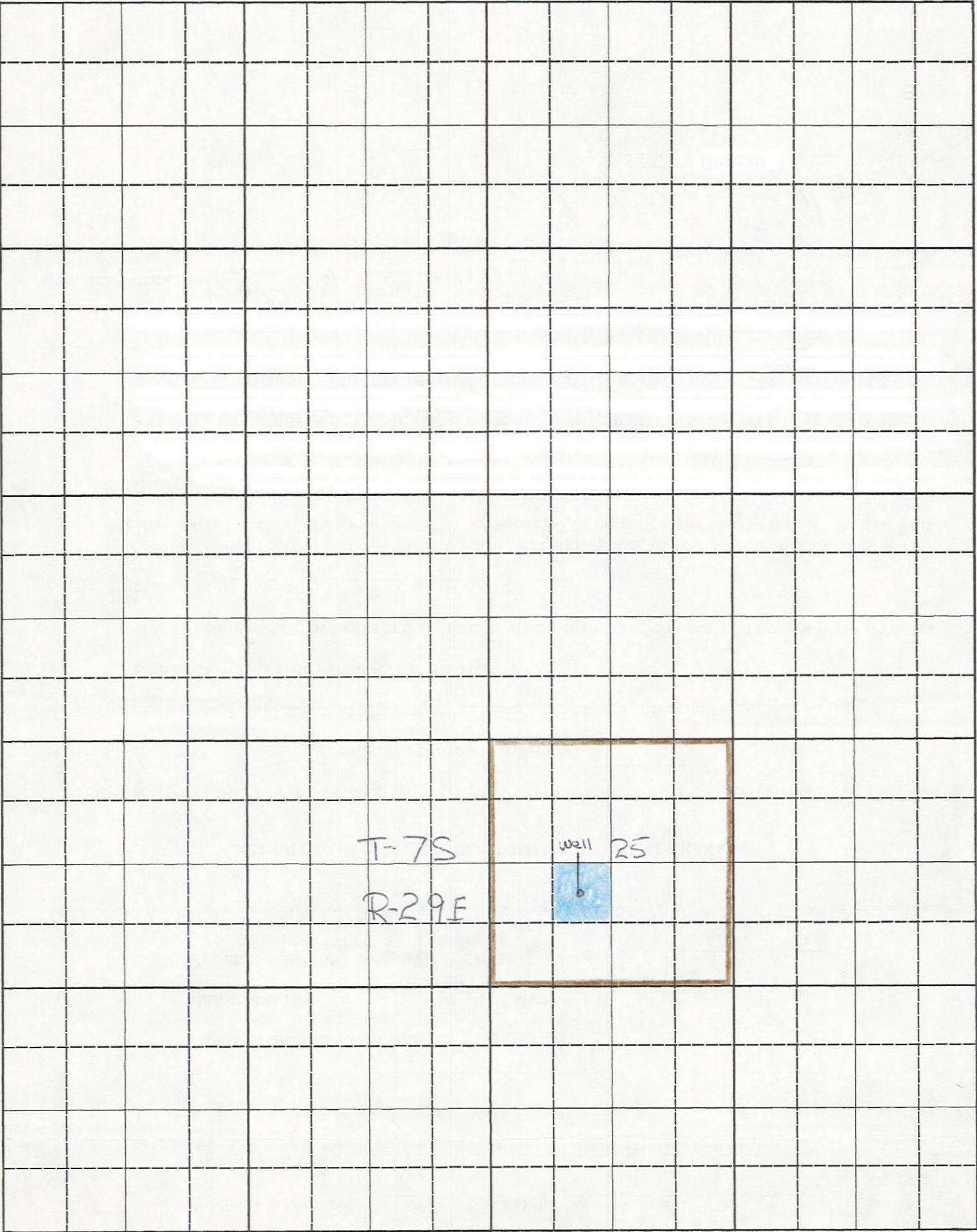


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

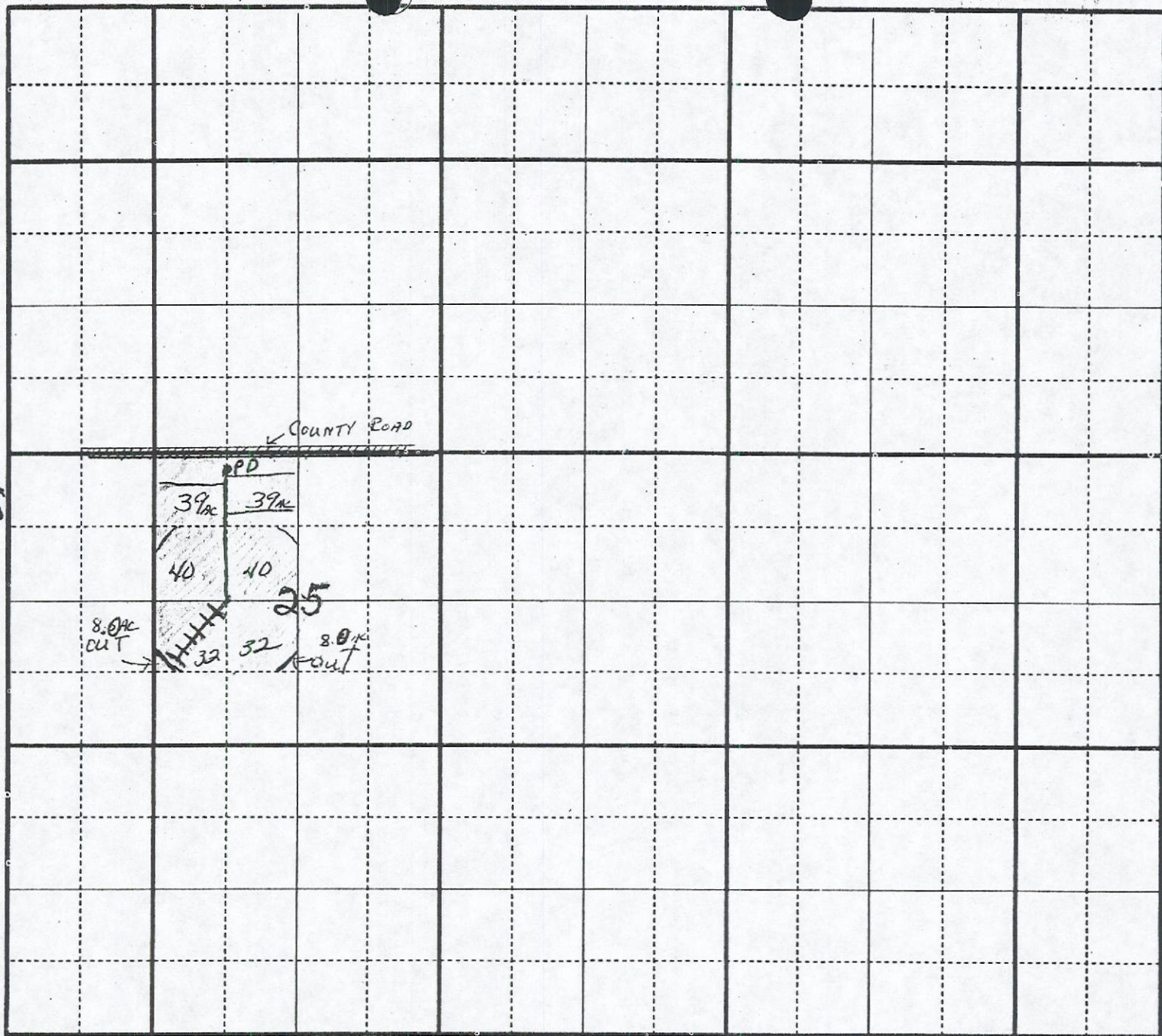
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Elfrida Van Orsdel
Robert Van Orsdel
(Applicant)

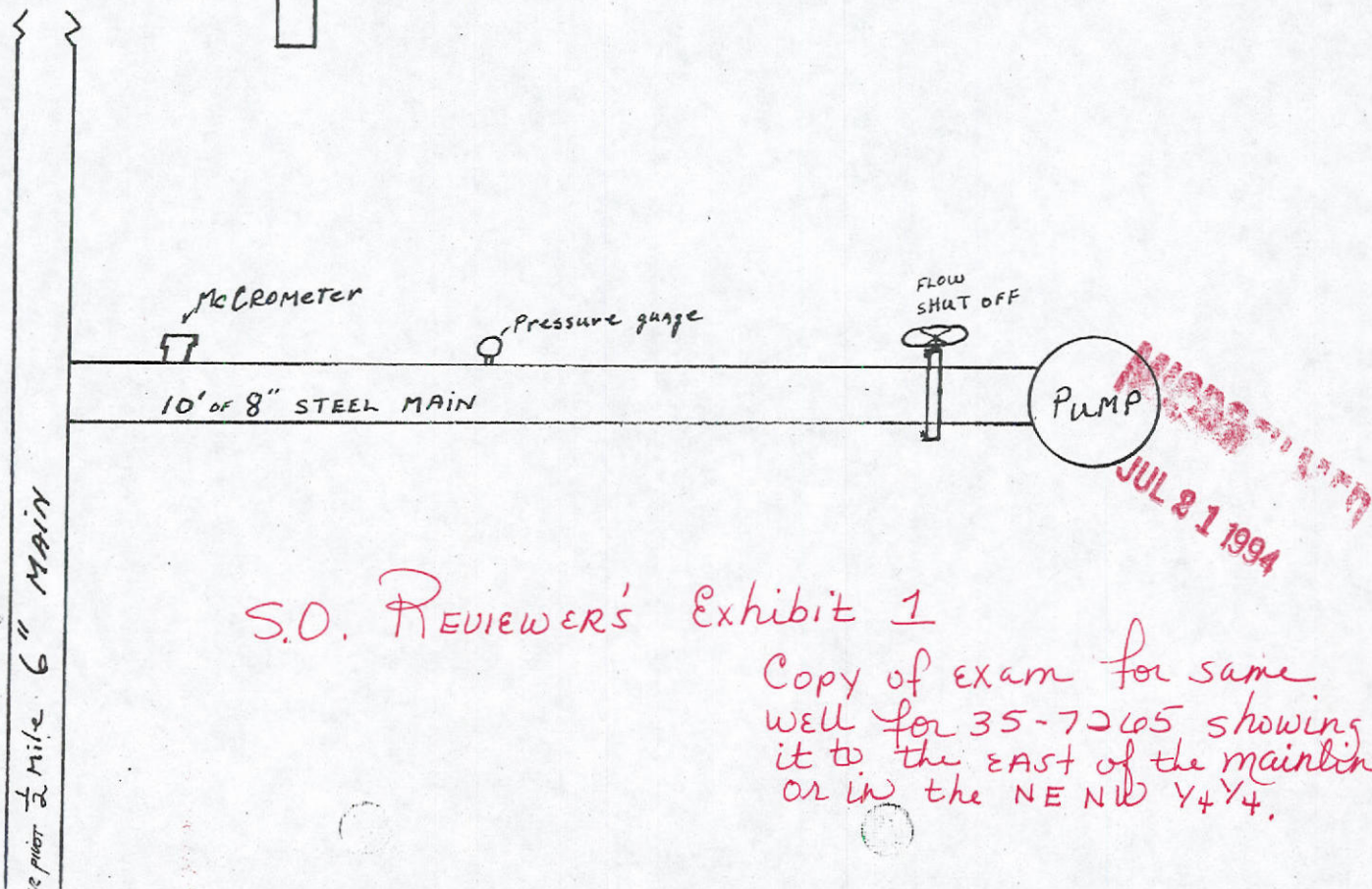
RECEIVED

29 E

7S



10 TOWER CENTER
Diagram of System



S.O. Reviewer's Exhibit 1

Copy of exam for same well for 35-7065 showing it to the east of the mainline. or in the NE NW Y4Y4.

JS-08052

Not To Scale
H-12

Jr-1
#51
Burgmieser
Bras Ltd

Point of
Diversion

23	24
26	25

24	19
25	30

#884
Relph Building

T 7 S

Place
of
Use

26	25
35	36

25	30
36	31

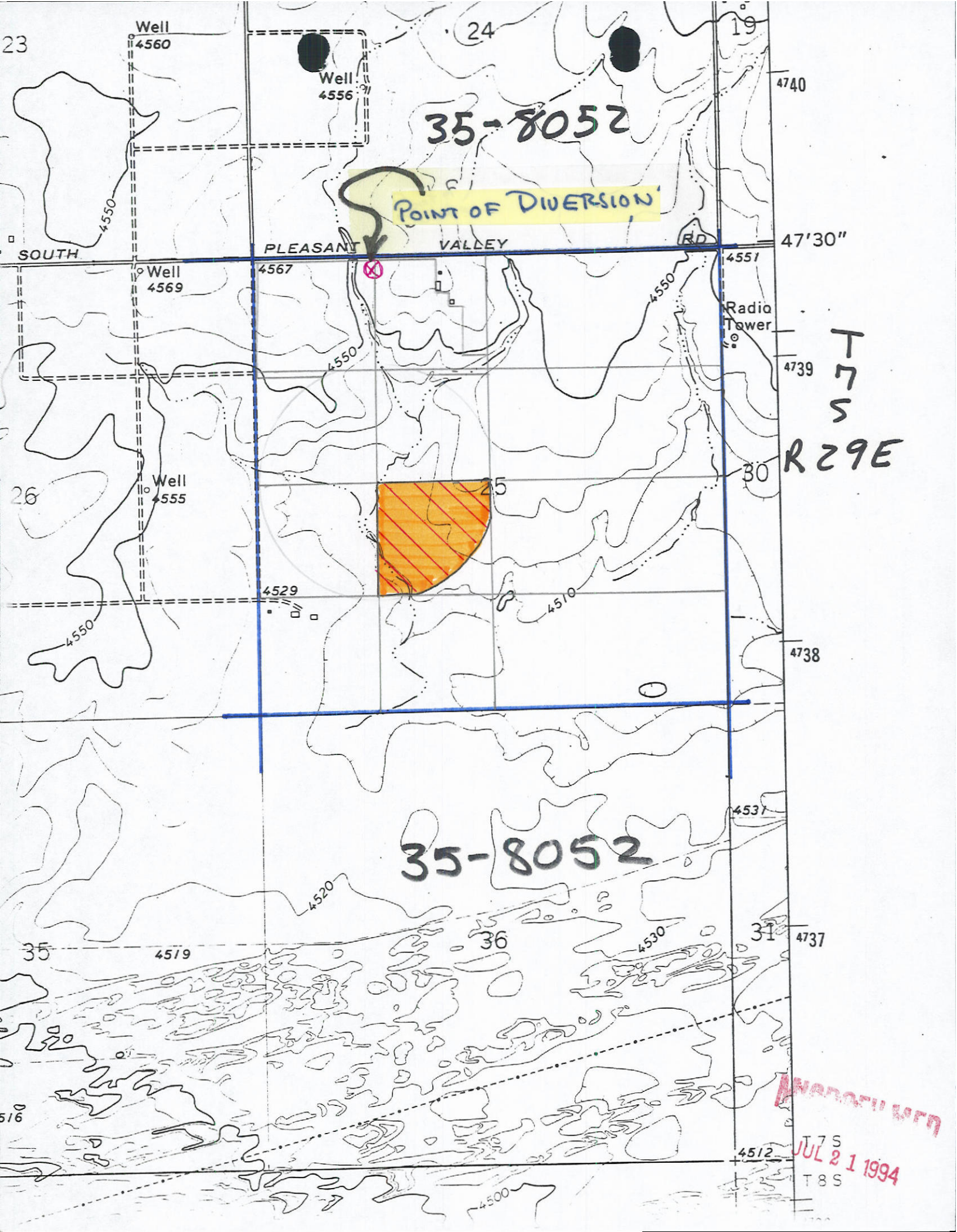
R29E

#156
Gravel Kent
(Whitman)

35-8052

#156
Gravel Kent

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JUL 21 1994



STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

FEB 07 2001

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

Department of Water Resources
Eastern Region

1. Water Right No(s).. 35-08052 and A35-07265B INCAP
Adjudication Claim No(s) water right
2. The following REQUIRED information must be submitted with this form:
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less (These are usually attached to your deed or on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Robert W. Van Orsdel and Elfrieda Van Orsdel
7 Red Oak Lane, Norwalk, CT 06850
4. New Owner/Claimant(s) Burgemeister Farms, Ltd.
New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
3660 South Pleasant Valley Road
City, State and ZIP Code American Falls, Idaho 83211
New Telephone Number (208) 226-2165
5. Date you acquired the property November 27, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) [Signature], Partner Date Nov 28, 2000
Date _____
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

MICROFILMED

Receipt # C052701

3.14.01

\$25.00

J. Burkey

WARRANTY DEED

For Value Received, ROBERT W. VAN ORSDEL and ELFRIEDA VAN ORSDEL, husband and wife, dealing with their property, the Grantors, do hereby grant, bargain, sell and convey unto BURGEMEISTER FARMS, LTD., an Idaho Limited Partnership, whose current address is: 3660 South Pleasant Valley Road, American Falls, Idaho, 83211, the Grantee, the following described premises, in Power County, Idaho, to wit:

TOWNSHIP 7 SOUTH, RANGE 29, EAST OF THE BOISE MERIDIAN
Section 25. NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH all water rights belonging or in any way appertaining thereto and especially including, but not limited to the following: License #35-08052 and A35-07265B.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; that they are free from all incumbrances except matters of public record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: This 25th day of November, 2000.

Robert W Van Orsdel
ROBERT W. VAN ORSDEL

Elfrieda Van Orsdel
ELFRIEDA VAN ORSDEL

176219

INSTRUMENT #	
TIME	3:07 PM
REQ OF	Don E. Brown
NOV 28 2000	
POWER COUNTY AM FALLS	
By	CHRISTINE STEINUCHT
	DEPUTY

MICROFILMED

NOV 28 2000

STATE OF CONNECTICUT)

) ss. NEW CANAAN

County of FAIRFIELD)

On this 25th day of November, 2000, before me, a Notary Public in and for said State of CONNECTICUT, personally appeared ROBERT VAN ORSDEL and ELFRIEDA VAN ORSDEL, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

David VanBuskirk
Notary Public for State of CONNECTICUT
Residing at: 37 ESQUIRE ROAD, NEW CANAAN, CT
Commission Expires: _____

DAVID VanBUSKIRK
NOTARY PUBLIC
MY COMM. EXPIRES
APRIL 30, 2004

MICROFILMED
MAR 29 2001

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08052

Priority: August 11, 1982

Maximum Diversion Rate:

0.27 CFS

This is to certify, that ELFREIDA VAN ORSDEL
ROBERT VAN ORSDEL

7 RED OAK LANE
NORWALK CT 06850

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 11, 1982; and has submitted Proof of Beneficial Use on March 4, 1991. An examination indicates that the works have a diversion capacity of 3.780 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	04/01 to 10/31	0.27 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	25	NESW	32		32

Total number of acres irrigated: 32

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right uses the same well as Right 35-07265 and when combined with Right 35-07265 shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of July, 1994.

Acting for  Keith Higginson, Director

RECEIVED

JUL 21 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
JUN 20 1994
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08052

Date of Priority: August 11, 1982 Maximum Diversion Rate: 0.27 CFS
Comes now ELFREIDA VAN ORSDEL
ROBERT VAN ORSDEL

7 RED OAK LANE
NORWALK CT 06850

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. 35-08052, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.27 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 25, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	25	NESW	32		32

Total number of acres irrigated: 32

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

Signed at Norwalk, CT, this 6th day of June, 1994.
Robert Van Orsdel
Elfrieda L. Van Orsdel
(Signature)

JUL 21 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08052

FOR DEPARTMENT USE ONLY

Preliminary check by B Fee = 20⁰⁰ Received by dw # C030596 Date 4/21/94 ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08052 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right uses the same well as Right 35-07265 and when combined with Right 35-07265 shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Witness my hand this 15TH day of July, 1994.

Acting for Norm C. Gung
R. Keith Higginson, Director

JUL 21 1994

RECEIVED
MAR 04 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 100.00
Date 3/4/91
Receipt No. 6019817
Received by J. Sutton

Department of Water Resources **PROOF OF BENEFICIAL USE**

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. 35-8052 Telephone No. _____
2. Name(s) of Permit Holder(s): ELFRIEDA VAN ORSDEL
3. Post Office Address: 7 Red Oak Lane, Norwalk, CT 06850
4. Source of Water: Ground water
 - a. If ground water, well driller's name: Unknown (see Claim #35-07265A) Date drilled: Unknown
 - b. Pump horsepower: _____ Pressure (psi) _____ Dynamic pumping level (ft.) _____
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>32</u> (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____
6. Total rate and/or volume for which proof is submitted .370 cfs 96 acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? <u>Yes</u> ☒ No ☒	Installed? <u>Yes</u> ☒ No ☒
OR	
Flow Measurement Port: Required? <u>Yes</u> ☒ No ☐	Installed? <u>Yes</u> ☒ No ☐
8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>ART ADOLF</u>	<u>226-2043</u>
Name	Telephone No.
<u>730 Stevens, American Falls ID 83211</u>	
Address	

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

APR 19 1991

2-23-91
Date

Elfrieda Van Orsdel
Signature (and title if on behalf of a company or organization)

RECEIVED
SEP 17 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by 18
Date 9-17-87
Receipt # 45318

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit
Department of Water Resources

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

Permit No. 35-8052

Name(s) of Permit Holder: Robert W. Van Orsdel and Elfrida Van Orsdel

Post Office Address: 7 Red Oak Lane, Norwalk, CT 06850

Telephone No. _____

Date Proof is Due: October 1, 1987

Describe what work has been completed toward the development of this water right: Applicant checked
(This must be filled out! If no work has been completed, show "none".)
with Funk Irrigation in American Falls, Idaho, as to the likelihood of the
development of an adequate water source and the cost of the installation
of a sprinkler system. Applicant determined that the likelihood of an adequate
water source was great with a number of wells immediately surrounding the permit
area with pumping levels of 250' or less, and the cost of installation of a
sprinkler system of less than \$600 per acre. That applicant has not actually
expended any out-of-pocket monies due to the uncertainty of his rights to fully
develop this permit. Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
That permit holder has been unable to complete due to the uncertainty and
the moratorium of the Swan Falls litigation. Applicant has been unable and
unwilling to expend any monies toward the development of this permit until
he is certain that he would have a legally protected water right. Applicant
is further unwilling to rent water on a short year to year basis until his water
rights are fully determined and reprocessed under
I.C. 42-203 (d)

Permit holder(s) request an extension to October 1, 19 92.
(1 yr. minimum)

Robert W. Van Orsdel
Elfrida L. Van Orsdel
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUBMITTED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1992.

Signed this 29th day of January, 19 91.

[Signature]
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert Van Orsdel & Elfreida Van Orsdel Phone (203) 847-0223

Post office address 7 Red Oak Lane, Norwalk, Conn. 06850

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25 Township 7S

Range 29 E B.M. Power _____ County, additional points of diversion if any: _____

NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 25, T. 7 South, Range 29 E.B.M., Power County, Idaho

4. Water will be used for the following purposes:

Amount 0.8 for irrigation purposes from Apr 1 to Nov 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. 0.8 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, electric motor,
panel, mainline and wheel lines.

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

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

c. Proposed well diameter is 20 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is five 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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MAY 11 1978
IDAHO DEPT. OF WATER RESOURCES

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%	
7S	29E	25									40								40
Total number of acres to be irrigated																			40

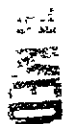
c. Describe any other water rights used for the same purposes as described above.

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

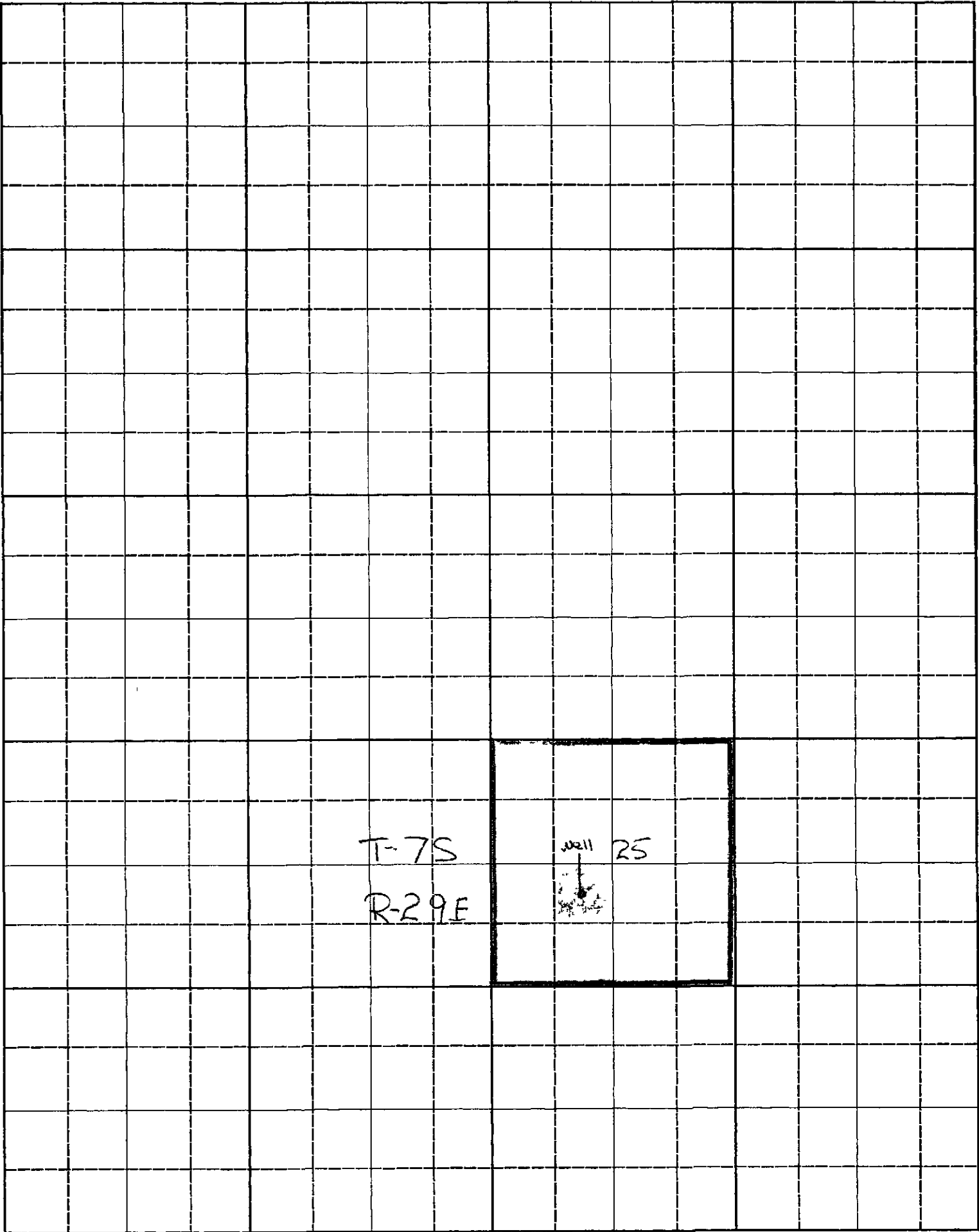
b. Who owns the land to be irrigated or place of use Applicant

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



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.

Elfrida Van Orsdel
Robert Van Orsdel
(Applicant)

03-11-2009

Proposed Priority 8/11/1982

Received by CW Date 8-11-82 Time 10:35A

Preliminary check by Kaw Fee \$ 45⁰⁰

Receipted by BP Date 8-11-82 # 22443

Publication prepared by BP Date 8-18-82

Published in Power County Press

Publication dates 8/26 & 9/2/82

Publication approved CW Date 9-28-82

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

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. 35-8052, and said application is hereby APPROVED.

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 October 1, 19 87.

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

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 7th day of _____, 19 82.

A. Glen Saxton
Chief, Operations Bureau

RECEIVED

35-8052

VAN ORSDEL, ROBERT &/or
ELFREIDA
7 RED OAK LANE, NORWALK,
CT 06850
Source: GROUNDWATER
Date Filed: 08/11/1982
Amount: 0.80 CFS
Diversion Point: NESW Sec 25 T
07S R 29E POWER Co.
Use: IRRIGATION (0.80 CFS)
from 04/01 to 11/01
Place of Use: NESW Sec 25 T 07S R
29E FOR 40 ACRES
Diversion Means: WELL, PUMP,
MOTOR, PANEL, MAINLINE &
WHEEL LINES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before SEPTEMBER 13, 1982.

A KENNETH DUNN
Director

CID 56604 7/11/02 11:10 PM

JAN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

December 27, 2001

KARL J. DREHER
DIRECTOR

BURGE MEISTER FARMS LTD

2781 MOONLIGHT LN

AMERICAN FALLS ID 83211-5422

3660 S. Pleasant Vly Rd.

Re: Snake River Basin Adjudication (SRBA)

Water Right(s) #35-2223A, 35-2223B, 35-7265A, 35-7265B, 35-8052,

~~35-8885, 35-12720~~

Change of Address

Dear Water Right Holder

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman

Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

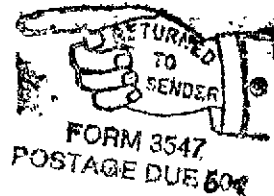
(208) 226-2165

Telephone No.

221-3660

done

Snake River Basin Adjudication
Office of the Attorney General
PO Box 4449
Boise ID 83711-4449



ADDRESS SERVICE
PERMITS

BURG730 832112006 1301 02 11/28/01
FORM 3547
BURGERMEISTER
2781 MOONLIGHT LN
AMERICAN FALLS ID 83211-5432



BURGERMEISTER FARMS LTD
730 TYHEE
AMERICAN FALLS ID 83211

35-2223 A, B
35-7265 A, B
35-8885-8052
35-12720. o-over

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE

00¢



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BURGEMEISTER FARMS LTD
3660 S PLEASANT VALLEY RD
AMERICAN FALLS ID 83211

RE: Change of Ownership for Water Right 35-8052

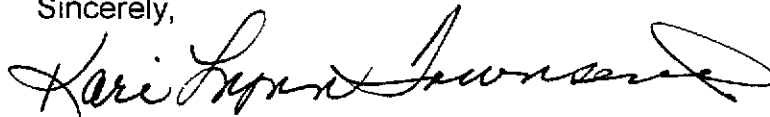
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 18, 1994

ELFREIDA VAN ORSDEL
ROBERT VAN ORSDEL
7 RED OAK LANE
NORWALK CT 06850

RE: WATER RIGHT NO. 35-08052

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED

JUL 21 1994

Boomer & Laggis

HENRY R. (Hank) BOOMER
PAUL S. LAGGIS

ATTORNEYS-AT-LAW
376 Roosevelt - P.O. Box 70
American Falls, Idaho 83211

Telephone
(208) 226-2562
Fax (208) 226-2578

June 17, 1994

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JUN 20 1994

Department of Water Resources

Jim Johnson,
Water Rights Supervisor
Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

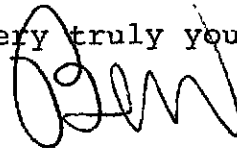
Re: Permit #35-08052

Dear Jim:

Your letter of May 31, 1994 addressed to Elfreida and Robert Van Orsdel has been referred to me for response. We have no difficulty with the amendment to reflect the change in the location of the point of diversion to coincide with what is actually in the field, but we do have a problem with a reduction of the rate of diversion from .37 cfs as originally claimed to the .27 cfs that you list on the proposed amendment. It may well be a typographical error, but my clients are nervous.

Please review why the proposed reduction in the cfs was made and contact Hank Boomer here in this office, since Hank is succeeding me in practice.

Very truly yours,



Ben Cavaness

BC:mh

cc; Bob Van Orsdel

Per telecon on 6-22-94 ALL QUESTIONS/CONCERNS WERE
RESOLVED LICENSE WILL BE ISSUED AS DRAFTED.

Jim

MAILED
JUL 21 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 31, 1994

ELFREIDA VAN ORSDEL
ROBERT VAN ORSDEL
7 RED OAK LANE
NORWALK CT 06850

RE: WATER RIGHT NO. 35-08052

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

JUL 21 1994

WR0749NP
No. L35-08052

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/26/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELFREIDA VAN ORSDEL	08/11/1982	IRRIGATION	04-01 10-31	0.27 CFS	
C	ROBERT VAN ORSDEL 7 RED OAK LANE NORWALK CT 06850					
TOTAL DIVERSION:					0.27 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 3.78 CFS

Point(s) of Diversion: T07S R29E S25 NENW

POWER County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: SUM			
07S	29E	25	:								:										:	32.0		
TOTAL ACRES																					32.0			

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-02223 35-04163 35-07265

Other Water Rights Listing Overlapping Place(s) of use:
35-07265 35-08052

Remarks: This right uses the same well as Right 35-07265 and when combined with Right 35-07265 shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Dates: App. Received: 08/11/1982 Priority Date: 08/11/1982
Proof Due Date: 01/01/1992 Proof Made Date: 03/04/1991
Exam Made Date: 07/28/1992 Exam Sent to S.O.: 01/27/1994
Licensed Date:

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

Audit: 05/26/94 BCHAPMAN

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L3508052	T07S R29E S25 GROUNDWATER																	
	:																	32
3502223	GROUNDWATE :																	10
A3502223	GROUNDWATE :																	5
R3502223B	GROUNDWATE :																	5
3504163	GROUNDWATE :																	5
3507265	GROUNDWATE :																	222
A3507265A	GROUNDWATE :																	190
R3507265A	GROUNDWATE :																	190
A3507265B	GROUNDWATE :																	32
R3507265B	GROUNDWATE :																	32
3508052	GROUNDWATE :																	40
3508636	GROUNDWATE :																	80
3508804	GROUNDWATE :																	320

ADJUDICATION
SPLIT OUR LICENSE
INTO A & B

POU COMPARISON

AJ5809NP
No. R35-07265B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/25/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELFRIEDA VAN ORSDEL 5 RED OAK LN NORMALK CT 06850	11/17/1972	IRRIGATION	04-01 10-31	0.37 CFS	128.00 AFA
TOTAL DIVERSION:					0.37 CFS	128.00 AFA
CONSUMPTIVE USE:						96.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R29E S25

NWNE

POWER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
07S	29E	25	:																	32.0	
																				TOTAL ACRES	32.0

POU County: POWER

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

A35-04163 A35-07265 A35-07265A A35-07265B R35-02223A R35-04163 R35-07265A R35-12720

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

A35-07265B

Remarks: RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 2.60 CFS. OTHER RIGHT
NOS.: 35-07265A, 35-02223A AND 35-12720.

Dates: Exam Made Date: Verified Date: 01/20/1994

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/15/1993 User-ID: RUBERRY Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF LICENSED RIGHT 35-07265, AND
CLAIMS 32 ACRES IRRIGATION ON THE NESW SECTION 25, WITH
0.37 CFS DIVERSION.
THE PROPERTY IS CURRENTLY BEING FARMED BY BURGEMEISTER FARMS LTD.

Audit: 11/10/93 RUBERRY 11/15/93 RUBERRY 01/20/94 RUBERRY

(C) 0.011 CFS
per acre

ADJ Split of license

- OVERLAP -

WR0749NP
No. 35-07265

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/25/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT BURGEMEISTER 730 TYHEE AMERICAN FALLS ID 83211	11/17/1972	IRRIGATION	04-01 10-31	2.60 CFS	777.00 AFA
TOTAL DIVERSION:					2.60 CFS	777.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R29E S25 NENW POWER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
07S	29E	25	:	39	39	40	40	32	32							222.0
TOTAL ACRES																222.0

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-02223 35-04163

Other Water Rights Listing Overlapping Place(s) of use:
35-02223 35-04163 35-08052

Dates: App. Received: Priority Date: 11/17/1972
Proof Due Date:
Exam Made Date: Proof Made Date:
Licensed Date: 08/29/1983 Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:

Audit: 12/18/84 05/21/88 CONVERT

.011 per
acre

Our Original License

LICENSE REVIEW CHECKLIST



PERMIT NO. 35-8052 DATE 5/25/94

NAME	Yes ☐	No ☒	Or Address Change? ☐
PRIORITY DATE	☐	☒	Advance? ☐ Advanced to: ☐ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? ☐ Notice of Intent to void necessary? ☐
* POINT OF DIV	☒	☐	Amendment needed? <u>Change - NENW 1/4</u> Overlaps? <u>35-07265</u>
PLACE OF USE	☒	☒	Amendment needed? ☐ Overlaps? <u>35-7265</u>
DIV RATE CAPACITY = 3.78 35-7265 = 2.60 <u>1.18</u>	☒	☐	Measurement done? ☐ Theoretical only? ☒ <u>Q = 3.78 CFS 32 x .02 = .64</u> <u>Acres covered @ .37 CFS need .27 CFS to get .02 per</u> <u>Capacity: 3.78 Combined rates exceed capacity</u> <u>Allowable amount: .27</u>
ANNUAL VOLUME	☐	☒	Season of use: <u>C/4 (4-1 to 10-31)</u> Calculations: <u>32 x 4 = 128</u> Flow limit: <u>.27 cfs x 214 x 1.9835 = 114.6</u> Combined volumes exceed capacity/allowable ☐
USES	☐	☒	Change(s) in Nature of Use? ☐ Amendment necessary? ☐
REMARKS	☐	☒	Multiple p/d(s) in 1/4 1/4? ☐ <u>W29</u> Other <u>EDLT</u>
CONDITIONS	☐	☒	Measuring/Locking Devices ☐ Watermaster control - District ☐ Irrigation Overlap ☐ Water Quality ☐ Other ☐

COMMENTS: REDUCE acres & rate AMEND P/O
* CHANGE IN REC - see ADJUSTMENTS MEMO FOR EXPLANATION

RECOMMENDED	CFS	VOLUME	LICENSE
<u>Irrigation</u>	<u>.27</u>	<u>Don't list</u>	1ST AMENDMENT LETTER <u>P39+P38</u>
		<u>already listed</u>	FINAL AMENDMENT LETTER <u>P47</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 31 1994
Department of Water Resources

A. GENERAL INFORMATION

1 Owner Robert + Elfreida Van Orsdel Permit No. 35-8052
Current Address: 7 Red oak Lane, Norwalk, Conn. 06850 Phone No. _____
2 Accompanied by: Arnold Burgemister EXAM. DATE: 7-28-92
Address: _____ Phone No. _____
Relationship to Permit Holder: Lease
3 Source groundwater tributary to _____

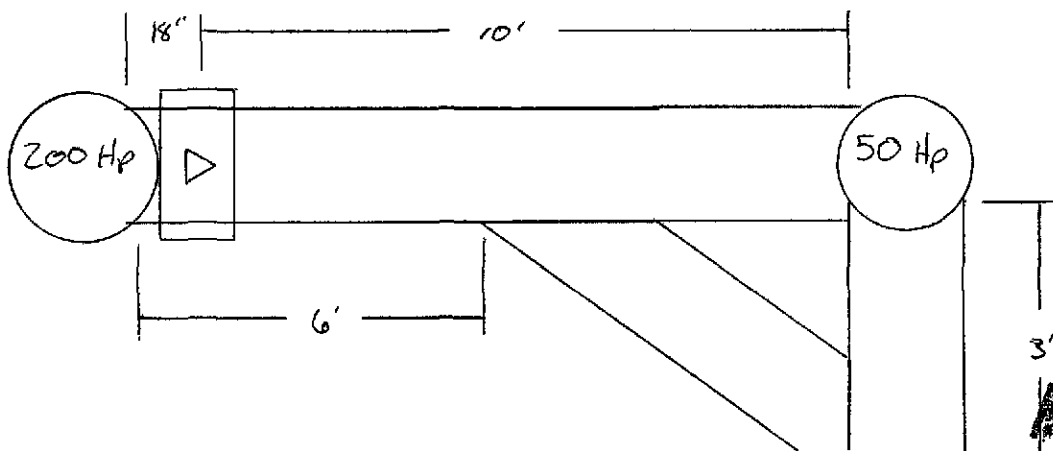
B. OVERLAP REVIEW

1 Other water rights with same place of use: A35-07265B ☐ Copies Attached
2 Other water rights with same point of diversion A35-07265B + A35-07265A
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

N ↑



Scale: 1" = _____

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

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System Description (continued)

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

200 Hp pump to 50 Hp booster pump to 10" underground mainline supplying water to one 10 tower pivot and 4- $\frac{1}{4}$ mile wheel lines.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motor	200	8300284	Berkley	10" discharge
Booster	Marathon	50	11-95507-12	Cornell	70153

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

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

[illegible]

- 6 Place(s) of Use:**

Indicate Method of Determination

[illegible]

* SEE attached Exam Adjustments Memo. BC

Do not use this space

JUL 21 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gage	Fluid	ashcroft	—	—	160 psi	
well probe	single wire	Olympic	500	—	500'	

2. Measurements:

operating pressure 160 psi

dynamic pumping depth 270'

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method

Theory
$$\frac{(200 \text{ HP} + 50 \text{ HP})(8.814)(70\%)}{270' + 60 \text{ PSI}(2.308)} = 3.78 \text{ cfs (1695 gpm)}$$

2. Alternate Method for Checking Purposes:

Capacity

See back page

F. PUMP EFFICIENCY DATA (Optional)

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

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

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x 0.01732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{32 \text{ acrs} \times 4}{0.27} = 128 \text{ afa}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{0.30 \times 214 \times 1.9835}{0.27} = 127.3$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 127.3 \text{ afa}$$

2. Volume Calculations for Other Uses.

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

This same 32 acres is licensed From A35-7265B for ^{0.37} ~~0.34~~ cfs.

Permit 35-08052 can license ^{0.27} ~~0.30~~ cfs more for a total of 0.64 cfs or 0.02 cfs/acre. Both share the same pd.

The capacity (theoretical) of 3.78 cfs exceeds original capacity of 35-07265 (2.60 cfs) by 1.18 cfs.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* Irrigation	4/1	10/31	~~0.30~~ 0.27	~~127.3~~ 114.6
			0.27	114.6
Totals:			~~0.30~~ cfs	~~127.3~~ cfs

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

J. AUTHENTICATION

Field Examiner's Name Gary Buss

Signature Gary Buss

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

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

* See attached "Adjustments to Exam" memo. BC

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JUL 21 1994

ADJUSTMENTS TO FIELD EXAM MEMORANDUM

TO: File 35-08052
FROM: Brenda Chapman
DATE: May 26, 1994
RE: Adjustments Made

=====

* An adjustment or notes were made on the field exam in the following portion(s) based on the information below.

C. DIVERSION AND DELIVERY SYSTEM

1. Points of Diversion:

The point of diversion appears to be right on the line between the NENW and the NWNW $\frac{1}{4}$'s. This well was originally licensed under 35-07265. The examination for 35-07265 shows the well to be located east of the mainline, locating it in the NENE $\frac{1}{4}$. The enclosed well log also confirms that location.

SEE EXHIBITS 1 & 2

H. RECOMMENDATIONS

1. Recommended Amounts

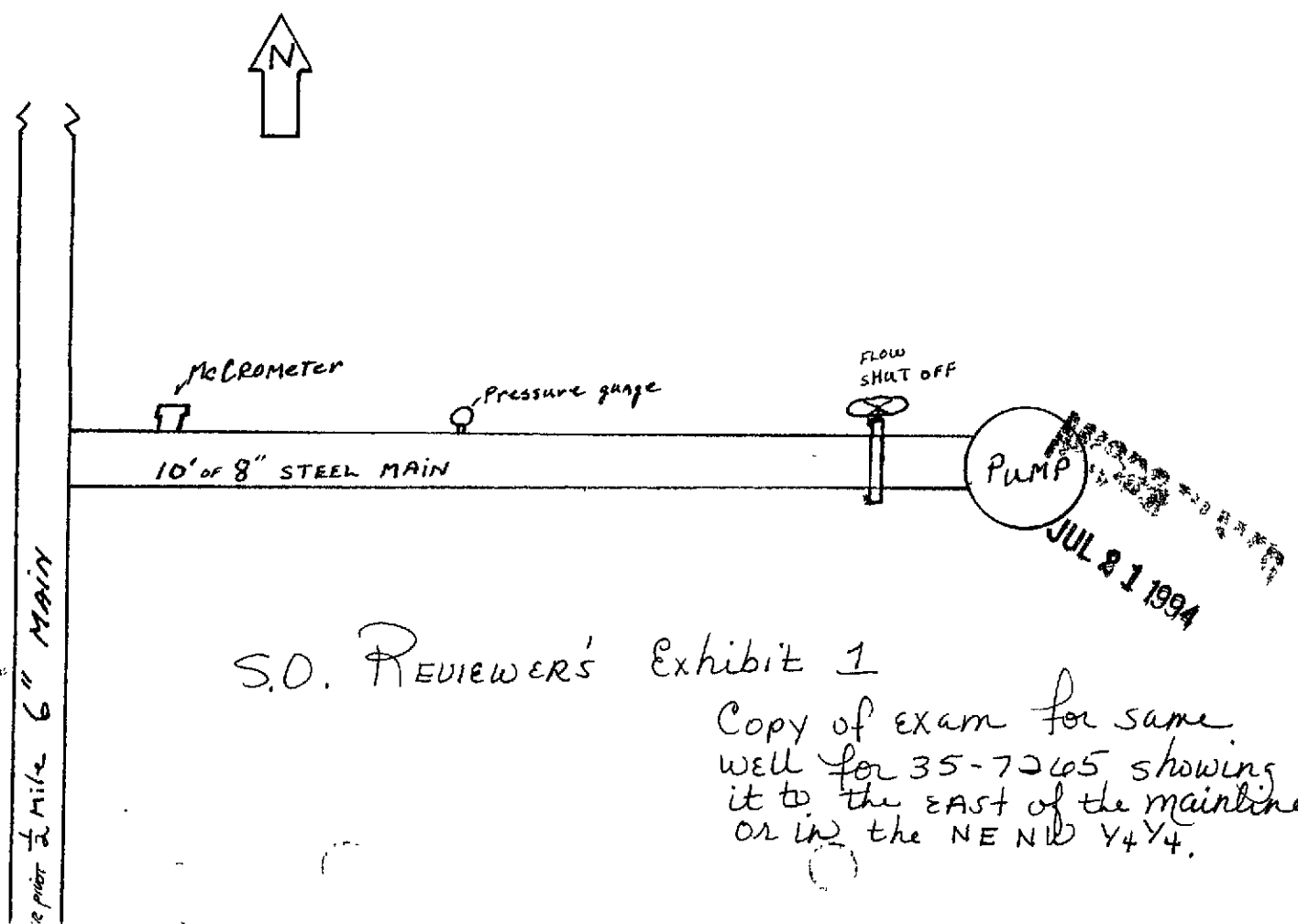
Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-1 to 10-31	.27	None

I did not list the diversion volume as recommended because it is more clear to condition the license with the combined maximums allowable for all of the acres.

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Hand-drawn map on graph paper showing a road layout. A horizontal line at the top is labeled "COUNTY ROAD". A vertical line below it is labeled "RPD". The intersection is marked with "39" on both sides. Below the intersection, a road branches left and right. The left branch is labeled "8.0% CUT" and "32". The right branch is labeled "8.0% R.O.U.T." and "32". A large "25" is written in the center of the diagram.

Diagram of System



S.O. REVIEWER'S Exhibit 1

Copy of exam for same
well for 35-7245 showing
it to the east of the mainline.
or in the NENE Y4Y4.

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well

1. WELL OWNER

Name Albert Burgemeister
Address Am. Falls, Idaho
Owner's Permit No. 35-7265

2. NATURE OF WORK

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

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 330 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>250</u> inches	<u>16</u> inches	<u>+1</u> feet	<u>330</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

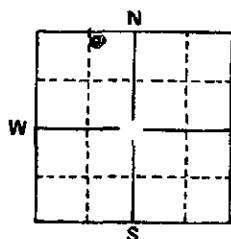
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch
Size of perforation 3/16 inches by 2 1/2 inches

Number	From	To
_____ perforations	<u>250</u> feet	<u>330</u> feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feetSurface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☒ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.

County Power
NE 1/4 NW 1/4 Sec. 25, T. 7 N, R. 29 E/W

7. WATER LEVEL

Static water level 252 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature 52 ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pump

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Y
	From	To		
30	0	12	Soil	
	12	60	Basalt	
	60	82	" Very hard	
	82	102	" Cinders (Red)	
	102	132	" " (Black)	
	132	310	" " (Brown)	
	310	330	" " (Black)	

S.O. REVIEWER'S
Exhibit 2Shows well in the
NW NENW of Sec 25

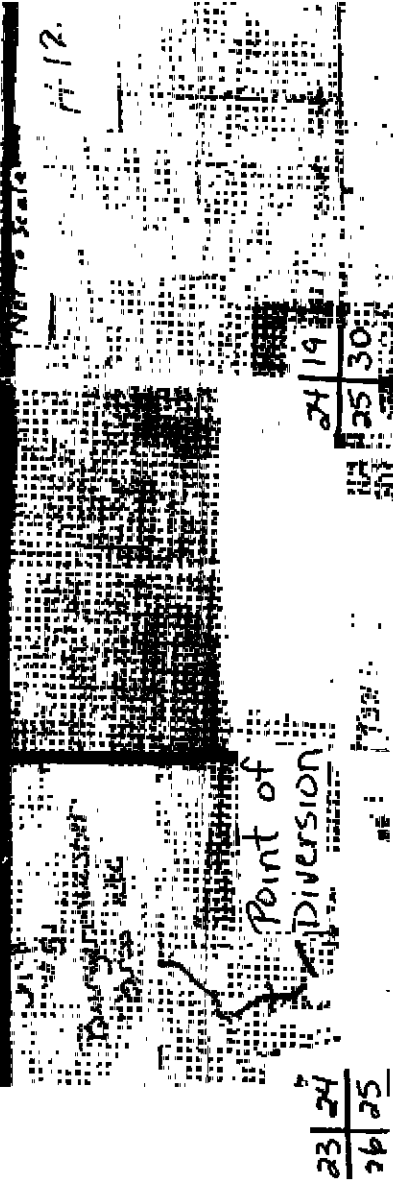
10.

Work started Sept 20-72 finished Oct 7-72

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledgeDriller's or Firm's Name George Vollmer Number 97Address Am. Falls, Ida.Signed By George Vollmer Date 11-17

35-08052



T 7 S

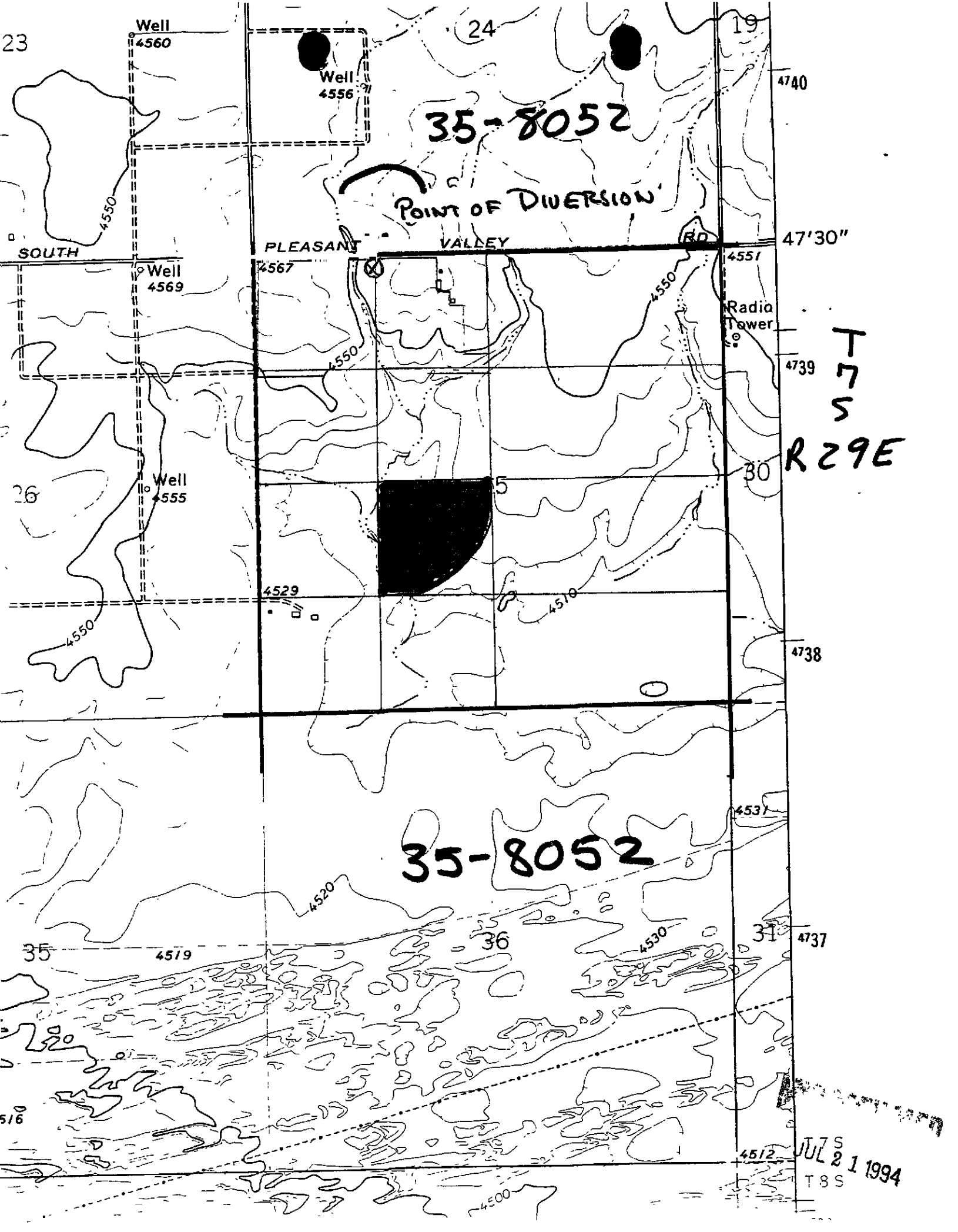
Place
of
Use

26 25
35 36

25 30
36 31

R29E

35-8052



Well
4560

Well
4556

35-8052

POINT OF DIVERSION

SOUTH

PLEASANT

VALLEY

Well
4569

4567

Radio
Tower

47'30"

Well
4555

4529

5

T
7
S
R 29 E

35-8052

35

4519

36

31

4737

JUL 21 1994
T 8 S

April 5, 1991

ROBERT VAN ORSDEL
ELFREIDA VAN ORSDEL
7 RED OAK LANE
NORWALK, CT 06850

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08052

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

APR 19 1991

Cavaness & Boomer

BEN CAVANESS
HENRY R. (Hank) BOOMER

ATTORNEYS-AT-LAW
P.O. Box 70 — 376 Roosevelt
American Falls, Idaho 83211

Telephone
(208) 226-2562
Fax (208) 226-2578

February 19, 1991

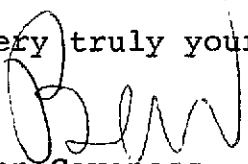
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Re: Permit No. 35-8052
Robert Van Orsdel

Dear Skip:

Enclosed is the Proof of Beneficial Use, along with a check in the amount of \$100 to cover the filing fee. If there are any additional charges, please let me know and I will make prompt remittance.

Very truly yours,



Ben Cavaness

BC:mh

Encl.

cc: Bob Van Orsdel

APR 19 1991

January 30, 1991

ROBERT W VAN ORSDEL
ELFRIEDA VAN ORSDEL
7 RED OAK LANE
NORWALK CT 06850

Dear Mr. and Mrs. Van Orsdel:

Re: Permit No. 35-8052

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1992.

If you have any questions, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

FEB 6 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 21, 1990

Robert W. Orsdel
7 Red Oak Lane
Norwalk, CT 06850

RE: PERMIT 35-8052

Dear Mr. Orsdel:

On September 17, 1987, you submitted a request for an extension of time (extension request) in which to submit the proof of beneficial use for the above referenced permit. The permit authorized the diversion of 0.8 cfs of water from a well to be used for irrigation purposes.

On September 23, 1987, the department corresponded with you and advised that we would hold the extension request without action until the permit was reprocessed as required by Section 42-203D, Idaho Code. This reprocessing was a direct result of the Swan Falls water right controversy which is now essentially resolved.

As it turns out, your permit is not affected by the Swan Falls controversy. For this reason, the extension request can be further processed.

Please contact me soon in connection with the pending extension request and advise me of the amount of additional time needed, if any, to complete the project. If your project is complete, it is appropriate for you to file the proof of beneficial use in order to complete the filing requirements associated with the permit.

Enclosed is a proof of beneficial use form together with instructions which you should file if your project is complete. If the project is not complete, please advise me and the department will act on the pending extension request. If you have questions, feel free to call me at (208) 327-7953.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Encl: 2

c: IDWR - E. Region

MICROFILMED

FEB 6 1991

September 23, 1987

Robert W. and Elfrida Van Orsdel
7 Red Oak Lane
Norwalk, CT 06850

Dear Mr. and Mrs. Van Orsdel:

Re: Permit Nos. 35-8051 and 35-8052

The department has reviewed the requests for extension of time submitted in connection with the above referenced permits. The department will hold the requests without action until the permits are reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permits are to be continued.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: region

MICROFILMED

FEB 06 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A-KENNETH DUNN R. Keith Higginson

Director

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

EXTENSION OF TIME

September 17, 1987

Robert W. Van Orsdel & Elfrieda Van Orsdel
7 Red Oak Lane
Norwalk, CT 06850

PERMIT NO. 35-8052, 35-8051

We are in receipt of the \$30 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 45218.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

FEB 06 1991

RECEIVED

SEP 17 1987

Department of Water Resources

7 Red Oak Lane
Norwalk, CT 06850
September 8, 1987

Ms. Rita Fleck
Secretary/Records Manager
Idaho Department of Water Resources
450 West State Street
Boise, Idaho 83720

Dear Ms. Fleck:

Enclosed is a request for extension of time on permit 35-8051 which has been prepared in order to provide me with the additional time that will be required in order to allow my permit to be reprocessed under the Swan Falls legislation.

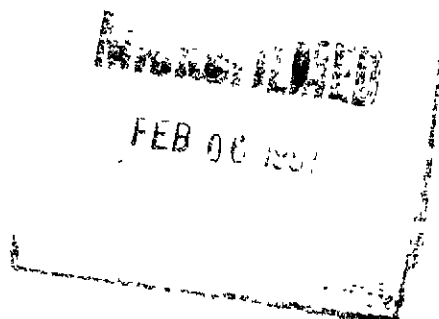
I filed both this permit and permit 35-8052 immediately following my inheritance of this property from my late father. I was advised by counsel that due to the pendency of the Swan Falls litigation that I could not prove upon my permit nor should I expend monies to develop my permit since my ability to proceed with development was held up by the Swan Falls litigation. It is my understanding that at this time I still cannot proceed with the development of my permit unless I agree to rent water out of the pool and take my chances on the reprocessing of my permit under Idaho Code 42-203D.

I am uncertain as to how quickly I will be able to have my permit reprocessed and I am requesting an extension of time for the entire five years due to my being held up during the previous five years due to the Swan Falls litigation.

If there is problems or questions with regards to this request, please let me know.

Very truly yours

Robert W. Van Orsdel
Robert W. Van Orsdel



138810
CERTIFIED MAIL
July 31, 1987

VAN ORSDEL, ROBERT & ELFREIDA
7 RED OAK LANE
NORWALK, CT 06850

PROOF DUE NOTICE

RE: Permit No. 35-8052

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 October 1, 1987. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 06 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MAILED

FEB 16 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

VAN ORSDER, ROBERT & ELFREIDA
7 RED OAK LANE
NORWALK, CT 06850

OCTOBER 13, 1982

RE: PERMIT NO. 35-8052

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT NUMEROUS PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE, TO BE USED ON DESERT LAND ENTRY AND/OR CAREY ACT LANDS. DEVELOPMENT OF THESE WATER RIGHTS IS CURRENTLY PREVENTED BY THE U.S. BUREAU OF LAND MANAGEMENT. HOWEVER, IF THE LANDS ARE RELEASED FOR DEVELOPMENT, THE ASSOCIATED WATER RIGHTS WILL RECEIVE WATER PRIOR TO YOUR WATER RIGHT ENCLOSED. THEREFORE BE SURE TO ANALYZE THE FUTURE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT IN A WATER SUPPLY SYSTEM.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS 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 ACCESS PORT.

SINCERELY,

DAVID TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

RECEIVED
OCT 15 1982
WATER ALLOCATION SECTION

September 16, 1982

RE: Application for Permit No. 35-8051 VAN ORSDEL
35-8052 "

Power County Press
174 Idaho
American Falls, ID 83211

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 26 and September 2, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED
SEP 21 1982
AMERICAN FALLS, ID

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } s.s.

Brett Crompton being

on oath, states:

That he is the editor of the Power County Press, a newspaper of in Power County, Idaho, published weekly in said County; that said newspaper has been County uninterruptedly and continuously eight consecutive weeks, prior to the first annexed notice or advertisement:

That the annexed notice or advertisement per clipping attached in the regular and a

newspaper and not in any supplement thereof, the date

tion being the 25 day of Aug

the date of last publication being the

1 day of September

(Signed) Brett Crompton

Subscribed and sworn to before me this

20 day of September

Notary Public, residing in
Idaho.

My Commission expires

(SEAL) day of

Published in the Power County Press August 25, 1982 and September 1, 1982

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

17-7101

BARKDULL RANCHES
646 REED ST., AMERICAN FALLS, ID 83211
Source: UNNAMED SPRING
Date Filed: 08/13/1982
Amount: 0.25 CFS
Diversion Point: SENE Sec 13 T 12S R 32E, POWER Co.
Use: STOCKWATER (0.25 CFS) from 03/01 to 11/30
Place of Use: SENE Sec 13 T 12S R 32E
Diversion Means: SPRING, PUMP, HOLDING TANK & TROUGH

29-7654

CHURCH OF JESUS CHRIST OF LATTER DAY ST.
POCATELLO, STAKE, P.O. BOX 63, POCATELLO, ID 83201
Source: GROUNDWATER
Date Filed: 08/16/1982
Amount: 0.04 CFS
Diversion Point: SENW Sec 23 T 11S R 33E, POWER Co.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: SENW Sec 23 T 11S R 33E
Diversion Means: PUMP, WELL & LINE

Legal Notice

35-8051

VAN ORSDEL, ROBERT &/or ELFREIDA
7 RED OAK LANE, NORWALK, CT 06850
Source: GROUNDWATER
Date Filed: 08/11/1982
Amount: 6.40 CFS
Diversion Point: NESE SWSW Sec 13 T 07S R 29E, POWER Co.
Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 13 T 07S R 29E 3.20 Acres
Diversion Means: WELL, PUMP, MOTOR, MAINLINE & WHEEL LINES

35-8052

VAN ORSDEL, ROBERT &/or ELFREIDA
7 RED OAK LANE, NORWALK, CT 06850
Source: GROUNDWATER
Date Filed: 08/11/1982
Amount: 0.80 CFS

Diversion Point: NESW Sec 25 T 07S R 29E POWER Co.
Use: IRRIGATION (0.80 CFS) from 04/01 to 11/01
Place of Use: NESW Sec 25 T 07S R 29E FOR 40 ACRES
Diversion Means: WELL, PUMP, MOTOR, PANEL, MAINLINE & WHEEL LINES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before SEPTEMBER 13, 1982.

A KENNETH DUNN
Director

35-8052-

WAN ORSEL, ROBERT &/or ELFREIDA

7 RED OAK LANE, NORWALK, CT 06850

Source: GROUNDWATER

Date Filed: 08/11/1982

Amount: 0.80 CFS

Diversion Point: NESW Sec 25 T 07S R 29E
POWER Co.

Sec 1 T 07S R 29E

Use: IRRIGATION (0.80 CFS) from 04/01 to 11/01

Place of Use: NESW Sec 25 T 07S R 29E FOR 40 ACRES

Diversion Means: WELL, PUMP, MOTOR, PANEL, MAINLINE & WHEEL LINES

NOT RECORDED