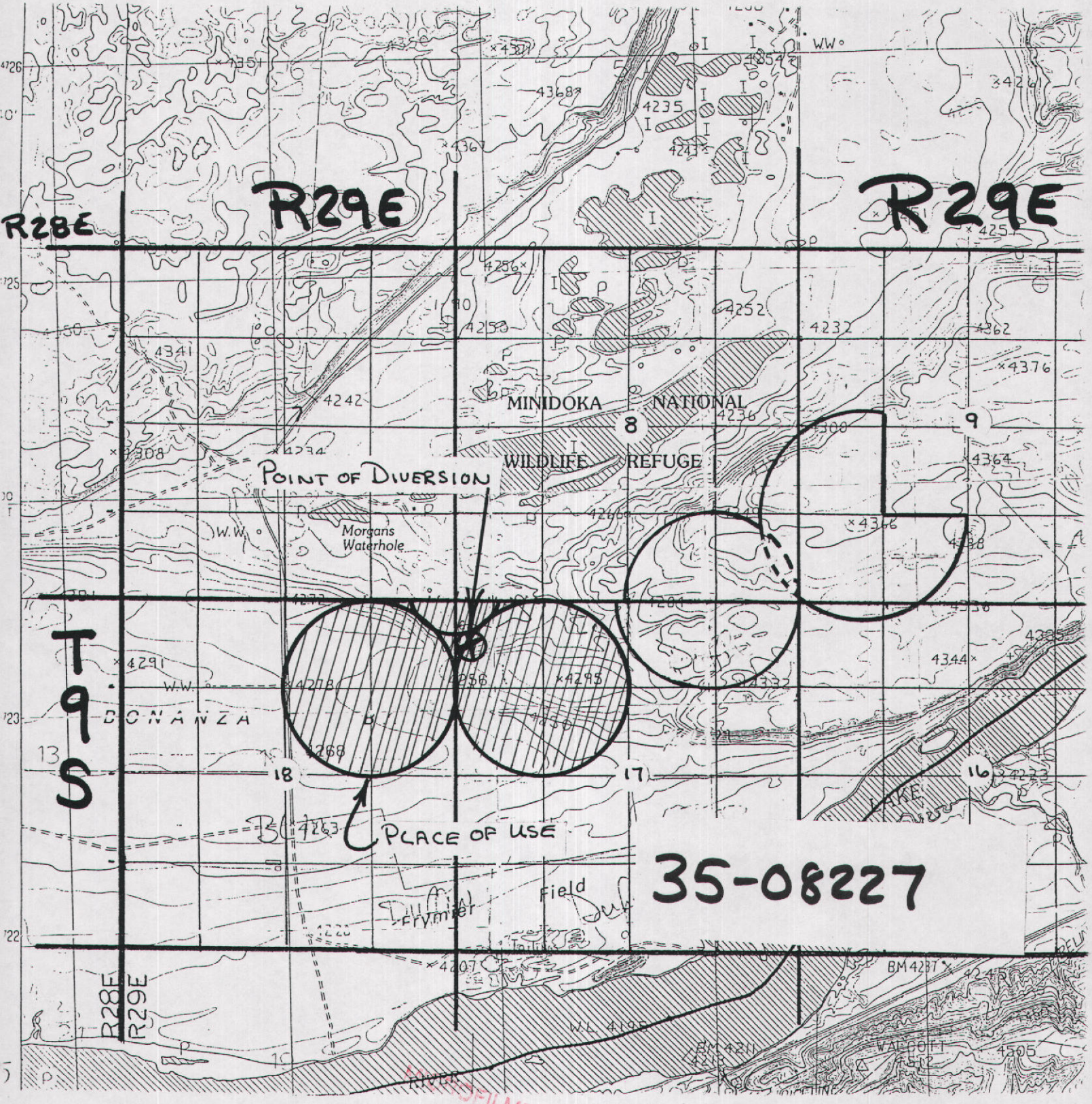
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Scale: 2 inches equal 1 mile.

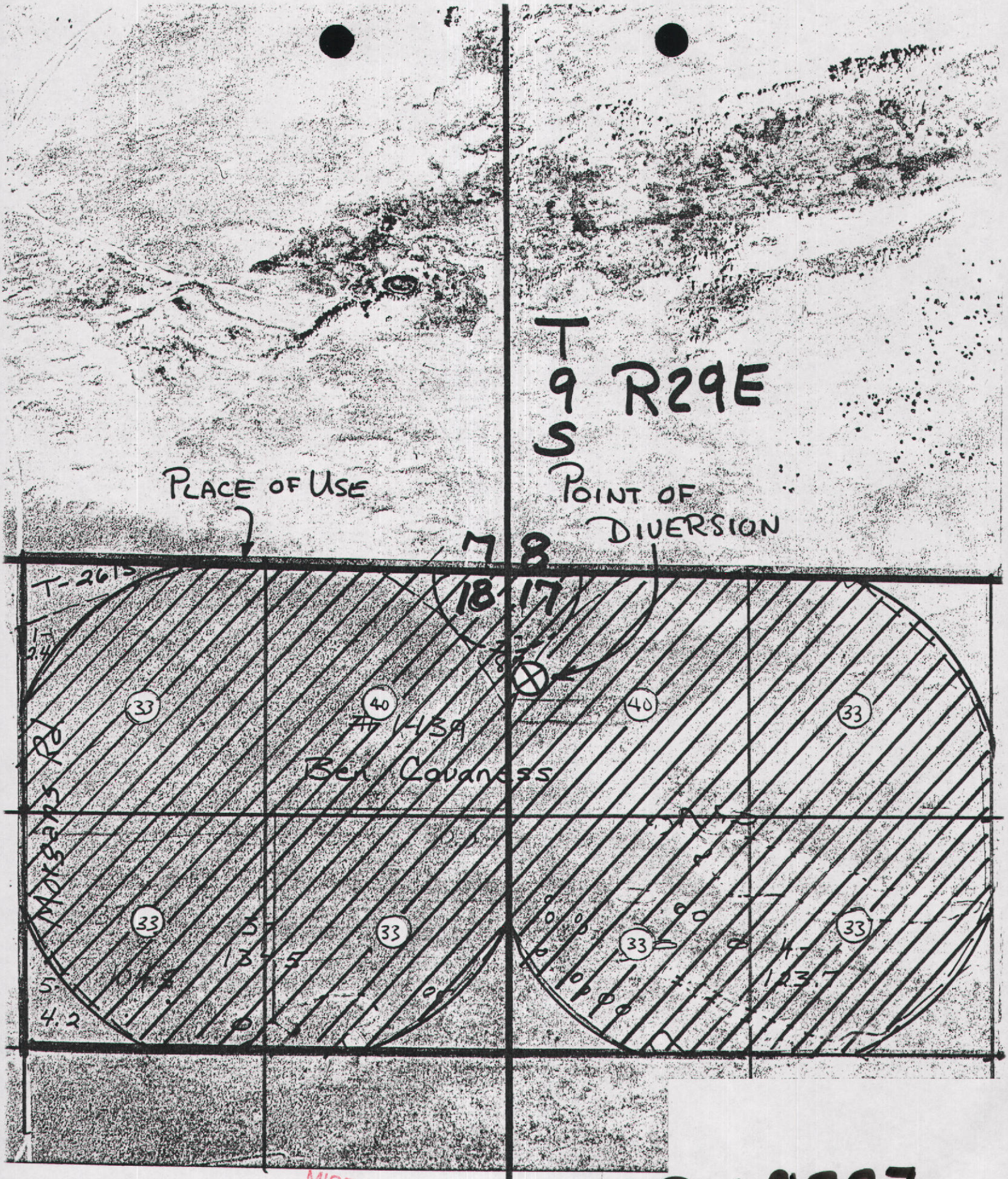
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
NOV 24 1980

(Applicant)

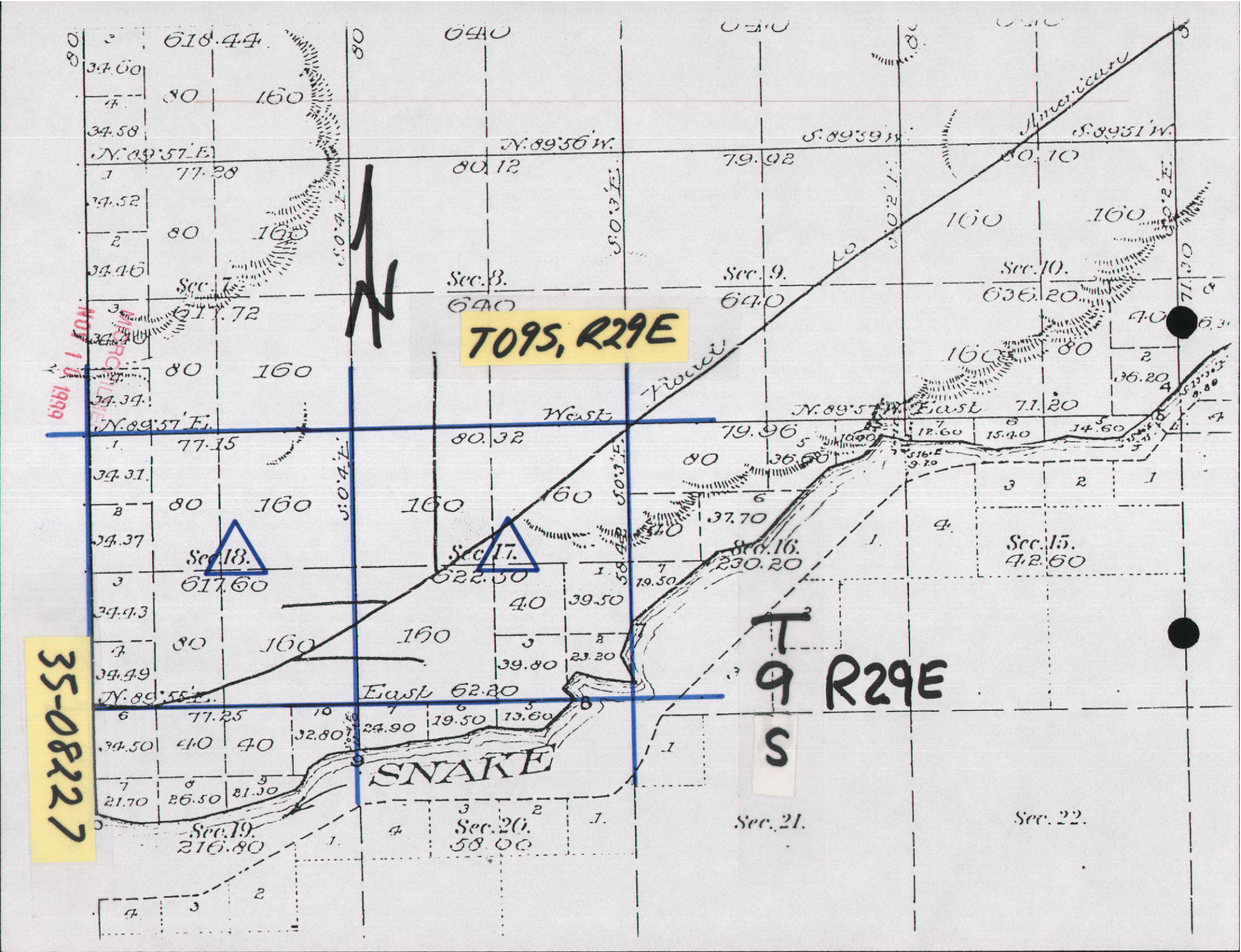


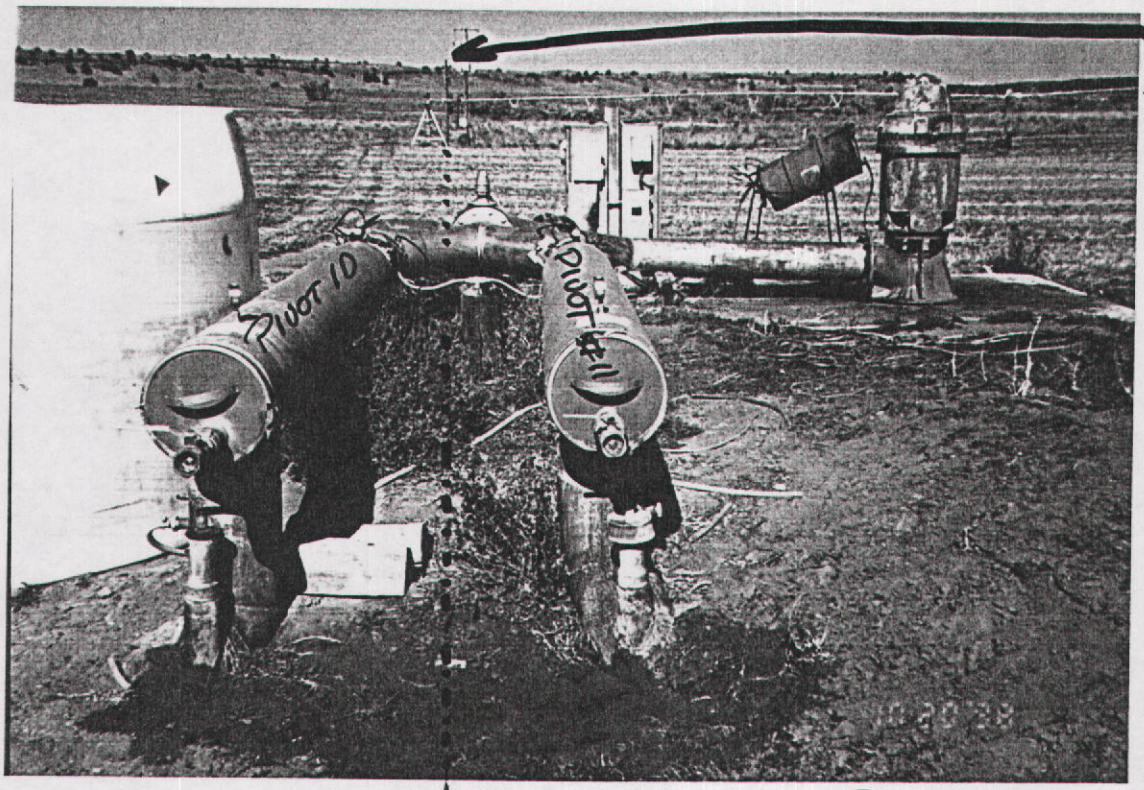
MICROFILMED
NOV 10 1999



MICROFILMED
NOV 10 1999

35-08227


T095, R29E
T 9 S R29E
35-0827
SNAKE
Sec. 7
Sec. 8.
Sec. 9.
Sec. 10.
Sec. 15.
Sec. 16.
Sec. 17.
Sec. 18.
Sec. 19.
Sec. 20.
Sec. 21.
Sec. 22.
West
East
N. 89° 57' E.
N. 89° 56' W.
S. 89° 59' W.
S. 89° 51' W.
S. 0° 4' E.
S. 0° 3' E.
S. 0° 2' E.
618.44
640
640
636.20
617.72
617.60
622.50
230.20
216.80
58.00
42.60
79.96
80.12
79.92
80.10
77.15
77.25
77.28
77.20
71.30
160
80
40
37.70
39.50
39.80
23.20
62.20
MAY 1 0 1999
WATER RESOURCES



Small Mini Pivot

SECTION LINE

WEST WELL FOR PIVOTS 10, 11, & SMALL CORNER PIVOT

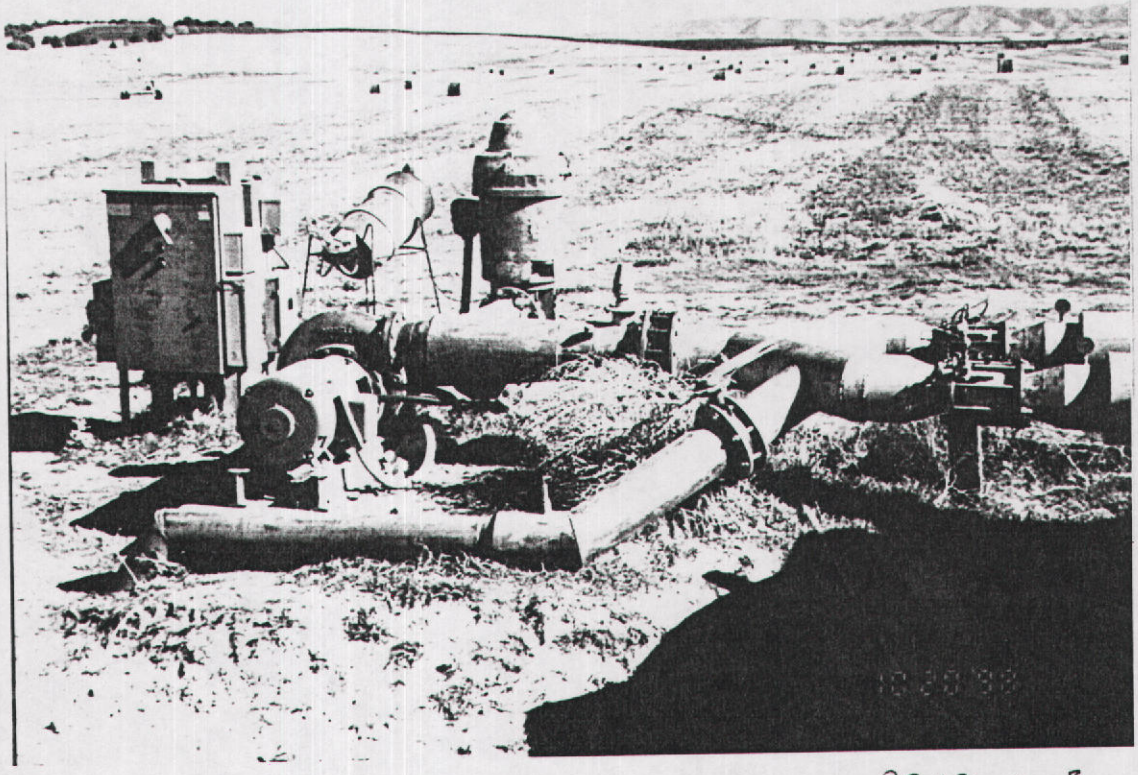
VIEW NORTH

MAINLINT TO PIVOT #10

MAINLINE TO PIVOT #11

WEST WELL

SECTION LINE



MAINLINE TO SMALL CORNER PIVOT

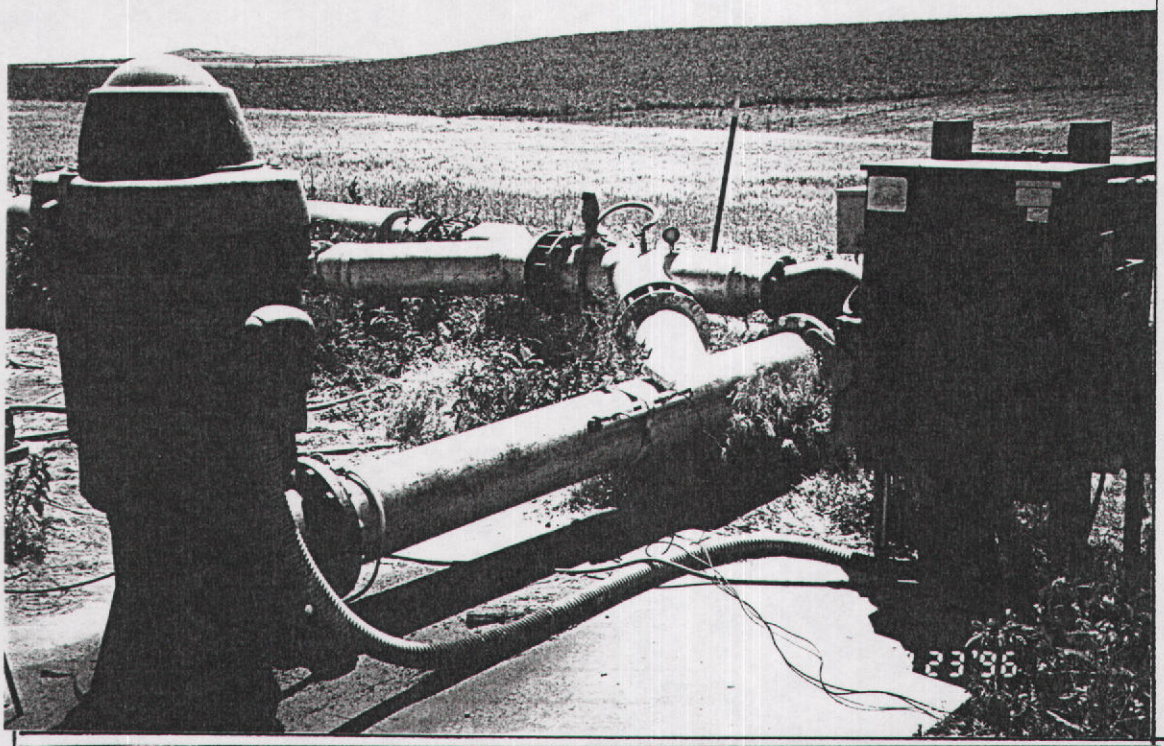
35-08605 c-F
35-08844 D
35-08227

MICROFILMED
NOV 10 1999

BEN CAVANESS

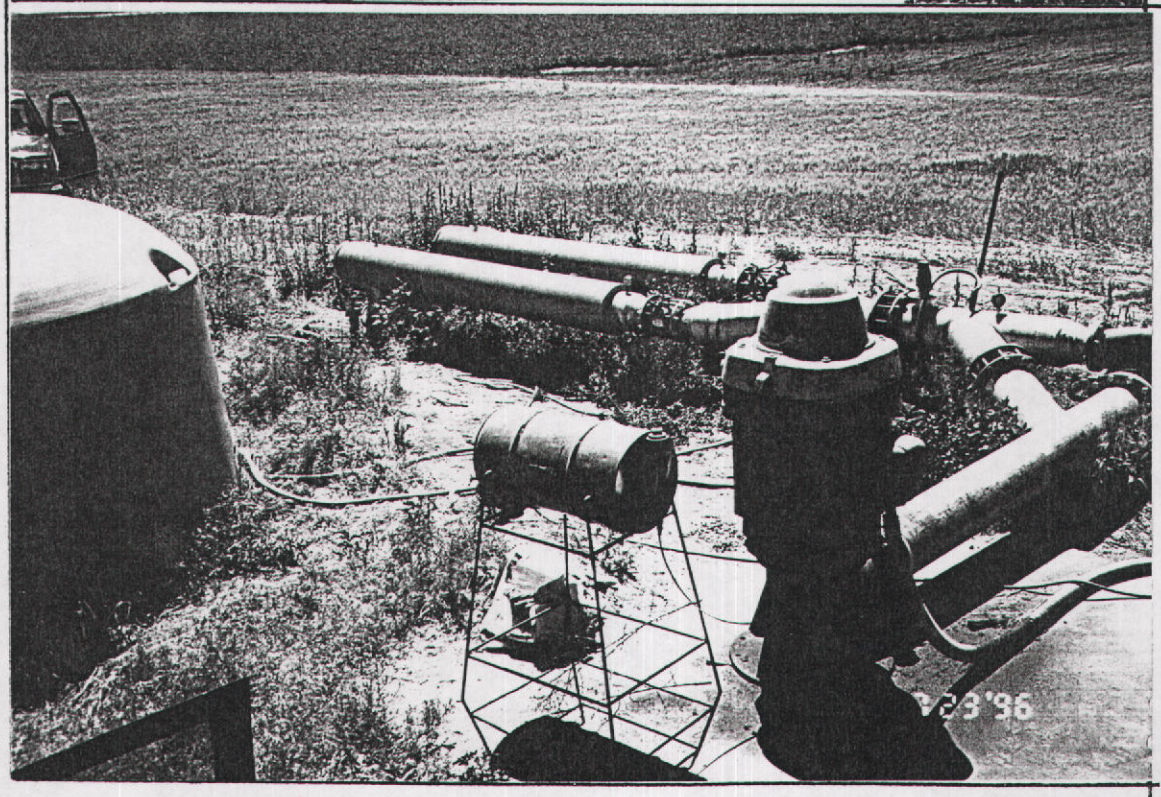
IRRIGATION

1 of 6



VIEW OF POINT OF DIVERSION

Well for Pivots ~~12~~ 10 ; 11



SECOND VIEW

PLACE OF USE

Well for Pivots ~~12~~ 10 ; 11

PERMIT NUMBER

35-08605 F

35-08844D

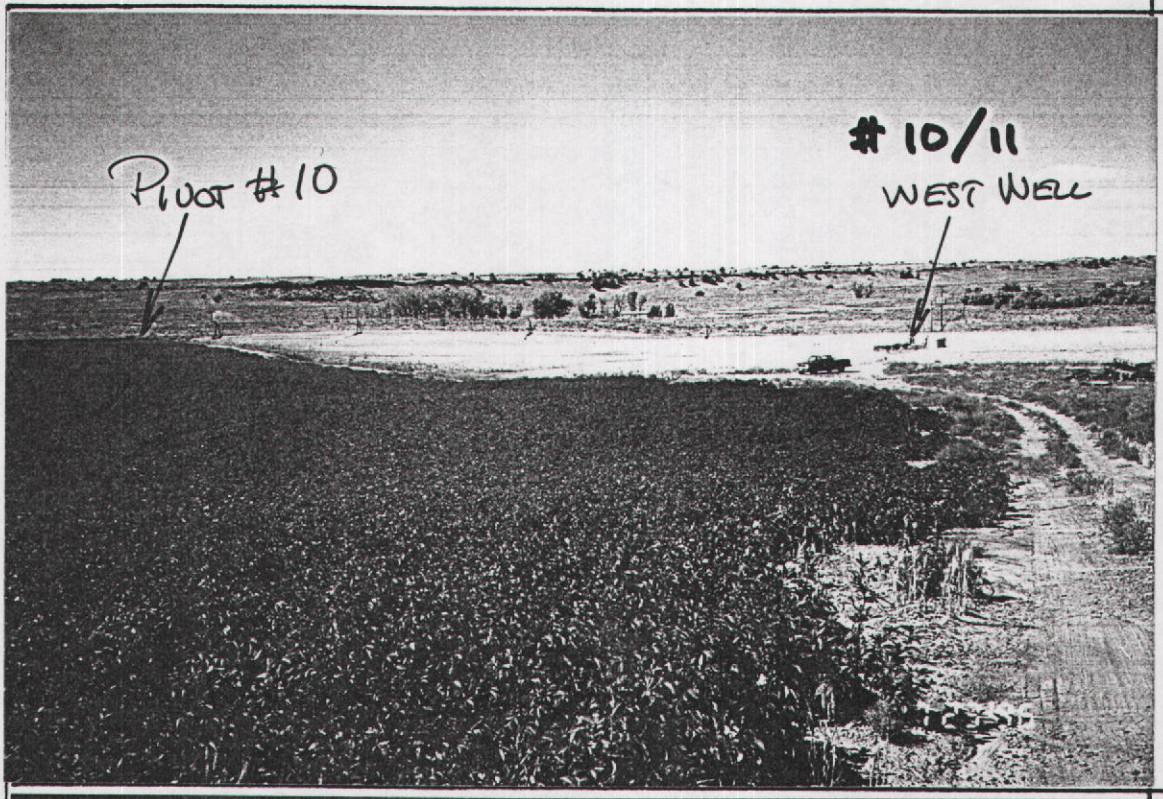
35-08227

MICROFILMED
NOV 10 1999

BEN CAVANESS

IRRIGATION

2 of 6

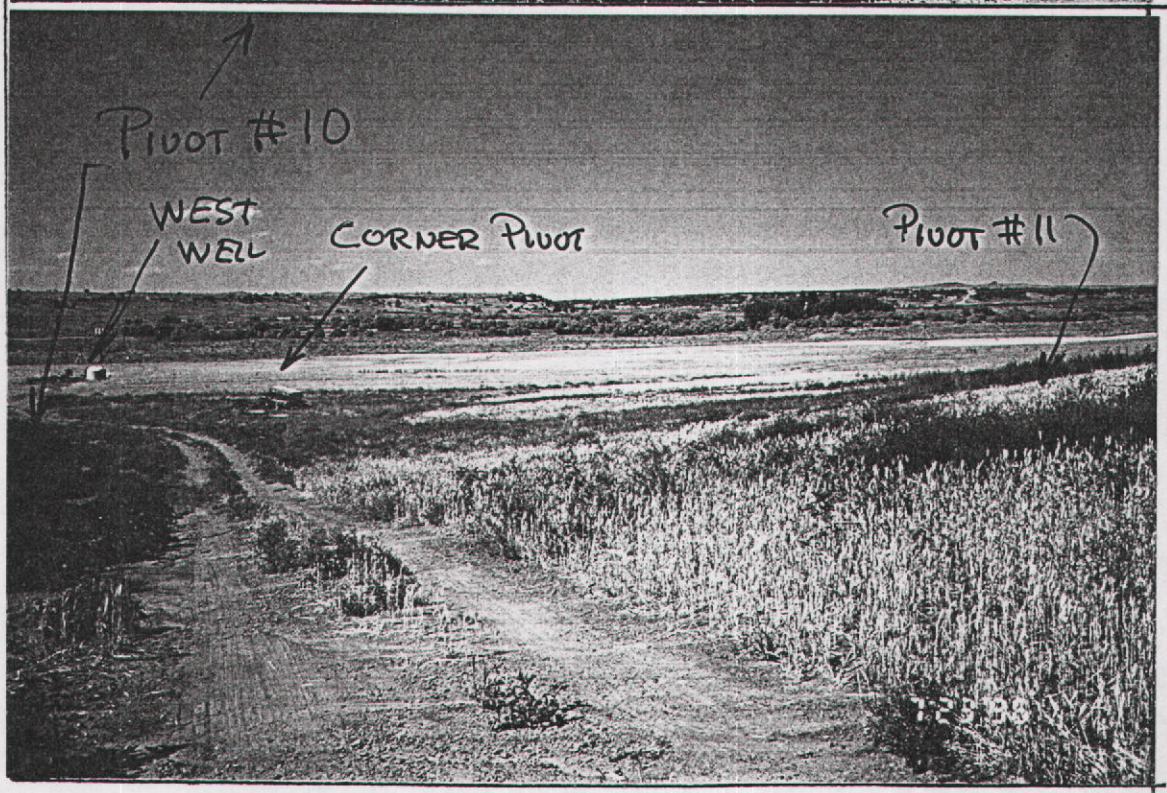


VIEW OF 180° WIPER PIVOT

POINT OF DIVERSION

LEFT VIEW

WEST Well for Pivot 10 & 11 & Small Corner Pivot



VIEW OF 180° WIPER PIVOT

RIGHT VIEW

WEST Well for Pivots 10, 11, & Small Corner Pivot

PERMIT NUMBER

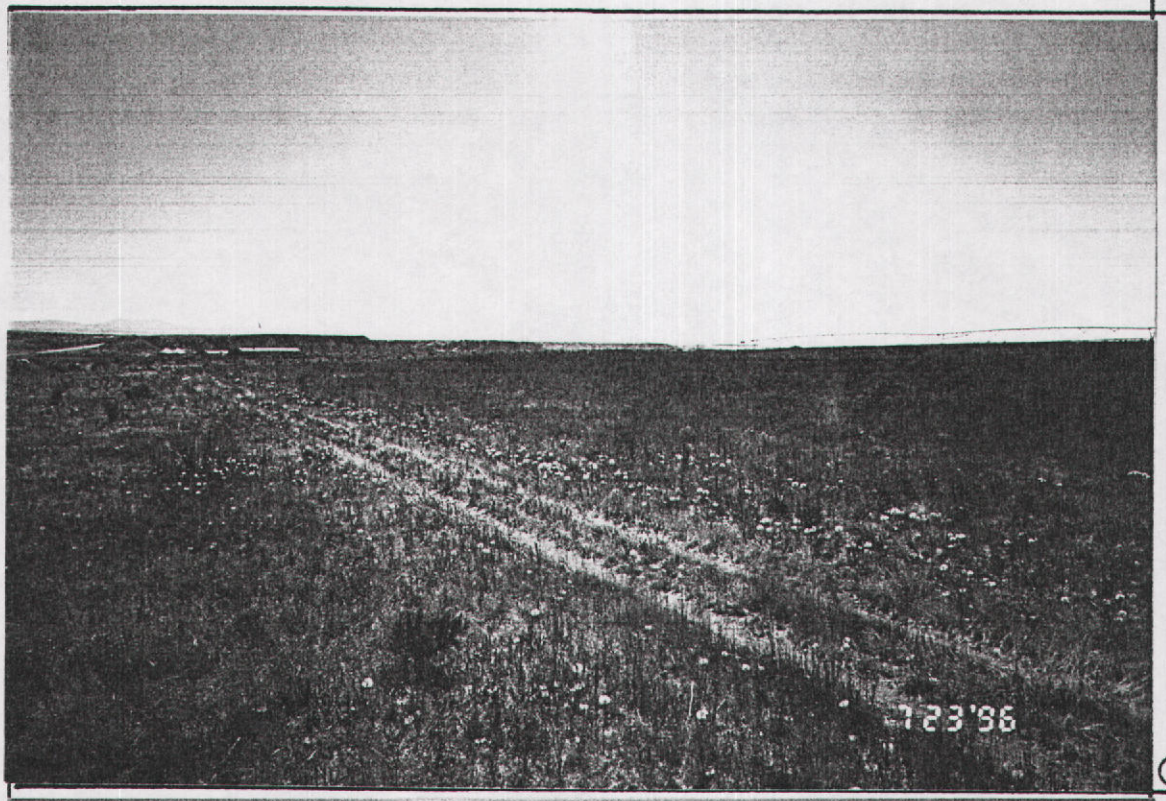
35-08605 & F
35-08844D
35-08227

MICROFILMED
NOV 10 1999

BEN CAVANESS

IRRIGATION

3/16



VIEW OF PIVOT #10

PLACE OF USE

4 VIEWS LEFT TO RIGHT.

①

VIEW OF PIVOT #10

PLACE OF USE

PERMIT NUMBER

35-08605 & F
35-08844 D
35-08227

MICROFILMED
NOV 10 1999

BEN CAVANESS

IRRIGATION

4 of 6

VIEW OF PLACE OF USE

PIVOT #10

(3)

VIEW OF PLACE OF USE

PIVOT #10

35-08605 F
35-08844D
35-08227

PERMIT NUMBER

MICROFILMED
NOV 10 1999

BEN CADANESS

IRRIGATION

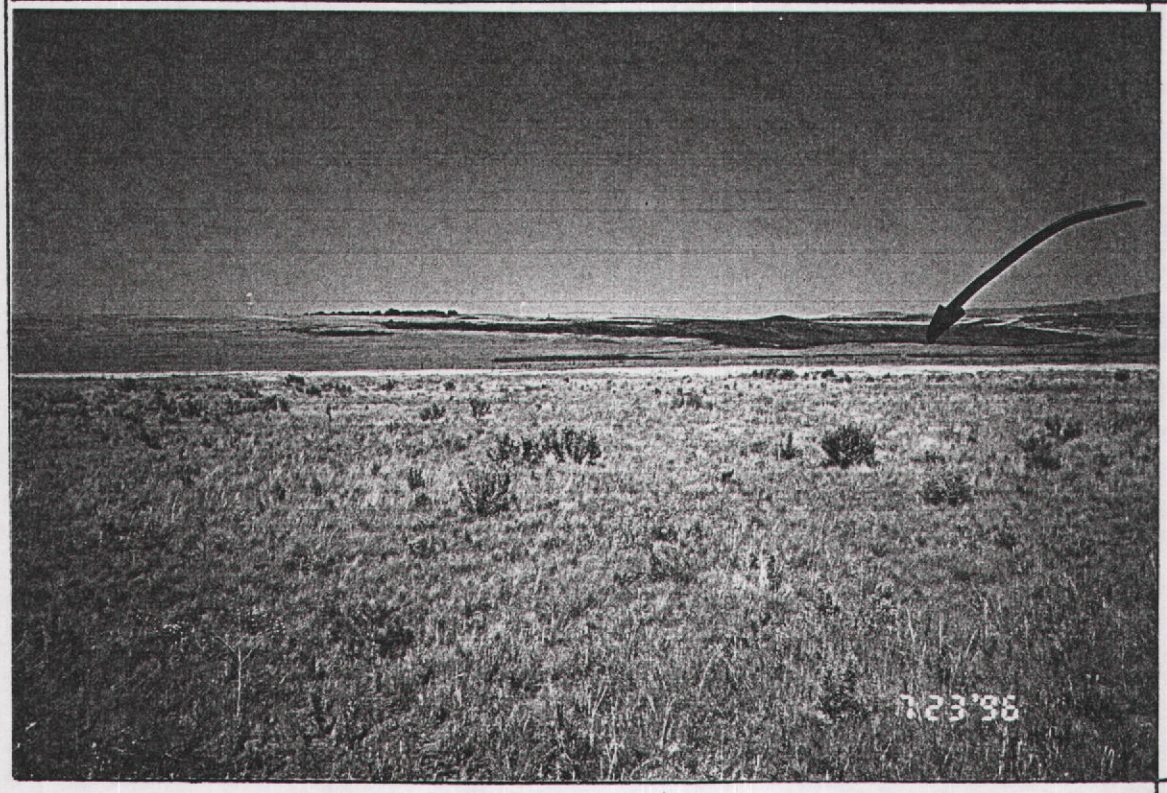
5/6

VIEW OF PLACE OF USE

PIVOT #11

3 VIEWS LEFT TO RIGHT

(1)



VIEW OF PLACE OF USE

PIVOT #11

PERMIT NUMBER

35-08605 ~~F~~

35-08844D

35-08227

7

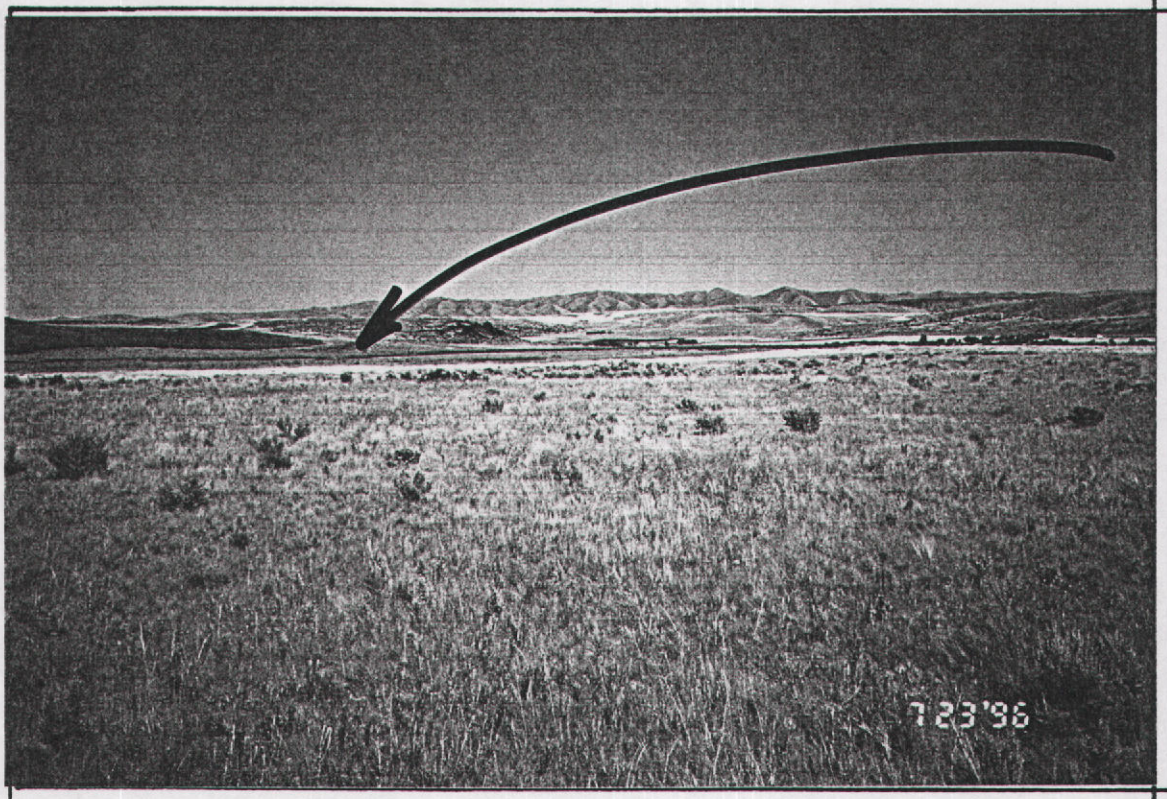
MICROFILMED

NOV 10 1999

BEN CAVANESS

IRRIGATION

6/6



VIEW OF PLACE OF USE

PIVOT #11

35-08605 F

MICROFILMED
NOV 10 1999

PERMIT NUMBER

35-08844 D
35-08227

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-08227

Priority: November 16, 1983 — Maximum Diversion Rate: 2.34 CFS; Maximum Diversion Volume: 468.0 AF

This is to certify, that BEN CAVANESS
LINDA CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 16, 1983; and has submitted Proof of Beneficial Use on April 30, 1993. An examination indicates that the works have a diversion capacity of 4.990 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.34 CFS	468.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 17, Township 09S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	29E	17	NENW	33	NWNW	40	SWNW	33	
			SENW	33					139
		18	NENE	40	NWNE	33	SWNE	33	
			SENE	33					139

Total number of acres irrigated: 278

CONDITIONS OF APPROVAL AND REMARKS

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. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. 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.
4. This right is limited to the irrigation of 117 acres within the place of use described above in a single irrigation season.
5. Rights 35-08605F and 35-08844D are also diverted through the point of diversion described above.

MICROFILMED
NOV 10 1999

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-08227

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28TH day of OCTOBER, 1999.

Acting for KARL J. DREHER, Director

MICROFILMED
NOV 10 1999

RECEIVED

OCT 25 1999

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08227

Date of Priority: November 16, 1983

Maximum Diversion Rate: 2.34 CFS
Maximum Diversion Volume: 468.0 AF

Comes now BEN CAVANESS
LINDA CAVANESS
895 FILLMORE
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. 35-08227, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.34 CFS	468.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 17, Township 09S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	29E	17	NENW	33	NWNW	40	SWNW	33	
			SENW	33					139
		18	NENE	40	NWNE	33	SWNE	33	
			SENE	33					139

Total number of acres irrigated: 278

MICROFILMED

NOV 10 1999

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

Signed at American Falls, Idaho, this 20th day of October, 1999.

Ben Cavaness
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08227

****

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee 50.00 Receipted by JM # C46953 Date 10/25/99

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. 35-08227 with the following;

CONDITIONS OF APPROVAL AND REMARKS

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. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. 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.
4. This right is limited to the irrigation of 117 acres within the place of use described above in a single irrigation season.
5. Rights 35-08605F and 35-08844D are also diverted through the point of diversion described above.

Witness my hand this 28th day of OCTOBER, 1999.

Acting for KARL J. DREHER, Director

MICROFILMED
NOV 10 1999

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-08227	Herbert A Bohrer Linda C Bohrer	2.34
~~Full Assignment~~	~~35-08227~~	~~Elizabeth Chapin Marcellin~~ ~~Sharon Chapin~~	~~2.34~~
Full Assignment	35-08227	Ben Caveness Linda Caveness	2.34

MICROFILMED
JUN 29 1993

Form 217
11/91

RECEIVED
APR 30 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $ 150.00
Date 5-5-93
Receipt No. C027404
Receipt by CA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-08227 Telephone No. (208) 226-5201

2. Name(s) of Permit Holder(s): Ben Cavaness and Linda Cavaness

3. Mailing Address: 895 Fillmore, Am. Falls, Idaho 83211

4. Source of Water: groundwater

   If **GROUNDWATER**, Well Driller's Name: Couch Well Drilling Date Drilled: 11/10/92

   OPTIONAL:
   Pump horsepower: 100 Pressure (psi): 40 Dynamic pumping level (ft.): 80

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

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

   Irrigation 117 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 2.34 cfs **OR** _____ acre/feet

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

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

8. Fee Enclosed: $ 150.00 (See License Fee Schedule on back of Instruction Sheet)

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

   Ben Cavaness, 226-5201 or office 226-2562
   Name Telephone No.

   895 Fillmore, Am. Falls, Idaho 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.

4-22-93 Ben Cavaness
Date Signature (and title, if on behalf of a company or organization)

RECEIVED
JUN 29 1993

State of Idaho

Department of Water Resources

RECEIVED

APR 30 1993

Department of Water Resources

ASSIGNMENT OF PERMIT

I/We Elizabeth Chapin Marcellin /or Sharon Chapin hereby assign to Ben Cavaness & Linda Cavaness Trustee, for W.J. Marcellin & E.J. Marcellin Family Trust Agreemenbt of 3/29/1990

of 895 Fillmore, American Falls, Idaho 83211 (226-5201)

Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-08227 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 _____ day of April, 19 93.

SHARON L. CHAPIN, as the Personal Representative of the Estate of CLIVE P. CHAPIN, Deceased

Sharon L. Chapin

Permit Holder SHARON L. CHAPIN

Spouse of Permit Holder

State of ~~IDAHO~~ California)

County of _____) ss.

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

seal

Notary Public residing at

My commission expires:

STATE OF ~~IDAHO~~ NC, COUNTY OF Wake

On this 26th day of April, 19 93

before me, the undersigned, personally appeared

Sharon L. Chapin

known to me to be the person whose name is subscribed to the within instrument as the Personal Representative of the Estate of

deceased, and acknowledged to me that executed the same as such Personal Representative.

Lucy Cukras 8-28-96

Notary Public

Residing at Raleigh N.C. 27615

Comm. Expires 8-28-96

~~Idaho~~ NC

MICROFILMED

JUN 29 1993

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of CALIFORNIA

County of Alameda

On 4/21/93 (DATE) before me, NANCY TU-NING CHAO, Notary Public (NAME, TITLE OF OFFICER - E G , "JANE DOE, NOTARY PUBLIC")

personally appeared W. J. MARCELLIN aka WAYNE J MARCELLIN (NAME(S) OF SIGNER(S))

☐ personally known to me - **OR** - ☑ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MICROFILMED

JUN 29 1993

WITNESS my hand and official seal.

NANCY TU-NING CHAO
COMM # 976626
Notary Public — California
ALAMEDA COUNTY
My Comm. Expires NOV 4, 1996

SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document

- ☑ INDIVIDUAL
- ☐ CORPORATE OFFICER(S) _____ TITLE(S)
- ☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
- ☐ ATTORNEY-IN-FACT
- ☑ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT Assignment of Deed

NUMBER OF PAGES 1 DATE OF DOCUMENT 4/21/93

SIGNER(S) OTHER THAN NAMED ABOVE _____

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No 5193

State of CALIFORNIA

County of Alameda

On 4/21/93 (DATE) before me, NANCY TU-NING CHAO, NOTARY PUBLIC (NAME, TITLE OF OFFICER - E G , "JANE DOE, NOTARY PUBLIC"),

personally appeared Elizabeth Chapin MARCELLIN (NAME(S) OF SIGNER(S)),

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

NANCY TU-NING CHAO
COMM. # 976626
Notary Public — California
ALAMEDA COUNTY
My Comm. Expires NOV 4, 1996

NNA1

MODIFIED

JUN 29 1993

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document

- ☒ INDIVIDUAL
- ☐ CORPORATE OFFICER(S) _____ TITLE(S)
- ☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
- ☐ ATTORNEY-IN-FACT
- ☒ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT.

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT Assignment of Permit

NUMBER OF PAGES (1) DATE OF DOCUMENT 4/21/93

SIGNER(S) OTHER THAN NAMED ABOVE _____

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RECEIVED
APR 30 1993
Department of Water Resources

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I/We Elizabeth Chapin Marcellin /or Sharon Chapin, hereby assign to Ben Cavaness & linda Cavaness Trustee, for W.J. Marcellin & E.J. Marcellin Family Trust Agreemenbt of 3/29/1990 of 895 Fillmore, American Falls, Idaho 83211 (226-5201)
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-08227 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 21st day of April, 19 93.

Elizabeth Chapin Marcellin
Permit Holder

Wayne L. Marcellin
Spouse of Permit Holder

State of Idaho
County of _____

On this _____ appeared before that he (she)

seal

My commission

STATE OF IDAHO, COUNTY OF

On this day of , 19 , before me, a notary public in and for said State, personally appeared

known to me to be the person whose name subscribed to the within instrument as Trustee and acknowledged to me that executed the same as such Trustee.

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

Notary Public
Residing at , Idaho
Comm. Expires

_____, personally
knowledged to me

RECORDED
JUN 29 1993

RECEIVED
OCT 0 9 1992
Department of Water Resources

RECEIVED
OCT 2 0 1992
Department of Water Resources

For Office Use Only
$15 Fee Receipted by
Date 10-9-92
Receipt No 025715

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-08227

Name(s) of Permit Holder: Elizabeth Chapin Marcellin & Sharon Chapin, by and through Ben Cavaness, option purchaser

Mailing Address: 5308 Chapman Drive, Newark, CA 94560

Date Proof is Due November 1, 1992 Telephone No. (415) 792-4926

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

Well Driller & drilling permit secured, driller on site. Bids secured for all sprinkler system components, orders placed subject only to water availability. Financing committment obtained, water rights transferred and place of use amendment completed. Will have system in place prior to May 1, 1993. Deposit placed with pivot order. Water witcher has located water source

Costing $ 20,000.00

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

Due to drought a well driller was not available till just now. Survev has been completed. I just received the completed and approved water right amendments.

Permit holder(s) request an extension to May 1, , 19 93 .

FEE: $15.00

Ben Cavaness
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MICROFILMED
OCT 23 1992

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to May 1, 1993.

Signed this 22nd day October , 19 92

L. Glen Saxton
Chief, Water Allocation Bureau

Form 211
2/80

Ident. No. 35-8227

STATE OF IDAHO

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Elizabeth Chapin Marcellin & Sharon Chapin Phone (415) 792-4926

of (address) 5308 Chapman Drive, Newark, CA. 94560, 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. 35-08227, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ NE ¼, Section 18, Township 9S, Range 29E., B.M., County of Power. Other points of diversion: _____

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

No change
Amount 2.34 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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	29E	17					33	33	25	26									117

Total number of acres to be irrigated = 117

4. a. Who owns the property at the point of diversion? Erin Prudhomme. 740 Teton, Am. FAlls,

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: Both this applicant and Erin Prudhomme have optioned their property described in Permit #'s 35-08844, 36-08630 and this permit to Ben Cavaness who plans to develop them as one unit.

Note also that person signing application has a power of attorney contained in an ~~option to purchase, a copy of which is attached.~~

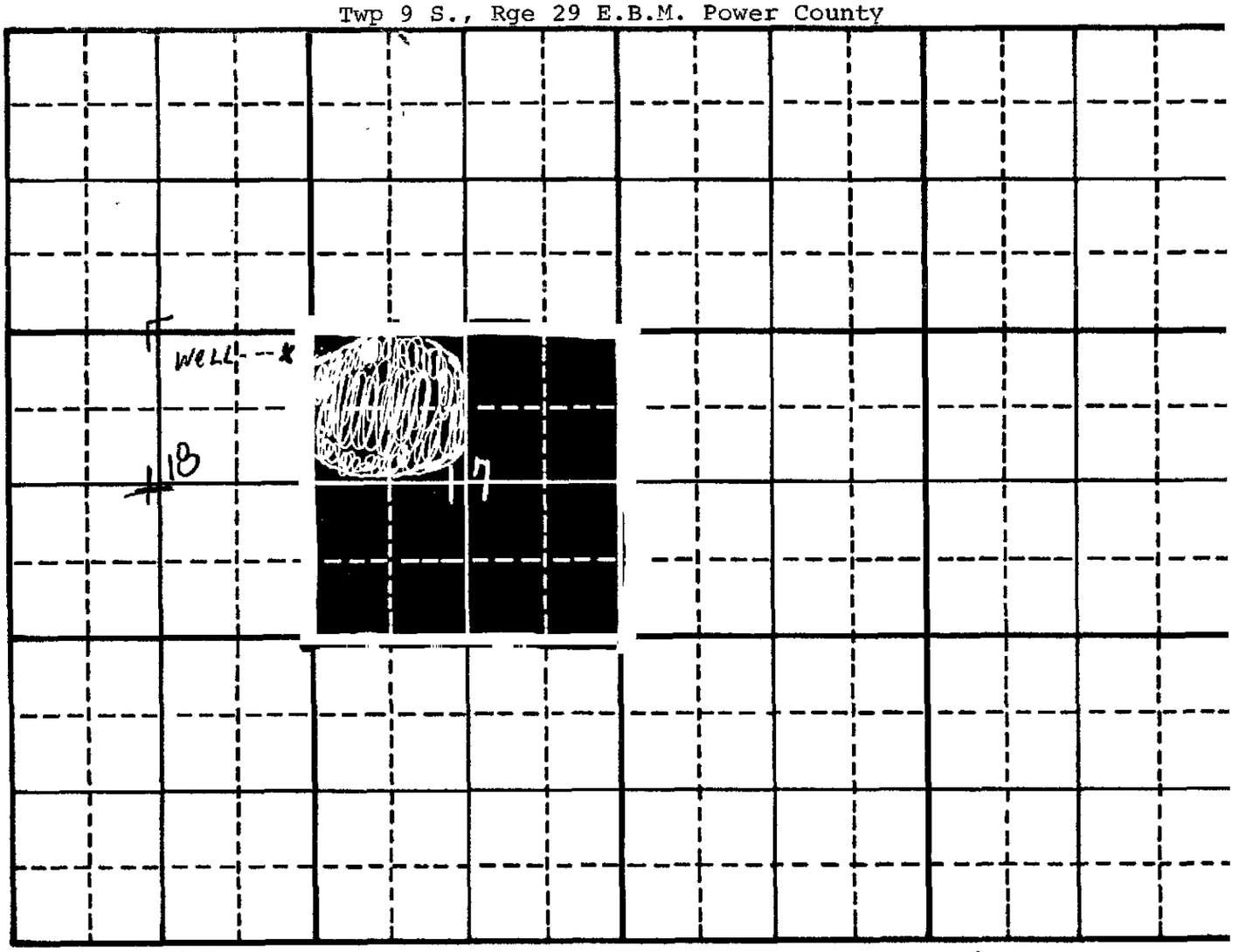
MICROFILMED

OCT 23 1992

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

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

Twp 9 S., Rge 29 E.B.M. Power County



Scale: 2 inches equal 1 mile.

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, Idaho, this 13th day of August, 19 92.

Elizabeth Chapin Mandelin & Sharon Chapin by Glen Cannales
(Signature)
their attorney in Fact

FOR DEPARTMENT USE ONLY

Preliminary check by HWT Fee = $20.00 # E017714 Receipted by RB Date 8-13-92

Publication prepared by LB Date 8-14-92 Published in Power County Press

Publication dates 8-20 & 27-92

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES OCT 23 1992

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment. See the attached sheet for conditions of approval.

Witness my hand this 29th day of September, 19 92.

L. Glen Saxton
Chief, Water Allocation Bureau

CONDITIONS OF APPROVAL

Amendment of Permit No. 35-08227

1. The previous conditions as set forth in Permit No. 35-08227 must be met.

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

3. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

4. Construction of the well must comply with Idaho well construction standards.

5. 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.

6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Dated this 29th day of September, 1992.

L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

OCT 23 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I,/weHerbert A. Bohrer & Linda Bohrer, hereby assign to Elizabeth Chapin Marcellin& Sharon Chapin
of 5308 Chapman Dr. Newark, CA 94560 & 516 Princeton Raleigh N.C. 27609
(Full Address)

All my right, title, and interest in and to Application for Permit No. 35-08227 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. N/A 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 11th day of August, 1992

X Herbert A Bohrer X Linda Bohrer
Applicant

State of Idaho)
ss
County of Bingham)

On this 11th day of August, , personally appeared before me the signer of the above instrument, duly acknowledged to me that he (she) (they) executed the same.

Notary Public
seal Residing at American Falls, Idaho
Comm. Expires:

My commission expires: 11/15/97

RECEIVED
OCT 23 1992

Fax Transmittal Memo 7672

To WAYNE MARCELLIN
Company ELECTRO FUSION CORP.
Location
Fax# 510-792-1197 Telephone#
Comments

No. of pages 4 Today's Date 8-10-92
From BEN CHVANES
Company SELF
Location AM. FALLS Dept. Charge
Fax# 208 226-2548 Telephone# 208 226-7542
Original ☐ Destroy ☐ Return ☐ Call for pickup

WAYNE: check For $500.00 each is being mailed this date To you + Sharon

OPTION TO PURCHASE

This agreement, made and entered into this ____ day of August 1992, by and between Elizabeth (Chapin) Marcellin and Wayne Marcellin, husband and wife of 8308 Chapman Drive, Newark, California and Shawn Chapin, individually and as the sole heir at law of Clive Chapin, deceased, of 514 Princeton Raleigh, North Carolina, hereinafter, individually and collectively referred to as "Seller" and Ben Chvanes of 895 Fillmore, American Falls, Idaho, hereinafter referred to as "Buyer" witnesseth.

That for and in consideration of the sum of $1,000.00 receipt of which is hereby acknowledged by Sellers, Sellers do herewith irrevocably give and grant unto Buyer his heirs and assigns an exclusive option and privilege to purchase all of Sellers right, title and interest in and to the real property Sellers own in Power County, Idaho more particularly described as the NW 1/4 of Section 17 in Township 9 South and Range 29 E.B.M.

That the remaining terms and conditions of said option are as follows:

1. Term. This option shall commence upon execution hereof by all parties either of duplicate originals or counterparts thereof. The same shall terminate, unless extended by mutual agreement of the parties in writing on March 1, 1993.

2. Option Price. Sellers agree that the option purchase price for the above described property shall be the sum of $80,000.00 lawful money of the United States of America, payable in cash at the time of closing. Buyer agrees to attempt to coordinate the closing and payment of the purchase price so as to spread the same over two tax years if that can be worked out between Buyers lender and Buyer.

3. Exercise of Option. Buyer agrees to give Seller written notice of his intention to exercise this option to purchase no later than March 1, 1993 and establish a closing date and close within 60 days thereafter. Said notice shall be sent by certified mail, return receipt requested.

4. Seller Costs. Sellers represent to Buyer that they have authority to sell said property and agrees to provide Buyer with a policy of Title Insurance at closing showing good and marketable title to be well vested in Sellers subject only to standard exceptions and easements and rights of ways of record. Sellers will also pay all real property taxes and assessments up through the day of closing, at closing.

5. Water Rights. Seller understand that Buyer will be attempting to secure water rights for the subject property and will be applying for placing the transferred water rights in the name of Seller and Seller gives Buyer their power of attorney to

MICROFILMED OCT 23 1992

act on their behalf in attempting to secure said water rights.

6. Development Rights. Seller also understands that subsequent to Buyers exercise of the option to purchase but prior to closing Buyer will have to survey the premises, drill a well, beat the bush, disc, plow, possibly plant the property, level and install a mainline and sprinkler system prior to closing. Seller and Buyer agree that said improvements are to be at the sole risk and expense of Buyer and Buyer will not be acting as an agent of Seller in this regard and Buyer agrees to promptly pay when due and prior to delinquency all bills of all workmen and suppliers so providing said improvements.

Sellers in addition may be required, prior to closing, to grant to the Red River Rural Electric Company an easement for a short powerline into the subject property to the location of a well site on or immediately adjacent to the premises herein optioned.

7. Legal Ramifications. Sellers acknowledge that they are aware that Buyer is an attorney who is acting on behalf of himself in drafting this document and negotiating terms of this transaction. Sellers agree to seek independent legal advice prior to their execution of this document if they have any legal questions or concerns of any nature, recognizing that said Buyer cannot give them any legal or financial advice.

8. Failure to Exercise Option. In the event Buyer fails or neglects to purchase the real property herein described within the term hereof that then and in that event the option will lapse and be of no further force and effect and Sellers may retain the option consideration paid herewith as their sole property and there shall be no further liability on the parties to this agreement, one to the other. However, if Buyer does exercise this option the option consideration shall be deducted from the purchase price.

9. Restriction on Transfer or Encumbrance of Title. Seller agrees not to lease or transfer any rights to the subject property to any other person other than Buyer during the term hereof.

10. Possession. After execution of this agreement Seller agrees that Buyer may take possession for the purposes of completing surveying, soil surveys, brush heating-discing and well drilling. After exercise of option Buyer may install the powerline and sprinkler system components.

11. Release of Interest. In the event this option is not exercised within the period specified Buyer shall, on request of Seller execute and deliver to Seller a written release of option or quit claim deed relinquishing any interest in the subject property.

12. Notices. Any notices required hereunder shall be to

MICROFILMED
OCT 23 1992

State of California)
) ss
County of Alameda)

On this 11 day of August, 1992, before me, a notary public in and for said State, personally appeared Elizabeth Chapin Marcellin and Wayne Marcellin known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

SEAL

T.C. Chedwick
Notary Public

Residing at Fremont, California
Comm. Expires

OFFICIAL SEAL
T. C. CHEDWICK
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
My comm. expires DEC 7, 1993

State of North Carolina)
) ss
County of Wake)

On this 11th day of August, 1992, before me, a notary public in and for said State, personally appeared Sharon Chapin individually and as the sole heir at law of Clive Chapin, deceased know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

SEAL

Notary Public

Residing at Garner, North Carolina
Comm. Expires
10-8-95

MICROFILMED
OCT 23 1992

State of California)
) ss
County of Alameda)

On this 11 day of August, 1992, before me, a notary public in and for said State, personally appeared Elizabeth Chapin Marcellin and Wayne Marcellin known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that ther executed the same.

SEAL

T.C. Chedwick
Notary Public

Residing at Fremont, California
Comm. Expires

OFFICIAL SEAL
T. C. CHEDWICK
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
My comm. expires DEC 7, 1993

State of North Carolina)
) ss
County of Wake)

On this 11th day of August, 1992, before me, a notary public in and for said State, personally appeared Sharon Chapin individually and at the sole heir at law of Clive Chapin, deceased know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

SEAL

Notary Public

Residing at Garner, North Carolina
Comm. Expires
10-8-95

RECORDFILMED
OCT 23 1992

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 published in said county uninterruptedly and continuously for over seventy-eight consecutive 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 19 day of August 1992 and the date of last publication being the 26 day of August 1992.

(Signed) Erma Crompton

State of Idaho

County of Power

On this 26 day of August in the year of 1992, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1993

OCT 23 1992
Department of Water Resources
Eastern District Office
RECEIVED
SEP 04 1992

Any protest to the proposed amending of the permit must be filed with the Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before September 7, 1992.
R. Keith Higginson
Director

NOTICE OF PROPOSED AMENDING OF APPROVED PERMIT TO APPROPRIATE WATER

Notice is hereby given that Permit No. 35-08844 in the name of Bowler Ranches, American Falls, ID, was issued for the diversion of 6.40 cfs of water from a groundwater source with the point of diversion within the NENW SEC 19 T08S R29E, Power County; to be used for the irrigation of 320 acres within the NW SW SEC 19 T08S R29E, B.M.

The permit holder now proposes to amend a portion of Permit No. 35-08844C, changing the name to Erin Prudhomme, American Falls, ID, and changing the point of diversion, place of use, and amount to the SESE SEC 8 NENE SEC 18 T09S R29E, using 2.16 cfs to irrigate 108 acres within the S1/2SE SEC 8 N1/2NE SEC 17 T09S R29E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID. 83402, on or before September 7, 1992.
R. Keith Higginson
Director

NOTICE OF PROPOSED AMENDING OF APPROVED PERMIT TO APPROPRIATE WATER

Notice is hereby given that Permit No. 35-08227 in the name of Herbert A. & Linda C. Bohrer, Springfield, ID., was issued for the diversion of 2.34 cfs of water from a groundwater souce with the point of diversion within the NWNE SEC 23 T04S R32E, Bingham County; to be used to irrigate 117 acres from April 1 to November 1 within the NENE NWNE SENE SEC 23 T04S R32E, B.M.

The permit holder now proposes to amend Permit No. 35-08227, changing the name to Elizabeth Chapin Marcellin & Sharon Chapin, Newark, CA, and the point of diversion and place of use to the NENE SEC 18 T09S R29E, to be used to irrigate 117 acres within the NW SEC 17 T09S R29E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before September 7, 1992.
R. Keith Higginson
Director

NOTICE OF PROPOSED AMENDING OF APPROVED PERMIT TO APPROPRIATE WATER

Notice is hereby given that Permit No. 35-08630 in the name of L. Blaine Sasser and Ardeena Sasser, Pingree, ID, was issued for the diversion of 1.40 cfs of water from a groundwater source with the point of diversion within the SWNW SEC 6 T04S R33E, Bingham County to be used to irrigate 73 acres from April 11 to November 1 within the NWNW SWNW SENW SEC 6 T04S R33E, B.M.

The permit holder now proposes to amend Permit No. 35-08630, changing the name to Erin Prudhomme, American Falls, ID, and the point of diversion and place of use to the SESE SEC 8 T09S R29E, to be used to irrigate 73 acres within the S1/2SW SEC 9 NENE SEC 17 T09S R29E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before September 7, 1992.
R. Keith Higginson
Director

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08227

Proposed Priority: November 16, 1983 Maximum Diversion Rate: 2.34 CFS

This is to certify, that **HERBERT A. BOHRER**
LINDA C. BOHRER
P.O. BOX 82
SPRINGFIELD, ID 83277
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 11/01	2.34 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNE Sec. 23, Township 04S, Range 32E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04S	32E	23	NENE	40	NWNE	39	SENE	38	117

Total number of acres irrigated: 117

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1992.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. 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.
8. 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.

NOV 2 0 1989

MICROFILMED

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08227

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 30th day of October, 1989.

R. Keith Higginson, Director

for

MICROFILMED
NOV 20 1989

Form 202
3/78

Ident. No. 35 8227

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Herbert A. & Linda C. Bohrer Phone 328-2364

   Post office address Box 82, Springfield, ID 83277

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

3. Location of point of diversion is NW ¼ of NE ¼ of Section 23 Township 4S

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

4. Water will be used for the following purposes:

   Amount 2.34 cfs (cfs ~~or acre-feet per annum~~) for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 2.34 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. pump to pipeline and wheel lines

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

   Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is 10 inches; proposed depth of well is 300 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 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: _____ ¼ of _____ ¼ 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: _____

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NOV 20 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	32E	23	40	39		38													117

Total number of acres to be irrigated 117

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

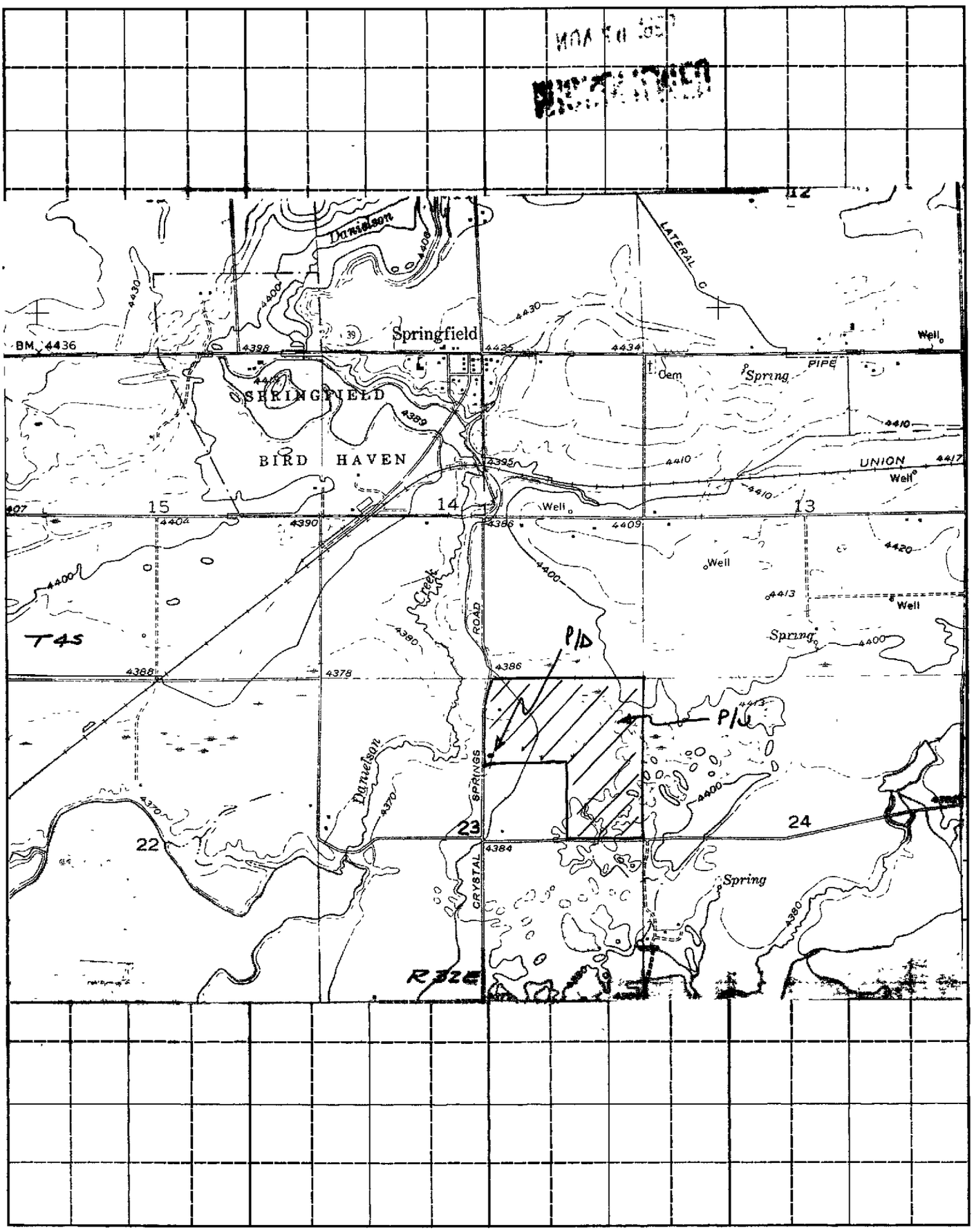
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

MICROFILMED
NOV 20 1989

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



Scale: 2 inches equal 1 mile.

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

MICROFILMED
NOV 24 1986

(Applicant)

Received by [illegible] Date 11/16/83 Time 0950

Preliminary check by KCW Fee $ 85.00

Receipted by CW Date 11-16-83 # 29736

Publication prepared by RB Date 8-2-89

Published in Morning News

Publication dates 8-17 & 24-89

Publication approved CW Date 9-11-89

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by HWS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

   d. Other:

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NOV 20 1989

35-08201
WINBERG, Richard
WINBERG, Myrna
Box 28
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversion Pt: SENE, Sec. 26, T 04S, R. 31E.
Use: IRRIGATION (1.600 CFS)
Date Filed: 6/29/1983.
In: T04S, R31E, S26, SWNE, SENE.
80 0 ACRES TOTAL.

35-08205
McIVER, DUANE
P.O. Box 163
Moreland, Id. 83256
Source. GROUNDWATER
Diversion Pt : NWNW, Sec. 26, T. 02S, R. 34E.
Use: IRRIGATION (.100 CFS), STOCKWATER (020 CFS)
Date Filed: 6/28/1983.
In: T02S, R34E, S26, NWNW
5 0 ACRES TOTAL.

35-08206
WOOD, Owen M.
Rt. 5, Box 85
Blackfoot, Id 83221
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 35, T. 02S, R 33E
Use: IRRIGATION (.120 CFS).
Date Filed: 6/27/1983.
In: T02S, R33E, S35, SESE.
6.0 ACRES TOTAL.

35-08220
WELLS, Delos
Box 184
Moreland, Id. 83256
Source: GROUNDWATER
Diversion Pt: NWNW, Sec. 26, T. 02S, R. 34E
Use. IRRIGATION (200 CFS); DOMESTIC (.040 CFS).
Date Filed: 8/04/1983.
In T02S, R34E, S26, NWNW.
10 0 ACRES TOTAL.

35-08227
BOHRER, Herbert A.
BOHRER, Linda C.
Box 82
Springfield, Id. 83277
Source: GROUNDWATER
Diversion Pt: NWNE, Sec. 23, T. 04S, R. 32E.
Use: IRRIGATION (2.340 CFS).
Date Filed: 11/16/1983.
In T04S, R32E, S23, NENE, NWNE, SENE.
117.0 ACRES TOTAL

35-08330
POULSON, Jack
Rt. 1, Box 251
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: NWNE, Sec. 11, T. 05S, R. 31E.
Use: IRRIGATION (1.600 CFS)
Date Filed: 11/21/1983.
In: T05S, R31E, S11, NENE, NWNE.
80.0 ACRES TOTAL.

35-08334
WATT, Gail
Rt. 1, Box 80
Pingree, Id 83262
Source: GROUNDWATER
Diversion Pt: NWNW, Sec. 14, T. 03S, R 32E.
Use: IRRIGATION (1.320 CFS)
Date Filed: 6/22/1983.
In: T03S, R32E, S14, NENW, NWNW, SWNW, SENW
160.0 ACRES TOTAL.

35-08338
RUFF, Sherman
RUFF, Betty
Box 67
Aberdeen, Id 83210
Source GROUNDWATER
Diversion Pt: Lot 1 (NENE), Sec 24, T 06S, R. 30E.
Use: IRRIGATION (1.200 CFS)
Date Filed 1/27/1984.
In. T06S, R30E, S24, Lot 1 (NENE), NWNE.
87.0 ACRES TOTAL.

35-08355
JOHNSON, Russell
JOHNSON, Mary Ann
JOHNSON, Stuart
Rt 5, Box 300
Blackfoot, Id 83221
Source: GROUNDWATER
Diversion Pt: SESW, Sec. 5, T 03S, R 34E
Use: IRRIGATION (.300 CFS), DOMESTIC (060 CFS).
Date Filed: 6/11/1985.
In: T03S, R34E, S05, SESW
15 0 ACRES TOTAL

35-08792
VAN ORDEN, Garth
425 S 1100 W
Pingree, Id 83262
Source. GROUNDWATER
Diversion Pt: NESENE, Sec. 30, T 03S, R 34E.
Use: IRRIGATION (100 CFS)
Date Filed: 6/07/1989.
In: T03S, R34E, S30, SENE.
3 5 ACRES TOTAL

35-08793
EDWARDS, Samuel
EDWARDS, LaDonna
380 N University
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt: SESE, Sec. 30, T 02S, R. 35E.

Use: DOMESTIC (.150 CFS)
Date Filed. 6/13/1989.
In: T02S, R35E, S30, SESE.

35-08795
VALLEY BANK
C/O Ed Woolstenhume
501 Broadway, 2nd Floor
Idaho Falls, Id 83402
Source: GROUNDWATER
Diversion Pt. SWSWSW, Sec 1, T. 04S, R. 32E.
Use: IRRIGATION (1.600 CFS)
Date Filed: 6/12/1989
In T04S, R32E, S01, SWSW, SESW.
80 0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before SEPTEMBER 4, 1989.

R. KEITH HIGGINSON
Director

(492)
Pub.: 8/17, 24

MICROFILMED
NOV 20 1989

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

NOTICE OF APPLICATION
FOR WATER RIGHT

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

27-07464
CURTIS, Claude C.
646 N. Highway 91
Firth, Idaho 83236
Source. SLOUGH
Tributary. SNAKE RIVER
Diversion Pt.. SESWNW, Sec. 35, T. 01S, R 36E.
Use. IRRIGATION (.200 CFS).
Date Filed: 6/27/1989.
In· T01S, R36E, S35, SWNW
10.0 ACRES TOTAL

27-07477
SLAUGHTERBECK, Dan
1555 N. 800 E
Shelley, Idaho 83274
Source GROUNDWATER
Diversion Pt· Lot 5 (NESW), Sec. 16, T. *01N, R. 37E*
Use IRRIGATION (040 CFS)
DOMESTIC (.040 CFS).
Date Filed: 6/16/1989.
In· T01N, R37E, S16, Lot 5 (NESW)
2 0 ACRES TOTAL.

35-08177
POULSON, Duane
Rt. 1, Box 14
Aberdeen, Idaho 83210
Source GROUNDWATER
Diversion Pt· NENE, Sec. 23, T 06S, R. 30E , SENE, Sec. 23, T 06S, R 30E
Use: IRRIGATION (.820 CFS).
Date Filed. 6/23/1983
In. T06S, R30E, S23, NENE, NWNE, SWNE, SENE.
160.0 ACRES TOTAL

35-08178
POULSON, Duane
Rt. 1, Box 14
Aberdeen, Idaho 83210
Source. GROUNDWATER
Diversion Pt. SWSE, Sec 23, T. 06S, R 30E , SESE, Sec 23, T 06S, R. 30E
Use: IRRIGATION (520 CFS)
Date Filed. *6/23/1983.*
In· T06S, R30E, S23, NESE, NWSE, SWSE, SESE
160 0 ACRES TOTAL

35-08181
SHRADER, Lark G
SHRADER, Maxine R
Rt 2, Box 305
Blackfoot, Idaho 83221
Source GROUNDWATER
Diversion Pt SWNE, Sec 2, T 03S, R. 34E.
Use IRRIGATION (.320 CFS); DOMESTIC (.040 CFS).
Date Filed 6/30/1983
In. T03S, R34E, S02, SWNE
160 ACRES TOTAL.

35-08182
SHRADER, Lark G
SHRADER, Maxine R
Rt. 2, Box 305
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec 2, T 03S, R. 34E
Use IRRIGATION (400 CFS), DOMESTIC (040 CFS).
Date Filed· 6/30/1983.
In· T03S, R34E, S02, SENW.
20 0 ACRES TOTAL.

35-08183
SNAKE RIVER SCHOOL DISTRICT
Rt. 2, Box 249
Blackfoot, Id. 83221
Source· GROUNDWATER

Diversion Pt NENE, Sec 2, T 03S, R 34E.
Use: IRRIGATION (.160 CFS); DOMESTIC (050 CFS).
Date Filed· 7/18/1983
In T03S, R34E, S02, NENE.
8 0 ACRES TOTAL.

35-08184
SNAKE RIVER SCHOOL DISTRICT
Rt. 2, Box 249
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SESE, Sec 33, T. 02S, R. 34E
Use: IRRIGATION (.800 CFS); DOMESTIC (100 CFS).
Date Filed: 7/18/1983.
In: T02S, R34E, S33, NESE, SWSE
16.0 ACRES TOTAL.

35-08191
LIM, Gale
Rt. 2, Box 313
Blackfoot, Id. 83221
Source GROUNDWATER
Diversion Pt NESE, Sec. 16, T 03S, R. 34E
Use· IRRIGATION (.800 CFS)
Date Filed. 5/25/1983
In T03S, R34E, S16, NESE.
40.0 ACRES TOTAL

35-08192
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
Northwest Stake Center
50 E. North Temple St.
Salt Lake City, Utah 84150
Source: GROUNDWATER
Diversion Pt: SWSW, Sec 27, T. 02S, R. 34E
Use: IRRIGATION (.340 CFS), DOMESTIC (040 CFS)
Date Filed 7/19/1983.
In: T02S, R34E, S27, SWSW, S34, NWNW.
17 0 ACRES TOTAL

35-08197
FUNK, Betty
FUNK, Raymond
2066 S. 2950 W.
Aberdeen, Idaho 83210
Source· GROUNDWATER
Diversion Pt: NENWSW, Sec. 19, T. 06S, R *31E.*
Use. IRRIGATION (3 060 CFS).
Date Filed: 7/07/1983.
In T06S, R31E, S19, NENW, NWNW, SWNW, SENW, NESW, NWSW, SWSW, SESW
291 0 ACRES TOTAL

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss
State of Idaho)

I, Michael Bell do solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

17th day of August, 1989;

and the last publication having been made on the 24th day of August, 1989; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

On this 29th day of August, in the year 1989 before me a Notary Public of said State, personally appeared Michael Bell,

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

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

Affidavit Processsing Fee $5.00

MICROFILMED
NOV 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED
FEB 19 2002
Department of Water Resources

lcw
35-7492
✓ - 7991A+B
✓ - 12790

WRS
35-8227
- - 8605E+F
- - 8630
- - 8844C+D

PRESORTED FIRST CLASS

BOISE ID FEB 11 '02 PB METER 7110094 $0.25 U.S. POSTAGE

BEN CAVANESS

CAVA895* 832112007 1C01 04 02/15/02
RETURN TO SENDER
CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS ID 83211-5432

RETURN TO SENDER

AUMS [illegible]

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in address of the owners of record for the listed water rights
(Please print or type)

[ ] Water Right Number(s): 35-8227

[ ] Name(s). BEN CAVANESS

[ ] Old Mailing Address: 895 FILLMORE
AMERICAN FALLS ID 83211

[ ] New Mailing Address: 2761 MOONLIGHT LN
AMERICAN FALLS ID 83211-5432

Telephone Number: (208) 226 - 5201

[ ] Signature(s) of Owner(s) Ben Cavaness

(Include your title if on behalf of company or organization)

Date: 11/27/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED FIRST CLASS

BOISE ID 83001 PB METER 7110094 U.S. POSTAGE 0.25 5

RECEIVED
NOV - 6 2001
Department of Water Resources

BEN CAVANESS
895 FILLMORE
AMERICAN FALLS ID
83211

CAVA895* 832112001 1800 04 11/02/01
FORWARD TIME EXP RTN TO SEND
CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS ID 83211-5432

RETURN TO SENDER

AUMS 83211/0058

WR 35-8227
Mail receipt w/
change of address
from
Katie Lyons
11.6.01

TO: ~~ID~~ WA 7-23

RECEIVED
JUL 16 2001
Department of Water Resources

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[ ] Water Right Number(s): 35-8227, 35-8605E, 35-8605F
not Adj. → 35-8630, 35-8844C, 35-8844D
Adj. → 35-7492, 35-7991A, 35-12790, 35-12791, 35-7668

[ ] Old Mailing Address: Ben Cavaness
895 Fillmore
American Falls, ID 83211

[X] New Mailing Address: _____

[X] Telephone Number: (208) 226-5201

[X] Signature of Claimant: Ben Cavaness

[X] Date: 7/13/01

FOR IDWR USE ONLY:
Initial Review ~~and Data-Entry~~
Date: 7-23-01 By: ashermor
~~Further Action Needed: Ck w Cavaness~~
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:

records have current address already. SS

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

October 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN CAVANESS
LINDA CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08227

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
NOV 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the **29th** day of **October, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 35-08227

BEN CAVANESS
LINDA CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211

Kari Lynn Townsend
Secretary

MICROFILMED
NOV 10 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
NOV 10 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

RECEIVED
NOV 10 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

October 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN CAVANESS
LINDA CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08227

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the $50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-~~7946~~ 7944.

Sincerely,

Kay Walker
for
Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
NOV 10 1999

Memorandum

To: Files 35-08227, 35-08605F, 35-08844D, 35-08605E, 35-08630 & 35-08844C

From: Kay Walker KW

Date: 09/29/99

Re: Changes to Licensing Recommendations

In a review of these rights for licensing, I found the examiner had recommended the rates of diversion under each right proportionately for the number of acres recommended. I recommend that we license these rights with the amount of water permitted from senior rights down to junior rights to allow the water user the most he could have under his senior water rights. The attached chart shows how I recommend these rights be licensed in regard to the diversion rates.

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NOV 10 1999

Water Right Number	Permit Amount	Prioirity	Recommended Amount
35-08227	2.34 cfs	11/16/83	2.34 cfs
35-08605F	0.58 cfs	6/28/85	0.58 cfs
35-08844D	2.64 cfs	8/14/89	2.07 cfs
			4.99 cfs = Capacity
35-08605E	2.00 cfs	6/28/85	2.00 cfs
35-08630	1.40 cfs	6/9/86	1.40 cfs
35-08844C	2.16 cfs	8/14/89	1.70 cfs
			5.10 cfs = Capacity

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NOV 10 1999

LICENSE REVIEW CHECKLIST

Permit No. 35-08227 Date: 9-27-99 Reviewer: Kay Walker

Change/OK

Name/Address ok - fix spelling of last name

Source ok
Point of Diversion: change Does change clarify original intended source? If no, void permit.
Change (P39/P47) Add (P45/P42) Feds (P43)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change Change (P41/P47) Add (P41/P42) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 35-08844D, 35-08605F all in lic. process
File reviewed____ Profile reports printed____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate	2.34	cfs
Fee Limit	3.0	cfs
Measured	4.99	cfs
Theoretical	4.85	cfs

Recommended Total Diversion Rate ~~2.40~~ 2.34 ← All items F on field exam -

Water Uses ok

Change (P46)

Irrigation	2.34 cfs	468. af	
Stockwater	____ cfs	____ af	
Domestic	____ cfs	____ af	
____	____ cfs	____ af	
____	____ cfs	____ af	
Total	~~2.4~~ 2.34 cfs	468. af	

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/079)
overlap spec combined rts (W35)
>1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette – (W22/047/27A)

Volume Determination
2.1 cfs x 1.9835 x 214 days = 891.4 af (vs) 278 acres x 4.0 (FHR) = 1112 af
2.34 x 1.9835 x 214 = 993.3 117 x 4.0 = 468. ←

Remarks:

Additional Conditions ____ Watermaster Control
____ GW Measurement/Measuring Device
____ Other
Trust (052/R55 – remove 051)
Non-trust (048/049) Government Lots?____

Advance Priority? ____ yes ✓ no If yes, explain why below.

SRBA Claim? N/A - proof filed after commencement

Adjust memo ____

Amend Letters P38, ~~P39~~ P37 Conditions R64 Remarks W27 - 117 ac. W36

RECEIVED
SEP 16 1999
Department of Water Resources

MEMORANDUM

TO: SHELLEY KEEN

September 13, 1999

FROM: KEITH C. WILSON

RE: LICENSING OF 35-08605C, 35-08630, 35-08844C, 35-08844D, 35-08227

The permit holder has requested that these permits be licensed as soon as possible. He is in the process of selling the system (#12/#13) under 35-08605C, 35-08630, & 35-08844C. Because of different systems I have recommended that 35-08605C be licensed as 35-08605E (System #12/#13) & (System #10 & #11) F.

Your assistance in licensing the permits will be appreciated.

Keith C. Wilson
Senior Resource Agent

MICROFILMED
NOV 10 1999

Form 219
6/92

RECEIVED
SEP 16 1999
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

~~35-08605F~~
~~35-08844D~~

A. GENERAL INFORMATION

Permit No. 35-08227

1. Owner: BEN CAVANESS Phone No. 226-5201

Current Address: 895 Fillmore, AMERICAN FALLS, ID 83211

2. Accompanied by: KEVAN RAMSEY EXAM DATE: 10-20-1998

Address: P.O. Box 41, AMERICAN FALLS, ID 83211 Phone No.

Relationship to Permit Holder: Operator

3. Source: GROUNDWATER tributary to

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: 35-08605F, 35-08844D, 35-08227

C. DIVERSION AND DELIVERY SYSTEM

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

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
10/11			NW	NW	17	9S	29E	Power	ON SITE/FSA Aerial/USGS QUAD

2. **Place(s) of Use:** Pivot 10 & 11 (35-08227 Limited to 2.10 cfs/117 ac within 278 ac) Indicate Method of Determination FSA Aerial/On site

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	29E	17					33	40	33	33									139
		18	40	33	33	33													139
																			278

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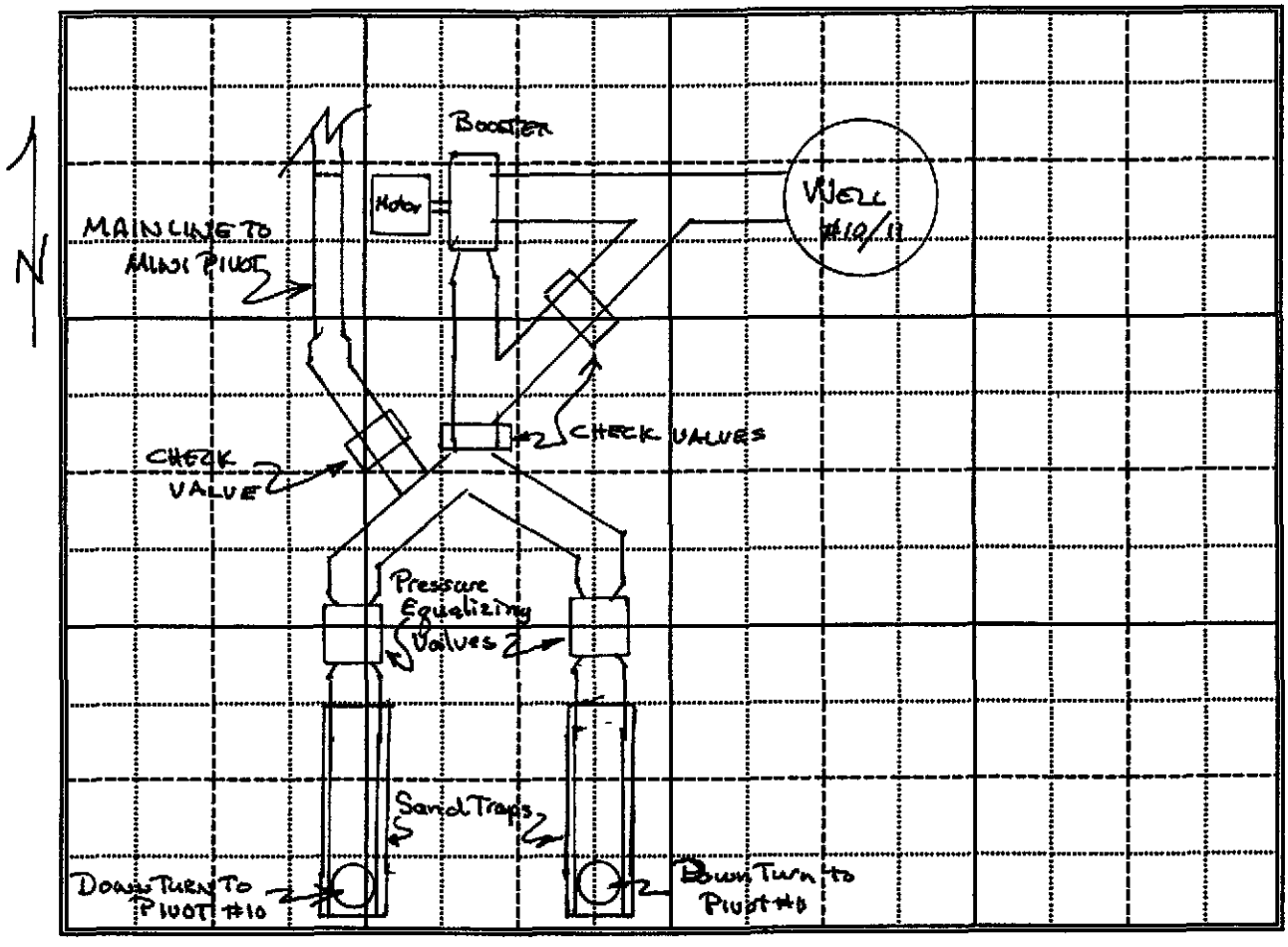
NOV 10 1999

35-08227

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



Scale: 1" = _____.

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

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

✓ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well #10 & 11	U.S. Motor	125	1381877	Johnston	10"
Booster 10/11	MARATHOD	40	11-95801	Cornell	6" #79365

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
FLOW METER	SONIC	Polysonic	TF-P2	NIK 2905		

2. **Measurements:** Q_{MAX} = 2239 gpm = 4.988 cfs = 4.99

MICROFILMED
NOV 10 1999

35-08227

E. NARRATIVE/REMARKS/COMMENTS

Well pump mainline to Booster to mainlines with sand traps to pivots #10 & #11 and a small mini pivot for NWNW¼ Sec 17 & NENE¼ Sec 18, T9S, R29E

NOTE: PERMIT 35-08605C → 35-08605E (SYSTEM #12/13) 1.98 cfs/100ac
→ 35-08605F (SYSTEM #10/11) 0.58 cfs/29ac

Rate/acre = 4.99 cfs / 278 ac = 0.017949 cfs/ac

35-08605E↔F (SYSTEM 10/11) = (0.017949 cfs/ac) × (29 ac) = 0.52 cfs

35-08844D (SYSTEM 10/11) = (0.017949 cfs/ac) × 132 ac = 2.37 cfs

35-08227 (SYSTEM 10/4) = (0.017949 cfs) (117 ac) = 2.10 cfs

Total acres = (35-08605E↔E) 29 ac + (35-08644D) 132 ac + (35-08227) 117 ac = 278 ac

Total Q cfs = 0.52 cfs + 2.37 cfs + 2.10 cfs = 4.99 cfs

35-08227 Limited to 2.10 cfs / 117 ac within 278 ac

Have conditions of permit approval been met? ✓ yes ___ no

35-8227

MICROFILMED
NOV 10 1999

F. FLOW CALCULATIONS ✓ Additional Computation Sheets Attached

Measured Method: $Q_{gpm} = 2239\ gpm = 4.988\ cfs = 4.99\ cfs/278\ ac = 0.01794\ cfs/ac$

$Q_{LIMITED\ BY\ SYSTEM\ CAPACITY} = 4.99\ cfs/278\ ac$

$Q_{cfs} = (0.01794\ cfs/ac)(117\ ac) = 2.10\ cfs$

$Q_{THEORETICAL} = 4.85\ cfs$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = (117ac)4.0 = 468 afa

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = (2.10)(214)1.9835 = 891.4 afa

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 468 afa

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS 35-08227 Limited to 2.10cfs/117ac within 278ac

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4/1	10/31	2.10 cfs	468.0afa
		Totals:	2.10 cfs	468.0 afa

2. Recommended Amendments

✓ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ✓ Other PERMISSIBLE PLACE OF USE

I. AUTHENTICATION

Field Examiner's Name Keith C Wilson KEITH C WILSON Date 10-20-1998

Reviewer _____ Date _____

SEAL 35-08227

IMAGED/FILMED NOV 10 1999

10-20 12:4300 *P
+754.739E 0GPM

10-20 12:4400 *R
+703.490E 0GPM

MODE SELECT
INPUT

OUTER DIAMETER
10.7500 IN

PIPE MATERIAL
? CS-SS

WALL THICKNESS
0.1748 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
?

TYPE OF SENSOR
? SMALL

DATA CHANGE
? YES

SOUND VELOCITY
1460 M/S-

SPACING
8.128 IN V.

10-20 12:4600 *R
+002.40 % AI2

0386.6 MMSEC
098.40 % T0

10-20 12:5300 *R
+ 1.737E 3GPM

10-20 12:5300 *R
+002.30 % AI2

10-20 12:5500 *R
+ 2.191E 3GPM

10-20 12:5600 *R
+ 2.135E 3GPM

0387.5 MMSEC
099.15 % T0

10-20 12:5600 *R
+ 2.168E 3GPM

SOUND VELOCITY
1480 M/S-

10-20 12:5700 *R
+ 2.169E 3GPM

10-20 12:5900 *P
+ 2.126E 3GPM

10-20 12:5300 *R
+ 1.737E 3GPM

10-20 12:5300 *R
+002.30 % AI2

10-20 12:5500 *R
+ 2.191E 3GPM

10-20 12:5600 *R
+ 2.135E 3GPM

0387.5 MMSEC
099.15 % T0

10-20 12:5600 *R
+ 2.168E 3GPM

SOUND VELOCITY
1480 M/S-

10-20 12:5700 *R
+ 2.169E 3GPM

10-20 12:5900 *R
+ 2.126E 3GPM

10-20 12:5900 *R
+002.40 % AI2

10-20 12:5900 *R
+ 2.163E 3GPM

MODE SELECT
T0 CHECK

0387.9 MMSEC
099.83 % T0

10-20 13:0000 *R
+ 2.177E 3GPM

0388.3 MMSEC
100.46 % T0

MODE SELECT
T0 CHECK

0388.3 MMSEC
100.46 % T0

10-20 13:0400 *R
+ 2.208E 3GPM

10-20 13:0400 *R
+ 2.221E 3GPM

10-20 13:0400 *R
+ 2.229E 3GPM

10-20 13:0400 *R
+002.40 % AI2

10-20 13:0400 *R
+ 2.232E 3GPM

MODE SELECT
T0 CHECK

0388.3 MMSEC
100.46 % T0

10-20 13:0500 *P
+ 2.239E 3GPM

Pivots 10 & 11's Small Corner & Pivot

Well for
Pivot #10, #11, #1
Small Corner Pivot

MAXIMUM
DIVERSION RATE
Q = 2239 GPM
= 4.99 cfs

~~35-08605 CF~~
~~35-08844D~~
35-08227

MICROFILMED
NOV 10 1999

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$

Hp = Horsepower = 165 (125 hp + 40 hp = 165 hp)
Eff = Efficiency = 70% (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 38 ft.
Assumed Draw down = + 22 ft.
Lift = 60

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 65 psi

$Q_{cfs} = [\frac{165}{Hp} \times 8.814 \times \frac{0.70}{eff}] \div [\frac{60}{Lift} + (\frac{65}{psi} \times 2.308)]$

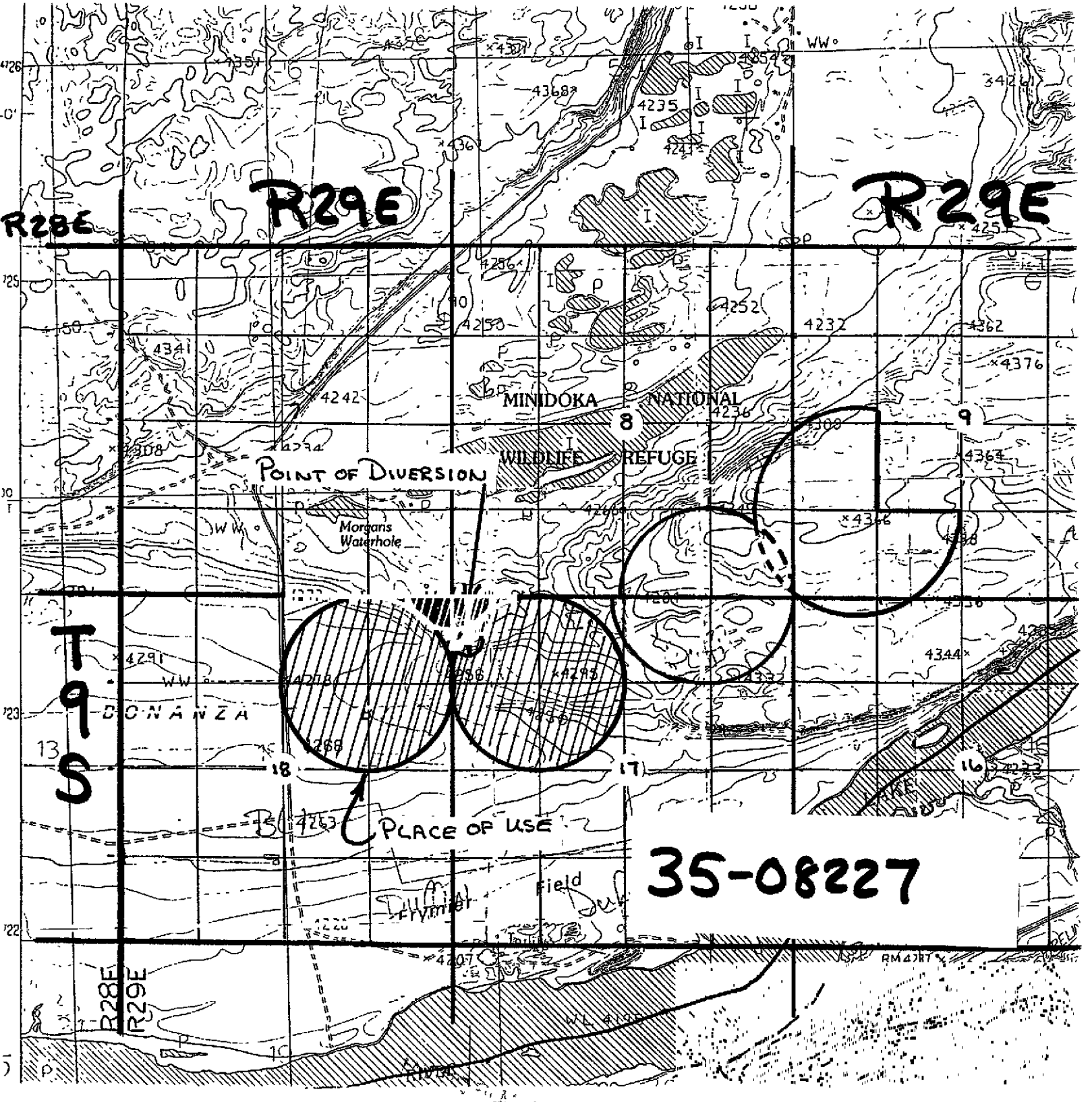
$Q_{cfs} = [1018.01] \div [210.02]$

$Q_{cfs} = 4.85$ cfs

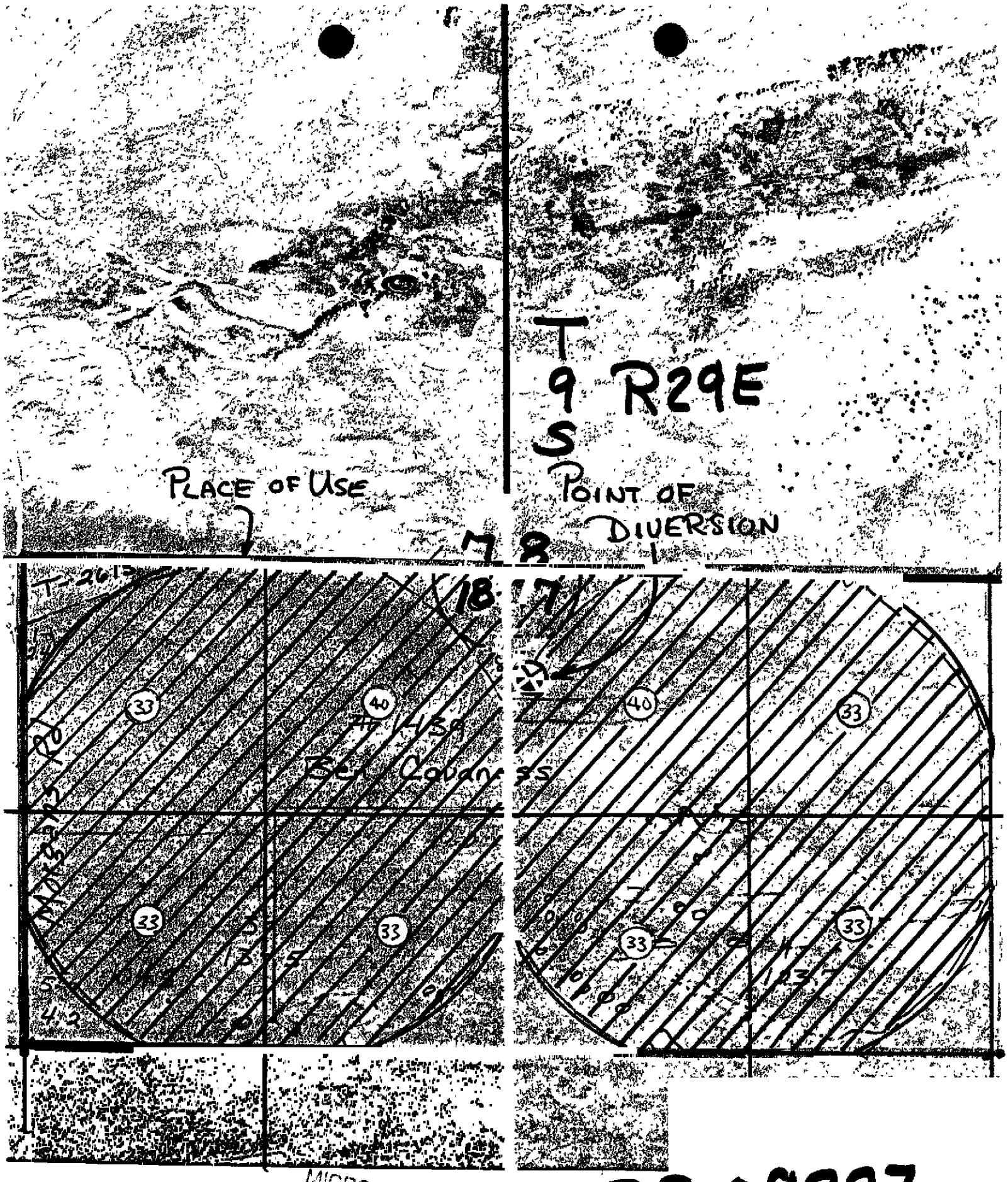
~~35-08605~~ E
~~35-08844D~~

PERMIT NO. 35-08227

MICROFILMED
NOV 10 1999

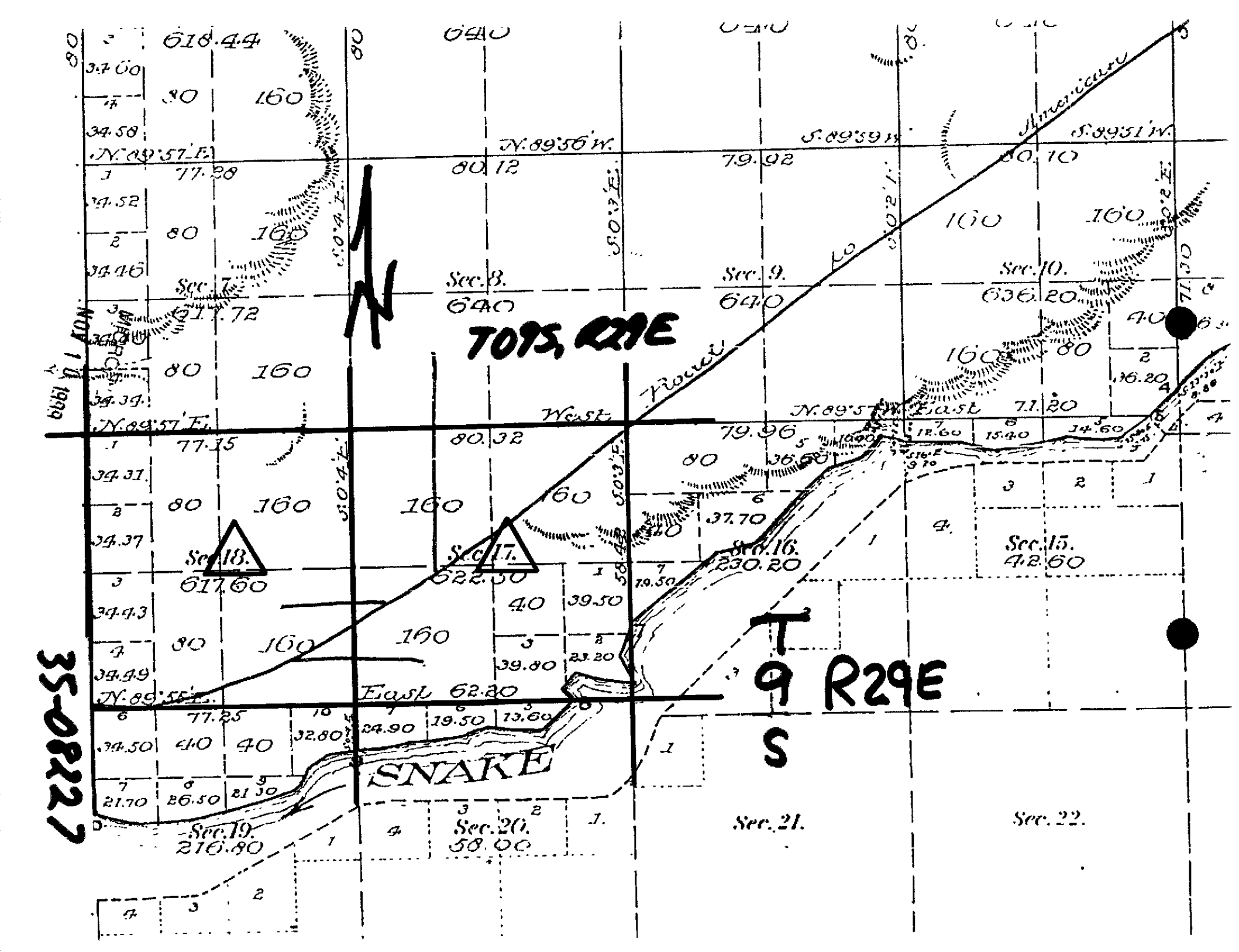

R28E
R29E
R29E
T
9
S
MINIDOKA NATIONAL WILDLIFE REFUGE
POINT OF DIVERSION
Morgans Waterhole
PLACE OF USE
35-08227
R28E
R29E

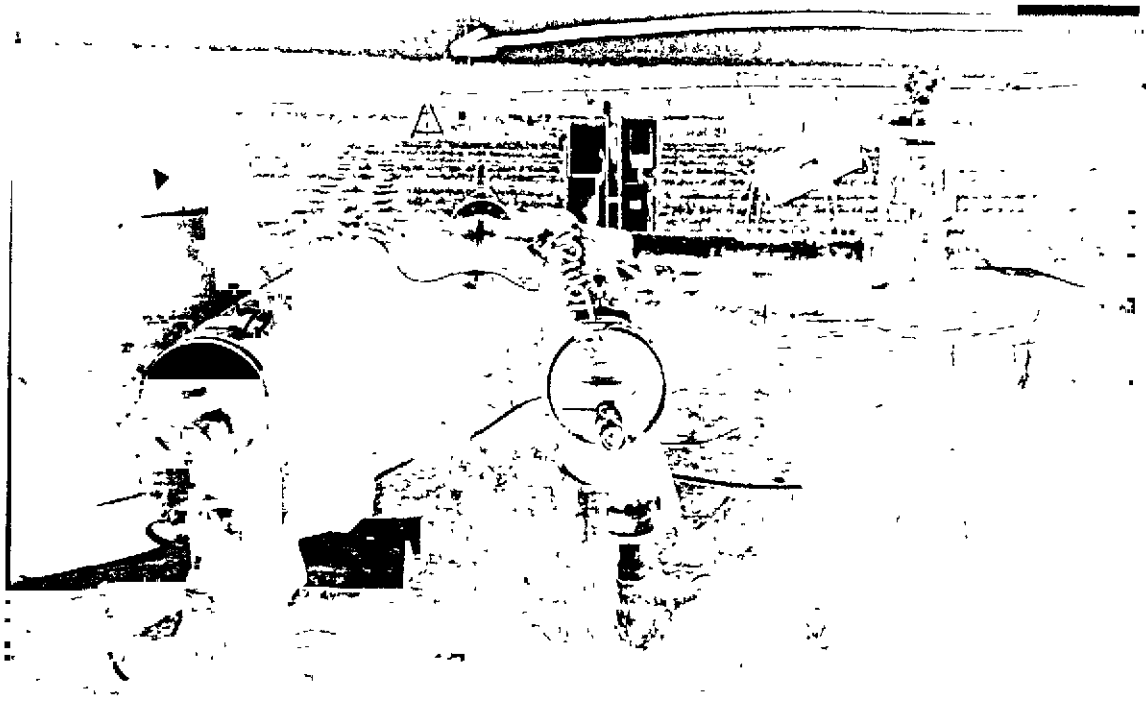
NOV 10 1999



MICRO
NOV 10 1999

35-08227


T9S R29E
SNAKE
Sec. 7.
Sec. 8.
Sec. 9.
Sec. 10.
Sec. 15.
Sec. 16.
Sec. 17.
Sec. 18.
Sec. 19.
Sec. 20.
Sec. 21.
Sec. 22.
West
East
N.89°57'E.
N.89°56'W.
S.89°59'W.
S.89°51'W.
618.44
640
622.72
617.60
622.50
636.20
230.20
42.60
216.80
58.00
35-0827



Small Mini Pivot

SECTION LINE

WEST WELL FOR PIVOTS 10, 11, & SMALL CORNER PIVOT

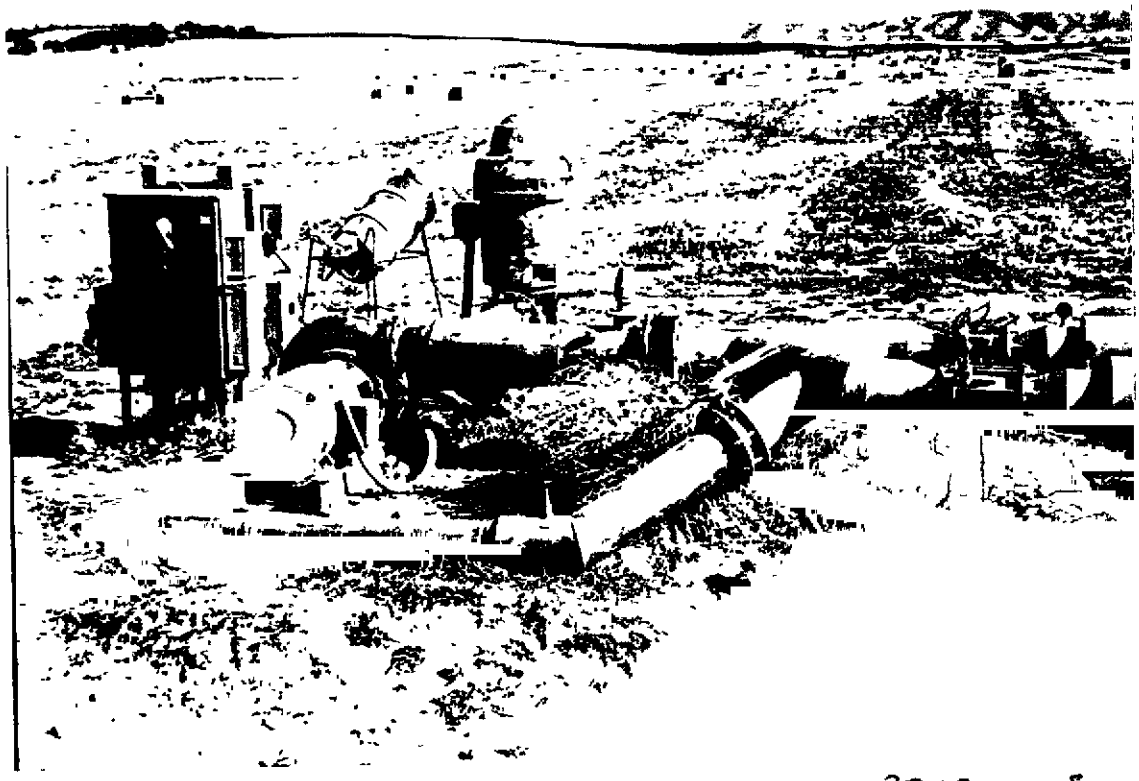
VIEW NORTH

MAINLINT TO PIVOT #10

SECTION LINE

MAINLINE TO PIVOT #11

WEST WELL



MAINLINE TO SMALL CORNER PIVOT

35-08605 & F
35-08844 D
35-08227

NOV 10 1999

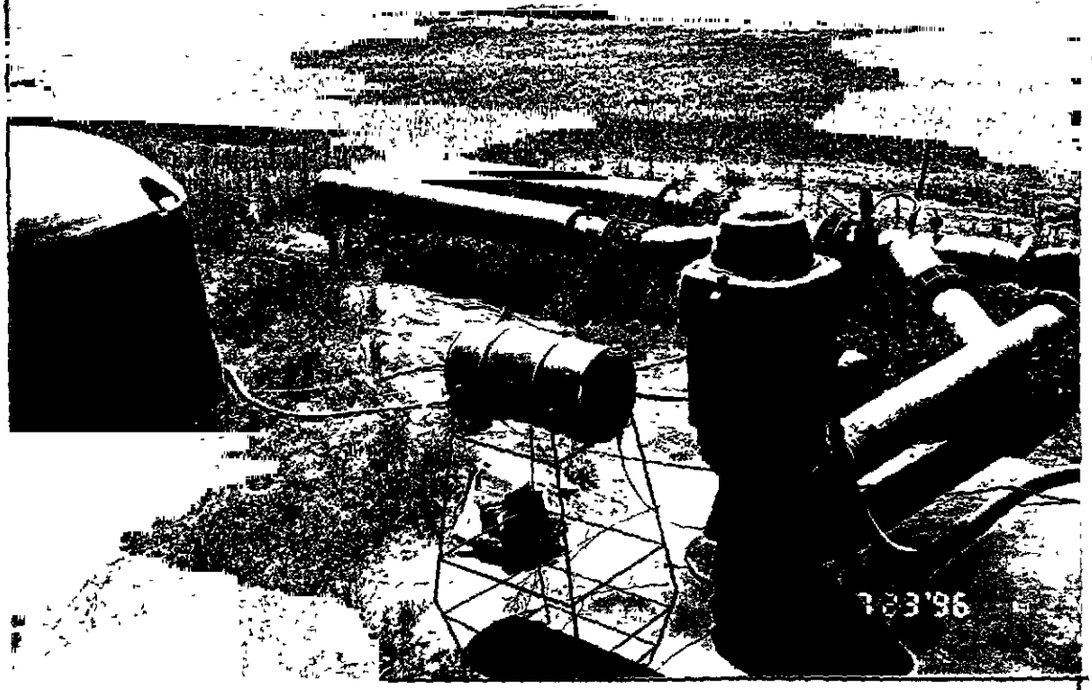
BEN CADAVESS

IRRIGATION

1/6

VIEW OF POINT OF DIVERSION

Well for Pivots 1 2 3
10, 11



SECOND VIEW PLACE OF USE

Well for Pivots 1 2 3
10, 11

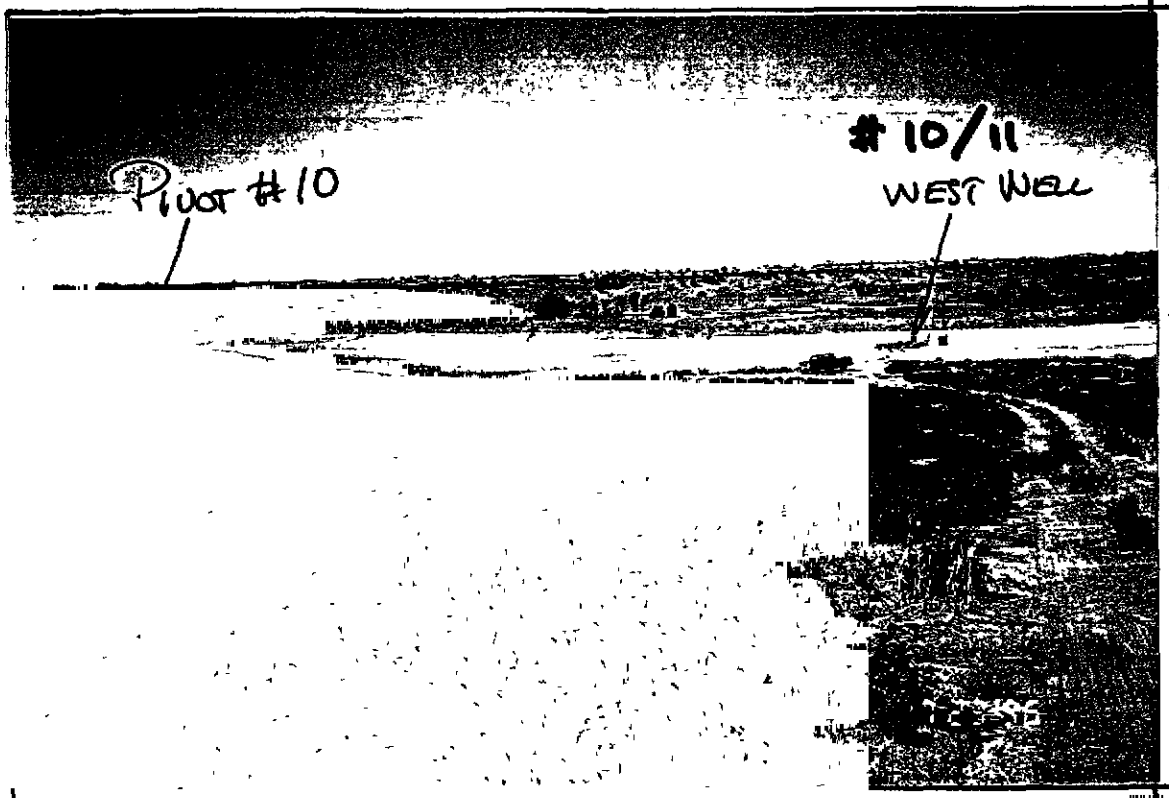
PERMIT NUMBER

35-08605 F
35-08844D
35-08227

RECD
NOV 10 1999

BEN CADNESS

IRRIGATION



VIEW OF 180° WIPER PIVOT

POINT OF DIVERSION

LEFT VIEW

WEST Well Pivot 10, 11, & Small Corner Pivot

VIEW OF 180° WIPER PIVOT

RIGHT VIEW

WEST Well FOR Pivots 10, 11, & Small Corner Pivot

PERMIT NUMBER

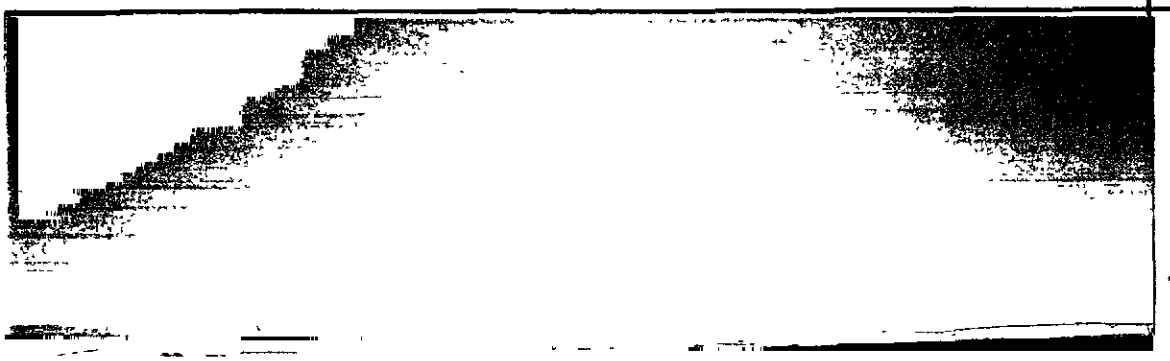
35-08605 & F
35-08844D
35-08227

NOV 10 1999

BEN CAVAness

IRRIGATION

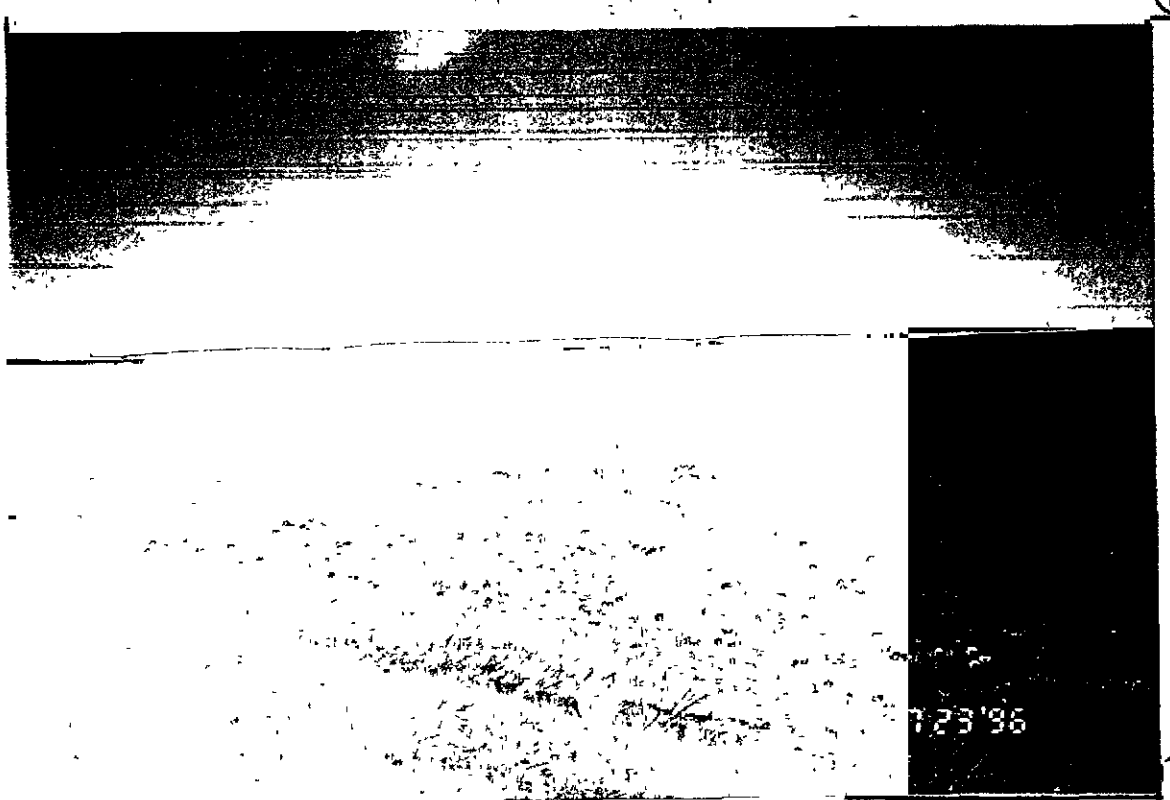
3/6



VIEW OF PIVOT #10

PLACE OF USE

4 VIEWS LEFT TO RIGHT.



VIEW OF PIVOT #10

PLACE OF USE

35-08605 & F
35-08844 D
35-08227

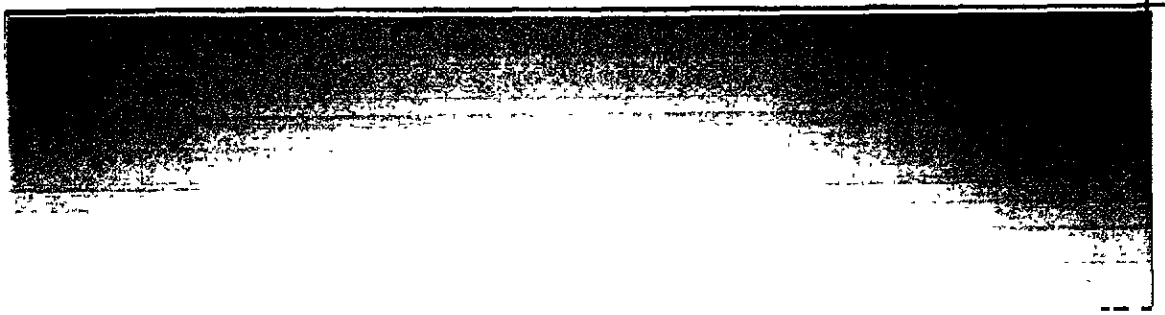
PERMIT NUMBER

NOV 10 1999

BEN CANNESS

IRRIGATION

4/6



VIEW OF PLACE OF USE

POINT #10

(3)

VIEW OF PLACE OF USE

POINT #10

35-08605 F

35-08440

35-08227

PERMIT NUMBER

MICRO

NOV 10 1999

BEN CAUNESS

IRRIGATION

5/6

VIEW OF PLACE OF USE

PIVOT #11

3 VIEWS LEFT TO RIGHT

(1)

VIEW OF PLACE OF USE

PIVOT #11

35-08605F

PERMIT NUMBER

35-08844D

35-08227

NOV 10 1999

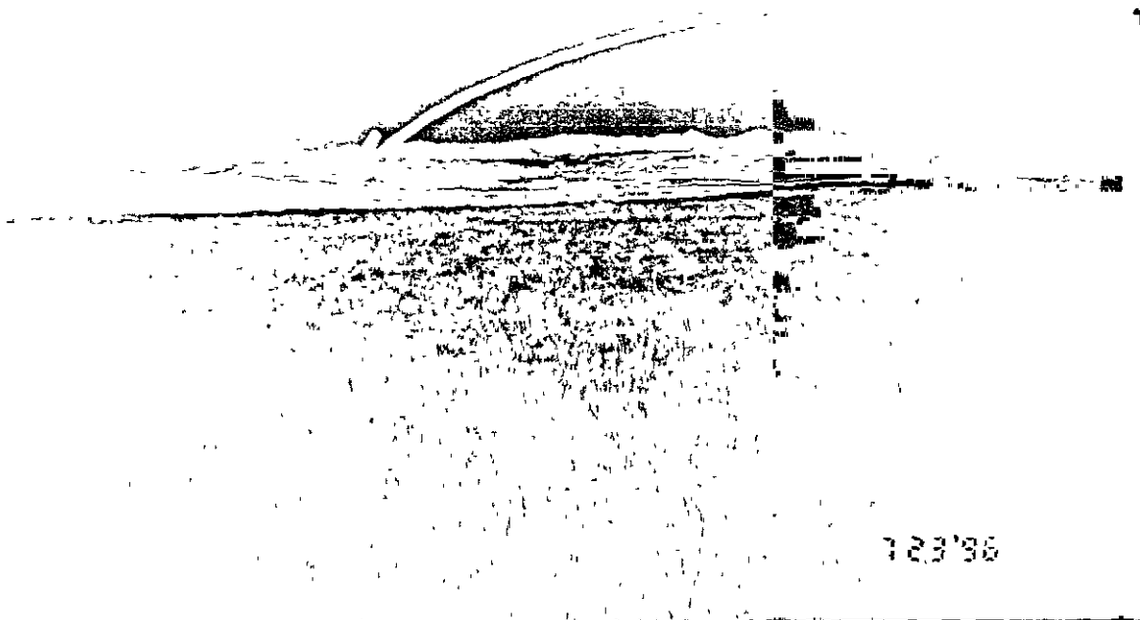
BEN CAVANESS

IRRIGATION

6/6

VIEW OF PLACE OF USE

PIVOT #11



123'36

MICROFILMED

NOV 10 1999

35-08605 F

PERMIT NUMBER 35-08844 D

35-08227

June 3, 1993

BEN CAVENESS
LINDA CAVENESS
895 FILLMORE
AMERICAN FALLS ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08227

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

JUN 29 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-08227 Reviewed by KDg Date 6/2/93

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate-117
Correct Uses?

SOURCE OF WATER

Surface water source
✓ Ground water source
yes Drilling permit required?
datac Copy in the file? Drilling Permit No. 35-92-E-0097
300 Amount paid for permit yes Correct?
datac Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
150 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / / -
No. of days late / / =
Priority Date / / +
New Priority Date / /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY
New Address

Proof Made 4/30/93
6/3/93 KDg

DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY
35-92-E-0097-000	O	BEN CAVANESS 895 FILLMORE AMERICAN FALLS, ID 83211 (208) 226-5201	09S	29E	17	NW NW		POWER

Subdivision Location and Description:
Subdivision Name:
Well Site Address: LAKE CHANELL RD
City State:
Lot(s):
Block(s):

Geographic Location:
Accuracy Code:
Lat: : : N
Long: : : W

Proposed Use of Well: Irrigation Proposed Casing Diameter: 16 In. Proposed Depth. 250 Ft.

Well Use Comments:

Driller License No: 0161
Firm Name: SHERMAN COUCH WELL DRILLING
Official: SHERMAN R COUCH

Permit Status: Permit

Verbal Issue Date:	
Date Received:	10/01/1992
Date Approved:	10/06/1992
Proposed Start Date:	09/29/1992
Extension Date:	
Extension Expiration:	

Receipt No.	Receipt Date	Fee
E017956	10/06/1992	$ 200.00

Specific Conditions: THIS PERMIT IS FOR IRRIGATION, HOWEVER WILL NOT ACCEPT WATER RIGHT NO. 35-08227

Permit Remarks:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 35-92-E-0097-000
Water Right No: 35-08227
Injection Permit No:

Nature of Work: NEW WELL
Construction Method: CABLE
Number of Monitor Wells:

Casing Diameter:	16 In.	Static Water Level:	38 Ft.	Actual Start Date:	10/10/1992
Depth of Casing:	373 Ft.	Temperature:	F.	Well Finish Date:	12/12/1992
Total Depth:	425 Ft.	Production Rate:	2200.00 GPM	Log Received Date:	01/11/1993
Screen Installed?	No			Certification Date:	12/20/1992
				Field Inspection Date:	Inspector:

Well Log Remarks:
POD ON PERMIT LISTED AS NENE 18, TWP 9N, RGE 29E
POD ON WELL LOG LISTED AS NWNW 17, TWP 9N, RGE 29E
.250 - 16 INCHES FROM 1.5 TO 421 FEET
.250 - 12 3/4 INCHES FROM 290 TO 373 FEET
90 PERFORATIONS FROM 48 TO 58 FEET
95 PERFORATIONS FROM 148 TO 157 FEET

WELL DRILLER'S LOG REPORT: Permit No. 35-92-E-0097-000 (cont'd)

Well Log Remarks: 50 PERFORATIONS FROM 187 TO 190 FEET
290 TO 330 FEET
SURFACE SEAL 30 FT.
LOG STATES. WATER RIGHT #35-8227, 35-8844 D

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 2, 1993

Ben Caveness
895 Fillmore
American Falls, ID 83226

Re: Permit Nos. 35-08605B, 35-08630, 35-08227, 35-08844C, 35-08844D

Dear Permit Holder:

We acknowledge receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. I have modified our computer records to reflect this change in ownership.

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

Sincerely,

Karen L Gustafson

Karen L. Gustafson
Secretary/Records Manager

C: IDWR - Regional Office

RECEIVED
JUN 29 1993

RECEIVED
APR 30 1993
Department of Water Resources

April 29, 1993

Ms. Karen Gustafson
Idaho Dept. of Water Res.
Statehouse Mail
Boise, Idaho 83720

Re: Assignment of permit numbers 35-8605B, 35-8630, 35-8227 & 35-8844C & D.
Proof of Beneficial use for permit numbers 35-8630, 35-8227 & 35-8844C and 35-8844D.

Dear Karen:

ENclosed are the forms listed above properly filled out to transfer the ownership of the above permits to me and file proofs on all of the applications except the 35-8605B since 40 acres still remains to be devéloped and will be done at a later date. I am also enclosing a ckeck for $675.00 to cover the required license fees.

If you have any questions or problems, please give me a call.

Also, I want to express my appreciation to you and Jim for putting up with me these last few months.

Sincerely,

Ben Cavaness

RECEIVED
JUN 29 1993

WR0749NP
No. 35-08227

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

DATE: 05/28/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN CAVENESS	11/16/1983	IRRIGATION	04-01	11-01	2.34 CFS	
C	LINDA CAVENESS						
	895 FILLMORE			TOTAL DIVERSION:		2.34 CFS	
	AMERICAN FALLS ID 83211						

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T09S R29E S18 NE NE

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	29E	17					33	33	25	26									117.0
																		TOTAL ACRES	117.0

Pou County: POWER

Other Water Rights Listing Overlapping Place(s) of use:
B35-08605B

Conditions of Approval:

048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.

049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.

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

026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

01G - Prior to the diversion of water under this right a flow
- measurement port or other device as specified by the Department
- shall be installed to provide for the installation of measuring
- equipment and the determination of the rate of diversion by the
- Department.

03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

46A - A well drilled pursuant to this permit must be located at least
- 500 feet from any existing well. Well spacing closer than 500
- feet must be approved by the Department of Water Resources.

46B - Construction of the well must comply with Idaho well
- construction standards.

004 - The issuance of this right in no way grants any right-of-way

Conditions of Approval:
- or easement across the land of another.

Dates:	App. Received:	11/21/1983	Priority Date:	11/16/1983
	Proof Due Date:	05/01/1993	Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: Water District Number: 01 Field Exam Fee:

Audit: 05/28/93 ZIMMERMA

February 28, 1993

SHARON CHAPIN
ELIZABETH CHAPIN MARCELLIN
5308 CHAPMAN DR
NEWARK CA 94560

PROOF DUE NOTICE

RE: PERMIT NO. 35-08227

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 May 1, 1993. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO. 139879

MICROFILMED

JUN 29 1993

Form 238-7
4/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

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.

1. WELL OWNER

Name BEN CAVANESS

Address 895 FILLMORE AM, FALLS ID, 83201

Drilling Permit No 35-92-E-097

Water Right Permit No. 35-8227 35-8844 D

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9)

3. PROPOSED USE

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

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.[illegible] inches	16 inches	+1.[illegible] feet	[illegible] feet
.[illegible] inches	1[illegible] inches	280 feet	2[illegible] 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 ☐ Gun
Size of perforation? [illegible] inches by [illegible] inches

Number		From	To
[illegible]	perforations	[illegible] feet	[illegible] feet
[illegible]	perforations	[illegible] feet	157 feet
50	perforations	197 feet	[illegible] feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

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 3[illegible] Material used in seal ☒ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
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 [illegible] pipe

6. LOCATION OF WELL

Sketch map location **must** agree with written location.

N / W / E / S

Subdivision Name _____

Lot No. _____ Block No. [illegible]

County [illegible]power

Address of Well Site [illegible] canal rd. [illegible]
(give at least name of road)

[illegible]NW ¼ [illegible]NW ¼ Sec. 17, T. 9 N ☐ or S ☒, R [illegible] E ☒ or W ☐

7. WATER LEVEL

Static water level [illegible]0 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
[illegible]200	19[illegible]	40

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	[illegible]	[illegible]0	brown sand		
16	[illegible]0	38	sand & small gravel		
	38	44	small gravel		
	44	58	large gravel some water	x	
	58	112	sandy clay		
	112	148	brown sticky clay		
	148	157	sandy gravel & sandstone	x	
	157	183	brown sticky clay		
	183	197	brown water sand	x	
	197	199	gravel	x	
	199	208	green & brown clay		
	208	224	yellow clay & gravel		
	224	240	brown clay		
	240	271	sandy clay		
	271	307	sand & some clay		
	307	317	brown sticky clay		
	317	330	loose lava & clay		
	330	334	gray lava solid		
	334	370	[illegible] lava & some red clay		
	370	380	clay lava, sand & gravel	x	
	380	390	brown clay		
	390	425	gray lavabroken with clay in seams		

RECEIVED
Department of Water Resources
Eastern District Office
FEB 22 1993
Department of Water Resources

JAN 1[illegible]

10.

Work started 10-10-92 finished 1-12-93

11. DRILLER'S CERTIFICATION

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

Firm Name HERMAN COUCH WELL DRILLING Firm No 161
Address [illegible]40 Wanna Vista Dr. [illegible]TWIN FALLS ID 83301 Date 1-20-93
Signed by Drilling Supervisor Sherman Couch
and
(Operator) Sherman Couch
(If different than the Drilling Supervisor)

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 22, 1992

Elizabeth Chapin Marcellin/Sharon Chapin
c/o Ben Caveness
P.O. Box 70
American Falls, ID 83211

Re: Permit No. 35-08227

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1993. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

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

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MICROFILMED
OCT 23 1992

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 35-08227 Reviewed by KLG Date 10/13/92

BASIC INFORMATION

10/9/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
_____ Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file?_____ Requested?_____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file?_____ Requested?_____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

needs EA Signature
Recommend approval Based on due diligence
Extend to 5/1/93

PRIORITY CALCULATION

Date extension received	NA	=	
Proof due date		=	
Number of days late		=	
Priority date		=	
New Priority Date		=	

DATA ENTRY

New Address_____
Change Proof Due Date 10/22/92 KLG
Change Priority Date_____

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 13, 1992

Ben Caveness
Caveness and Boomer
P.O. Box 70
American Falls, ID 83211

Re: Permit No. 35-08227

Dear Ben:

Returned is the Request for Extension of Time submitted in connection with the above referenced permit. Unfortunately, a signature is required before the Department can take action on the request. Please sign on the appropriate line and return to me within 15 days of the date of this mailing.

After I receive the form with the proper signature, I can complete my analysis and make a recommendation on your request.

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

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

MICROFILMED
OCT 23 1992

Xerox Copy

OPTION TO PURCHASE

This agreement, made and entered into this 26th day of August 1992, by and between Elizabeth (Chapin) Marcellin and Wayne Marcellin, husband and wife of 5308 Chapman Drive, Newark, California and Sharon Chapin, individually and as the sole heir at law of Clive Chapin, deceased, of 516 Princeton Raleigh, North Carolina, hereinafter, individually and collectively referred to as "Seller" and Ben Cavaness of 895 Fillmore, American Falls, Idaho, hereinafter referred to as "Buyer" witnesseth.

That for and in consideration of the sum of $1,000.00 receipt of which is hereby acknowledged by Sellers, Sellers do herewith irrevocably give and grant unto Buyer his heirs and assigns an exclusive option and privilege to purchase all of Sellers right, title and interest in and to the real property Sellers own in Power County, Idaho more particularly described as the NW 1/4 of Section 17 in Township 9 South and Range 29 E.B.M.

That the remaining terms and conditions of said option are as follows:

1. Term. This option shall commence upon execution hereof by all parties either of duplicate originals or counterparts thereof. The same shall terminate, unless extended by mutual agreement of the parties in writing on March 1, 1993.

2. Option Price. Sellers agree that the option purchase price for the above described property shall be the sum of $30,000.00 lawful money of the United States of America, payable in cash at the time of closing. Buyer agrees to attempt to coordinate the closing and payment of the purchase price so as to spread the same over two tax years if that can be worked out between Buyers lender and Buyer.

3. Exercise of Option. Buyer agrees to give Seller written notice of his intention to exercise this option to purchase no later than March 1, 1993 and establish a closing date and close within 60 days thereafter. Said notice shall be sent by certified mail, return receipt requested.

4. Seller Costs. Sellers represent to Buyer that they have authority to sell said property and agrees to provide Buyer with a policy of Title Insurance at closing showing good and marketable title to be well vested in Sellers subject only to standard exceptions and easements and rights of ways of record. Sellers will also pay all real property taxes and assessments up through the day of closing, at closing.

5. Water Rights. Seller understand that Buyer will be attempting to secure water rights for the subject property and will be applying for placing the transferred water rights in the name of Seller and Seller gives Buyer their power of attorney to

OCT 23 1992

act on their behalf in attempting to secure said water rights.

6. Development Rights. Seller also understands that subsequent to Buyers exercise of the option to purchase but prior to closing Buyer will have to survey the premisses, drill a well, beat the bush, disc, plow, possibly plant the property, level and install a mainline and sprinkler system prior to closing. Seller and Buyer agree that said improvements are to be at the sole risk and expense of Buyer and Buyer will not be acting as an agent of Seller in this regard and Buyer agrees to promptly pay when due and prior to delinquency all bills of all workmen and suppliers so providing said improvements.

Sellers in addition may be required, prior to closing, to grant to the Raft River Rural Electric Company an easement for a short powerline into the subject property to the location of a well site on or immediately adjacent to the premisses herein optioned.

7. Legal Ramifications. Sellers acknowledge that they are aware that Buyer is an attorney who is actingon behalf of himself in drafting this document and negotiating terms of this transaction. Sellers agree to seek independent legal advice prior to their execution of this document if they have any legal questions or concerns of any nature, recognizing that said buyer cannot give them any legal or financial advice.

8. Failure to Exercise Option. In the event Buyer fails or neglects to purchase the real property herein described within the term hereof that then and in that event the option will lapse and be of no further force and effect and Sellers may retain the option consideration paid herewith as their sole property, and there shall be no further liability on the parties to this agreement, one to the other. However, if Buyer does exercise this option the option consideration shall be deducted from the purchase price.

9. Restriction on Transfer or Encumbrance of Title. Seller agrees not to lease or transfer any rights to the subject property to any other person other than Buyer during the term hereof.

10. Possession. After execution of this agreement Seller agrees that Buyer may take possession for the purposes of completing surveying, soil surveys, brush beating-discing and well drilling. After exercise of option Buyer may install the powerline and sprinkler system components.

11. Release of Interest. In the event this option is not exercised within the period specified Buyer shall, on request of Seller execute and deliver to Seller a written release of option or quit claim deed relinquishing any interest in the subject property.

12. Notices. Any notices required hereunder shall be to

the addresses of the parties hereinbefore set out unless the same are modified by written agreement to that effect and all parties so notified.

13. Assignment and Succession. This option and the contract resulting from the exercise thereof shall bind and inure to the benefit of the heirs, administrators, executors, successors and assigns of respective parties.

In witness whereof the parties have hereunto set their hands and seals the day and year first above written.

Sellers

Elizabeth J. Marcellin

Sharon L. Chapin

Wayne Marcellin

Buyer

Ben Cavaness

State of Idaho)
) ss
County of Power)

On this 20th day of August, 1992, before me, a notary public in and for said State, personally appeared Ben Cavaness known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

SEAL

Marlene Henry
Notary Public

Residing at American Falls, Idaho
Comm. Expires 5-17-93

OCT 23 1992

State of California

ss

County of

On this 17 day of August, 1992, before me, a notary public in and for said State, personally appeared Elizabeth Chapin Marcellin and Wayne Marcellin known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

OFFICIAL SEAL
T. C. CHEDWICK
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
My comm. expires DEC 7, 1993

SEAL

T C Chedwick
Notary Public

Residing at Fremont, California
Comm. Expires Dec. 7, 1993.

State of North Carolina

ss

County of

On this 24th day of August, 1992, before me, a notary public in and for said State, personally appeared Sharon Chapin individually and as the sole heir at law of Clive Chapin, deceased know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

SEAL

Peggy Nam
Notary Public

Residing at Garner, North Carolina
Comm. Expires 10-9-95

FILED
OCT 23

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 1, 1992

ELIZABETH CHAPIN MARCELLIN
SHARON CHAPIN
5308 CHAPMAN DR
NEWARK CA 94560

RE: Permit No. 35-08227

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact our offices.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

c: Rosholt Robertson & Tucker

MICROFILMED
OCT 23 1992

MEMORANDUM

TO: *File 35-08227*

FROM: *Brenda*

DATE: *September 18, 1992*

RE: *Amendment Conditions*

==========

The Application for Amendment of the above referenced permit is to be approved with the following recommended conditions:

Approved provided the conditions as set forth in Permit No. 35-08227 are met.

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

A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

Construction of the well must comply with Idaho well construction standards.

Prior to the diversion of water under this right 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.

The issuance of this right in no way grants any right-of-way or easement across the land of another.

AUTHORIZED
OCT 23 1992

Form No. 211a
11/78

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 35-08227 Applicant Chapin & Marcellin

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) Application 35-08482
- ☑ 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 _____

By HWJ Date 9-14-92

RECEIVED
SEP 17 1992
Department of Water Resources

STATE OFFICE PROCESSING:

- ☑ Amendment correct and complete. By BLM Date 9-18-92
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

NOTICE OF PROPOSED AMENDING OF

APPROVED PERMIT TO APPROPRIATE WATER

Notice is hereby given that Permit No. 35-08227 in the name of Herbert A. & Linda C. Bohrer, Springfield, ID, was issued for the diversion of 2.34 cfs of water from a groundwater source with the point of diversion within the NWNE SEC 23 T04S R32E, Bingham County; to be used to irrigate 117 acres from April 1 to November 1 within the NENE NWNE SENE SEC 23 T04S R32E, B.M.

The permit holder now proposes to amend Permit No. 35-08227, changing the name to Elizabeth Chapin Marcellin & Sharon Chapin, Newark, CA, and the point of diversion and place of use to the NENE SEC 18 T09S R29E, to be used to irrigate 117 acres within the NW SEC 17 T09S R29E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before September 7, 1992.

R. Keith Higginson

Director

Published in the Power County Press on August 20 & 27, 1992

MICROFILMED

OCT 23 1992

August 31, 1992

HERBERT A. BOHRER
LINDA C. BOHRER
P.O. BOX 82
SPRINGFIELD ID 83277

PROOF DUE NOTICE

RE: PERMIT NO. 35-08227

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 November 1, 1992. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO. 139451

RECEIVED
OCT 23 1992

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

HERBERT A. BOHRER
LINDA C. BOHRER
P.O. BOX 82
SPRINGFIELD, ID 83277

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08227

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.

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NOV 20 1989

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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NOV 20 1989

Form No 202a
3/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson APPLICATION NUMBER: _____

CHECK:

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

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: 9-4-89
- ☐ Yes ☑ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: _____
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application.
- ☑ Publication dates and paper, recorded on application
- ☑ Protests, dates, withdrawal, etc., recorded on application.
- ☑ Recommendation & initial, recorded on application.
- ☐ Yes ☑ No Measuring device required.
- ☑ Yes ☐ No Access port required.
- ☑ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01-P05
  11-16-83 Date of priority recommended.
  Special conditions of approval or cover letter. 01G

App. in NON-TRUST area -
Allow 3 yrs. for B/U development

By: HWJ Date 9-12-89

STATE OFFICE REVIEW:

P05, P23, P03, P17 48 49 46 26 01G

☐ See attached sheet for more information
By: KW Date. 10-11-89

RECEIVED
SEP 18 1989
Department of Water Resources

August 9, 1989

Herbert A. & Linda C. Bohrer
Box 82
Springfield, ID 83277

RE: Application for Permit No. 35-8227

Dear Water Right Applicant:

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

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED
NOV 20 1989

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 8, 1989

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 4, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
NOV 20 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following appl[redacted]ion(s) have been filed t[redacted]propriate the public waters of the State of Idaho:

MICROFILMED

NOV 20 1989

be / .er r

35-08227

BOHRER, HERBERT A.
BOHRER, LINDA C.
BOX 82
SPRINGFIELD, ID 83277

Source: GROUNDWATER

Diversion Pt: NWNE Sec 23 T 04S R 32E

Use: IRRIGATION (2.340 CFS)

Date Filed: 11/16/1983

In: T04S R32E S23 NENE NWNE SENE

117.0 ACRES TOTAL

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NOV 20 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based [redacted] the criteria of Sec. 42-[redacted], Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 4, 1989.

R. Keith Higginson, Director

Published 8/17/1989 & 8/24/1989

MICROFILMED
NOV 20 1989

35-8227

BOHRER, HERBERT A. &/or LINDA C.

BOX 82, SPRINGFIELD, ID 83277

Source: GROUNDWATER

Date Filed: 11/16/1983

Diversion Pt: NWNE Sec 23 T 04S R 32E

Use: IRRIGATION (2.34 CFS)

In: NENE NWNE SENE Sec 23 T 04S R 32E FOR 117 ACRES

RECEIVED

NOV