

CHANGE IN ADDRESS

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

[] Water Right Number (s): 35-08142

[] Old Mailing Address: DEAN SHIPLEY
883 ROBERT
BLACKFOOT ID 83221

[] New Mailing Address: DEAN SHIPLEY
415 N 700 W
BLACKFOOT ID 83221

New Telephone Number: (208) 684-5132

[] Signature of Claimant: E. Dean Shipley

Date: 11-18-94

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/23/94 By: A. Curtis

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

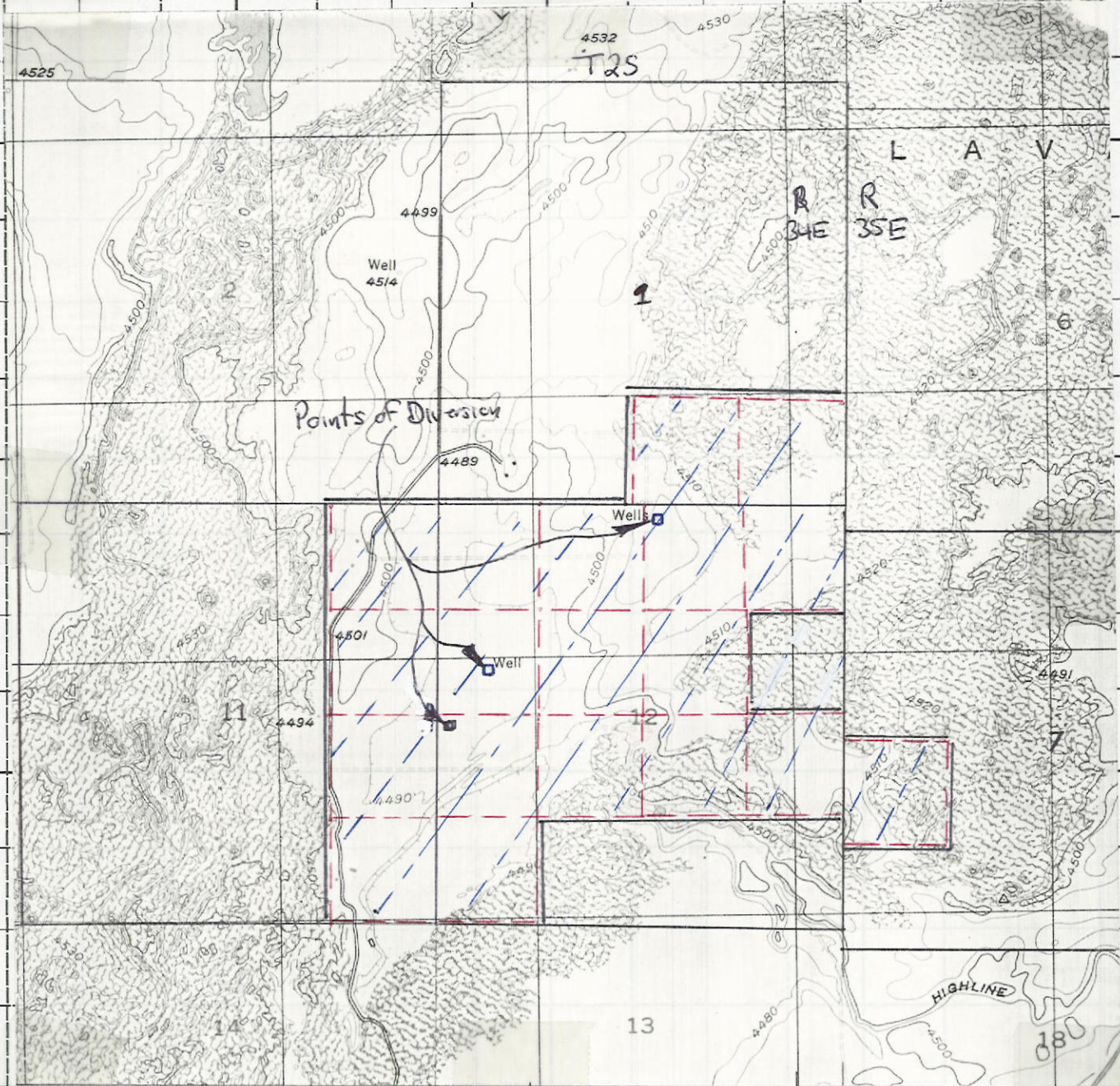
NOV 23 1994

Department of Water Resources

MICROFILMED

AUG 15 2002

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



Scale: 2 inches equal 1 mile.

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

MICROFILMED

MAR 21 1990

X Keith Eglin
(Applicant)

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E1															10	10	20
Rec	35 10799	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E1									30	31	40	37					138
Rec	35 11409A	MARK D LEAVITT, RHONDA LEAVITT,	GROUND WATER	02S34E1		19	2		37	36	37	37	5	5							178
Rec	35 2071A	MARK D LEAVITT, RHONDA LEAVITT,	GROUND WATER	02S34E1		19	2		37	36	37	37	5	5							178
Rec	35 2140	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E1															5	10	15
Rec	35 2141	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E1									30	31	40	37					138
Rec	35 2316	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E1															5	10	15
Rec	35 2455A	MARK D LEAVITT, RHONDA LEAVITT,	GROUND WATER	02S34E1		19	2		37	36	37	37	5	5							178
Right	35 2071	CLAUDE G BROWER,	GROUND WATER	02S34E1					X	X	X	X	X	X							0
Right	35 2140	KEITH ESPLIN,	GROUND WATER	02S34E1															10	10	20
Right	35 2141	EVELYN BALDWIN,	GROUND WATER	02S34E1											20	40					60
Right	35 2316	KEITH ESPLIN,	GROUND WATER	02S34E1															10	10	20
Right	35 2455	CLAUDE G BROWER,	GROUND WATER	02S34E1					32	36	40	40	5	5							158
Right	35 8136	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E1									28	26	39	37					130
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E1															5	10	15

↑ ↑
OL Rts.
35-2140
2316

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E11	20			40									40			40	140
Rec	35 10799	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E11	11																11
Rec	35 10930	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E11	11	3															14
Rec	35 2099F	DARRIN J WHEELER,	GROUND WATER	02S34E11						19	3										22
Rec	35 2125E	DARRIN J WHEELER,	GROUND WATER	02S34E11						19	3										22
Rec	35 2125F	DARRIN J WHEELER,	GROUND WATER	02S34E11							4										4
Rec	35 2130D	DARRIN J WHEELER,	GROUND WATER	02S34E11						19	3										22
Rec	35 2140	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E11	13		3	38									38	12		25	129
Rec	35 2141	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E11	11																11
Rec	35 2200	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E11	11	3															14
Rec	35 2316	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E11	13		3	38									38	12		25	129
Rec	35 2340	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E11	11	3															14
Right	35 2130A	C L WILLIAMS,	GROUND WATER	02S34E11							1										1
Right	35 2130B	LARRY E WHEELER, DARRIN J WHEELER,	GROUND WATER	02S34E11						24	4										28
Right	35 2140	KEITH ESPLIN,	GROUND WATER	02S34E11	20			40									40			40	140
Right	35 2141	EVELYN BALDWIN,	GROUND WATER	02S34E11	10																10
Right	35 2316	KEITH ESPLIN,	GROUND WATER	02S34E11	20			40									40			40	140
Right	35 4136	ROBERT M BARON, SHIRLY E BARON,	GROUND WATER	02S34E11																4	4
Right	35 8136	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E11	10																10
Right	35 8137	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E11	10	4															14
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E11	13		3	38									38	12		25	129

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**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E12	35	40	25		20	20	40	40	15	40	20		35	15			345
Rec	35 10799	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E12					19	19											38
Rec	35 2140	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E12	27	35	28	1	19	19	40	40	13	39	22		20				303
Rec	35 2141	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E12					19	19											38
Rec	35 2316	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E12	27	35	28	1	19	19	40	40	13	39	22		20				303
Right	35 2140	KEITH ESPLIN,	GROUND WATER	02S34E12	35	40	25		20	20	40	40	15	40	20		35	15			345
Right	35 2141	EVELYN BALDWIN,	GROUND WATER	02S34E12					20	20											40
Right	35 2316	KEITH ESPLIN,	GROUND WATER	02S34E12	35	40	25		20	20	40	40	15	40	20		35	15			345
Right	35 8136	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E12					20	20											40
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E12	27	35	28	1	19	19	40	40	13	39	22		20				303

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**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	35 2140	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S34E14	4																4
Rec	35 2316	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S34E14	4																4
Rec	35 7193	ZANE CLEMENT, LARRY J CLEMENT,	GROUND WATER	02S34E14															29	39	68
Right	35 7193	LARRY J CLEMENT,	GROUND WATER	02S34E14															30	34	64
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E14	4																4



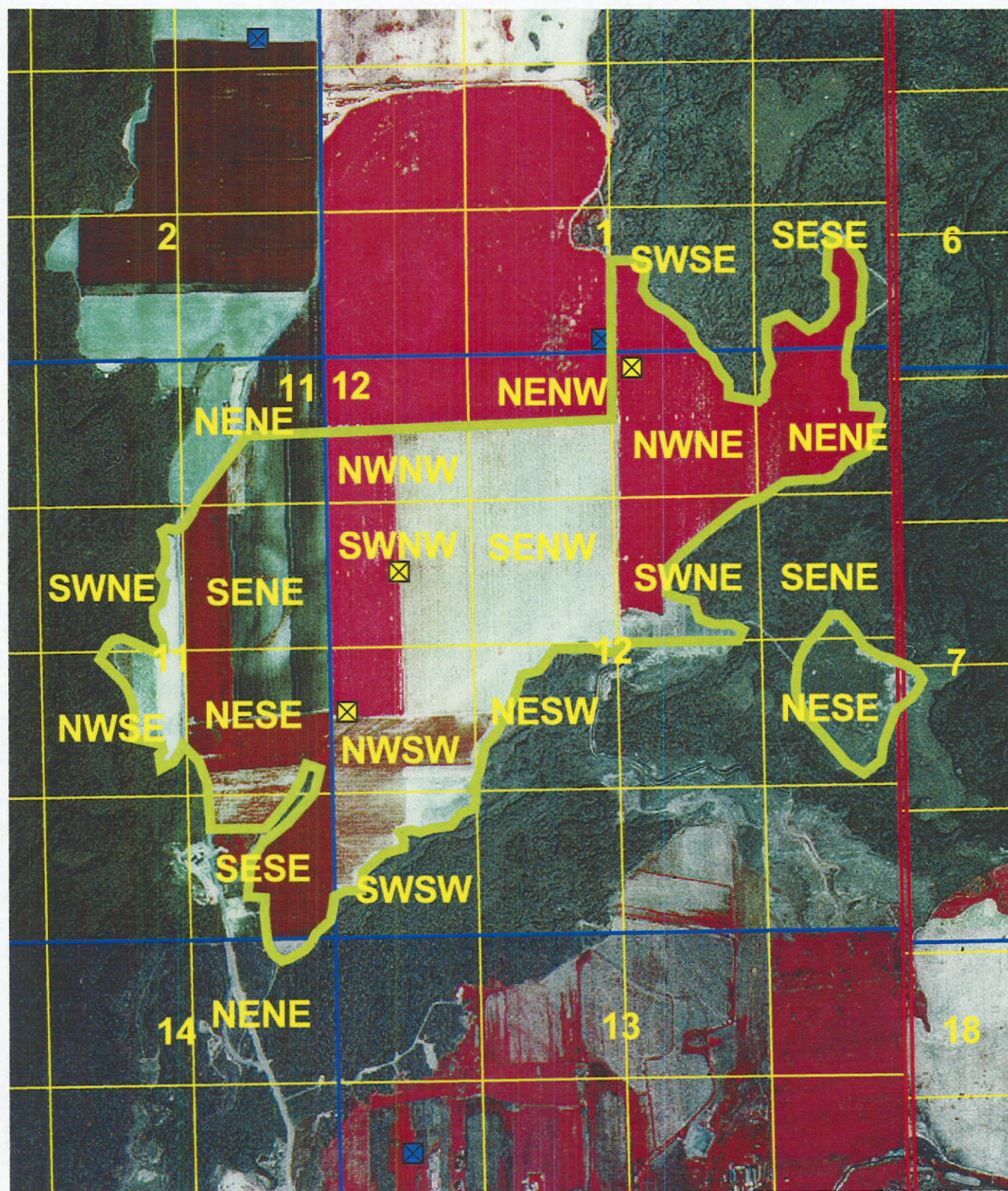
**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 8142	DEAN SHIPLEY,	GROUND WATER	02S35E7											15						15
Rec	35 2082	ARCHIE L MECHAM,	GROUND WATER	02S35E7													38	22	35	27	122
Rec	35 2140	KENEA LEAVITT, DENNIS LEAVITT,	GROUND WATER	02S35E7											2						2
Rec	35 2316	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S35E7											2						2
Rec	35 2705	DENNIS LEAVITT, KENEA LEAVITT,	GROUND WATER	02S35E7												6	12				18
Right	35 2082	MICHAEL JOHNSON JR,	GROUND WATER	02S35E7													37	25	38	35	135
Right	35 2140	KEITH ESPLIN,	GROUND WATER	02S35E7											15						15
Right	35 2316	KEITH ESPLIN,	GROUND WATER	02S35E7											15						15
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S35E7											2						2

7

35-08142

T2S, R34E, sec 1,11,12,14
T2S, R35E, sec 7



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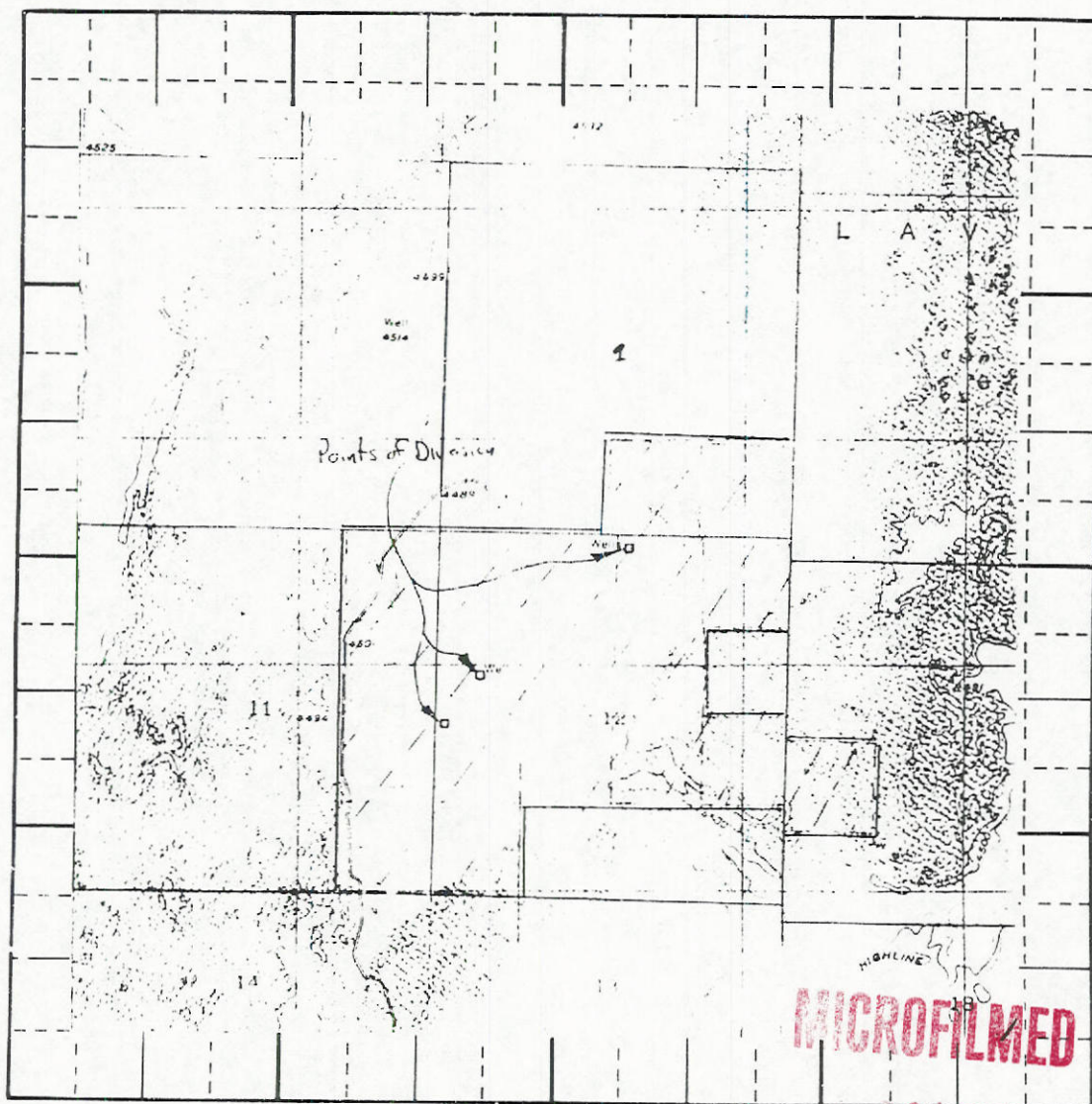
AUG 15 2002

Describe the lands and the use to which the right will be used

TWP	RANGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	34E	1															10	10	20
		11	20			40									40			40	140
		12	35	40	25		20	20	40	40	15	40	20		35	15			345
2S	35E	7									15								15

Total number of acres to be irrigated 520

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number



At A, 2 inches equal 1 mile. Draw plan in ink

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08142

Priority: June 10, 1983

Maximum Diversion Rate 2.21 CFS

It is hereby certified that DENNIS LEAVITT And/Or KENEA LEAVITT
220 N 740 W
BLACKFOOT ID 83221 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 20, 1983; and have
submitted Proof of Beneficial Use on March 22, 1991. An examination indicates that the works have a
diversion capacity of 8.71 cfs of water from

SOURCE

GROUND WATER

and a water right has been established as follows

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

2.21 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER NW¼NW¼NE¼ Sec. 12, Twp 02S, Rge 34E, B.M., BINGHAM County

GROUND WATER NW¼NW¼SW¼ Sec. 12, Twp 02S, Rge 34E, B.M., BINGHAM County

GROUND WATER SE¼SW¼NW¼ Sec. 12, Twp 02S, Rge 34E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 34E 1															5.0	10.0	15.0
																L 4	
02S 34E 11	13.0		3.0	38.0									38.0	12.0		25.0	129.0
02S 34E 12	27.0	35.0	28.0	1.0	19.0	19.0	40.0	40.0	13.0	39.0	22.0		20.0				303.0
		L 1		L 2									L 3				
02S 34E 14	4.0																4.0
02S 35E 7										2.0							2.0
										L 3							

Total Acres: 453

CONDITIONS OF APPROVAL

1. Rights 35-02140 and 35-02316 are also diverted through the points of diversion described above.
2. Rights 35-02140, 35-02316 and 35-08142 when combined shall not exceed a total annual maximum diversion volume of 1840.0 af at the field headgate, and the irrigation of 453 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No 120.

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AUG 15 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08142

- 4 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.
- 5 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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

Signed and sealed this 2ND day of AUGUST, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

AUG 15 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08142

RECEIVED

JUL 29 2002

Department of Water Resources

Date of Priority: June 10, 1983

Maximum Diversion Rate: 2.21 CFS

Comes now DEAN SHIPLEY
415 N 700 W

BLACKFOOT ID 83221 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 35-08142, and requests that the permit be changed as follows:

Source: GROUND WATER

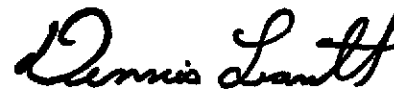
<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	2.21 CFS

LOCATION OF POINTS OF DIVERSION:GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 02S, Rge 34E, B.M., BINGHAM CountyGROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp 02S, Rge 34E, B.M., BINGHAM CountyGROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, Twp 02S, Rge 34E, B.M., BINGHAM County**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 34E 1															5.0	10.0	15.0
															L 4		
02S 34E 11	13.0		3.0	38.0									38.0	12.0		25.0	129.0
02S 34E 12	27.0	35.0	28.0	1.0	19.0	19.0	40.0	40.0	13.0	39.0	22.0		20.0				303.0
	L 1			L 2									L 3				
02S 34E 14	4.0																4.0
02S 35E 7									2.0								2.0
									L 3								

Total Acres: 453

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 23 day of July, 2002.



(Signature)

MICROFILMED

AUG 15 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08142

FOR DEPARTMENT USE ONLY
Preliminary check by KW Fee \$5000 Received by [Signature] # 063602 Date JUL 29 2002

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. 35-08142 with the following:

CONDITIONS OF APPROVAL

1. Rights 35-02140 and 35-02316 are also diverted through the points of diversion described above.
2. Rights 35-02140, 35-02316 and 35-08142 when combined shall not exceed a total annual maximum diversion volume of 1840.0 af at the field headgate, and the irrigation of 453 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
4. 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.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this 2nd day of August, 2002.

Acting for

[Signature]
KARL J. DREHER
Director

MICROFILMED

AUG 15 2002

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 0263371
Date 7-16-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 16 2002

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, Dean Shipley, hereby assign to Dennis for Kenea Leavitt
of, 220 N. 740 W. Blackfoot, Id 83221 208-684-4842
(Full Address) (Phone)

All my right, title, and interest in and to Permit No 35-08142 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 for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 8th day of July, 2002

Dean Shipley
Permit Holder(s)

State of Idaho)

County of Bingham)ss

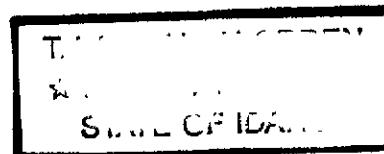
On this 8th day of July, 2002, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same

T. Payne Van Orde
Notary Public residing at

SEAL

My commission expires:

NOV 30 2004
2004 11 30 2004



CHANGE IN ADDRESS

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

[] Water Right Number (s): 35-08142

[] Old Mailing Address: DEAN SHIPLEY
983 ROBERT
BLACKFOOT ID 83221

[] New Mailing Address: DEAN SHIPLEY
415 N 700 W
BLACKFOOT ID 83221

New Telephone Number: (208) 684-5132

[] Signature of Claimant: _____

Date: _____

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/23/94 By: D. Curtin

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

RECEIVED
NOV 23 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-08142

IN THE NAME OF DEAN SHIPLEY

)
) ORDER OF REINSTATEMENT
)
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on March 1, 1991, the permit lapsed for failure of the permit holder to submit proof of beneficial use;

WHEREAS, on March 13, 1991, the permit holder assigned all right, title, and interest in and to Permit No. 35-08142 to Dean Shipley; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days; and,

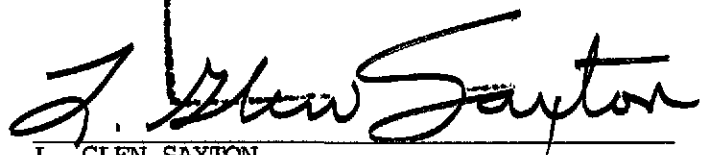
WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on March 22, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-08142 be REINSTATED with advance in priority to June 10, 1983.

Dated this 10th day of April, 1991.

MICROFILMED

JUL 15 1991

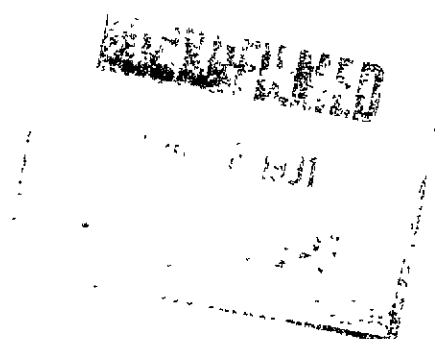


L. GLEN SAXTON

Chief, Water Allocation Bureau

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-08142	Keith Esplin	3.90
Full Assignment	35-08142	Dean Shipley	3.90



RECEIVED

MAR 22 1991

Department of Water Resources
Eastern District Office

RECEIVED

MAR 28 1991

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE
Department of Water Resources

For Office Use Only
Amt. of Fee \$ 175.00
Date 22 Mar 1991
Receipt No. E01543
Received by Kew

Water Resource Board

(Doug Cushman)

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

1. Permit No. 35-08142 Telephone No. 785-3072

2. Name(s) of Permit Holder(s): Dean Shipley

3. Post Office Address: 883 Roberts Blackfoot, ID 83221

4. Source of Water: Ground water

a. If ground water, well driller's name: Irvin Wanlass Date drilled: May 1983

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

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 520 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 3.9 cfs _____ acre/feet

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

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

OR

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

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

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

Dean Shipley 785-3072
Name Telephone No.

883 Roberts - Blackfoot, ID 83221
Address

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

MICROFILMED

JUL 15 1991

3-21-91
Date

Juanita Shipley (wife's owner)
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

RECEIVED
MAR 13 1991

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Keith Esplin, hereby assign to Dean Siple
of 883 Robert Blackfoot, ID 83221
Address

All my right, title, and interest in and to Permit No. 35-08142
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 11 day of March, 19 91.

Keith Esplin
Permit Holder

CARLYN J. ESPLIN
Spouse of Permit Holder

State of Idaho)
County of Bingham) ss

On this 11th day of March, 19 91, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Heather London
Notary Public residing at
Blackfoot, Idaho

My commission expires: 9-10-96

RECEIVED
MAR 13 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08142

Proposed Priority: May 20, 1983

Maximum Diversion Rate:

3.90 CFS

This is to certify, that **KEITH ESPLIN**
RT. 2 BOX 192
SHELLEY, ID 83274

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

3.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW Sec. 12, Township 02S, Range 34E
SWNW Sec. 12, Township 02S, Range 34E
NWNE Sec. 12, Township 02S, Range 34E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	1	SWSE 10	SESE 10		20
		11	NENE 20	SENE 40	NESE 40	
			SESE 40			140
		12	NENE 35	NWNE 40	SWNE 25	
			NENW 20	NWNW 20	SWNW 40	
			SENW 40	NESW 15	NWSW 40	
			SWSW 20	NESE 35	NWSE 15	345
35E		7	NWSW 15			15

Total number of acres irrigated: 520

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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MAR 21 1990

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

NO. 35-08142

CONDITIONS/REMARKS:

6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

15th day of February, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

MAR 21 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Keith Esplin Phone 357-7016
Post office address Rt. 2, Box ¹⁹² 62A, Shelley, Idaho 83274

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

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12 Township 2S
Range 34E B.M. Bingham County, additional points of diversion if any: _____
NWNE, SWNW, Sec. 12, T. 2S, R. 34E (already in existence)

4. Water will be used for the following purposes:

Amount 3.90 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.90 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Three wells/pumps to sprinkler
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 _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 18 inches; proposed depth of well is 100 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 2 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

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MAR 21 1990

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

TWP	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
2S	34E	1															10	10	20
		11	20			40									40			40	140
		12	35	40	25		20	20	40	40	15	40	20		35	15			345
2S	35E	7									15								15

Total number of acres to be irrigated 520

c. Describe any other water rights used for the same purposes as described above. 35-2316 and

35-2140

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 A recent transfer added the NWSW/ as a PD for licenses
35-2140 and 35-2316. This application is to bring licensed amount
up to an inch (0.02 cfs) per acre.

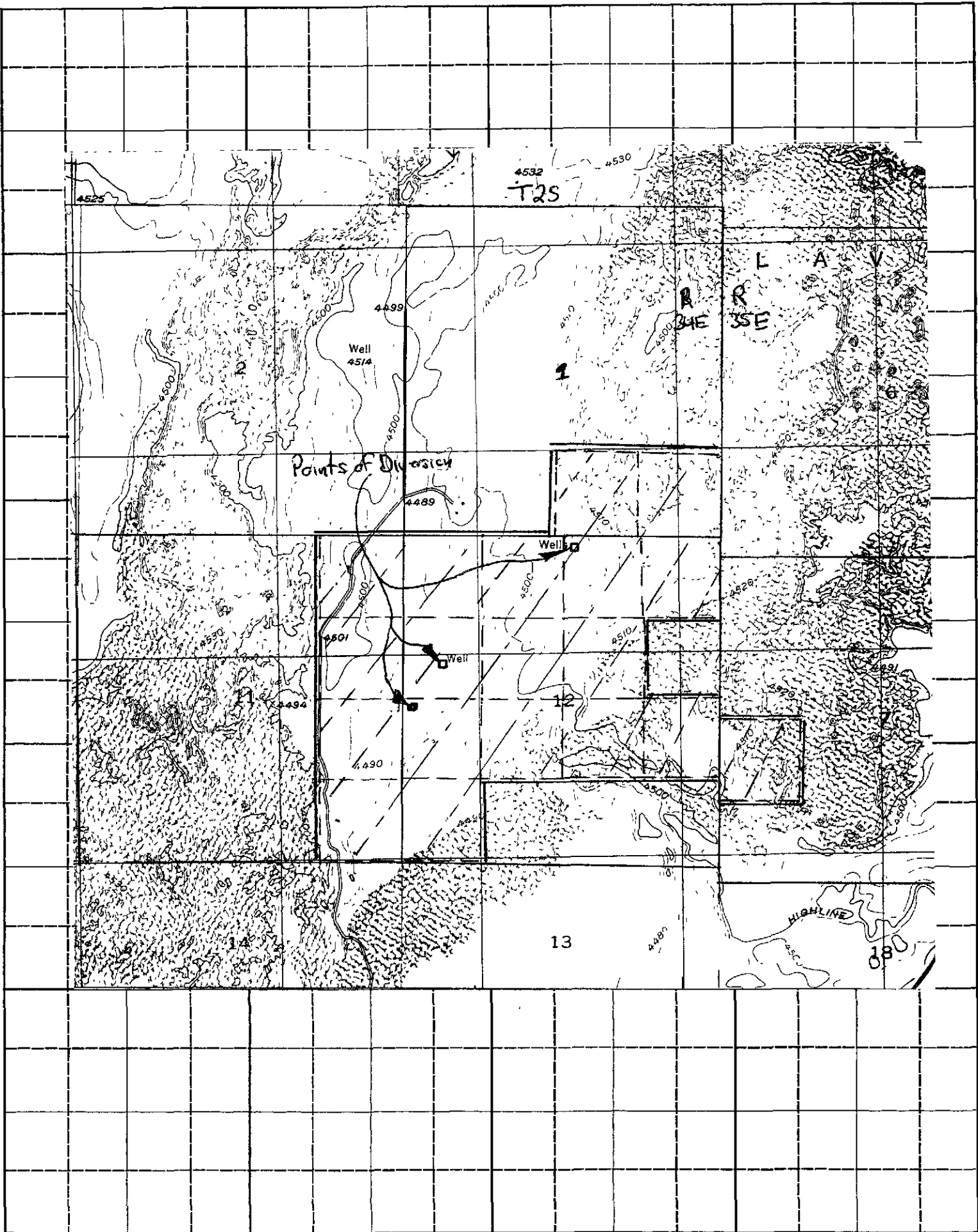
35-2140 - 2.18 cfs - 520 acres

35-2316 - 4.32 cfs - 520 acres

FILED

MAR 21 1940

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



Scale 2 inches equal 1 mile.

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

MICROFILMED

MAR 21 1990

X Keith Eglin
(Applicant)

Assesst by HWS

Received by _____ Date 5/20/83 Time 8:40am

Preliminary check by _____ Fee \$ 105.00

Receipted by BP Date 5/20/83 # 26263

Publication prepared by RB Date 7-24-89

Published in Morning News

Publication dates 8-3-89 11-16-89

Publication approved RB ea Date 12-7-89 JAN 8-90

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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MAR 21 1990

RECEIVED
JAN 11 1990
Department of Water Resources
Eastern District Office

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

**NOTICE OF CORRECTION
NO. 35-8142**

NOTICE IS HEREBY GIVEN that Application No. 35-8142 in the name of Keith Espin was advertised incorrectly on November 16 and 23, 1989. The place of use was advertised as being within T02S, R34E, S01, SWSE, SESE, S11, NENE, SENE, NESE, SESE, S12 NENE, NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW, NWSE, SWSW, NESE, NWSE, R35E, S07, NWSW.

Whereas, the actual place of use is within T02S, R34E, S01, SWSE, SESE, S11, NENE, SENE, NESE, SESE, S12, NENE, NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW, NWSW, SWSW, NESE, NWSE; T02S, R35E, S07, NWSW

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before January 8, 1990

R KEITH HIGGINSON
Director

(523)
Pub : 12/21, 28

MICROFILMED

MAR 21 1990

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

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

21st day of December, 1989;

and the last publication having been made on the

28th day of December, 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 December, in the year 1989, before me a Notary Public of said State, personally appeared

Ted Townsend
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.

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

Affidavit Processing Fee \$5.00

35-08153

HURCH OF JESUS CHRIST OF
 AFTER DAY SAINTS
 Thomas Fourth Ward
 Rt. 5, Box 354
 Blackfoot, Id. 83221
 Source: GROUNDWATER
 Diversion Pt: SESE, Sec. 6, T. 03S, R. 34E.;
 Use: IRRIGATION (.400 CFS).
 Date Filed: 5/25/1983.
 In: T03S, R34E, S06, SESE.
 23.0 ACRES TOTAL.

35-08121

THOMAS, D. Cornell
 241 S. 1100 N.
 Pingree, Id. 83262
 Source: GROUNDWATER
 Diversion Pt: SWNW, Sec. 17, T. 03S, R.
 34E.
 Use: IRRIGATION (.200 CFS)
 Date Filed: 3/30/1983.
 In: T03S, R34E, S17, SWNW..
 10.0 ACRES TOTAL.

35-08122

STANFIELD, Larry A.
 STANFIELD, Jeffrey
 P O Box 102
 Moreland, Id. 83256
 Source: GROUNDWATER
 Diversion Pt: NWNW, Sec. 10, T. 02S, R.
 34E.
 Use: IRRIGATION (.160 CFS).
 STOCKWATER (.020 CFS)
 DOMESTIC (.060 CFS)
 Date Filed: 4/05/1983
 In: T02S, R34E, S03, SWSW; S10, NWNW
 8.0 ACRES TOTAL.

35-08133

SLAUGH, Pearl
 Aberdeen, Id. 83210
 Source: GROUNDWATER
 Diversion Pt: SESW, Sec. 28, T. 05S, R.
 31E
 Use: IRRIGATION (.800 CFS).
 Date Filed: 5/03/1983.
 In: T05S, R31E, S28, SESW
 40.0 ACRES TOTAL.

35-08136

LEAVITT, Dennis
 LEAVITT, Kenea
 220 N. 740 W.
 Blackfoot, Id. 83221
 Source: GROUNDWATER
 Diversion Pt: SESW, Sec. 1, T. 02S, R. 34E
 Use: IRRIGATION (1.600 CFS).
 Date Filed: 5/03/1983.
 In: T02S, R34E, S01, NESW, NWSW,
 SWSW.
 80.0 ACRES TOTAL.

35-08142

ESPLIN, Keith
 Rt. 2, Box 192
 Shelley, Id. 83274
 Source: GROUNDWATER
 Diversion Pt: NWNE, Sec. 12, T. 02S, R.
 34E; SWNW, Sec. 12, T. 02S, R. 34E, NWSW,
 Sec. 12, T. 02S, R. 34E.
 Use: IRRIGATION (3.900 CFS)
 Date Filed: 5/20/1983
 In: T02S, R34E, S01, SWSE, SESE, S11,
 NENE, SENE, NESE, SESE, S12 NENE,
 NWNE, SWNE, NENW, NWNW, SWNW,
 SENW, NESW, NWSE, SWSW, NESE, NWSE,
 R. 35E, S07, NWSW.
 520.0 ACRES TOTAL.

35-08144

MERRILL, Clendon
 Rt. 5, Box 68
 Blackfoot, Id. 83221
 Source: GROUNDWATER
 Diversion Pt: SWNW, Sec. 36, T. 02S, R.
 33E.
 Use: IRRIGATION (.300 CFS).
 Date Filed: 5/19/1983.
 In: T02S, R33E, S36, SWNW
 15.0 ACRES TOTAL.

RECEIVED

DEC 04 1989

Department of Water Resources
 Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend, do

solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

16th day of November, 19 89;

and the last publication having been made on the

23rd day of November, 19 89;

that said notice was published in the regular and entire
 issue of every number of the paper as aforesaid during
 the period and time of publication, and that notice was
 published in the newspaper and not in a supplement

On this 29th day of November, in
 the year 19 89 before me a Notary Public of said State,
 personally appeared

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

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

Affidavit Processing Fee. \$5.00

MAR 1 1990

BNG**POD Data****02S 34E 12 NWNWNE**

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
02S 34E 12 NWNWNE	A0007189	H 12 1		500452
Latitude 043 16:10 130 Longitude -112:25:27.080 GPS File r042221a				
Comments GPS location may be NENENW, point appears to be on QQ GCDB line (tjl 9-12-02)				

PCC Data

Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
1999	150156.00	363.3	1	413.3	06/28/2000	IP	05720076727	
Comments:						Tracking:	Preferred:	Validated:
							Change Date.	
2000	195277.00	472.5	1	413.3	06/28/2000	IP	05720076727	
Comments:						Tracking	Preferred:	Validated:
							Change Date	

PCC Calibration

Date	PCC	Change Date
06/28/2000	413.3	

Kilowatt-Hour Meter	Condition #1	KW	GPM	PCC	PSI	Percent
Utility IP		81.2	1067	413.3	44	100
Pole No H 12 1	Descrp	PVT W/ END GUN				
Meter Mfr A	Condition #2	KW	GPM	PCC	PSI	Percent
Meter S/N 01983309		0	0			0
Disk Const 21.6	Descrp					
Multiplier 1	Condition #3	KW	GPM	PCC	PSI	Percent
		0	0			0
	Descrp					

Site Visits

Site Visit Date	Site Examiner	Reason	Change Date:
6/28/2000	M.Liechty	PCC Calibration	
Notes			
4/22/1998	D. Elison	Inventory	
Notes: System Type: P			

Tuesday, June 03, 2003

Page 1 of 2

BNG**POD Data****02S 34E 12 NWNWSW**

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
02S 34E 12 NWNWSW	A0006393	H 12 3		500451
Latitude 043:15'38.630		Longitude -112:26:04 750	GPS File r091821a	PCC (2)
Comments GPS location is NESE Sec 11 2S 34E				

PCC Data

Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
1997	63525.00	156	1	407.1	09/09/1997	IP	05720122223	
Comments:						Tracking:	Preferred:	Validated:
							Change Date	
1998	44851.00	110.2	1	407.1	09/09/1997	IP	05720122223	
Comments:						Tracking:	Preferred:	Validated:
							Change Date	
1999	41520.00	102	1	407.1	09/09/1997	IP	05720122223	
Comments:						Tracking:	Preferred:	Validated:
							Change Date:	
2000	62445.00	153.4	1	407.1	09/09/1997	IP	05720122223	
Comments:						Tracking:	Preferred:	Validated:
							Change Date:	

PCC Calibration

Date	PCC	Change Date
09/09/1997	407.1	

Kilowatt-Hour Meter	Condition #1	KW	GPM	PCC	PSI	Percent
Utility IP		51.8	691	407.1	74	100
Pole No H 12 3	Descrp 4-lines+					
Meter Mfr G	Condition #2	KW	GPM	PCC	PSI	Percent
Meter S/N 70446292		0	0			0
Disk Const 57.6	Descrp					
Multiplier 1	Condition #3	KW	GPM	PCC	PSI	Percent
		0	0			0
	Descrp					

Site Visits

Site Visit Date	Site Examiner	Reason	Change Date
9/18/1997	R Winn	Inventory	
Notes. System Type: 0			

Tuesday, June 03, 2003

Page 1 of 2

BNG**POD Data****02S 34E 12 SESWNW**

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
02S 34E 12 SESWNW	A0007188	H 12 2		500455
Latitude 043 15 52 030 Longitude -112 25 56 020 GPS File r042221b				
Comments GPS location may be NW or SW of SWNW				

PCC Data

Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
1999	210820.00	456	3	462.32	06/29/2000	IP	05720076716	
Comments:						Tracking ☐	Preferred: ☐	Validated: ☐
						Change Date:		
2000	313080.00	677.2	3	462.3	06/29/2000	IP	05720076716	
Comments:						Tracking: ☐	Preferred: ☐	Validated: ☐
						Change Date:		

PCC Calibration

Date	06/29/2000	PCC	462.32	Change Date	8/12/2002
Kilowatt-Hour Meter					
Utility	IP				
Pole No	H 12 2				
Meter Mfg	A				
Meter S/N	01657167				
Disk Const	1.8				
Multiplier	20				
Condition #1 KW 176.7 GPM 2150 PCC 446.35 PSI 70 Percent 80					
Descrip All On 2 Pvt & HL's					
Condition #2 KW 72.1 GPM 550 PCC 711.95 PSI 55 Percent 20					
Descrip Wiper Pvt- 66 ac					
Condition #3 KW 0 GPM 0 PCC PSI Percent 0					
Descrip					

Site Visits

Site Visit Date	Site Examiner	Reason	Change Date.
6/29/2000	M. Liechty	PCC Calibration	
Notes			
4/22/1998	D. Elison	Inventory	
Notes. System Type: P,H			

Tuesday, June 03, 2003

Page 1 of 2



RECEIVED

MAY 12 2003

Dennis Leavitt Farms

Department of Water Resources

220 North 740 West, Blackfoot, Id 83221

Phone 208-684-4842....Fax 208-684-5435

May 8, 2003

Department of Water Resources

1301 North Orchard Street

Boise, ID 83706

RE: Water Right 35-08142

Dear Ms. Walker

We have completed the repairs to the pump referred to in our previous correspondence, but as of this date, we have not turned the pump on. Therefore, we are still uncertain as to the rate of diversion on this well. We may need more time to get the proper measurements and address our concerns regarding this water right. We will notify you as soon as we are able to get the proper measurements and decide about this license.

Sincerely

Dennis Leavitt

MICROFILMED

MAY 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2003

DENNIS LEAVITT
220 N 740 W
BLACKFOOT ID 83221

RE: Water Right 35-08142

Dear Mr. Leavitt.

Pursuant to our telephone conversation of March 21, 2003, I was wondering if you had obtained any additional information regarding the rate of diversion of your wells. If you will recall, we discussed your concerns that the wells were not producing the full amount of water when the field examination was conducted in April of 2002.

Please advise us, within 30 days of the date of this letter, if you are now satisfied with the issuance of License 35-08142. This request is being made to respond to your letter of February 26, 2002, in which you relayed your frustration with the way the license was issued. If we don't hear from within the 30-day period we will assume that you are now satisfied with your license and will return this file to our vault.

If you have any questions regarding this matter please feel free to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED
JUL 23 2003

MEMORANDUM

TO: File 35-08142

FROM: KAY WALKER *KW*

RE: Phone conversation with Dennis Leavitt

Date: March 21, 2003

.....

I called Mr. Leavitt and discussed the issuance of license 35-08142. He is concerned that the well was not producing enough water when examination was done in April of 2002. He did not know the well was having problems until end of irrigation season in 2002.

Mr. Leavitt is going to discuss the amount of water we have found for these 3 wells with his "pump" man. If he decides that we have issued enough water for the 453 acres he will put that in writing and send it to me so we have document in our file that we have responded to his letter of February 26, 2003. If they decide they need more water than 0.0192 cfs per acre (8.71 cfs which totals 3909 gpm) he will call me back and let me know.

MICROFILMED

JUL 23 2003

MEMORANDUM

TO: File 35-08142

FROM: KAY WALKER *KW*

RE: Correspondence Received March 4, 2003

Date: March 10, 2003

.....

Statement of Problem:

The holder of Right 35-08142, Dennis Leavitt, submitted a letter asserting that the licensed diversion rate is insufficient. In review of the letter Mr. Leavitt submitted regarding possible errors in the licensing of Rt. 35-08142, I find that he may not have taken into account his two decreed rights that are appurtenant to the same 453 acres shown on this license. With all rights combined he has water rights of 8.71 cfs of water for 453 acres. That would be equivalent to 0.0192 cfs per acre, which is close to the statutory limit of 0.02 cfs per acre.

Facts:

Application for permit 35-08142 was filed on May 20, 1983, to "bring licensed amount up to an inch (0.02 cfs) per acre". The application was filed for the irrigation of 520 acres previously licensed under Rts. 35-2140 and 35-2316.

The issuance of the prior licenses was pre-ArcView and the examiner used only a hand drawn map for his determination of acreage. A transfer application was submitted to add a third well to the existing system on the same day Application for Permit 35-08142 was filed. Transfer #2847 was approved in November of 1983, combining the use of both rights for the irrigation of the same 520 acres, and use of 6.5 cfs on these lands.

SRBA claims were submitted on Rts. 35-2140 and 35-2316 with changes to the place of use. Some of the land claimed was under BLM ownership so the claims were amended to remove the BLM land, therefore reducing the place of use claimed to 456 acres. Through SRBA investigation these rights were decreed for the irrigation of 453 acres with no reduction in the amount of water that was previously licensed.

Proof of beneficial use of water under Permit 35-08142 was submitted on March 22, 1991. The SRBA Court decreed Rts. 35-02140 and 35-02316 in January of 2002 for a combined total of 453 acres, and 6.5 cfs. Dave Carlson of Eastern Region completed the field examination for Permit 35-08142 on April 3, 2002.

MICROFILMED

111 2 3 2003

The system was found to produce 8.71 cfs; determined by utilizing polysonic readings from Idaho Power and Bingham Groundwater Measurement District (as reported by the examiner). The examiner recommended the same 453 acres as decreed, along with an additional 2.21 cfs flow rate for these lands, bring the total of these rights to 8.71 cfs for 453 acres.

Conclusions:

As I understand the problem Mr. Leavitt has not considered the amount of water under his decreed rights (6.50 cfs) in addition to the amount of water that was licensed under 35-08142 (2.21cfs).

The licensing amendment was signed and submitted by Mr. Leavitt so he was aware of the number of acres and amount of water to be licensed.

If the right holder can provide information showing his system could produce more than 8.71 cfs in March of 1991 we could review the information submitted to determine if an amended license should be issued.

If the right holder can show us there was more than 453 acres being irrigated from these wells during permit development period we would review for addition to this right. However, this process will be redundant if the SRBA has included all lands irrigated from these wells. If there was a problem with the number of acres determined it should have been taken up with the SRBA. It also seems apparent to me that if there were additional acres to be included under these wells, IDWR would have incorporated them into their SRBA recommendations to bring the acres up to the 520 recognized under Rts. 35-02140 and 35-02316.

Recommendation:

I recommend that we correspond with Mr. Leavitt regarding his decreed rights, along with the licensed right, that allow the 453 acres up to 0.0192 cfs per acre.

MICROFILMED

JUL 23 2003



Dennis Leavitt Farms

220 North 740 West, Blackfoot, Id 83221

Phone 208-684-4842....Fax 208-684-5435

RECEIVED

MAR - 4 2003

Department of Water Resources

February 26, 2003

Reference: Water Right #35-08142

Upon recent review of the above water right, after a necessity to repair a pump because of pumping inefficiency, it has come to our attention that our water was cut back when the water right was issued and we do not have adequate water now to accommodate our crop. The number of acres on the original permit was 520 acres with 3.90 cfs. When we purchased the farm and had the license transferred to our name, the water right was returned showing 453 acres irrigated with a diversion rate of 2.21 cfs. We did not realize this mistake until the need to repair the pump and we checked our license. This was because our crop suffered last year due to a lack of water because of the inefficiency of the pump.

We need to get this license straightened out ensuring us enough water to raise our crops and appropriating the correct amounts and acreage on the original permit.

We need to correct this as soon as possible, so that the necessary repairs can be made to the pump.

Sincerely,

MICROFILMED

JUL 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 6, 2002

KENEA LEAVITT
DENNIS LEAVITT
220 N 740 W
BLACKFOOT ID 83221

RE: License No. 35-8142 - Issuance of License

Dear Water Right Holder(s):

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

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

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

cc: Dean Shipley, 415 N 700 W, Blackfoot, ID 83221

MICROFILMED
AUG 15 2002

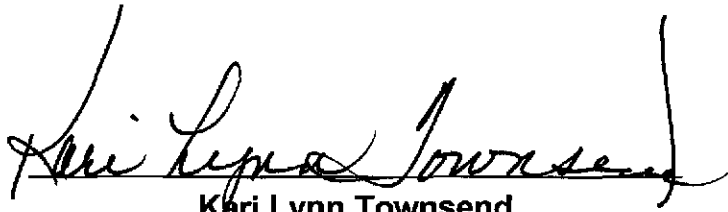
CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-8142

**KENEA LEAVITT
DENNIS LEAVITT
220 N 740 W
BLACKFOOT ID 83221**

**DEAN SHIPLEY
415 N 700 W
BLACKFOOT ID 83221**


**Kari Lynn Townsend
Secretary**

**MICROFILME
AUG 15 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
AUG 15 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JUL 5 2002

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

Return Service Requested

391 N 700 W

NOT RECORDED CORRECTLY

Permit #35-08142
Mail reset w/ address
change form.
Lari Lopez
7.23.08



RECEIVED

JUL 22 2002

Department of Water Resources



MICROFILMED

JUL 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 15, 2002

DEAN SHIPLEY
415 N 700 W
BLACKFOOT ID 83221

RE: Water Right Permit 35-08142

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received the amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you have been misplaced, a new one is enclosed. Please note that the filing fee for the amendment is \$50.00.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

Kay Walker
for *Kay Walker*
KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED

AUG 15 2002

*Dennis Seavitt
208-684-4842
Seavitts sent
amendment &
assign forms in -
per phone call
7/18/02 - KW*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 27, 2002

DENNIS AND/OR KENEA LEAVITT
220 N 740 W
BLACKFOOT ID 83221

RE: Permit No. 35-08142 in the name of Dean Shipley

Dear Mr. and Mrs. Leavitt:

The Department of Water Resources is reviewing the above referenced permit 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. We have been advised that you now own the property under this permit. Enclosed, for your information, is a copy of the permit as recorded.

This permit is in the name of Dean Shipley and we need to have an assignment of this permit from him, to you, in order to change the name. In Idaho a permit is considered personal property and in order for us to change our records we require an "Assignment of Permit" form along with a \$25.00 filing fee. Please submit the completed assignment form and filing fee within the next 14 days.

In review of the field examination conducted April 3, 2002, we find that the place of use has been changed since the permit was issued. We will require that the permit be amended to add the place of use that was not included in the permit. Enclosed is an amendment of permit form which will be used in issuing the license of this permit. Please sign the form and return it to my attention, with a \$50.00 amendment fee, within the next 14 days.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208) 327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

KW:klt

MICROFILMED

Enclosures

AUG 15 2002

cc: Dean Shipley, 415 N 700 W, Blackfoot, ID 83221

LICENSE REVIEW CHECKLIST

Permit No. 35-8142

Date: 6-25-02

Reviewer: Kay Walker

Name/Address ★

Change/OK

examiner says new owner on claims - needs correspondence.

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

Place of Use add

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

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s) 35-2140, 35-2316
File reviewed Profile reports printed

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

Rate of Diversion: Permitted rate 3.90 cfs
Fee Limit 4.0 cfs
Measured 8.71 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 2.21

Water Uses OK Change (P46)

Season of Use per new Standards
4-1 10-31

Irrigation 2.21 cfs ★ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 2.21 cfs ★ af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
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 (106/R07)
Peyette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination
2.21 cfs x 1.9835 x 214 days = 938.1 af (vs) 453 acres x 4.0 (FHR) = 1812.0 af
3.0 (con)

Remarks 048, R04, W35, W36

Additional Conditions 120 Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051
Non-trust (048)

GW Dist? _____
Water Msmt Dist? _____
Crt GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? _____ yes
_____ no If yes, explain why below

SRBA Claim? NO-

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice P44 S06

combined limit on 35-2140 R+35-2316 shows 1840.0 AF - use this as limit = 4.06 AFA

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-02140

2002 JAN 31 PM 1:21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DENNIS LEAVITT
KENEA LEAVITT
220 N 740 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 2.18 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02316 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1812 AF.

PRIORITY DATE: 05/04/1949

POINT OF DIVERSION: T02S R34E S12 NWNWNE Within Bingham County
SESWNW
NWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.18 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T02S R34E S01	SWSE 5.0 LOT 04 (SESE) 10.0
	S11	NENE 13.0 SWNE 3.0
		SENE 38.0 NESE 38.0
		NWSE 12.0 SESE 25.0
	S12 LOT 01 (NENE) 27.0	NWNE 35.0
		SWNE 28.0 LOT 02 (SENE) 1.0
		NENW 19.0 NWNW 19.0
		SWNW 40.0 SENW 40.0
		NESW 13.0 NNSW 39.0
		SWSW 22.0 LOT 03 (NESE) 20.0
	S14	NENE 4.0
	R35E S07	NNSW 2.0
	453.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO 35-02316 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 453 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I R.C.P. 54(b) FOR
Case No 39576)
) Water Right 35-02316

2002 JAN 31 PM 1:21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DENNIS LEAVITT
KENEA LEAVITT
220 N 740 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 4.32 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02140 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1840 AF.

PRIORITY DATE: 03/31/1953

POINT OF DIVERSION: T02S R34E S12 NWNWNE Within Bingham County
SESWNW
NWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	4.32 CFS

PLACE OF USE:	Irrigation	Within Bingham County
T02S R34E S01	SWSE 5.0	LOT 04 (SESE) 10.0
S11	NENE 13.0	SWNE 3.0
	SENE 38.0	NESE 38.0
	NWSE 12.0	SESE 25.0
S12 LOT 01 (NENE)	27.0	NWNE 35.0
	SWNE 28.0	LOT 02 (SENE) 1.0
	NENW 19.0	NWNW 19.0
	SNNW 40.0	SENW 40.0
	NESW 13.0	NWSW 39.0
	SWSW 22.0	LOT 03 (NESE) 20.0
S14	NENE 4.0	
R35E S07	NWSW 2.0	
453.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-02140 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 453 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
													30	31	40	37					20
																					138
						19	2						5	5							178
						19	2						5	5							178
																					16
													30	31	40	37					138
																					16
						19	2						5	5							178
Right	35 2071	CLAUDE G BROWER,	GROUND WATER	02S34E1					X	X	X	X	X	X							0
Right	35 2140	KEITH ESPLIN,	GROUND WATER	02S34E1															10	10	20
Right	35 2141	EVELYN BALDWIN	GROUND WATER	02S34E1												20	40				60
Right	35 2378	KEITH ESPLIN,	GROUND WATER	02S34E1															10	10	20
Right	35 2456	CLAUDE G BROWER,	GROUND WATER	02S34E1					32	38	40	40	5	5							158
Right	35 8136	KENEA LEAVITT, DENN S LEAVITT	GROUND WATER	02S34E1									20	20	35	35					150
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E1															5	10	15

↑ ↑
02 Rts.
35-2140
2316

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35 2130A	C L WILLIAMS	GROUND WATER	02S34E11	20			10									3				140
					11																11
					11	3															14
																					22
																					22
																					4
																					22
					13			3	38												129
					11																11
					11	3															14
					12			2	20												120
					11																11
Right	35 2130A	C L WILLIAMS	GROUND WATER	02S34E11								1									1
Right	35 2130B	DARWIN WILLIAMS, DARWIN WILLIAMS	GROUND WATER	02S34E11						24	4										28
Right	35 2140	KEITH ESPLIN	GROUND WATER	02S34E11	20			10									40			40	110
Right	35 2141	EVERY JADWIN	GROUND WATER	02S34E11	10																10
Right	35 2316	KEITH ESPLIN	GROUND WATER	02S34E11	20			40									40			40	110
Right	35 4136	ROBERT M BARRON, SHIRLEY BARRON	GROUND WATER	02S34E11																4	4
Right	35 8136	KENEA LEAVITT, DENNIS LEAVITT	GROUND WATER	02S34E11	10																10
Right	35 8137	DENNIS LEAVITT, KENEA LEAVITT	GROUND WATER	02S34E11	10		1														11
Right	35 8142	DEAN SHIPLEY	GROUND WATER	02S34E11	10			38									38	12		23	121



Type	WR #	Owner	Source	TRF	NENE	NWNE	SANF	SP-N	N-NW	NWNW	SW-W	SCNW	NCSW	NWSW	BWSW	SL9W	NFSW	NWSE	SWSE	SESE	Total
Right	35 2140	KEITH ES-PLN.	GROUN WATER	Q2834E12	3	27	2	1	20	40	20	40	15	10	20				15		315
Right	35 2141	EVELYN BALDWIN	GROUN WATER	Q2834E12	3	27	2	1	20	40	20	40	15	10	20				15		315
Right	35 2316	KEITH ES-PLN.	GROUN WATER	Q2834E12	3	27	2	1	20	40	20	40	15	10	20				15		315
Right	35 8130	KENEA LEAVITT, DENNIS LEAVITT,	GROUN WATER	Q2834E12	3	27	2	1	20	40	20	40	15	10	20				15		315
Right	35 8142	DEAN SHIPLEY,	GROUN WATER	Q2834E12	3	27	2	1	20	40	20	40	15	10	20				15		315

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SFSW	NENE	NWSE	SWSE	SESE	Total
																					1
																					1
																					6
Right	35 7193	LARRY J CLEMENT,	GROUND WATER	02S34E14															30	34	64
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S34E14	4																4



**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35 2082	MICHAEL JOHNSON JR.	GROUND WATER	02S35E7										15							15
														15							122
														2							2
														2							2
														2							8
Right	35 2082	MICHAEL JOHNSON JR.	GROUND WATER	02S35E7													37	23	38	55	175
Right	35 2140	KETH ESPLIN,	GROUND WATER	02S35E7																	5
Right	35 2318	KETH ESPLIN,	GROUND WATER	02S35E7																	15
Right	35 8142	DEAN SHIPLEY,	GROUND WATER	02S35E7											2						2

7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 15 2002 *K*

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 35-81421. Owner: Dan Shipley * see REMARKS Phone No. _____Current Address: 883 Roberts Blackfoot Id 832212. Accompanied by: NONE EXAM DATE: 4/3/2002

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GW tributary to _____**B. OVERLAP REVIEW**1. Other water rights with the same place of use: 35-2316, 35-21402. Other water rights with the same point of diversion: 35-2316, 35-2140**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NE	12	2S	34E	Bingham	FE/T000 7189
		~~NE~~ SW	NW		12	2S	34E	Bingham	FE/T000 7188
		NW	NW	SW	12	2S	34E	Bingham	FE/T000 6393

2. Place(s) of Use: Adjudication Recommendation Indicate Method of Determination Review-

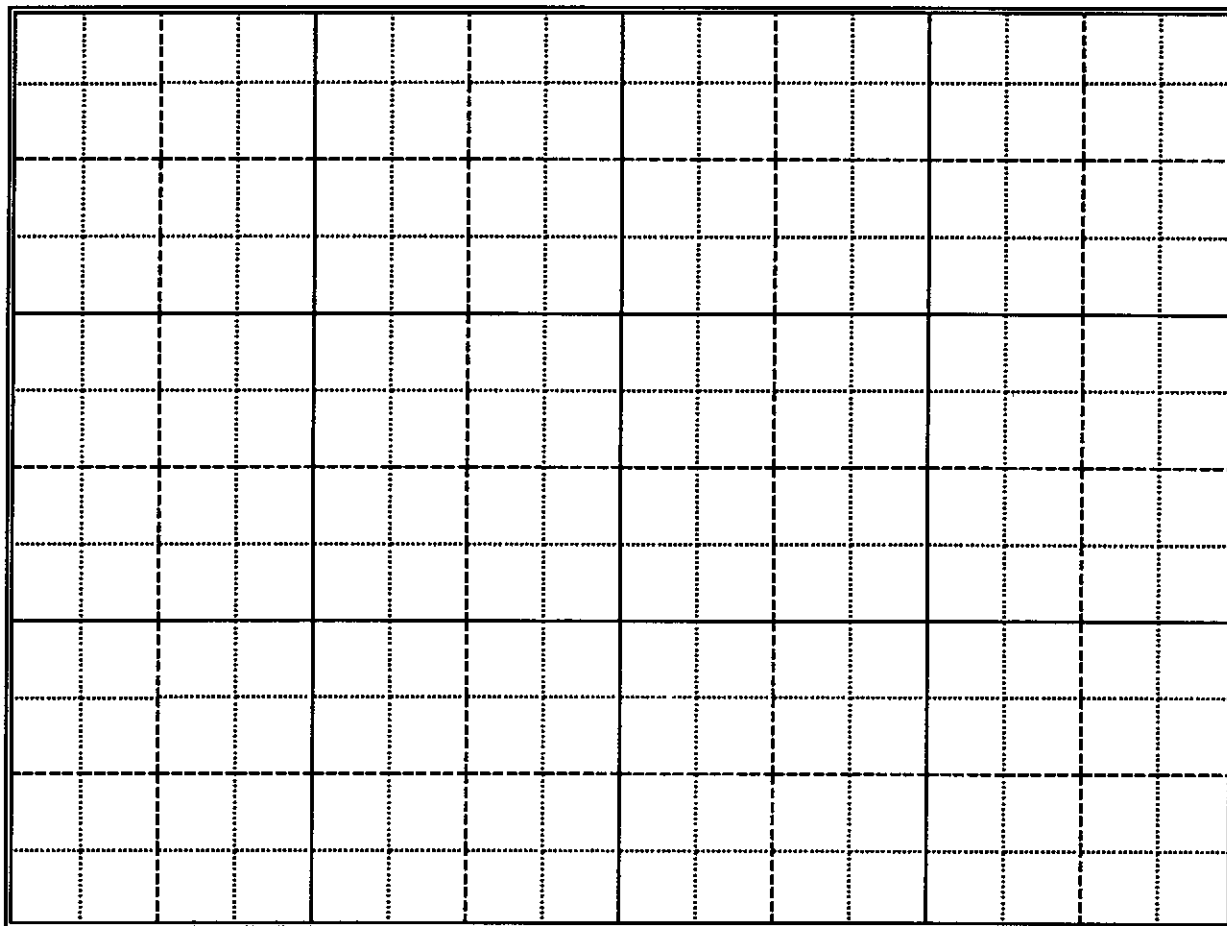
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	34E	1															5	10	15
																	L4		
2S	34E	11	13		3	38									38	12		25	129
2S	34E	12	27	35	28	1	19	19	46	40	13	39	22		20				303
			L-1			L-2									L-3				
2S	34E	14	4																4
2S	35E	07									2								2

MICROFILMED

APR 15 2002

453

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



Scale: 1" = _____.

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
SW NW	with Booster	100hp	with Booster	Grundfos	ENJ504438
~~SW~~ ~~NW~~ NWNE	US Motor Hall.	125	1175575		
NW SW	R1006761	60	US Elec Motor		

*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

2. Measurements:

Polysonic reading from Idaho Power Bingham
 60hp - 691 gpm
 125hp - 1067 gpm
 100hp + Booster - 2150 gpm
 3908 gpm
 Groundwater Meas. District
 AUG 15 2002

E. NARRATIVE/REMARKS/COMMENTS

three wells mainlines pivots and sprinklers

35-2316	- 4.32 cfs	453 AC
35-2140	- 2.18 cfs	453 AC
<u>6.50 cfs</u>		
1812 AF/A		

Measured

3908 gpm = 8.71 cfs
448.83

Application for permit states that this water right is for additional CFS.

* ADJUDICATION CLAIMS SHOW DENNIS LEAVITT AS THE CURRENT OWNER

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

MICROFILMED

AUG 15 2002

F. FLOW CALCULATIONSMeasured Method: sonic meter

Additional Computation Sheets Attached _____

$$\frac{3908 \text{ gpm}}{448.83} =$$

8.71 cfs

6.50 cfs

2.21 cfs**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 453 \times 4 = 1812$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.21(214)(1.9835) = 938$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = \underline{938 \text{ AF/A}}$$

2. Volume Calculations for Other Uses:

total

$$8.71 \text{ cfs} - 453 \text{ ac} - 1812 \text{ AF/A}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRR</u>	<u>4/01</u>	<u>10/31</u>	<u>2.21 cfs</u>	<u>938 AF/A</u>
Totals:			<u>2.21 cfs</u>	<u>938 AF/A</u>

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name

DAVE CARLSON

Date

4/3/2002

Reviewer _____

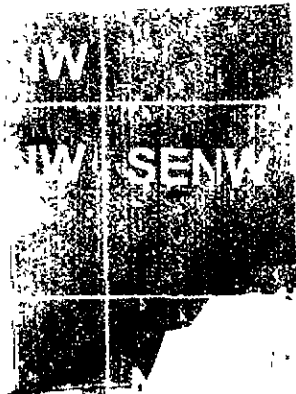
Date _____

SEAL

MICROFILMED
AUG 15 2002

35-08142

T2S, R34E, sec 1,11,12,14
T2S, R35E, sec 7



MICROFILMED

AUG 15 2002

April 16, 1991

DEAN SHIPLEY
883 ROBERT
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08142

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

MICROFILMED

JUL 15 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8142

Date 3-29-91

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

☐ Surface water source
☒ Ground water source
☒ NA Drill permit req'd?
☒ Copy in file? Drill permit no. _____
☒ Well log in file?
☒ Amt paid for drilling permit? _____ Correct?

LICENSE EXAMINATION FEE

☒ Yes Required?
175.00 Amount submitted?
☒ Yes Correct amount?

MEASURING DEVICE

☒ Yes Measuring device or access port required?
☒ No Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs flow measurement
Proof acceptable when reinstated

PRIORITY CALCULATION

Date proof received	<u>Mar 22, 1991</u>	<u>81</u>
Date proof due	<u>Mar 1, 1991</u>	- <u>60</u>
No. of days late		= <u>21</u>
Priority date	<u>May 20, 1983</u>	+ <u>140</u>
NEW PRIORITY DATE	<u>June 10, 1983</u>	= <u>161</u>

March 19, 1991

Re: Permit No. 35-08142

Dean Shipley
883 Robert
Blackfoot, ID 83221

Dear Water Right Holder(s):

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

However, this permit lapsed March 1, 1991 because the permit holder of record, Keith Esplin, failed to submit to the Department an acceptable proof of beneficial use or a request for an extension of time. I am enclosing a copy of the letter our office sent to Mr. Esplin on March 6, 1991. I have also enclosed a Proof of Beneficial Use form with instructions and a Request for An Extension of Time. The Department can reinstate the permit upon receipt of either the proof of beneficial use statement or the extension request if received within 60 days of the mailing of this letter.

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

NOT FILMED

MAR 28 1991

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

KEITH ESPLIN
9 S 655 W
BLACKFOOT ID 83221

March 6, 1991

LAPSE NOTICE

RE: PERMIT NO. 35-08142

Dear Permit Holder:

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

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

FILED

MAR 28 1991

CERTIFICATION OF MAILING

I hereby certify that on 3-8-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

FROM *[Signature]*

TO *John H 35-8142*

SUBJECT *Returned Mail*

DATE

1-16-91

*Bingham County Assessor's
Office has current mailing*

address on

9 S. 655 W.

*Blackfoot, Ida
832221*

RECEIVED

MAR 28 1991

Present to

1-17-91

[Signature]
SIGNATURE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

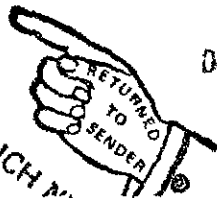
1 North Orchard Street

Boise, Idaho 83706-2237

RECEIVED

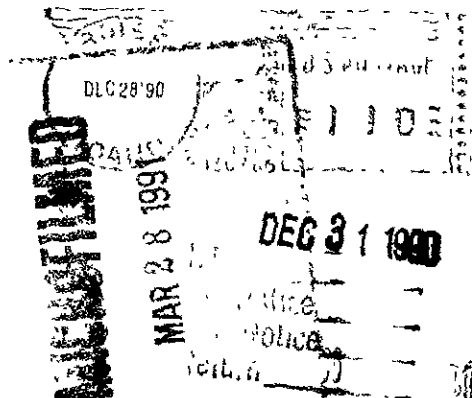
JAN 07 1991

Department of Water Resources



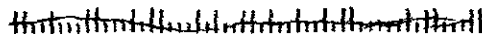
NO SUCH

ANK
NSN



CERTIFIED MAIL

NO. 138887



9 S. 655 u1.

~~THE~~
Blackport, La
83221



MAILED
MAR 28 1991



13887

December 31, 1990

KEITH ESPLIN
RT. 2 BOX 192
SHELLEY, ID 83274

PROOF DUE NOTICE

RE: PERMIT NO. 35-08142

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 March 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAR 28 1991

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

RECEIVED
FEB 22 1990

Department of Water Resources



RECEIVED - NOT KNOWN

F35-08142
KEITH ESPLIN
RT. 2 BOX 192

SHELLEY ID 83274

Current address:

~~9 S. 655 W.~~

9 S. 665 W.

Blackfoot, ID

83221

MAR 21 1990

RECEIVED

Resent 3/15/90
JS

ATTEMPTED - NOT KNOWN
NO SUCH NUMBER
ROUTE NUMBER
3

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
February 15, 1990

KEITH ESPLIN
RT. 2 BOX 192
SHELLEY, ID 83274

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

RE: PERMIT NO. P35-08142

Dear Permit Holder:

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

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

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

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

RECEIVED

MAR 21 1990

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED
MAR 21 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

35 8142

INITIAL REVIEW BY: Gene McCormick

APPLICATION NUMBER: Kerth Esplin

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. SS-2316/2140 See Transfer submitted
along with this application.
☒ Yes ☐ No* In form for advertising.
Final date for protests: 8-21-89 12-4-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1-05-90
☒ 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
5-20-83 Date of priority recommended.
Special conditions of approval or cover letter. <0167

App. in NON-TRUST area-

Allow 1 yr. for Bill development-

By: HCS

Date: 1-18-90

STATE OFFICE REVIEW:

P05, P23, P03, P16

48 49 46 016

- ☐ See attached sheet for more information.

By: KW

Date: 1/31/90

JAN 25 1990

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

MEMORANDUM

TO: FILE 35-8142

FROM: KAY WALKER

RE: WAIVER OF RULE 4,5. ADDITIONAL INFORMATION REQUIREMENT

DATE: 31-JAN-1990

=====

This application was filed prior to July 1, 1985, and represents development that occurred prior to 1985. The location of the point of diversion falls outside of the trustwater area. Normally, additional information would be required under Rule 4,5. of the Water Appropriation Rules and Regulations. Possible issues that the additional information should address have probably already been raised during development and operation. The Rule 4,5. informational requirement should be waived.

RECORDED

MAR 21 1990

Transfer No. 2847Water Right No. 35-2316
35-2140

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**
To Change the Point of Diversion and/or the Place of Use

Name of applicant Keith Esplin Phone 357-2106
Post Office address Rt. 2, Box 62A, Shelley, Idaho 83274

A DESCRIPTION OF RIGHT AS RECORDED**1 Right evidenced by**

- a Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
35-2316 & (Name of court)
b License No. 35-2140 issued by the Idaho Department of Water Resources
c Claim No. _____ on file with the Idaho Department of Water Resources

- 2 If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant will furnish copy of warranty deed.

- 3 Source of water Groundwater tributary to _____

- 4 Date of priority May 4, 1949 - 35-2140, March 31, 1953 - 35-2316

- 5 Water is used for the following purposes

35-2140 amount 2.18 cfs for Irrigation purposes from 4-1 to 11-1
35-2316 amount 4.32 cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

- 6 Total amount of water under right. a 6.50 cubic feet per second
&/or
b. _____ acre feet per annum

- 7 Location of original point of diversion is NW of NF of Section 12
Township 2S Range 34E B.M. in Bingham County
Additional points of diversion, if any 35-2316 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 12, T. 2S, R. 34E.

- 8 Lands irrigated or place of use

TWP	RANGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	34E	1															10	10	20
		11	20			40									40			40	140
		12	35	40	25		20	20	40	40	15	40	20		35	15			345
2S	35E	7									15								15

Total number of acres irrigated, _____

- 9 Describe any other water rights used for the same purpose as described above

None

MAR 21 1990

- 10 To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use?
No

REMARKS

- | | | | | | |
|---|--------------------|-----------------------------|---------|----------|--|
| 1 | Amount of water a | cubic feet per second | | | |
| | b | & or
acre feet per annum | | | |
| ✓ | Point of diversion | | Section | Township | |
| | Range | B M | | County | |
| | Additional points | | | | |

3 Place of use

[illegible]

Total number of acres to be irrigated

C	DESCRIPTION OF RIGHT OR PORTION THEREOF AFTER THE REQUESTED CHANGE

- 1 General Information 2.18 cfs 35-2140
- a Amount of water to be diverted 4.32 cfs 35-2316 cfs &/or _____ acre feet
- b Description of diverting works Three wells to sprinkler lines
- c Describe the reasons for the proposed changes adding new well for better water distribution

2 Change in point of diversion

Point of diversion NW $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 Township 2S
Range 34E BM Bingham County
Additional points NWNE, Sec. 12 & SWNW, Sec. 12, T. 2S, R. 34E.

3 Change in place of use

NO CHANGE

- a Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes No If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract
- b Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer

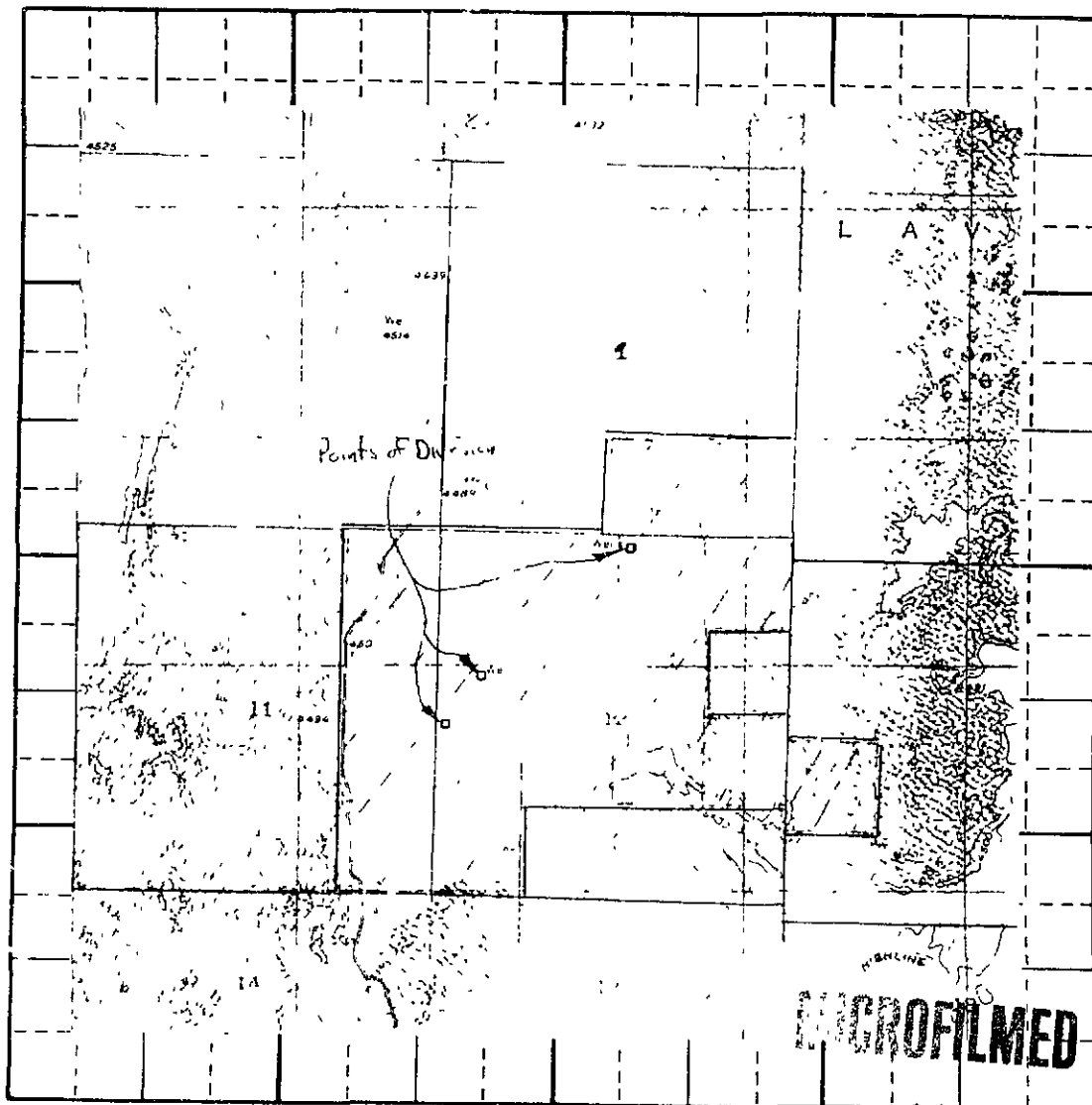
BIBLIOGRAPHY

MAR 21 1990

WT	RANGE	T	1E				2E				3E				4E				TOTALS
			NE	NA	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	34E	1															10	10	20
		11	20			40									40			40	140
		12	35	40	25		20	20	40	40	15	40	20		35	15			345
2S	35E	7										15							15

Total number of acres to be irrigated 520

- 4 Describe any other water rights used for the same purpose as described above None
- 5 Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number



25S 34E 11 20 40 20 20 40 40 15 40 20 35 15 10 10 20 140 345 15

25S 34E 11 20 40 20 20 40 40 15 40 20 35 15 10 10 20 140 345 15

D REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Rose Egle
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of July, 19 83

[Signature]
(Notary Public)

My commission expires 11-15-84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 35-2140 & 35-2316 and said application is hereby APPROVED, subject to the following limitations and conditions

Witness my hand this 3rd day of November, 19 83

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Asst by WJ
Received by _____ Date 5-2-83 Protest filed by _____
Prelim check by WJ Fee 50.00
Received by WJ Date 5-2-83
Published in Water Resources
Pub dates 5-2-83
Watermaster recommendation requested on _____
Recommended for approval denial
by [Signature] **RECEIVED**

MAR 21 1990

12-Dec-1989

The Morning News
P.O. Box 70
Blackfoot, ID 83221

Gentlemen:

We are re-submitting a legal notice,
#35-08142 to be published on December 21 & 28, 1989.
This notice was originally published in your paper on
November 16 & 23, 1989. Unfortunately, it was advertised
incorrectly. As we had no way of checking the accuracy
of this notice before it went to print, we therefore
request it be re-advertised again at your expense.

To prevent future problems in this matter, please submit
a galley proof before the first date of publication. If
we have any correction, we will notify you; otherwise,
assume the notice is correct. If the administrative
procedures of your paper will not allow time for making
corrections by submitting a galley proof, we will be glad
to review the notice with you by telephone prior to
publication. If you cannot publish the notice on the
proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this
office by January 8, 1990. Your cooperation in this
matter is greatly appreciated.

Sincerely,

Rita Bodell
Office Secretary

MICROFILMED

MAR 21 1990

NOTICE OF CORRECTION

NO. 35-8142

Notice is hereby given that Application No. 35-8142 in the name of Keith Esplin was advertised incorrectly on November 16 & 23, 1989. The place of use was advertised as being within T02S, R34E, S01, SWSE, SESE, S11, NENE, SENE, NESE, SESE; S12 NENE, NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW, NWSE, SWSW, NESE, NWSE, R35E, S07, NWSW.

Whereas, the actual place of use is within T02S R34E S01 SWSE SESE, S11 NENE SENE NESE SESE, S12 NENE NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW NESE NWSE; T02S R35E S07 NWSW.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before January 8, 1990.

R. Keith Higginson

Director

Published in the Morning News on December 21 & 28, 1989.

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MAR 21 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 7, 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 DECEMBER 4, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAR 21 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

MAR 21 1990

35-08142

ESPLIN, KEITH
RT. 2, BOX 192
SHELLEY, ID 83274

Source: GROUNDWATER

Diversion Pt:	NWNE	Sec 12 T 02S R 34E
	SWNW	Sec 12 T 02S R 34E
	NWSW	Sec 12 T 02S R 34E

Use: IRRIGATION (3.900 CFS)

Date Filed: 5/20/1983

In: T02S R34E S01	SWSE	SESE		
S11	NENE	SENE	NESE	SESE
S12	NENE	NWNE	SWNE	NENW
	NWNW	SWNW	SENW	NESW
	NWSW	SWSW	NESE	NWSE
R35E S07	NWSW			

520.0 ACRES TOTAL

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MAR 21 1990

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 DECEMBER 4, 1989.

R. Keith Higginson, Director

Published 11/16/1989 & 11/23/1989

MICROFILMED

MAR 21 1990

23-Oct-1989

The Morning News
P.O. Box 70
Blackfoot, ID 83221

RE: Applications for Permit No.s 35-8106, 35-8109,
35-8111, 35-8113, 35-8116, 35-8117, 35-8118,
35-8121, 35-8122, 35-8133, 35-8136, 35-8142,
35-8144, 35-8153, 35-8156, 35-8172, 35-8173,
35-8175; Notice of Correction 27-7356 & 35-8731

Gentlemen:

Would you please submit an affidavit of publication
and certified bill in connection with the above
referenced application. The legal notice was to
have been published in your paper on August 3 & 10,
1989.

Your cooperation in this matter is greatly
appreciated.

Sincerely,

Rita Bodell
Office Secretary

MicroFILMED

MAR 21 1990

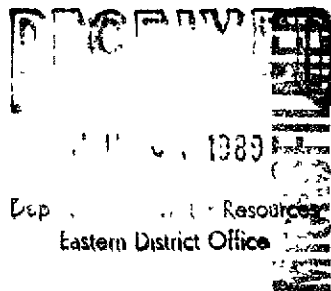
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402



RETURNED
TO
SENDER
ATTEMPTED - NOT KNOWN

Keith Esplin
~~Rt. 2, Box 192~~
Shelley, ID 83274



Dep. ... Resources
Eastern District Office

MAR 21 1990

ATTEMPTED - NOT KNOWN
...
...
INITIALS



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 26, 1989

Keith Esplin
Rt. 2, Box 192
Shelley, ID 83274

RE: Application for Permit No. 35-8142

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

RECEIVED
MAR 21 1990

July 26, 1989

Keith Esplin
Rt. 2, Box 192
Shelley, ID 83274

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Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECORDED

MAR 21 1990

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

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 26, 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 AUGUST 21, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAR 21 1990

35-08142

ESPLIN, KEITH
RT. 2, BOX 192
SHELLEY, ID 83274

Source: GROUNDWATER

Diversion Pt:	NWNE	Sec 12 T 02S R 34E
	SWNW	Sec 12 T 02S R 34E
	NWSW	Sec 12 T 02S R 34E

Use: IRRIGATION (3.900 CFS)

Date Filed: 5/20/1983

In: T02S R34E S01	SWSE	SESE		
S11	NENE	SENE	NESE	SESE
S12	NENE	NWNE	SWNE	NENW
	NWNW	SWNW	SENW	NESW
	NWSW	SWSW	NESE	NWSE
R35E S07	NWSW			

520.0 ACRES TOTAL

RECORDED

MAR 21 1990

The permit(s) will be subject to all prior water rights, may be submitted based on the criteria of Sec. 42-203B, 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 AUGUST 21, 1989.

R. Keith Higginson, Director

Published 8/03/1989 & 8/10/1989

RECEIVED

MAR 21 1990