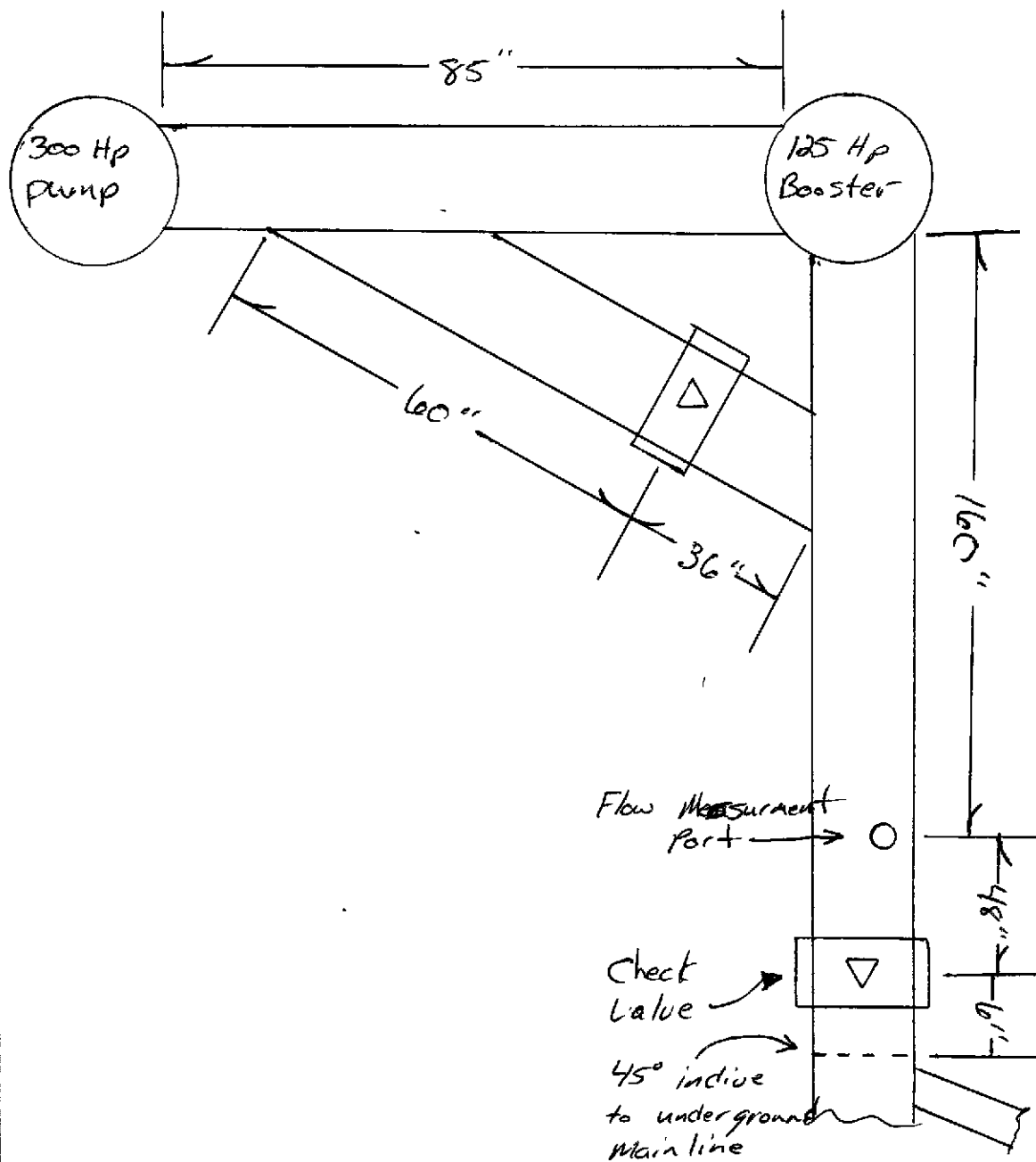
all corners out



RECORDED North Gate I - 11

SEP 11 1969

Pump # 201



REPROFILMED

FEB 11 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Gary Buss Date 7-1-91
Owner: Art Kress & Sons Inc Permit No. 35-8582

Pump (201)

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = ~~46.0~~ 46.0
T = Pipe Thickness in Inches = .188
ID = 2 [(0.1592 X CIR) - T] = ... 12.37

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 12
State ID No. 91427

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.99

50 psi operating pressure

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 37.4
Low Reading = 21.1
High - Low = H = ... 20

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$

$$Q = \frac{(12.37)^2 (\sqrt{20}) (3.99)}{448.8} = 6.08 \text{ cfs} \quad 2730.4 \text{ gpm}$$

SKETCH (If not shown on Field Report)

MICRO METER
FEB 11 1992

$$\begin{array}{r}
 37.4 \\
 17.4 \\
 \hline
 20.
 \end{array}$$

6.08

$$\begin{array}{r}
 21.3 \quad (12.37)^2 \quad 3.99 \\
 15.3 \\
 \hline
 6
 \end{array}$$

1495.5 gpm

$$\begin{array}{r}
 38.6 \\
 23.7 \\
 \hline
 14.9 \\
 \hline
 2356.7 \\
 284.8
 \end{array}$$

80

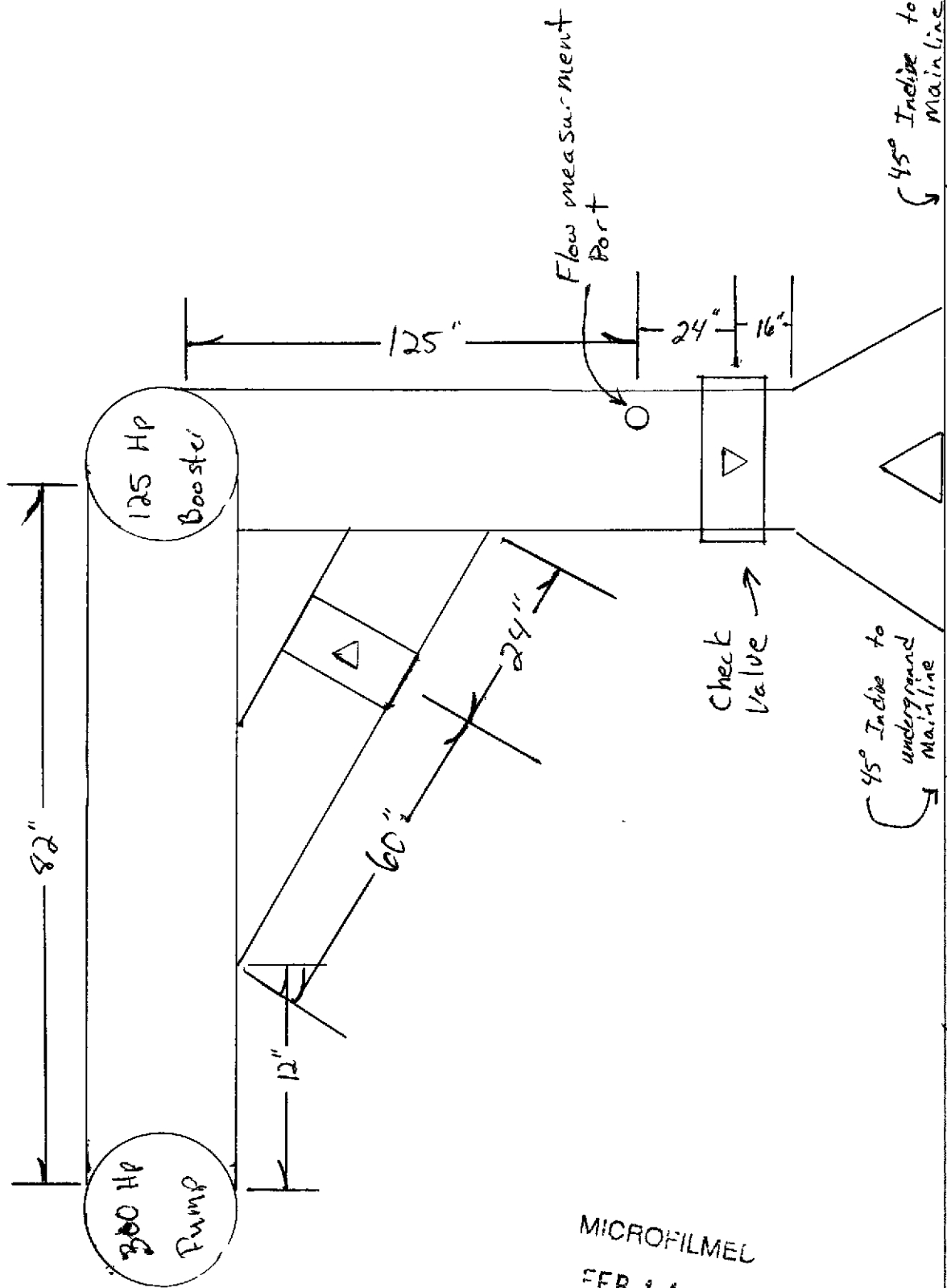
$$\begin{array}{r}
 37.1 \\
 21.1 \\
 \hline
 16
 \end{array}$$

2442.1

$$\begin{array}{r}
 2730.4 \\
 250.1191
 \end{array}$$

Pump # 202

N



MICROFILMED
FEB 11 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Gail & Buss Date 7-1-91
Owner: Alit Kress & Sons Inc Permit No. 35-8582
35-8581-13

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

202

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches =

40.0

T = Pipe Thickness in Inches =

.188

ID = $2 [(0.1592 \times CIR) - T] =$ 12.37

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test

12

State ID No.

91429

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	<u>3.99</u>
14" - 16"	4.01
18" - 24"	4.02
30" or larger	4.03

C selected 3.99

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 44.3

Low Reading = 24.7

High - Low = H = 19.6

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$

$$Q = \frac{(12.37)^2 (\sqrt{19.6}) (3.99)}{448.8} = 6.02 \text{ CFS}$$

2702.96 gpm

SKETCH (If not shown on Field Report)

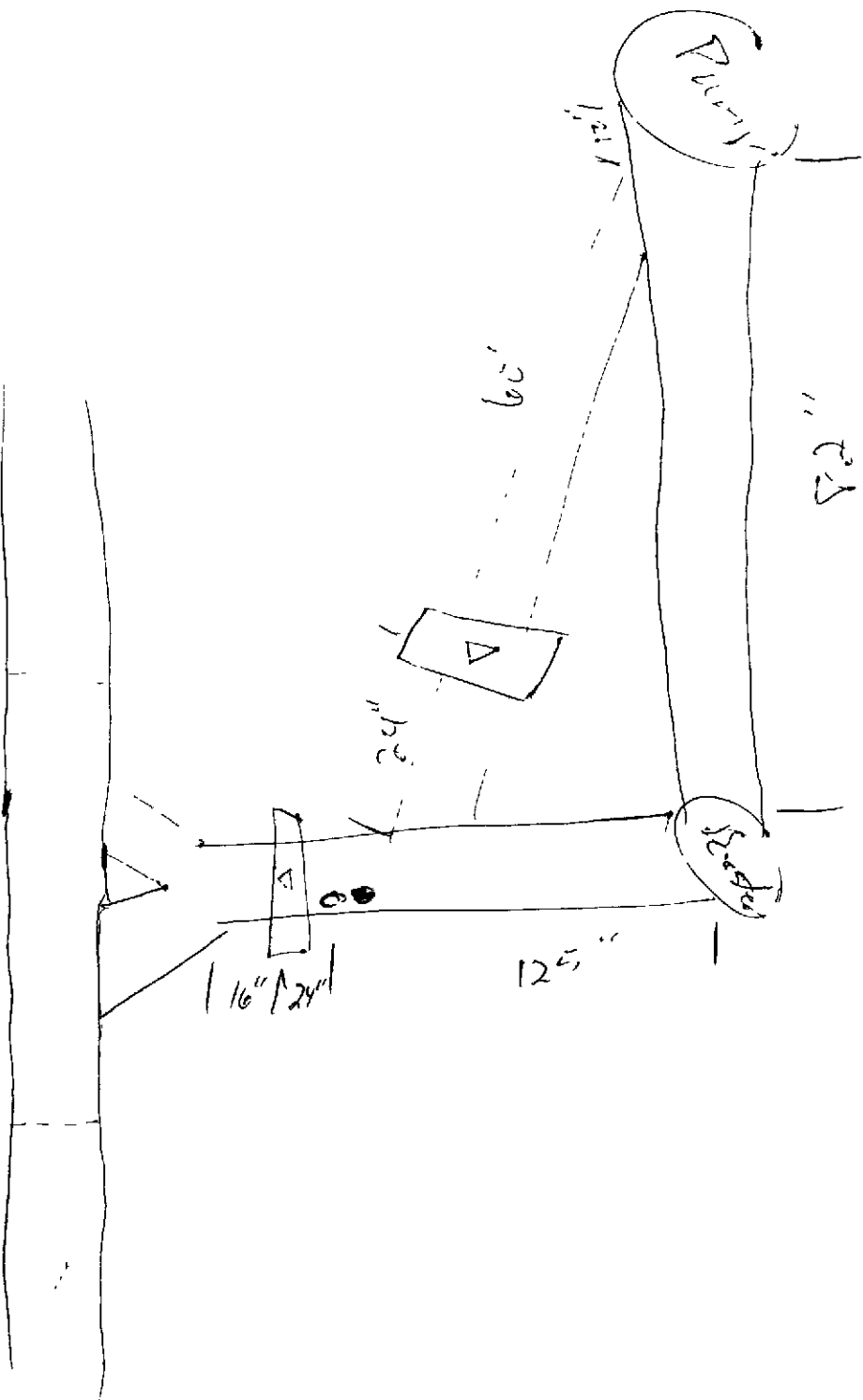
WIC-0-AP-00
10/2/91

698.5 ac

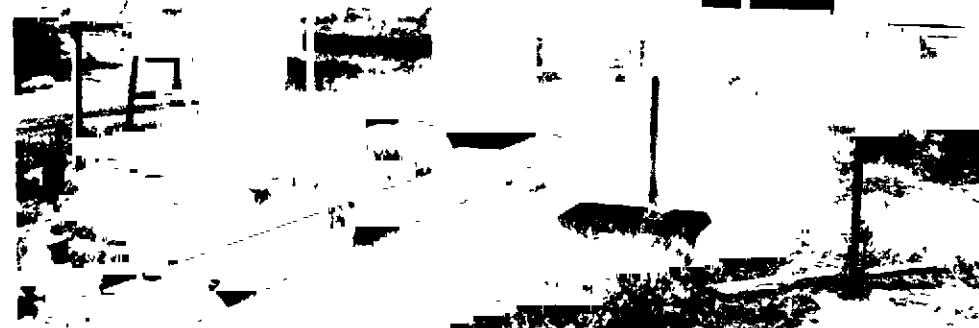
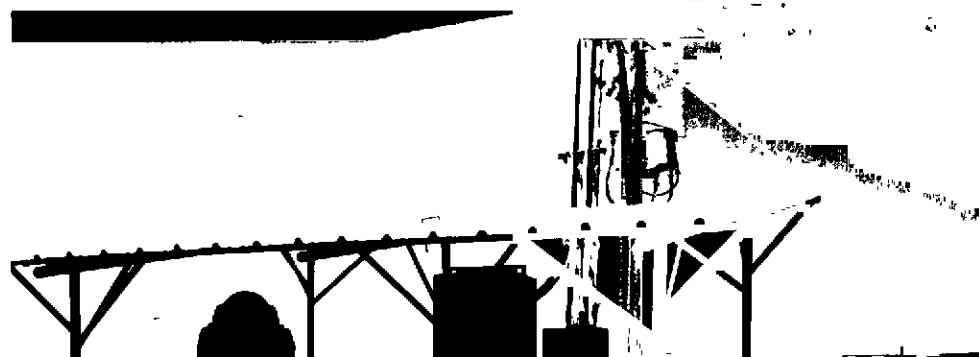
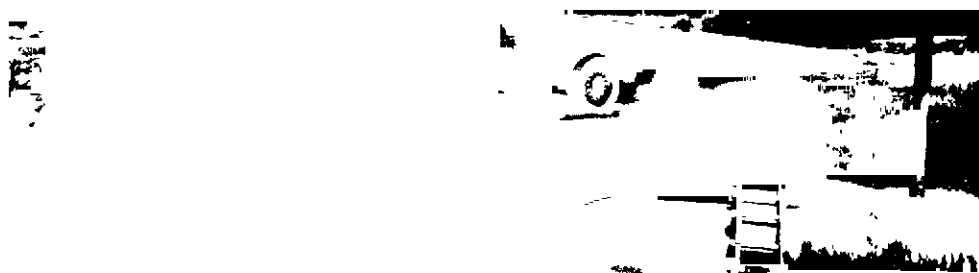
#3
 $\frac{41}{33.3}$
7.7
1694.2
#4
1008.7

60 psi operating pressure

N
 DC Electric 300 HP 1258 R07 2C-C2 Worthington 12" discharge
 Repts 125 HP Marathon Cornell # 5 1589
 19-030 38-6/18-0-1



35-8582



measurement Port

35-8582





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

December 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

A.L.L. FARMS
PO BOX 204
AMERICAN FALLS ID 83211-0204

Re: Permit No. 35-08582 Renumbered to 35-08582A

Dear Water Right Holder(s):

This letter is to confirm that the assignment of ownership on the above referenced water right is satisfactory. We also acknowledge the second assignment of ownership which assigns a portion of the above referenced water right. Your remaining portion has been renumbered to 35-08582A. Please refer to the new number in any future correspondence with us.

We have modified our computer records to reflect these changes in ownership.

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

Sincerely,

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

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

DEC 29 1994

MEMORANDUM

DATE: December 14, 1994
TO: File No. 35-08582
FROM: Cindy Zimmerman
SUBJECT: Partnership

=====

Per telecon with Mrs. Kress today, the partners of A.L.L. Farms are Art Kress, Larry Kress, and Lee Kress.

RECEIVED

DEC 29 1994

Paid To:

IDAHO DEPT WATER RESOURCES
1301 NORTH ORCHARD STREET
STATEHOUSE MAIL
BOISE, ID 83720-9000

Control No. 21101613

Comments:

KRESS ASSIGNMENT OF WATER PERMIT

Mail To:

DEC 9 1994

Date 12/05/94
Amount \$25.00

MEMO

DETACH BEFORE DEPOSITING



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

April 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ART KRESS & SONS INC AND
NORTHWEST FARM CREDIT SERVICES ACA
10 W JUDICIAL
BLACKFOOT ID 83221

Re: Permit No. 35-08582

Dear Water Right Holders:

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

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

Sincerely,

A handwritten signature of Jim Johnson, consisting of a large, stylized 'J' followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

c: Art Kress & Sons Inc

APR 26 1994

December 28, 1990

ART KRESS & SONS INC.
P.O. BOX 204
AMERICAN FALLS, ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08582

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

RECEIVED

JAN 3 3 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8587

Date 12-26

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
Y Drill permit req'd?
Y Copy in file? Drill permit no. 35-87-E-016
Y Well log in file?
100 Amt paid for drilling permit? ✓ Correct?

LICENSE EXAMINATION FEE

Y Required?
400 Amount submitted?
Y Correct amount?

MEASURING DEVICE

Y Measuring device or access port required?
Y Installed?
N Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

proof acceptable

PRIORITY CALCULATION

Date proof received 12-26
Date proof due 12-26 -
No. of days late 0 =
Priority date 12-26 +
NEW PRIORITY DATE 12-26 =

138582

October 31, 1990

ART KRESS & SONS INC.
P.O. BOX 204
AMERICAN FALLS, ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 35-08582

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

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 29, 1989

ART KRESS & SONS INC.
P.O. BOX 204
AMERICAN FALLS, ID 83211

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

RE: PERMIT NO. P35-08582

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.

RECEIVED

FEB 14 1990

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

FEB 14 1990

PROCESSING Yes ☐ No ☐ In form for advertising
Yes ☐ No ☐ Statewide advertising
Yes ☐ No ☐ Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☐ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 21-P05
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended _____
By _____ Date 5-29-1985

STATE OFFICE REVIEW P05, P23, P03, P16 46 016 48 49
By kw kw See below for additional information
Date 5/22/89
12-22-89

ADDITIONAL INFORMATION

App. in NON-TRUST area -
Allow 1yr. for development -

RECEIVED

FEB 14 1990

MEMORANDUM

TO: Files Nos. 35-8581 in the Name of Kay & Bette Hunt and Art Kress & Sons, Inc.; Application for Permit No. 35-8582 in the Name of Art Kress & Sons, Inc.

FROM: Gary Spackman *Gary*

DATE: December 12, 1989

I have reviewed files nos. 35-8581 and 35-8582. Both of the owners have submitted information attempting to satisfy Rule 4,5. requirements. The information submitted by both is technically deficient.

In reviewing the information, however, I find that the development appears to have already been completed, and I question whether submittal of the information will identify any further problems than have not already been identified through the development period. I also believe this development is complete because we issued interim approvals to these individuals in 1987.

I recommend that Rule 4,5. requirements be waived.

DEC 14 1989
FBI - NEW YORK



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 3, 1989

Art Kress & Sons, Inc.
P.O. Box 204
American Falls, ID 83211

RE: Application for Permit to Appropriate Water No. 35-8582

Gentlemen:

Application for permit no. 35-8582 was filed with the Department of Water Resources in May 1985, and requests approval for development of water to irrigate 640 acres. In 1987, we granted an interim approval of the application. We are now processing the application for final administrative review. This letter is an inquiry for information regarding the proposed project.

Rule 4,5. of the Water Appropriation Rules and Regulations requires that all proposals for irrigation in excess of 200 acres must be accompanied by additional information. I have enclosed a copy of the pertinent rules and regulations for your review, and highlighted the important sections. Please submit the required information to the Department within 60 days of this letter. Failure to do so will be cause for the Department to void your application.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

Microfilm

FEB 14 1990

4,5,3,1. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

4,5,3,1,1. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

~~4,5,3,2,1~~ For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

~~4,5,3,2,2~~ Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

4,5,3,2. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

4,5,3,2,1. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

4,5,3,2,2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

4,5,3,3. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

4,5,3,3,1. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

4,5,3,3,2. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

4,5,3,4. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

~~4,5,3,4,1~~ The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

~~4,5,3,4,2~~ The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

4,5,3,5. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

4,5,3,5,1. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

RECEIVED
JUN 14 1964

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

RECEIVED
MAR 17 1988

1. WELL OWNER

Name A. L. L. FARMS
AMERICAN, FALLS, ID 83211
Address P.O. Box 204
Owner's Permit No. 35-0582
35-87-E-016

7. WATER LEVEL

Department of Water Resources

Static water level 196' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug
Temperature 60 °F. Quality Good

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>2,800</u>	<u>332'</u>	<u>8 Hrs</u>

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
<u>22"</u>	<u>0</u>	<u>20'</u>	<u>SAND</u>		☒
<u>11"</u>	<u>20'</u>	<u>105'</u>	<u>LAUA</u>		☒
<u>11"</u>	<u>105'</u>	<u>120'</u>	<u>BROKEN LAUA</u>		☒
<u>11"</u>	<u>120'</u>	<u>160'</u>	<u>BROWN CLAY</u>		☒
<u>18"</u>	<u>160'</u>	<u>180'</u>	<u>BROWN SAND</u>		☒
<u>11"</u>	<u>180'</u>	<u>220'</u>	<u>BROWN CLAY</u>		☒
<u>11"</u>	<u>220'</u>	<u>410'</u>	<u>BROWN SAND STONE</u>		☒
<u>11"</u>	<u>410'</u>	<u>441'</u>	<u>RYOLITE + RED CINDERS</u>		☒
<u>11"</u>	<u>441'</u>	<u>455'</u>	<u>BLACK CINDERS</u>		☒

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>18"</u> inches	<u>18"</u> feet	<u>410'</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation N/A inches by N/A inches

Number	From	To
<u>N/A</u> perforations	_____ feet	_____ feet
<u>N/A</u> perforations	_____ feet	_____ feet
<u>N/A</u> perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name N/A

Type _____ Model No _____

Diameter Slot size Set from _____ feet to _____ feet

Diameter Slot size Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20' Material used in seal: ☐ Cement grout

☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port 2" ACCESS PORT

RECEIVED

MAR 9 1988

Department of Water Resources
Eastern District Office

MICROFILMED

FEB 14 1990

10.

Work started DET 1, 1987 finished 02/15/88

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name HOLLNER WELL DRILLING Firm No. 383

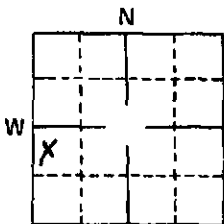
Address ABERDEEN, IDAHO Date 03/01/88

Signed by (Firm Official) Ken Hollner

and
(Operator) Ken Hollner

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No _____ Block No. _____

County POWER

NW 1/4 SW 1/4 Sec. 20, T. 8, R. 30 E.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 26, 1988

RE: Permit Nos. 35-8581B and 35-8582

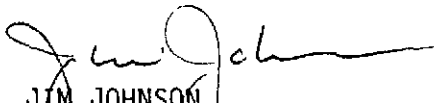
Art Kress & Sons, Inc.
P.O. Box 204
American Falls, ID 83211

Gentlemen:

Enclosed are copies of the approved applications for amendment of the above referenced permits.

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

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:kw
Enclosures

RECORDED

MAR 10 1988

FROM Kay Walker

DATE 2/26/1988

TO Files 35-8581B and 35-8582

SUBJECT Description of well drilled under drilling permit No. 35-87-E-016

Mr. Kress called in regard to the water right amendments that were filed in October and said Idaho Power was going to hook up his electricity this coming Monday if he could show them that the amendments had been approved. I told him that the amendments had been approved and that the hold up on sending them out was the description of the well on the drilling permit.

Mr. Kress stated that on the plat of his property he located the new well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 8S, Rge. 14E and that the drilling permit was in error. He asked if he had to go in to Eastern Region to correct the drilling permit before we would send out his approved amendments and I told him that he did not. I told him that as long as the well log correctly described the location of the well there would be no problem as far as his rights were concerned; but that if the location was accurate on the drilling permit he would have to amend his water right permits again.

SIGNATURE

RECORDED

MAR 10 1988

MEMORANDUM

TO: FILE AND GARY

FROM: JIM JOHNSON

RE: AMENDMENTS OF APPLICATIONS 35-8581B AND
35-8582

DATE: 01-04-88

I have processed the above referenced applications for amendments of the applications for permit following the same procedure as was used when the amendment was approved on 35-8581B earlier.

I noted that the Drilling Permit did not have the same description listed as the amendment but did not pursue the matter.

INDEXED

MAR 10 1988

State of Idaho
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

1. Applicant Art Kress & Sons Inc

2. Address P.O. Box 204

American Falls, ID 83211

☒ Well Owner ☐ Well Operator ☐ Other, specify _____
35-8581B

3. Water right permit no. 35-8582; Injection well permit no. _____

4. Proposed well location 1/4 NW 1/4 SW 1/4, or Gov't lot No. _____,

Sec. 20, Twp. 8S, Rge. 30E, County Power,

Lot, block and subdivision _____

5. Proposed use of well: (Check all that apply)

☐ Domestic ☐ Stockwater ☐ Monitoring

☒ Irrigation ☐ Industrial ☐ Municipal

☐ Injection ☐ Other, Specify adding additional pd to
Interim permits

6. Well construction information:

☒ New well ☐ Deepen ☐ Replace

Proposed surface diameter 18" Proposed depth 500'

Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)

7. Anticipated construction start date Sept 28, 1987

8. Well Driller (if known) Vollmer Well Drilling

Address Aberdeen, ID

Date Sept 18, 1987 Applicant's signature Lee Kress

Title _____

RECORDED & INDEXED

ACTION OF IDWR

(✓) Approved

() Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

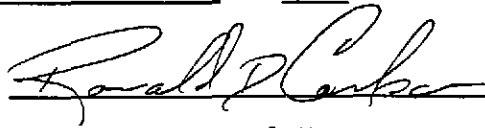
1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

SPECIFIC CONDITIONS:

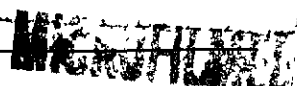
Issuance of this drilling permit neither constitutes a water right nor authorizes diversion of water from any well drilled in the NE $\frac{1}{4}$ Sec. 20, T. 8S, R. 30E.

Dated this 18th day of September, 1987.

Signed

Title Eastern Regional Manager

Received by dg Fee \$100⁰⁰ Date 9-18-87
Receipt No. 42010 Construction start date _____
Construction start extension to _____
Extension approved by _____



MAR 10 1988

MEMO

To: File 35-8581B and 35-8582
From: E. Carlsen *enc*

20 November 1987

RE: Amendment Application

Efforts by Mr. Kress to fully develop the above captioned interim permits have caused him to modify the project as originally presented on the permits.

Wells have been drilled at the point of diversion locations specified on the permits. Both wells yielded insufficient quantities of water to adequately irrigate the permitted acres. Consequently, Mr. Kress is requesting additional drilling sites be added to the interim permits.

Complications with well locations and changes in type of sprinkler irrigation equipment to increase efficiency caused Mr. Kress to modify the design of the irrigation system and the land it will irrigate. Therefore, he is also requesting a change in the place of use for interim permit 35-8582. This change orients the irrigated land so it will be closer to the proposed well sites.

MICROFILMED

MAR 10 1988

I would like to request
Permission to begin drilling
with final approval pending
the outcome of any protests
from the adventizing of
the admendment,

Thanks

Lee Kress
9/29/87

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: KCW. Iron

Right Number 35-8582 Applicant Art Kress & Sons

Purpose of Amendment: ☒ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☐ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions approval conditions for interim permit.

By EMC Date 20 Nov 87.

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____

RECEIVED
DEC 02 1987

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

October 8, 1987

Art Kress & Sons, Inc.
P.O. Box 204
American Falls, Idaho 83211

Gentlemen:

Attached herewith is Departmental receipt no. 42036 in the amount of \$40.00 for two Applications for Amendment of a Permit.

Sincerely,

Deena Green
Office Secretary

Enclosure

RECEIVED
MAR 10 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 7, 1987

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen,

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 2, 1987.

Yours truly,

Deena Green
Office Secretary

Encl.

RECEIVED

MAR 10 1988

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-8582 in the name of Art Kress & Sons, Inc. and/or Kay Hunt and/or Rette Hunt, was conditionally approved for the diversion of 12.8 cfs of water from a groundwater source with the point of diversion within the NW1/4NW1/4NE1/4, Sec. 19, NW1/4NW1/4NE1/4, Sec. 20, T. 8S, R. 30E, Power County; to be used for the irrigation of 640 acres from Apr. 1 to Nov. 1, within the SE1/4NE1/4, SE1/4, Sec. 19, NE1/4, N1/2SE1/4, Sec. 20, W1/2NW1/4, Sec. 21, NE1/4, Sec. 30, T. 8S, R. 30E.

The permit holder (Art Kress & Sons, Inc.) now proposes to amend Permit No. 35-8582 for the diversion of 12.8 cfs of the water within the SE1/4NW1/4, NE1/4NW1/4, NW1/4NW1/4, Sec. 20, NW1/4NE1/4, Sec. 19, T. 8S, R. 30E, and used to irrigate 640 acres within the SE1/4NE1/4, SE1/4, Sec. 19, N1/2, SW1/4, Sec. 20, W1/2NW1/4, Sec. 21, N1/2NE1/4, Sec. 30, T. 8S, R. 30E, P.M.

Any protest to the proposed amendment of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before November 2, 1987.

R. Keith Higginson

Director

Published October 15 and October 22, 1987

RECORDED

MAR 10 1988

Notice of water permit

Published October 15, October 22,
1987

Notice is hereby given that Permit
No. 35-8582 in the name of Art Kress
& Sons, Inc. and/or Kay Hunt and/or
Bette Hunt, was conditionally approved
for the diversion of 12.8 cfs of
water from a groundwater source within
the point of diversion within the
NW 1/4 NW 1/4 NE 1/4, Sec. 19,
NW 1/4 NW 1/4 NE 1/4, Sec. 20, T. 8S, R.
30E, Power County; to be used for the
irrigation of 640 acres from Apr. 1 to
Nov. 1, within the SE 1/4 NE 1/4, SE 1/4,
Sec. 19, NE 1/4, NW 1/4 SE 1/4, Sec. 20,
NW 1/4 NW 1/4, Sec. 21, NE 1/4, Sec. 30, T.
8S, R. 30E.

The permit holder (Art Kress &
Sons, Inc.) now proposes to amend
Permit No. 35-8582 for the diversion
of 12.8 cfs of the water within the
SW 1/4 NW 1/4, NE 1/4 NW 1/4,
NW 1/4 NW 1/4, Sec. 20, NW 1/4 NE 1/4,
Sec. 19, T. 8S, R. 30E, and used to ir-
rigate 640 acres within the SE 1/4 NE 1/4,
SE 1/4, Sec. 19, NW 1/4, Sec. 20,
NW 1/4 NW 1/4, Sec. 21, NW 1/4 NE 1/4, Sec.
30, T. 8S, R. 30E, B.M.

Any protest to the proposed amen-
ding of the permit must be filed with
the Idaho Department of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before
November 2, 1987.

R. Keith Higginson
Director

RECEIVED
MAR 10 1988

0-13
was already
re-located
IT notes



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 30, 1987

RE: Water Right No. 35-8582

Art Kress & Sons Inc. &/or
Bette Hunt
Box 204
American Falls, ID 83211

Dear Applicants:

Enclosed is your interim approval for the 1987 irrigation season.

The copy of the application for permit to appropriate water attached to the interim approval defines the various components of your interim approval. The inclusion of the copy of the application is only for the purpose of definition, and any terms contained therein are limited by the conditions of the interim approval.

Sincerely,

GARY SPACKMAN
Supervisor, Water Allocation Section

GS:sc

Enclosures

cc: Eastern Region
Tom Nelson

MICROFILMED

APR 13 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 30, 1987

RE: Application for Permit No. 35-8582

Kay Hunt
Box 187
American Falls, ID 83211

Dear Ms. Hunt:

We are in receipt of an assignment of the above referenced application in which you have assigned your portion of the application to Art Kress & Sons Inc.

Your name has been removed from the Department's computer records as one of the named applicants.

If you have any questions on this matter, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

FILED

APR 13 1987

March 2, 1987

P.O. Box 204

American Falls, Id.

RECEIVED⁵³²¹¹

MAR 09 1987

Department of Water Resources

Dept. of Water Resources
State Office
450 W. State St.
Boise, Id.

R. E. Interim Approval

Dear Mr. Gary Spackman,

In response to your letter of Feb. 13, 1987
I am requesting the continuation of status of
Permit #35-8581 and 358582 for the coming
year. We will be diverting water and will
consider this letter as proper notification.

Sincerely,
Lee Kress

MICROFILMED

APR 13 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Storehouse
Boise, Idaho 83720
(208) 334-4440

February 13, 1987

Art Kress & Sons, Inc. &/or
Kay and/or Bette Hunt
P.O. Box 204
American Falls, ID 83211

RE: Interim Approval

Dear Permit Holders:

Department records show that you were issued an interim approval for Application Nos. 35-8581 and 35-8582. As you know, interim approvals were a temporary measure to allow users the opportunity to divert and use water until the Department could consider processing the application under the provisions of the Swan Falls Agreement.

During past irrigation seasons, you have been required to lease storage water from the Upper Snake River Water Supply Bank. Your point of diversion has now been determined to be outside of the portion of the Snake River Groundwater Aquifer which supplies surface water below Milner Dam. The water you are diverting is not currently classified as trust water.

As a result of your diversion location falling outside of the present trust water boundaries, you will not be required as a condition of interim approval to lease storage water during the 1987 irrigation season. Nevertheless, if you desire to divert water during the calendar year 1987, you must inform the Department of Water Resources, in writing, of your intent to divert. Upon proper notification, the Department will issue you another interim approval without a requirement that you lease storage water in 1987.

Regional office personnel of the Department will field inspect the place of use for all continuing interim approvals and for all cancelled interim approvals, since the Idaho statutes now dictate penalties for the unauthorized diversion and use of water. Your present interim approval will expire in April, 1987.

MICROFILMED

APR 13 1987

For more information on interim approval, you should contact the Department's Eastern Regional office at 150 Shoup Avenue, Suite 15, Idaho Falls, ID 83401, telephone, 525-7161.

Sincerely,



GARY SPACKMAN,, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

APR 13 1981

RECEIVED

MAY 2 1986

INTER-DEPARTMENT MEMO — 1

FROM

Colleen

DATE May 29, 1986

TO

Sharla

Department of Water Resources

SUBJECT

Approval of Interim Permit No. 35-8582.

Mr. Kress has cancelled his rental water and has had the rental fee returned. He stated he will not be using the system this year.

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APR 13 1987

SIGNATURE

March 27, 1986

RE: Permit No. 35-8582

Art Kress & Sons Inc.
Box 204
American Falls, ID 83211

Gentlemen:

Enclosed is the approved interim permit to allow use of groundwater provided that you comply with the conditions of approval listed on the permit.

This permit will be reprocessed under provisions of 42-203C, Idaho Code, to determine if the trust waters made available under 42-203B and the Snake River Water Rights Agreement can be allocated to the proposed use. Reprocessing will occur after rules and regulations have been adopted to guide processing of applications under the criteria of 42-203C and will be in accordance with those adopted rules and regulations.

By issuing the interim approval, the Department is not committing to issuance of a permit for the trust water, and the investments you make pursuant to this interim approval will not influence the future decision as the permit is reprocessed. You assume all the risk that you will be successful in obtaining a permit for the reallocated water and thereby eliminate the need to provide replacement storage water. You are also assuming all risk relative to the availability of storage water from the rental pool in future years to allow use of water under the interim approval to continue.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc
Enclosures

cc: Tom Nelson

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State of Idaho
Department of Water Resources

[Handwritten signature]

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Gary Spackman APPLICATION NUMBER: 35-8582

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.
☒ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ 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. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service _____
☒ Other Idaho Power kw 2-10-86

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: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 3-06-86
☒ 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. 3/13/86
☒ 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? _____
5-29-85 Date of priority recommended.
Special conditions of approval or cover letter. _____

needs
statwide
pub. prior
to final
action
under
re-process

outside S.F. area

Station approval

By: Ernest C. [unclear] Date: March 17, 1986
STATE OFFICE REVIEW: 103 (640nc 016(34 35 36 37) (1280 AF Volume Reg'd) 38 39 40 RECEIVED
☐ See attached sheet for more information.
By: _____ Date: kw 3/26/86

receipt letter sent 3/27/86

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

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

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

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

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

Spoke with

Paula first and
then Donna Jensen
about running Legal
for two consecutive weeks
and changing govt
etc

2/20/96

W.D

February 26, 1986

Art Kress & Sons Inc.
and/or Kay Hunt and/or Bette Hunt
Box 187
American Falls, Idaho 83211

Re: Application for permit No. 35-8582 & Application for
Amendment of Permit 35-8581

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit and application for amendment of a permit. The applications have been assigned identification no. 35-8582 & 35-8581. Please refer to these numbers in all further correspondence.

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

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

If the applications are not protested, they will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When 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,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

RECORDED

NELSON, RUSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW
142 3RD AVE NO

MAILING ADDRESS: P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

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

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

January 23, 1986

Mr. Ben Cavaness
P. O. Box 70
American Falls, Idaho 83211

Re: Kress & Hunt

Dear Ben:

After our conversation of Thursday, I tried to formulate some response based on that conversation. I am somewhat confused about what you need. As I told you, Idaho Power Company is going to live up to its contract with Hunt and Kress relative to the line extension.

I understand that IDWR has withheld further action on annual leases pending some resolution of the question of whether the excess pumping should be accounted for in the early years of such a lease. Idaho Power Company has not formally protested any of those conditional permits, since we had arrived at an agreement with IDWR for the irrigation season of 1985. Presumably, we will be able to arrive at a similar agreement for 1986, once the excess pumping question is taken care of. It would follow, then, that Idaho Power Company would not protest the conditional permit which Hunt and Kress apparently seek while the reprocessing goes on under the Swan Falls compromise.

If Hunt and Kress are entitled to a line extension under their agreement with Idaho Power Company, and further assuming that they wish to have their permits processed under the Swan Falls agreement for compliance with the requirements of Idaho Code Section 42-203(c), Idaho Power Company would not protest those permits associated with the line extension.

The purpose of the annual lease or conditional permit approach is to permit development using an exchange of leased water for

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Mr. Ben Cavaness
January 23, 1986
Page 2

pumped water. Those people in the annual program have the option to try to get approved under the criteria of Section 42-203(c). I don't know of any way to exempt Hunt and Kress from the interim permit process if they wish to develop using an exchange of stored water. Obviously, the Idaho Power Company would not oppose their conditional permit since it has not opposed any others.

If, after reading the above, you can tell me what it is that Idaho Power Company can do for your clients to assist them, feel free to let me know.

Yours very truly,



Thomas G. Nelson

TGN:tpk

cc: Mr. Nick Ysursa

RECORDED

Power County Implement & Bowler Ranches, Inc.



Telephone (208) 226-2611
238 Roosevelt St., American Falls, Idaho 83211



Feb 6, 1986

Department of Water Resources
Idaho Falls Office

Mr Ron Carlson;

It is my intention to transfer the NE $\frac{1}{4}$, Sec 19, T8S, R30E, on
application 35-8347 to another near-by parcel when I begin development of
this permit.

Sincerely,

A handwritten signature in cursive script that reads "Ralph E. Bowler".

Ralph E. Bowler, President.

MICROFILMED

3/83

T. NO. 35-8582

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-8582

ART KRESS & SONS, INC.

HUNT, KAY &/or BETTE

Box 204, AMERICAN FALLS, ID 83211

Source: Groundwater

Date Filed: 05/29/1985

Diversion Point: NWNWNE Sec 19 T 08S R 30E

NWNWNE Sec 20 T 08S R 30E

Use: IRRIGATION (12.8 CFS)

In: SENE NESE NWSE SWSE SESE Sec 19 T 08S R 30E

NENE NWNE SWNE SENE NESE NWSE Sec 20 T 08S

R 30E NWNW SWNW Sec 21 T 08S R 30E NENE NWNE

SWNE SENE Sec 30 T 08S R 30E

The permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of Sec. 42-203A,
Idaho Code and/or the public interest criteria of Sec. 42-203C,
Idaho Code. Protests must be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho,
83402 on or before March ¹⁷/₃, 1986.

KEN DUNN

Director

Published 2/²⁶/₁₂/86 & ³⁻⁰⁵⁻⁸⁶/~~2-19-86~~

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