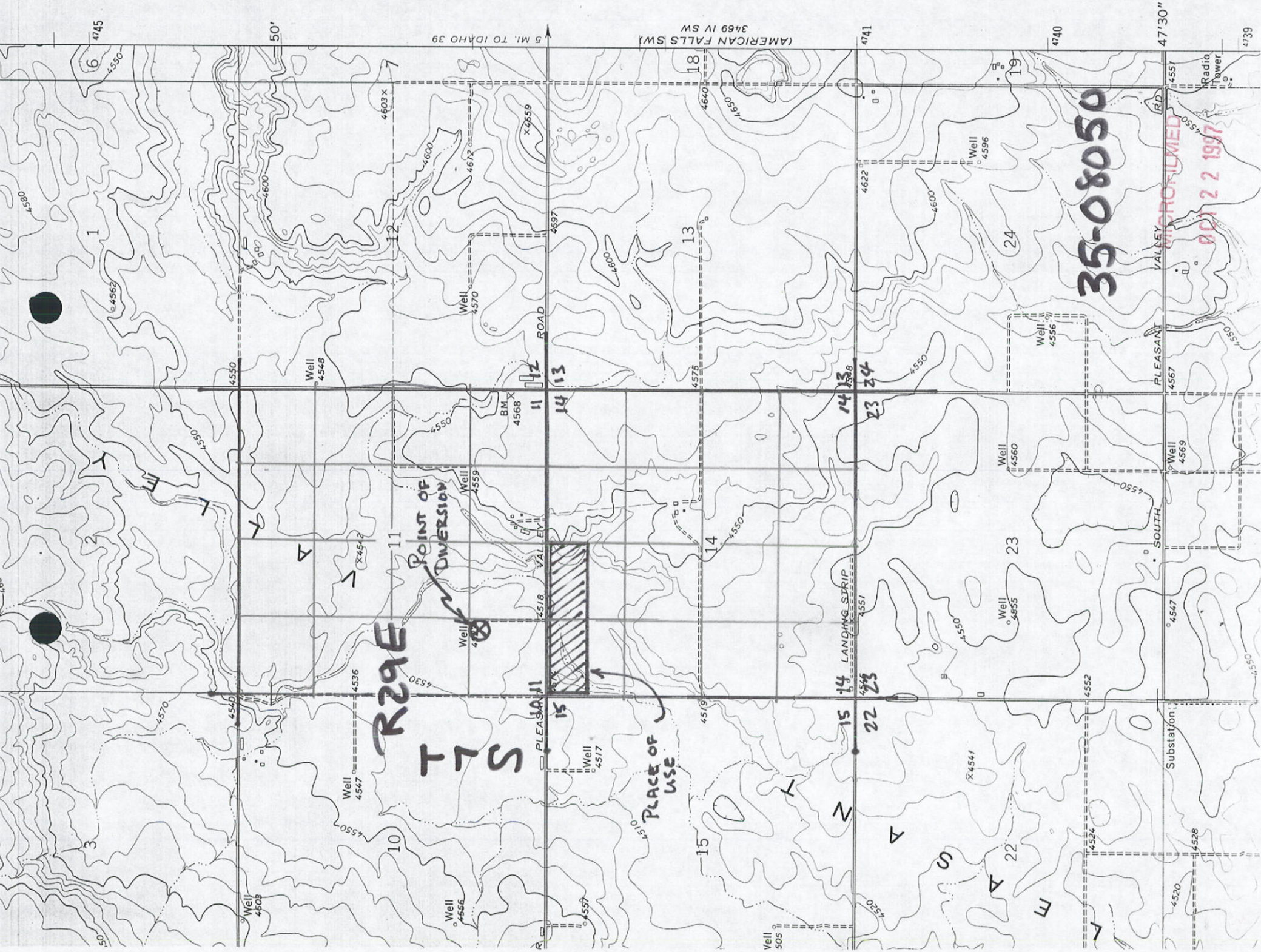




5 MI. TO IDAHO 39 (AMERICAN FALLS SW) 3469 IV SW

R29E
T7S

POINT OF
DIVERSION

PLACE OF
USE

35-08050

MICROFILMED
001 2 2 1997

T 7 S 10

TR29E

NHEL
2-133.4

NHEL
3-115.6

POINT OF DIVERSION

NHEL
4-150.4

NHEL
1-135.1
69.1

Center Mass and Valley Rd
NHEL
2-93.7

20.2

20.2

T2215

PLACE OF USE

J. #1788

Larry Bettker

35-08050

CRP
88-3860A

CRP
88-3860C (9-30-97)

Adolf Ln.

NHEL
1-112.2

383.6

2.2 1997

NOT FILMED

T-2832
150.0

CRP
88-3860A

CRP
88-3860A

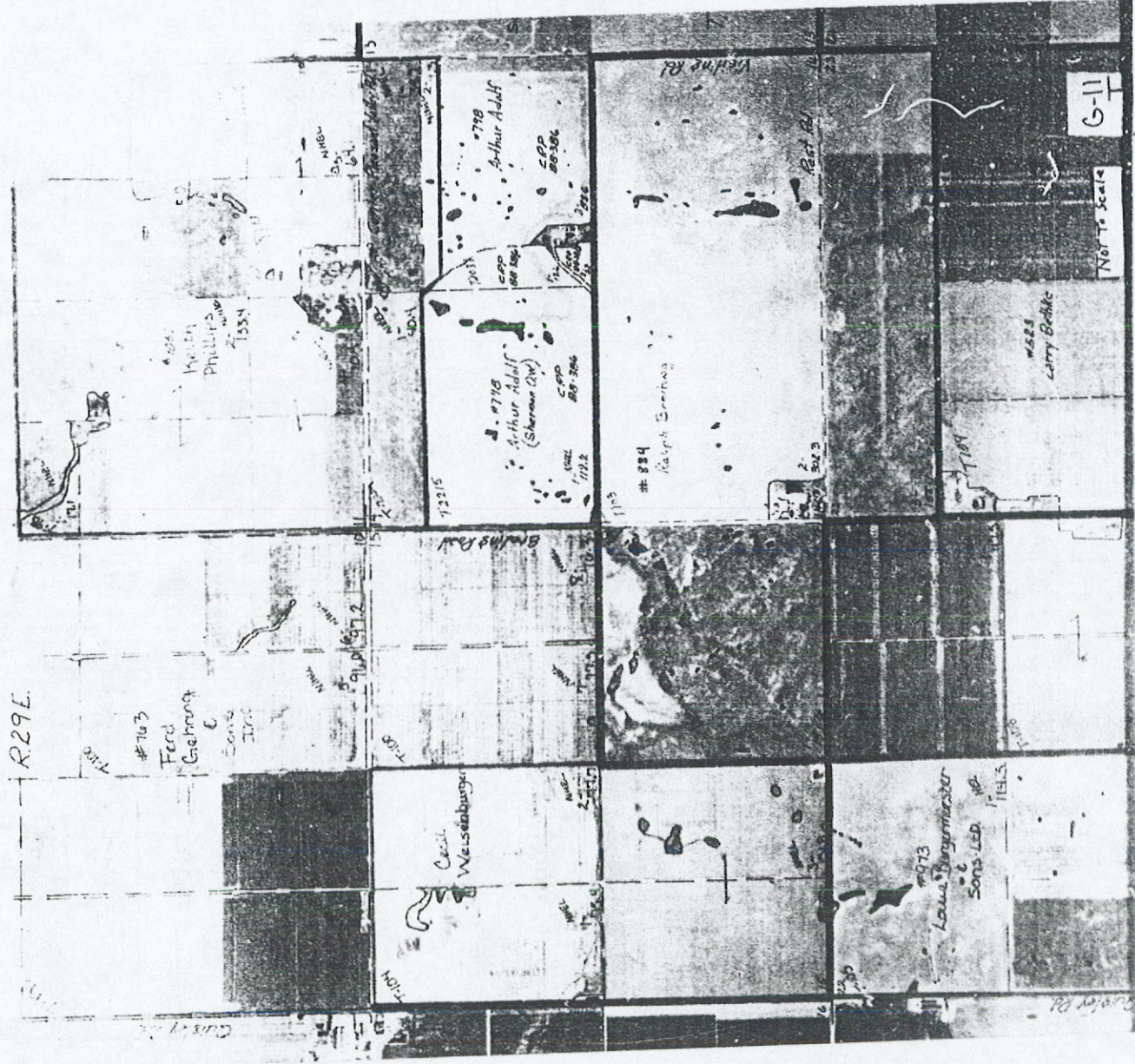
Point of Diversion

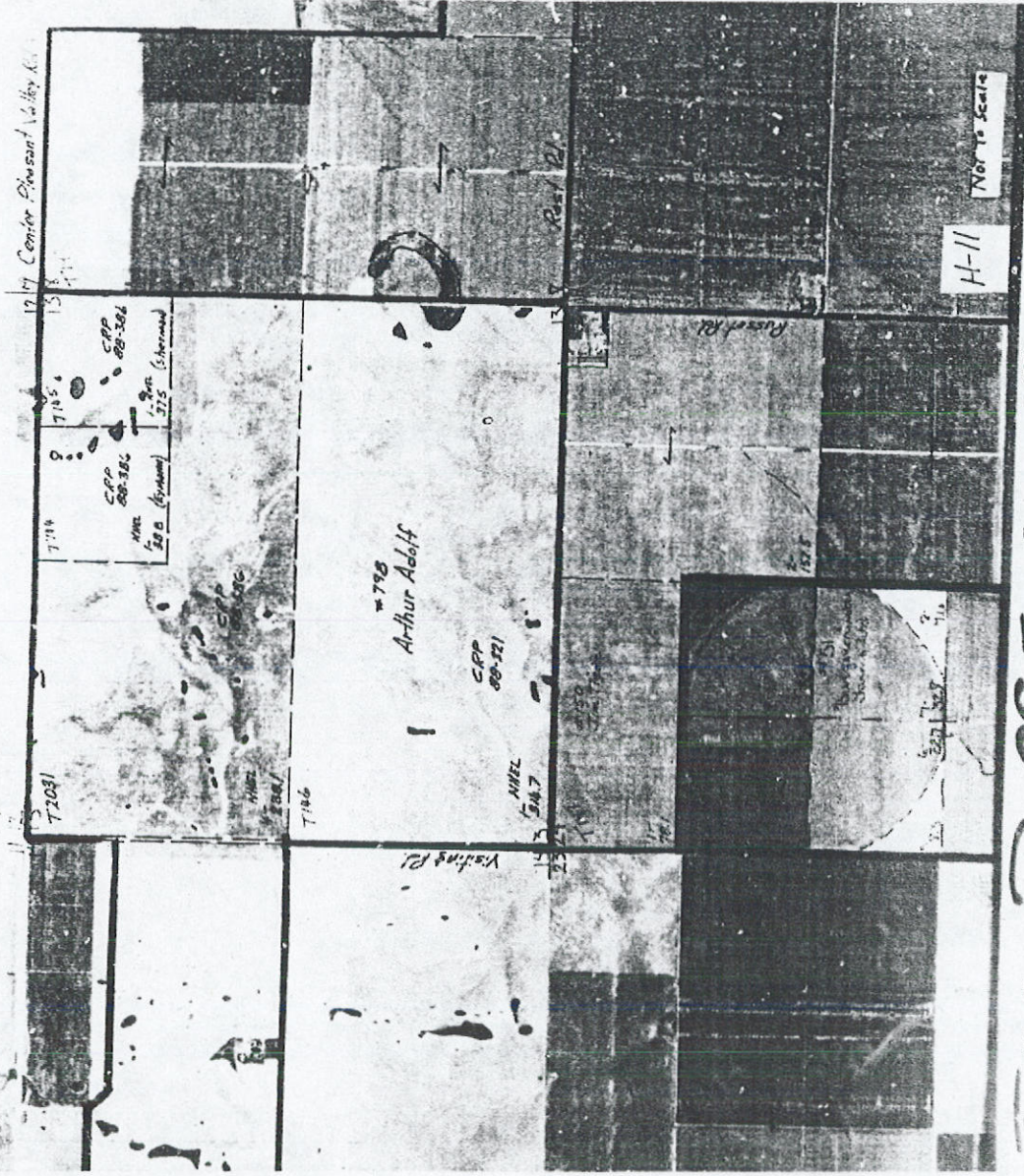


35-08050

MICROFILMED

OCT 22 1997





T75 R9 29E Sec 13



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5369
WATER RIGHT NO(S) . 35-07161A/35-07162A/35-07977B
35-08046/35-08050

This is to certify that: **LARRY BETHKE**
2745 S BREDDING RD
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07161A : IRRIGATION Priority: 01/13/1971	04/01 to 10/31	2.64 CFS	728.0 AF
Right No. 35-07162A : IRRIGATION Priority: 01/13/1971	04/01 to 10/31	2.64 CFS	732.0 AF
Right No. 35-07977B : IRRIGATION Priority: 04/21/1981	04/01 to 11/01	1.23 CFS	312.0 AF
Right No. 35-08046 : IRRIGATION Priority: 06/11/1982	04/01 to 10/31	1.00 CFS	203.2 AF
Right No. 35-08050 : IRRIGATION Priority: 08/03/1982	04/01 to 10/31	0.81 CFS	161.6 AF
TOTAL:		* 8.32 CFS	* 2136.8 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 29E
SWNW , Sec. 13, Township 07S, Range 29E
NWNE , Sec. 14, Township 07S, Range 29E
POWER County

MICROFILMED
AUG 09 1999

TRANSFER NO. 5369
 WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B
 35-08046/35-08050

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	13	NENW 33	NWNW 33	SWNW 33	
			SESW 33	NESW 33	NWSW 33	
			SWSW 33	SESW 33		264
		14	NENE 33.4	NWNE 33.4	SWNE 20	
			SENE 33	NENW 37.2	NWNW 37.2	
			SWNW 38	SESW 38		270.2
Total number of acres irrigated:						** 534.2

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5369 shall not exceed 8.32 cfs, nor a total combined annual volume of 2136.8 af.
8. Rights 35-08046 and 35-08050 are for the use of trust water and are subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
9. Diversion and use of water under Rights 35-08046 and 35-08050 is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- ** 10. Right 35-07161A is limited to the irrigation of 182.0 acres in the place of use described above in a single irrigation season.
- ** 11. Right 35-07162A is limited to the irrigation of 183.0 acres in the place of use described above in a single irrigation season.
- ** 12. Right 35-07977B is limited to the irrigation of 78.0 acres in the place of use described above in a single irrigation season.

MICROFILMED

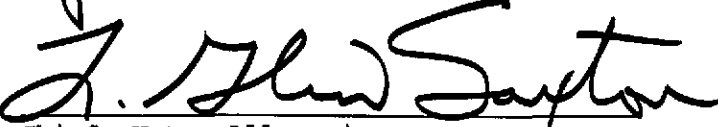
AUG 09 1999

TRANSFER NO. 5369
WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B
35-08046/35-08050

CONDITIONS OF APPROVAL AND REMARKS

- ** 13. Right 35-08046 is limited to the irrigation of 50.8 acres in the place of use described above in a single irrigation season.
- ** 14. Right 35-08050 is limited to the irrigation of 40.4 acres in the place of use described above in a single irrigation season.

Dated this 6th day of August, 1999.


Chief, Water Allocation Bureau

MICROFILMED
AUG 09 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5168
WATER RIGHT NO(S). 35-08046/35-08050

This is to certify that: **LARRY BETHKE**
2745 S BREDDING RD
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-08046 :			
IRRIGATION	04/01 to 10/31	1.00 CFS	203.2 AF
Priority: 06/11/1982			
Right No. 35-08050 :			
IRRIGATION	04/01 to 10/31	0.81 CFS	161.6 AF
Priority: 08/03/1982			
	TOTAL:	1.81 CFS	364.8 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 14, Township 07S, Range 29E
POWER County

Right No. 35-08046 :

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 29E 14	NENE 25.4	NWNE 25.4		50.8
		Total number of acres irrigated:		50.8

Right No. 35-08050 :

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 29E 14	NENW 20.2	NWNW 20.2		40.4
		Total number of acres irrigated:		40.4

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JAN 04 1999

TRANSFER NO. 5168
WATER RIGHT NO(S). 35-08046/35-08050

CONDITIONS OF APPROVAL AND REMARKS

3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
4. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 3rd day of December, 1998.


Chief, Water Allocation Bureau

MICROFILMED
JAN 04 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08050

Priority: August 3, 1982

Maximum Diversion Rate: 0.81 CFS

Maximum Diversion Volume: 161.6 AF

This is to certify, that LARRY BETHKE
2745 BREIDING ROAD

AMERICAN FALLS ID 83211 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 3, 1982; and has submitted Proof of Beneficial Use on July 19, 1996. An examination indicates that the works have a diversion capacity of 5.600 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	0.81 CFS	161.6 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 11, 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	14	NENW 20.2	NWNW 20.2		40.4

Total number of acres irrigated: 40.4

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

OCT 22 1987

State of Idaho
Department of Water Resources

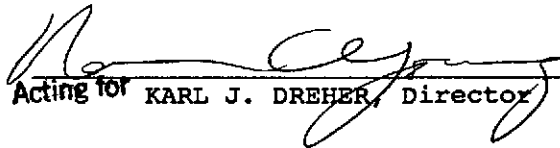
WATER RIGHT LICENSE

WATER RIGHT NO. 35-08050

CONDITIONS OF APPROVAL AND REMARKS

8. Right 35-07153 is also diverted through the point(s) of diversion described 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 17th day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

RECEIVED

OCT 22 1997

State of Idaho
Department of Water Resources

RECEIVED

SEP 26 1997

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08050

Date of Priority: August 3, 1982

Maximum Diversion Rate: 0.81 CFS

Maximum Diversion Volume: 161.6 AF

Comes now
C/O LARRY BETHKE
2745 BREDDING RD
AMERICAN FALLS ID 83211

AMANDA SHERMAN

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. 35-08050, 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	0.81 CFS	161.6 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 11, 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	14	NENW 20.2	NWNW 20.2		40.4

Total number of acres irrigated: 40.4

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 Idaho Falls, ID, this 18th day of Sept, 1997.

MICROFILMED

OCT 22 1997

Amanda Sherman
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08050

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$500 Received by BS # CND037 Date 9/26/97

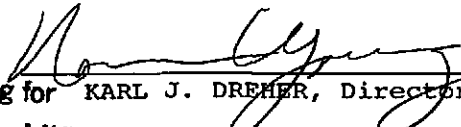
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-08050 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. Right 35-07153 is also diverted through the point(s) of diversion described above.

Witness my hand this 17th day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

OCT 22 1997

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
ORIGINAL APPLICATION	35-08050	SHERMAN, AMANDA	3.2
FULL ASSIGNMENT	35-08050	BETHKE, LARRY	3.2

OCTOBER 7, 1997

MICROFILMED

OCT 22 1997

For Office Use Only
 \$2000 Filing Fee
 Receipt # E023690
 Date 10/6/97

State of Idaho
 DEPARTMENT OF WATER RESOURCES RECEIVED

SEP 26 1997

ASSIGNMENT OF PERMIT
 To change the ownership of a permit

Department of Water Resources

I, AMANDA SHERMAN, hereby assign to LARRY BETHKE
(Permit Holder)
 of 2745 BREIDING ROAD, AMERICAN FALLS, ID 83211
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 35-08050
 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
 Permit No. _____ to appropriate the public waters of the State of Idaho.

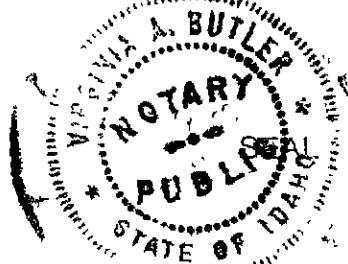
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 18th day of sept., 19 97.

Amanda Sherman
 Permit Holder(s)

State of Idaho)
 County of Twin Falls ^{ss}

On this 18 day of September, 199 7, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same



Virginia A. Butler
 Notary Public

Virginia A. Butler
 Signature

My commission expires: 6-7-2002

MICROFILMED
6-7-2002
 OCT 22 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CANCELLED PERMIT NO.)
35-08046 IN THE NAME OF ARTHUR ADOLF)
AND CANCELLED PERMIT NO. 35-08050 IN)
THE NAME OF AMANDA SHERMAN)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of the submittal of proof of beneficial use of water for the above captioned cancelled permits, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 3, 1982, the department issued Permit No. 35-08046 to Arthur Adolf as follows:

Ident No:	35-08046
Permit holder:	Arthur Adolf
Rate of div:	8.0 cfs
Source:	Groundwater
Use:	Irrigation
Pl use:	400 acres in S1/2NE, NW1/4 Sec 13 and NE1/4 Section 14, all in T7S, R29E, B.M.
Pts of div:	NWNW, SENE Section 13 and NWNE Sec 14, T7S, R29E, B.M.

2. On September 16, 1982, the department issued Permit No. 35-08050 to Amanda Sherman as follows:

Ident No:	35-08050
Permit holder:	Amanda Sherman
Rate of div:	3.2 cfs
Source:	Groundwater
Use:	Irrigation
Pl use:	160 acres in NW1/4 Section 14, T7S, R29E, B.M.
Pt of div:	NENW Sec 14, T7S, R29E, B.M.

3. On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (Temporary Stay Order) to the permit holders. The order was based on a moratorium which had been established, seven consecutive years of drought and delivery calls made by senior surface water and ground water right holders. The permit holders did not respond to the Temporary Stay Order.

4. On February 14, 1995, the department issued a Final Order cancelling the permits.

5. On July 2, 1996, the Department's Eastern Regional Office advised Larry Bethke that the department had observed irrigation in the N1/2 Section 14, T7S, R29E, B.M. by Bethke from two (2) wells located in Section 11, T7S, R29E, B.M. The department also advised Bethke that the department did not have a record of a water right for the irrigation of the land.

6. On July 19, 1996, on behalf of Larry Bethke (Bethke) Kent Foster (Foster) filed proof of beneficial use for cancelled Permit Nos. 35-08046 and 35-08050 (permits) seeking reinstatement of the permits. Foster represents that approximately 90 acres in the North half of the North half of Section 14, T7S, R29E, B.M. (section 14) have been irrigated since 1974.

7. The wells which have been used for the alleged irrigation of land in Section 14 are located in Section 11 and are not the wells which were approved for construction and use under the cancelled permits.

8. Foster has filed claims in the Snake River Basin Adjudication claiming the use of groundwater for the irrigation of part of the land in the North half North half of section 14, T7S, R29E, B.M. with a priority of May 1, 1974.

9. On March 6, 1997, the department corresponded with Foster requesting the submittal to the department of any other information in support of the requested reinstatements within thirty (30) days. Foster did not respond to the department.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides the following:

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

2. Neither Bethke nor his successors-in-interest diverted water and applied it to a beneficial use from wells authorized by the cancelled permits. The land was irrigated, however, from other wells within the authorized development period of the cancelled permits.

3. Bethke has shown sufficient cause why proof of beneficial use was not timely filed with the department.

4. The department should rescind its order cancelling the permits and should conditionally reinstate the permits.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Final Order of the department dated February 14, 1995 is **RESCINDED**; and

IT IS FURTHER HEREBY ORDERED that the cancelled permits are partially **REINSTATED** to the extent described below:

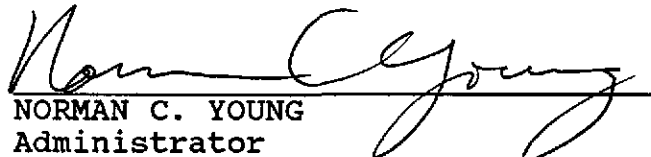
1. The authorized place of use for Permit No. 35-08050 shall not exceed a total of 40.4 acres within the N1/2NW1/4 Section 14, T7S, R29E, B.M.

2. The authorized place of use for Permit No. 35-08046 shall not exceed a total of 50.8 acres within the N1/2NE1/4 Section 14, T7S, R29E, B.M.

3. This reinstatement does not authorize any additional development under the permits.

4. This reinstatement does not authorize the construction of new or additional wells.

Dated this 18TH day of APRIL, 1997.


NORMAN C. YOUNG
Administrator

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 21st day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Kent W. Foster
HOLDEN KIDWELL HAHN
& CRAPO PLLC
330 Shoup Ave, 3rd Floor
Idaho Falls, ID 83402


JULIE L. YARBROUGH
Senior Secretary

RECEIVED

JUL 19 1996

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 100.00

Date 7-22-96

Receipt No. E022399

Receipt by HCJ

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-08050 Telephone No. (208) 226-2201
2. Name(s) of Permit Holder(s): Amanda Sherman
3. Mailing Address: c/o Larry Bethke 2745 Breeding Road, American Falls, ID 83211
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Unknown Date Drilled: Unknown

Water has been used from well and pump owned by Keith Phillips

OPTIONAL: Licensed under 35-07152

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

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

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

Irrigation 40.4 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .67 cfs OR _____ acre/feet

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

Measuring device: Required? _____ Yes X No Installed? _____ Yes X No

OR

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

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

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

Larry S. Bethke (208) 226-2201

Name _____ Telephone No. _____

2745 Breeding Road, American Falls, ID 83211

Address _____

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

JUL 18 1997

7/12/96
Date

Larry S. Bethke
Signature (and title, if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of failure of the permit holder to respond to a prior order of the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (order) requiring certain permit holders to either file proof of beneficial use of water in connection with their permit or to otherwise respond to the department in connection with the order.
2. The holder of Permit No. 35-08050 (permit holder) has neither filed proof of beneficial use of water nor responded to the department in connection with the order.

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

... (7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. IDAPA Rule 37.03.08055.02 (Water Appropriation Rule 55) of the Department of Water Resources, provides as follows:

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of

beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of an order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's rules of procedure and applicable law.

3. IDAPA Rule 37.01.01104 (Rule of Procedure 104) of the Department of Water Resources provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. The department has properly notified the permit holder of requirements related to the department's order dated November 9, 1994 and the permit holder has failed to respond.

5. The department should cancel Permit No. 35-08050.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit No. 35-08050 in the name of Amanda Sherman is CANCELLED and is of no further force nor effect.

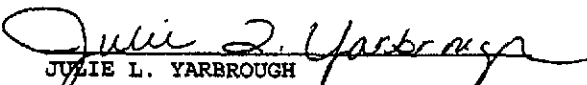
Dated this 14TH day of February, 1995.


R. KEITH HARGENSON
Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14th day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Amanda Sherman
137 Teater
Kimberly, ID 83341


JULIE L. YARBROUGH
Senior Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)	
FOR THE APPROPRIATION OF GROUND)	
WATER FROM THE EASTERN SNAKE RIVER)	ORDER FOR TEMPORARY
PLAIN AQUIFER FOR WHICH PROOF OF)	STAY OF DEVELOPMENT AND
BENEFICIAL USE HAS NOT BEEN)	NOTICE OF FORMAL PROCEEDINGS
SUBMITTED AND IS NOT PAST DUE)	

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and

b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

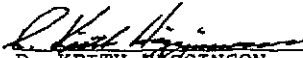
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH AGGINS
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT }
NO. 35-8050 IN THE NAME }
OF AMANDA SHERMAN } CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 35-8050 (permit) was issued to Amanda Sherman (permit holder) authorizing the diversion of 3.20 cfs of groundwater for irrigation of 160 acres.

5. Information submitted by the permit holder shows that the irrigation of 120 acres authorized under this permit did not begin prior to July 1, 1985.

MICROFILMED
FEB 14 1990

6. The development and use of water authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 35-8050 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit should be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 35-8050 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before February 1, 1992.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.

4. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

5. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

MICROFILMED

1:31:1990

6. All conditions of approval contained in Permit No. 35-8050 are incorporated into and made part of this order.

Dated this 8th day of January, 1990.

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

FEB 14 1990

Form 204
3/85
09-10-120 2007 A-6887
REC
AUG 25 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received ✓
Date 8-24-87
Receipt # 44361

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use on a water right permit

Department of Water Resources

AMANDA WILSON of 137 Tenthon, Kimberly
(Name) (Address)

State of Idaho, deposes and says

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the

State of Idaho No 35-8050

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

SEPTEMBER 1987

That he has heretofore performed the following work described under said permit
(This must be filled out! If no work has been completed put none)

NONE

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

DUE TO THE UNCERTAINTY RESULTING FROM THE
SUBJECT'S LITIGATION, ADDITIONAL TIME IS NEEDED TO
DETERMINE WHEN AND WHETHER THE IMPROVEMENTS WILL BE MADE

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to SEPTEMBER 1, 1992
(1 yr. minimum,
5 yrs. maximum)

Kimberly Wilson 8-24-87
(Signature)

*IF OTHER THAN HOLDER Power of Attorney

FEE: \$15.00

RECEIVED

FEB 14 1989

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Signed this 8th day of January, 1990
Chief, Water Allocations Bureau J. Blue Saylor

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 AMANDA SHERMAN, a widow Phone _____
Post office address 137 Teater, Kimberly, Idaho 83341
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 7S
Range 29E B.M. Power County, additional points of diversion if any _____

4 Water will be used for the following purposes:

Amount 3.2 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. 3.2 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting work.

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

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

served with domestic water _____

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

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	29E	14					40	40	40	40									160

Total number of acres to be irrigated 160

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

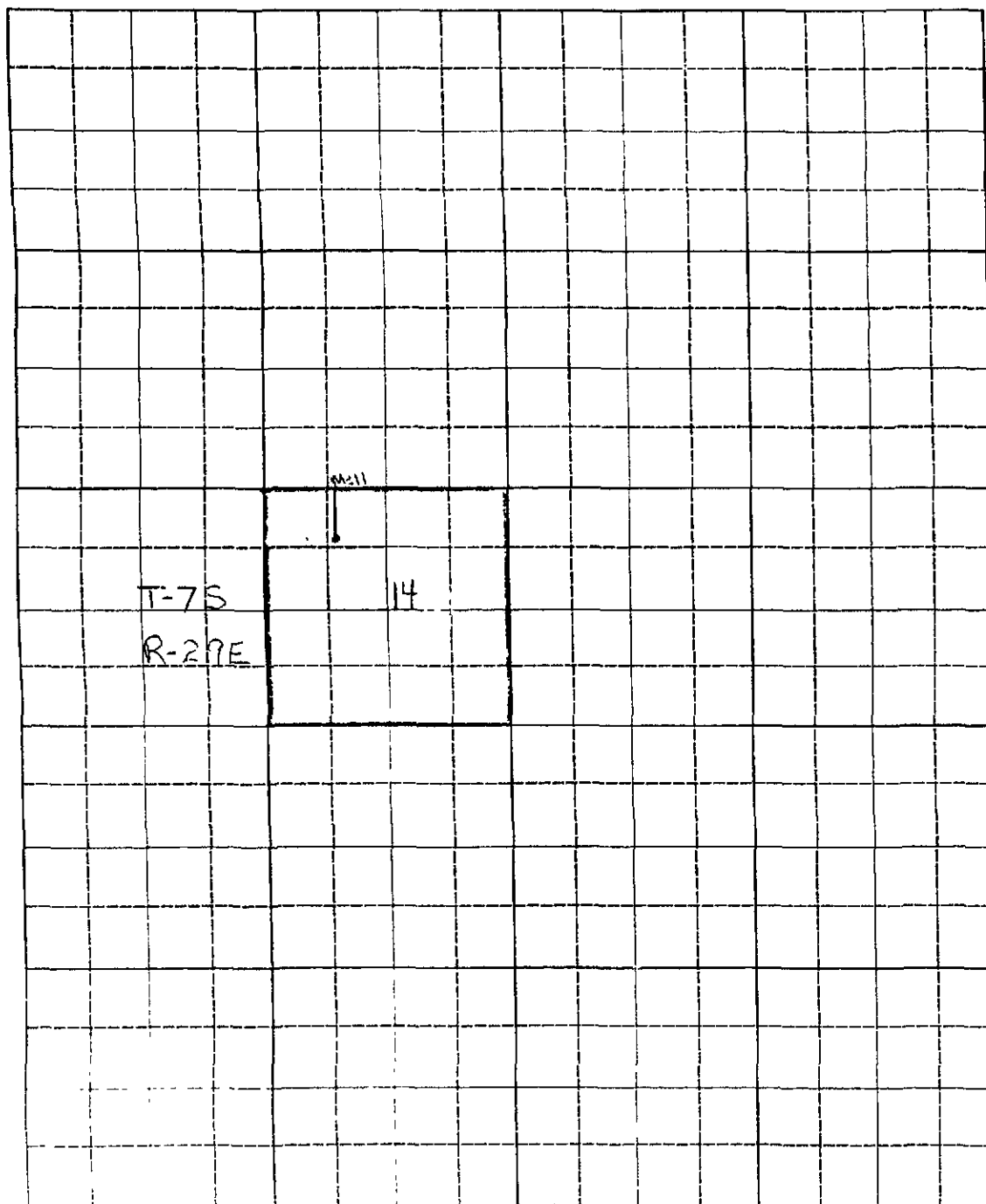
9 a. Who owns the property at the point of diversion Applicant

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.



I, _____, do hereby certify that the undersigned hereby makes application for permit to appropriate the public waters of _____ as herein set forth.

(Applicant)

Proposed Priority 8/03/1982

Received by BP Date 8-2-82 Time 9:45
Preliminary check by EMC Fee \$ 185
Receipted by BP Date 8-4-82 # 22431
Publication prepared by BP Date 8-5-82
Published in Power County Press
Publication dates 8-12 & 8-19-82
Publication approved BP Date 9/7/82
Protests filed by: _____

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

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. 35-8050, 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 September 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 16th day of September, 19 82.

L. Glen Saxton
Chief, Operations Bureau

MEMORANDUM

TO: Files 35-07161A, 35-07162A, 35-07977, 35-08046 & 35-08050

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5369

DATE: August 4, 1999

Transfer 5369 changes the place of use and adds points of diversion under all of Rights 35-007161A, 35-07162A, 35-08046 & 35-08050, and a under a portion of Right 35-07977, splitting the right into Parts A and B.

The applicant is combining these rights into a single integrated system to cover all 534.2 acres under the identified pivot system. This transfer also corrects an error in legal description of the place of use under previously approved Transfer 4885, changing 32.0 acres in the NWNW, S14 that should have been located in the SWNW, S14 as shown on the application map.

Recommended conditions include permissible place of use limits, Basin 35 conjunctive management, multiple points of diversion limits, measuring & annual reporting, trust water conditions for Rights 35-08046 & 35-08050, drilling permit requirements, irrigation overlap and standard transfer conditions.

MICROFILMED
AUG 09 1999

MEMORANDUM

TO: FILE 35-08050

FROM: PAM SKAGGS

RE: TRANSFER # 5369

DATE: 2-4-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 35-07161.

MICROFILMED
AUG 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY BETHKE
2745 S BREDING RD
AMERICAN FALLS ID 83211

RE: Water Rights 35-08046/35-08050 (Transfer 5168)

Dear Mr. Bethke:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5168). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

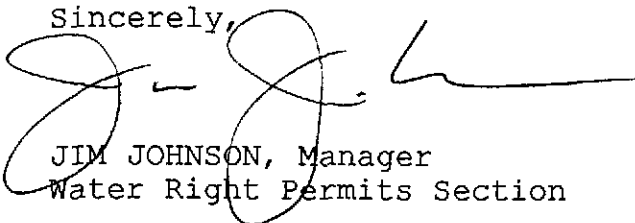
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

MICROFILMED

JJ:klt
Enclosures

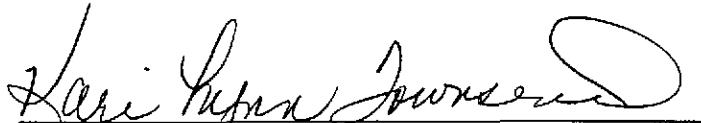
JAN 04 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

WATER RIGHTS 35-08046/35-08050 (Transfer 5168)

LARRY BETHKE
2745 S BREDING RD
AMERICAN FALLS ID 83211


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 04 1999

MEMORANDUM

TO: Files 35-08046 & 35-08050

FROM: Pam Skaggs  State Office

SUBJECT: Transfer 5168

DATE: December 3, 1998 

Transfer 5168 changes the point of diversion under Rights 35-08046 and 35-08050 to an existing well owned by the applicant. These two licensed rights share a common point of diversion and have separate places of use.

These rights were licensed in 1997 and are not subject to the SRBA. Recommended conditions include measuring & annual reporting, irrigation overlap, trust conditions and standard transfer conditions.

MICROFILMED

JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY BETHKE
2745 BREDDING ROAD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08050

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as 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 twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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. Otherwise, this preliminary order will become a final order of the Department.

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

MICROFILMED

OCT 22 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

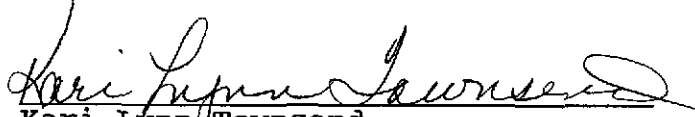
OCT 22 1987

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-08050

LARRY BETHKE
2745 BREDING ROAD
AMERICAN FALLS ID 83211


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 22 1997

M E M O R A N D U M

DATE: September 29, 1997

TO: File Nos. 35-08046 & 35-08050

FROM: Kari Lynn Townsend

RE: Assignment of Permit fees

=====

I telephoned Hank Boomer and advised him that we had received the fees for the application of amendment for each of the above right nos. but still need \$25 assignment of permit filing fee for each of the above rights. He apologized for overlooking those fees and will take steps to get them to us ASAP.

ENCLOSURE

SEP 22 1997



Henry R. Boomer
ATTORNEY-AT-LAW

RECEIVED

SEP 26 1997

Department of Water Resources

514 Tyhee Street
P.O. Box 70
American Falls, ID 83211-0070

Telephone
(208) 226-2562
Fax (208) 226-5419

September 24th, 1997

Idaho Department of Water Resources
Attn: Shelley Keen
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Keen:

Enclosed please find originals of Assignment of Permit and Application for Amendment in regards to permit numbers 35-08046 and 35-08050. These are in the names of Arthur Adolf and Amanda Sherman and are being transferred into Larry Bethke's name.

If you have any questions or comments, please give my office a call.

Sincerely,

Henry R. Boomer

:jlm

enc.

COPY

RECORDED

OCT 22 1997

MEMORANDUM

DATE: September 24, 1997

TO: Water Right Files 35-08046 and 35-08050

FROM: Shelley W. Keen 

RE: Phone call from Larry Bethke

This morning Larry Bethke called to let me know that he will be sending the signed licensing amendment forms right away. He also has some ownership information to send to Eastern Region to support a transfer application that he has submitted.

WRMCMC-1111

OCT 22 1997



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

September 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AMANDA SHERMAN
C/O LARRY BETHKE
2745 BREDDING RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08050

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 been actually developed. I have not yet received the amendment. If I do not receive it within fourteen days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

100-2-001
897-2-001



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

August 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AMANDA SHERMAN
C/O LARRY BETHKE
2745 BREDDING RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08050

Dear Permit 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 depict your water right as it has actually been developed.

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 \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECEIVED
OCT 12 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08050

DATE 8/26/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>✓</u>	<u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>YES</u>
			Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>3.2</u> cfs
Fee limit	<u>1.0</u> cfs <u>\$100.00</u>
Measured	<u>5.6</u> cfs
Theoretical	<u>3.64</u> cfs <u>@ 200' lift and 60 psi</u>
Recommended Total Div Rate <u>.80</u> cfs	

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u>	Use <u>Dr.</u>	cfs <u>.80</u>	Volume Calc <u>40 4 x 4.0</u> af
			af
			af
			af
	SUBTOTAL	<u>.80</u>	<u>161.6</u> af

Flow rate .80 cfs X 214 days X 1.98 = 339.0 af
 Total volume recommended 161.6 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W36 (35-07153)

CONDITIONS — Watermaster Control WD# —

R31 GW Measurement/Measuring Device
R31 Overlap

— Use-specific conditions
 Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA
 Adjustment Memo —

1st Amend Letter P39, P38
 2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 25 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08050

1. Owner: AMANDA SHERMAN % Larry Bethke

Phone No. _____

Current Address: 2745 BREDDING Rd. AMERICAN FALLS Id 83211

2. Accompanied by: Larry Bethke

EXAM DATE: 8-20-1997
7-24-1997

Address: 2745 Bredding Road, American Falls Id 83211

Phone No. (208) 220-2201 (M)
226-2201 (H)

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 35-07153

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
EAST			SW	SW	11	7S	29E	Power	ON SITE / FSA AERIAL

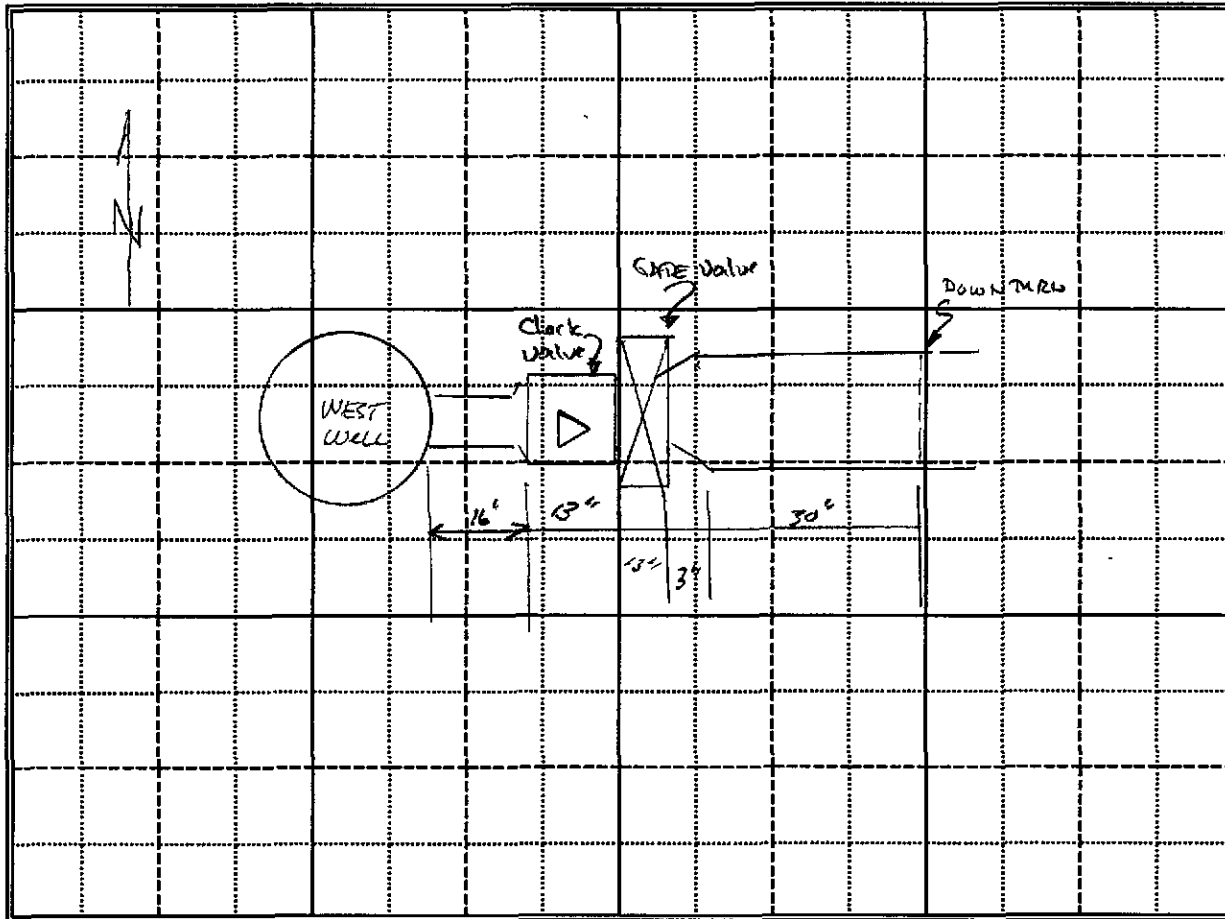
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	29E	14					20.2	20.2											40.4

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OCT 22 1997

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
WEST WELL	US Motors	200	J 1414699	Layne Bowler	#4460

*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
ULTRASONIC METER	Type H/H	Peck	IST-P	196802		

2. Measurements: 7-24-97 1276 od 0.163" thickness RE MEASUREMENT 8-20-97 ^{Q TOTAL =} 2514.7 gpm
 $Q = 2067.68 \text{ gpm} = 4.61 \text{ cfs}$ Mainline South $Q = 785.8 \text{ GPM}$
 MICROFILMED North $Q = 1728.87 \text{ GPM}$

OCT 22 1997

E. NARRATIVE/REMARKS/COMMENTS

~~35-07153 @ 4.23 cfs / 237 ac~~

~~Remaining Portion of 35-07153 not Licensed is: 0.38 cfs (4.61 cfs - 4.23)~~

8-20-91

Total Q = 785.8 + 1728.87 gpm = 2514.67 gpm = 5.60 cfs

Remaining Portion of 35-07153 not Licensed Q = 1.37 cfs (5.60 cfs - 4.23 cfs)

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

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OCT 22 1997

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q = 2514.67 \text{ gpm} = 5.30 \text{ cfs}$$

$$Q_{\text{LIMITED TO ADDITIONAL CFS FROM DIVERSION}} = (5.60 \text{ cfs} - 4.23 \text{ cfs}) = 1.37 \text{ cfs}$$

$$\textcircled{2} 0.02 \text{ cfs/acre} \times 40.4 \text{ ac} = 0.808 \text{ cfs} = 0.81 \text{ cfs} \quad Q_{\text{LIMITED TO}} 0.02 \text{ cfs/acre}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{IR}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 40.4 \text{ ac} (4) = 161.6 \text{ afa}$$

$$V_{\text{DR}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.81 (214) 1.9835 = 343.8$$

$$V = \text{Smaller of } V_{\text{IR}} \text{ and } V_{\text{DR}} = 161.6 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	0.81 cfs	161.6
Totals:			0.81 cfs	161.6

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 KEITH C WILSON Date 8-20-1997
7-24-1997

Reviewer _____ Date _____

SEAL

MICROFILMED

OCT 22 1997

FLOW: = 779.391 GPM
4.774 F/S

Mainline North
SETUP NO. 1

13:45:31 08-20-97

PIPE O.D.

35 8050

SETUP NO. 1 Mainline South

PIPE O.D. 8.640 IN

PIPE WALL THICKNESS 0.237 IN

PIPE I.D. 8.166 IN

PIPE MATERIAL PVC

PIPE SOUND VELOCITY 7388.451 F/S

LINER MATERIAL NONE

LINER SOUND VELOCITY 0.000 F/S

LINER THICKNESS 0.000 IN

INSIDE ABS ROUGHNESS 0.00000700

FLUID MATERIAL WATER

FLUID SOUND VELOCITY 4863.330 F/S

FLUID VISCOSITY 1.132 Cst

TRANSDUCER TYPE STANDARD

TRANSDUCER MOUNTING U

TRANSDUCER SPACING 6.359 IN

13:44:37 08-20-97

SCALE FACTOR = 0.990
OFFSET (GPM) = 0.000
nsec OFFSET = 11.64
usec OFFSET = -0.29
XMT_DET_DLY = 21.13
AERATION FAC. = 1.00
XDCUER: STANDARD/U

WIN_DLY = 310.28 309.63
SE/R = 1.88 1.96
BIAS = 1.00 0.98
AGC = 0.31 0.31
SIG_STG = 9.37 9.37
MISSED = 0 0
TIME(us) = 311.5 311.2
DEL TIME(ns) = 260.7
DIFF COUNT = 964
P2X = 73
SPS = 21.15
AERATION = 0.000

FLUID (F/S) = 4747.13
REYNOLDS NO. = 266291
PROFILE FACTOR = 0.9449

FLOW: = 779.391 GPM
4.774 F/S

13:45:31 08-20-97

Min. Rate 0.00 GPM
Max. Rate 783.68 GPM
Avg. Rate 720.66 GPM
FLOW RATE 780.32 GPM

Min. Rate 0.00 GPM
Max. Rate 783.68 GPM
Avg. Rate 720.66 GPM
FLOW RATE 780.32 GPM
NET TOT(X1) 10824 GAL
POS TOT(X1) 10824 GAL
NEG TOT(X1) 0 GAL

13:46:31 08-20-97

Min. Rate 774.64 GPM
Max. Rate 785.21 GPM
Avg. Rate 780.48 GPM
FLOW RATE 785.31 GPM
NET TOT(X1) 11605 GAL
POS TOT(X1) 11605 GAL
NEG TOT(X1) 0 GAL

13:47:31 08-20-97

Min. Rate 775.02 GPM
Max. Rate 785.80 GPM
Avg. Rate 779.26 GPM
FLOW RATE 779.47 GPM
NET TOT(X1) 12384 GAL
POS TOT(X1) 12384 GAL
NEG TOT(X1) 0 GAL

13:48:32 08-20-97

Min. Rate 777.22 GPM
Max. Rate 783.74 GPM
Avg. Rate 780.04 GPM
FLOW RATE 782.39 GPM
NET TOT(X1) 13170 GAL
POS TOT(X1) 13170 GAL
NEG TOT(X1) 0 GAL

13:49:32 08-20-97

Min. Rate 774.75 GPM
Max. Rate 783.65 GPM
Avg. Rate 778.44 GPM
FLOW RATE 780.89 GPM
NET TOT(X1) 13949 GAL
POS TOT(X1) 13949 GAL
NEG TOT(X1) 0 GAL

13:49:51 08-20-97

SCALE FACTOR = 0.990
OFFSET (GPM) = 0.000
nsec OFFSET = 11.64
usec OFFSET = -0.29
XMT_DET_DLY = 21.13
AERATION FAC. = 1.00
XDCUER: STANDARD/U

WIN_DLY = 310.28 309.63
SE/R = 1.90 1.94
BIAS = 1.02 1.04
AGC = 0.29 0.31
SIG_STG = 9.41 9.37
MISSED = 0 0
TIME(us) = 311.5 311.2
DEL TIME(ns) = 261.4
DIFF COUNT = 982
P2X = 71
SPS = 21.74
AERATION = 0.000

FLUID (F/S) = 4747.25
REYNOLDS NO. = 267368
PROFILE FACTOR = 0.9449

FLOW: = 782.474 GPM
4.793 F/S

35-08050

Mainline North
SETUP NO. 1

PIPE O.D. 12.75 IN

12.795 IN
PIPE WALL THICKNESS 0.335 IN

PIPE I.D. 12.125 IN

PIPE MATERIAL PVC

PIPE SOUND VELOCITY 7388.451 F/S

LINER MATERIAL NONE

LINER SOUND VELOCITY 0.000 F/S

LINER THICKNESS 0.000 IN

INSIDE ABS ROUGHNESS 0.00000700

FLUID MATERIAL WATER

FLUID SOUND VELOCITY 4863.330 F/S

FLUID VISCOSITY 1.132 Cst

TRANSDUCER TYPE STANDARD

TRANSDUCER MOUNTING U

TRANSDUCER SPACING 9.961 IN

14:09:39 08-20-97

SCALE FACTOR = 0.990
OFFSET (GPM) = 0.000
nsec OFFSET = 11.64
usec OFFSET = -0.29
XMT_DET_DLY = 23.91
AERATION FAC. = 1.00
XDCUER: STANDARD/U

WIN_DLY = 455.56 455.56
SE/R = 2.00 2.02
BIAS = 1.18 1.22
AGC = 0.57 0.61
SIG_STG = 8.82 9.90
MISSED = 0 0
TIME(us) = 401.5 401.5
DEL TIME(ns) = 317.6
DIFF COUNT = 968
P2X = 60
SPS = 17.55
AERATION = 0.000

FLUID (F/S) = 4761.12
REYNOLDS NO. = 325732
PROFILE FACTOR = 0.9454

FLOW: = 1415.880 GPM
3.934 F/S

14:11:44 08-20-97

Min. Rate 1173.28 GPM
Max. Rate 1728.87 GPM
Avg. Rate 1504.05 GPM
FLOW RATE 1422.73 GPM
NET TOT(X1) 3417 GAL
POS TOT(X1) 3417 GAL
NEG TOT(X1) 0 GAL

14:12:44 08-20-97

Min. Rate 1407.45 GPM
Max. Rate 1423.56 GPM
Avg. Rate 1412.50 GPM
FLOW RATE 1400.00 GPM
NET TOT(X1) 4827 GAL
POS TOT(X1) 4827 GAL
NEG TOT(X1) 0 GAL

MEASUREMENT TAPE
35-08050

SETUP NO. Machine South

PIPE O.D 8.640 I
 PIPE WALL THICKNESS 0.122 IN
 PIPE I.D 8.166 IN
 PIPE MATERIAL PVC
 PIPE SOUND VELOCITY 1388.451 F/S
 LINER MATERIAL NONE
 LINER SOUND VELOCITY 0.000 F/S
 LINER THICKNESS 0.000 IN
 INSIDE ABS ROUGHNESS 0.00000700
 FLUID MATERIAL WATER
 FLUID SOUND VELOCITY 4865.078 F/S
 FLUID VISCOSITY 1.132 cSt
 TRANSDUCER TYPE STANDARD
 TRANSDUCER MOUNTING J
 TRANSDUCER SPECIFIC 6.339 IN

13:44:37 08-20-97

SCALE FACTOR = 0.990
 OFFSET (GPM) = 0.000
 msec OFFSET = 11.64
 usec OFFSET = -0.29
 XMT DEL DLY = -1.13
 REPRITON FOL = 1.00
 XDUCE: STANDARD/0

WIN DLY = 310.28 UP DOWN
 SE/R = 1.88 309.63
 BIAS = 1.00 0.98
 REC = 0.31 0.31
 S16. STG = 9.37 9.37
 MISSED = 0 0
 TIME(us) = 311.5 311.5
 DEL TIME(us) = 260.7
 DLY COUNT = 77 964
 PZY = 21.15
 SPS = 0.000
 REPRITON = 0.000
 FLUID (F/S) = 4747.13
 REYNOLDS NO = 268291
 PROFILE FACTOR = 0.9449
 FLOW: = 779.391 GPM
 4.774 F/S

13:45:31 08-20-97

Min. Rate 0.00 GPM
 Max. Rate 783.68 GPM
 Avg. Rate 720.66 GPM
 FLOW RATE 780.32 GPM
 NET TOT(X1) 10824 GRL
 POS TOT(X1) 10824 GRL
 NEG TOT(X1) 0 GRL

13:46:31 08-20-97

Min. Rate 774.54 GPM
 Max. Rate 785.21 GPM
 Avg. Rate 779.25 GPM
 FLOW RATE 779.47 GPM
 NET TOT 34 GRL
 POS TOT 34 GRL
 NEG TOT 0 GRL

13:47:31 08-20-97

Min. Rate 775.02 GPM
 Max. Rate 785.80 GPM
 Avg. Rate 779.25 GPM
 FLOW RATE 779.47 GPM
 NET TOT 34 GRL
 POS TOT 34 GRL
 NEG TOT 0 GRL

13:48:32 08-20-97

Min. Rate 777.23 GPM
 Max. Rate 783.74 GPM
 Avg. Rate 780.04 GPM
 FLOW RATE 782.39 GPM
 NET TOT(X1) 13170 GRL
 POS TOT(X1) 13170 GRL
 NEG TOT(X1) 0 GRL

13:49:32 08-20-97

M1 Rate 777.23 GPM
 M2 Rate 783.74 GPM
 Avg. Rate 780.04 GPM
 FLOW RATE 782.39 GPM
 NET TOT(X1) 13170 GRL
 POS TOT(X1) 13170 GRL
 NEG TOT(X1) 0 GRL
 XDUCE: STANDARD/0

13:49:51 08-20-97

SCALE FACTOR = 0.990
 OFFSET (GPM) = 0.000
 msec OFFSET = 11.64
 usec OFFSET = -0.29
 XMT DEL DLY = 21.13
 REPRITON FOL = 1.00
 XDUCE: STANDARD/0

WIN DLY = 310.28 UP DOWN
 SE/R = 1.90 309.63
 BIAS = 1.02 1.04
 REC = 0.31 0.31
 S16. STG = 9.37 9.37
 MISSED = 0 0
 TIME(us) = 311.5 311.5
 DEL TIME(us) = 261.4
 DLY COUNT = 982

```

SCALE FACTOR = 0.990
OFFSET (GPM) = 0.000
nsec OFFSET = 11.64
usec OFFSET = -0.29
XMT_DET_DLY = 21.13
AERATION FAC = 1.00
XDUCE: STANDARD/U

UP DOWN
WIN_DLY = 310.28 309.63
SE>R = 1.90 1.94
BIAS = 1.02 1.04
AGC = 0.31
SIG_STG = 9.37
MISSED = 0
TIME(us) = 311.5 311.2
DEL TIME(ns) = 261.4
DIFF COUNT = 982
PZX = 74
SPS = 21.74
AERATION = 0.000

FLUID (F/S) = 4747.25
REYNOLDS NO. = 267368
PROFILE FACTOR = 0.9449
FLOW: = 782.474 GPM
      4.793 F/S

```

MAINLINE North

SETUP NO. 1

```

PIPE O.D. 12.795 IN
PIPE WALL THICKNESS 0.535 IN
PIPE I.D. 12.125
PIPE MATERIAL PVC
PIPE SOUND VELOCITY 451 F/S
LINER MAT NONE
LINER SOUND VELOCITY 0.000 F/S
LINER THICKNESS 0.000 IN
INSIDE ABS ROUGHNESS 0.0000700
FLUID MATERIAL WATER
FLUID SOUND VELOCITY 4863.330 F/S
FLUID VISCOSITY 1.132 CST
TRANSDUCER TYPE STANDARD
TRANSDUCER MOUNTING U
TRANSDUCER SPACING 9.961 IN

```

14:09:39 08-20-97

```

SCALE FACTOR = 0.990
OFFSET (GPM) = 0.000
nsec OFFSET = 11.64
usec OFFSET = -0.29
XMT_DET_DLY = 21.13
AERATION FAC = 1.00
XDUCE: STANDARD/U

UP DOWN
WIN_DLY = 455.56 455.56
SE>R = 1.90 1.94
BIAS = 1.02 1.04
AGC = 0.31
SIG_STG = 9.37
MISSED = 0
TIME(us) = 311.5 311.2
DEL TIME(ns) = 261.4
DIFF COUNT = 982
PZX = 74
SPS = 21.74
AERATION = 0.000

FLUID (F/S) = 4747.25
REYNOLDS NO. = 267368
PROFILE FACTOR = 0.9449
FLOW: = 782.474 GPM
      4.793 F/S

```

14:11:44 08-20-97

```

Min. Rate 1173.28 GPM
Max. Rate 1728.87 GPM ←
Avg. Rate 1504.05 GPM
FLOW RATE 1422.73 GPM
NET TOT(X1) 3417 GAL
POS TOT(X1) 3417 GAL
NEG TOT(X1) 0 GAL

```

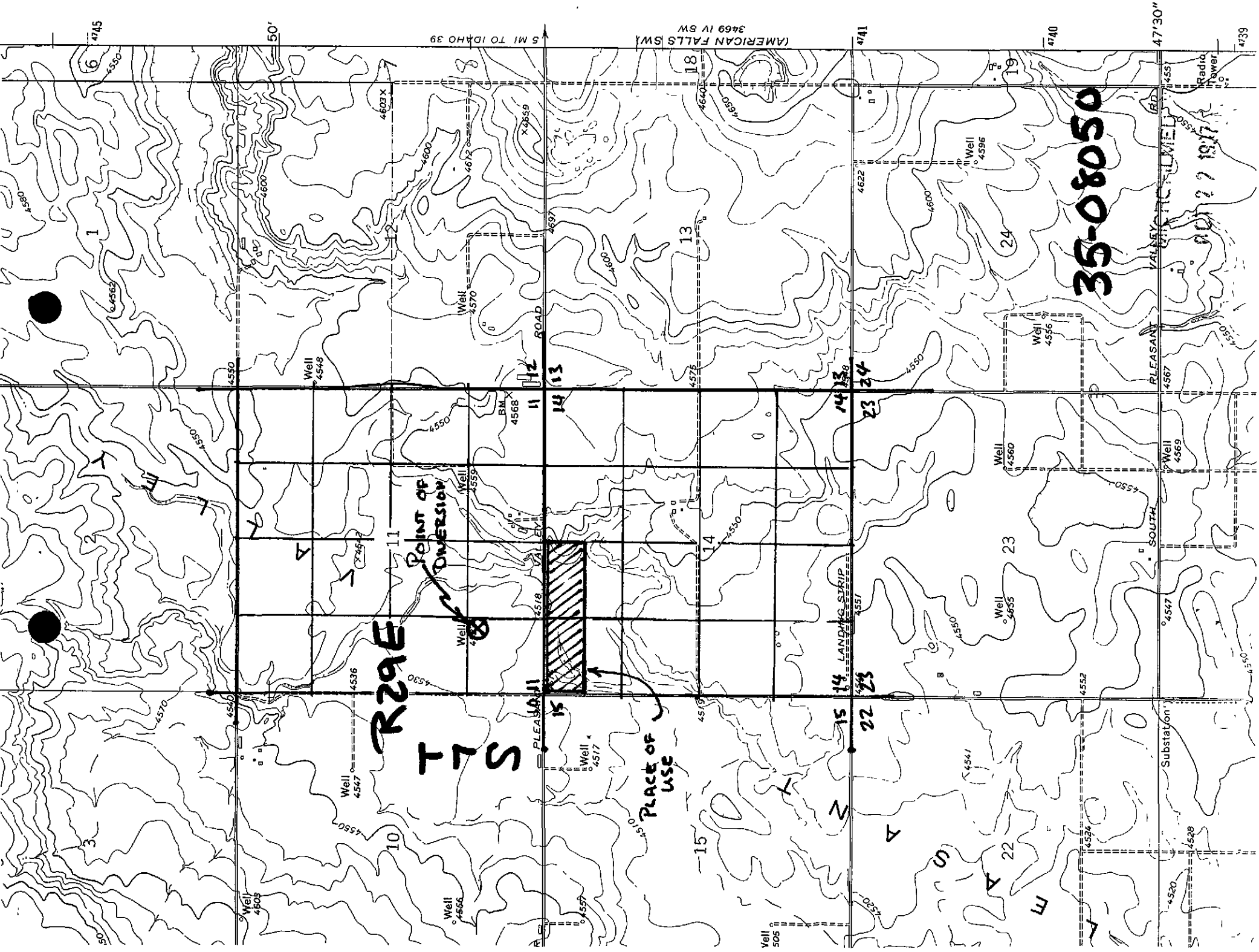
14:12:44 09-

```

Min. Rate
Max. Rate
Avg. Rate
FLOW RATE
NET TOT(X1)
POS TOT(X1)
NEG TOT(X1)

```

1429 gpm



17

T 7.0
S. 2.5th
TR29E
2- 11112
153.4

3- 115.6
NHIL

POINT OF DIVERSION

NHIL

11 12
135- 169

14 13
East Valley 2- 14
NHIL

39.7

12215

PLACE OF USE

Harry Bethke

35-08050

5-PP
55-351A

CRP
55-351A (1-30-91)

112.2 Adell Ln.

353.6

Point of Diversion



35-0805a

MICROFILM

11/27/87



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the Matter of use of Cancelled Permit No. 35-08046 in the name of Arthur Adolf, and Cancelled Permit No. 35-08050 in the name of Amanda Sherman

Dear Interested Party:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director.

101 18 1997
MICROFILMED

Director retains the right to review the preliminary order on his own motion.

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 Rules of Procedure 302 and 303.

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.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

C: IDWR - Region

MICROFILMED
JUL 18 1987



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 6, 1997

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
Idaho Falls, ID 83402

RE: INQUIRY ON BEHALF OF LARRY S. BETHKE

Dear Mr. Foster:

I have reviewed your letter to Julie Yarbrough dated February 13, 1997 on behalf of Larry S. Bethke. Since your inquiry appears to involve a series of events triggered by Harold Jones' letter dated July 2, 1996 to Larry S. Bethke and also appears to be rather complex, perhaps a brief chronology of events would be useful to the understanding of the matter and its current status. Since this matter tangentially appears to involve two (2) cancelled permits, I will start the chronology with issuance of the permits.

- On August 3, 1982, the department issued Permit No. 35-08046 to Arthur Adolf as follows:

Ident No: 35-08046
Permit holder: Arthur Adolf
Rate of div: 8.0 cfs
Source: Groundwater
Use: Irrigation
Pl use: 400 acres in S1/2NE, NW1/4 Sec 13 and
NE1/4 Section 14, all in T7S, R29E, B.M.
Pts of div: NWNW, SENE Section 13 and NWNE Sec 14,
T7S, R29E, B.M.

- On September 16, 1982, the department issued Permit No. 35-08050 to Amanda Sherman as follows:

Ident No: 35-08050
Permit holder: Amanda Sherman
Rate of div: 3.2 cfs
Source: Groundwater
Use: Irrigation
Pl use: 160 acres in NW1/4 Section 14, T7S,
R29E, B.M.
Pt of div: NENW Sec 14, T7S, R29E, B.M.

FILED
MAY 18 1997

- Both permits were subject to reprocessing review under Section 42-203D, Idaho Code, since development had not occurred prior to July 1, 1985.

- A request for extension of time in which to submit proof of beneficial use of water was filed for each permit. The requests were based on delays and uncertainties attributable to the Swan Falls water right controversy.

- In March 1990, the department learned that the permit holders had placed their lands into the CRP program. The permit holders also requested a year's delay in the reprocessing of their permits to which the department agreed. The department also advised that the permits would be reprocessed, but not necessarily approved, at the termination of the CRP contracts in 1996.

- On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (Temporary Stay Order) to the permit holders. The order was based on a moratorium which had been established, seven consecutive years of drought and delivery calls made by senior surface water and ground water right holders. The permit holders did not respond to the Temporary Stay Order.

- On February 14, 1995, the department issued a Final Order cancelling the permits.

- On July 2, 1996, Harold Jones of the Department's Eastern Regional Office sent a letter to Larry Bethke advising that the department had observed irrigation in the N1/2 Section 14, T7S, R29E, B.M. by Bethke from two (2) wells located in Section 11, T7S, R29E, B.M. The letter also advised that the department did not have a record of a water right for the irrigation of the land and requested a response within seven (7) days.

- On July 15, 1996, you responded to Harold Jones suggesting three (3) alternatives including the following:

1. Filing claims under the "amnesty statutes" for which you submitted two (2) SRBA claims and a total fee of \$292. The department issued receipt No. E022906 in the amount of \$292 for the claims identified as Nos. A35-13118 and A35-13134. The claims are pending in the department's Idaho Falls office.

2. Seek reinstatement of Permit Nos. 35-08046 and 35-08050 as provided in Section 42-218a.2., Idaho Code. On July 19, 1997, you filed proof of beneficial use affidavits in connection with the two cancelled permits. The department issued receipt No. E022399 in the amount of \$200 in connection with filing the late proofs. The

MISC LAM
JUL 18 1997

department needs to act on the request to reinstate the permits.

3. Request full reinstatement of cancelled Permit Nos. 35-08046 and 35-08050.

Your letter asked for thoughts or suggestions from the department. Harold Jones forwarded your correspondence to the state office of the department since, reinstatement requests pursuant to Section 42-218a.2. are reviewed and processed in the state office in Boise.

- On February 13, 1997, you corresponded with Julie Yarbrough of the department raising several questions. Responses to the questions are as follows:

- Alternative proposals described in July 15, 1996 letter: The SRBA claims under the amnesty statutes have been filed and will be considered in the SRBA process. It does not appear that a response to your filing of the claims is appropriate. The recommendation of the SRBA claims will occur when the department prepares a director's report for Basin 35.

- Reinstatement of Permit Nos. 35-08046 and 35-08050: The department needs to act to either reinstate or deny reinstatement of the cancelled permits.

- The department does not have before it a proposal which requests full reinstatement of the permits. I do not believe, however, that if such a proposal had been submitted that the department would fully reinstate the permits.

- With regard to record keeping, the department microfilms and destroys the paper copies of water right files which have lapsed, have been voided, or have been relinquished or cancelled. The department can recreate a file from microfilm if needed.

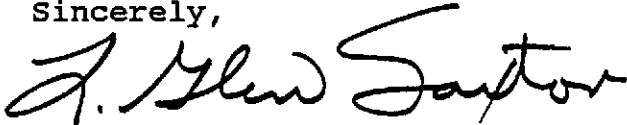
- With regard to fees, see the responses above.

It appears that the only pending matter which the department needs to is the requested reinstatement of cancelled Permit Nos. 35-08046 and 35-08050. Based on the information available so far, I do not plan to recommend approval of the requested reinstatements. The problem I have is that the parts of the N1/2 section 14 that allegedly have been irrigated use different points of diversion than anticipated in the approved permits. In addition, the affidavit of Arthur M. Adolph which you submitted states that Permit Nos. 35-8046 and 35-08050 were filed for the irrigation of land in excess of that being irrigated in 1974. Due to the delays which have occurred in this matter, I am willing to

wait thirty (30) days to give you the opportunity to provide any additional information you wish to have the department consider in support of the requested reinstatements.

The department apologizes for any misunderstanding you have apparently perceived in this matter. If you have questions, please feel free to contact me or the department.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Ernie Carlsen
Harold Jones
Julie Yarbrough
Norman C. Young

MAILED
JUL 16 1977

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL: HOLDNLAW@SRV.NET

RECEIVED

FEB 18 1997

Department of Water Resources

SAXTON —
I want to see the response
Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

February 13, 1997

Julie L. Yarbrough, Senior Secretary
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Ms. Yarbrough:

In July of 1996, Mr. Larry S. Bethke sought our advice regarding a letter he had received from Mr. Harold W. Jones of the Idaho Falls office of IDWR, dated July 2, 1996. We advised Mr. Jones by telephone that we had been contacted by Mr. Bethke and then hurried to gather the information and prepare a response.

We did prepare a written response, dated July 15, 1996. A copy of our letter to Mr. Jones together with copies of all accompanying documents and checks is enclosed with this letter. We have never received any communication from IDWR, either in writing or otherwise, regarding any of our alternative proposals.

A few days ago, at the request of Mr. Bethke, we contacted Mr. Jones to inquire about the status of the matter. Mr. Jones advised that his computer showed some file had been destroyed in 1995 and again on August 23, 1996. He was unable to explain, so he advised he would check with Boise and get back to us. He now advises that he spoke with you and that you confirmed the file had been again destroyed on August 23, 1996, as he expressed it to us, because you didn't receive a communication from someone.

Jul 16 1997

Julie L. Yarbrough, Senior Secretary
February 13, 1997
Page 2

We cannot even imagine what any of this means. But we wonder if it would be possible to receive some formal response to our July 15, 1996, letter and the enclosures. Did the Department merely cash our client's checks and then destroy the documents without even bothering to communicate with his attorney?

We would very much appreciate hearing from you at your earliest convenience.

Very truly yours,



Kent W. Foster

Enclosure

cc. Carl J. Deyer
Harold Jones
Larry S. Bethke

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100-16-0000
JUL 16 1997

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
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RECEIVED

FEB 18 1997

Department of Water Resources

February 13, 1997

Julie L. Yarbrough, Senior Secretary
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

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11-15-1996
10-18-1996

Julie L. Yarbrough, Senior Secretary
February 13, 1997
Page 2

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Very truly yours,



Kent W. Foster

Enclosure
cc. Carl J. Deyer
Harold Jones
Larry S. Bethke
G:\WPDATA\KWF\6021\IDWR0213 LTR sjw

RECEIVED

JUL 16 1997

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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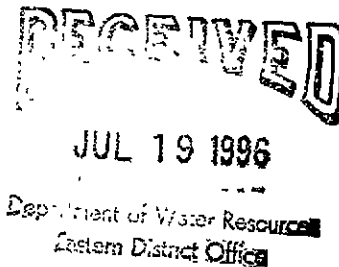
WEST ONE BANK BLDG
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Arthur W Holden
(1877-1967)
Robert B Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

July 15, 1996

Mr. Harold Jones
IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718



Re: Larry Bethke

Dear Mr. Jones:

This letter is a formal response on behalf of Mr. Larry Bethke to your letter of July 2, 1996, regarding irrigation of land in the North half of Section 14, Township 7 South, Range 29 East, which Mr. Bethke recently purchased. We have of course spoken by telephone to let you know that we were working on a response and this letter is also a follow up to those conversations.

From our investigation into this matter, we have learned that approximately 89.4 acres in the North half of Section 14 has been irrigated each irrigation season since 1974, some 40.4 in the Northwest quarter and about 49 in the Northeast quarter. These figures come from ASCS maps. A copy of the 1987 map is enclosed. Unfortunately it is not a good copy. It has been faxed and photocopied too many times and we have not yet had time to secure a good copy. See also the enclosed affidavit of Mr. Arthur Adolf, the former owner of some of this land and the brother of the other former owner.

It appears that the 89.4 approximation may be short of the actual acreage irrigated by an additional 1.8 acres which would bring the total to 91.2, but we have not yet been able to confirm that measurement. Whatever the correct figure, Mr. Adolf's affidavit tells the history of how this land came to be irrigated, and that this is the 23rd consecutive season it has been sprinkler irrigated from the two wells of Mr. Keith Phillips, who owns the land to the North.

As we have tried to analyze what might be done now, three possibilities have occurred to us. We will discuss each, and have prepared supporting documentation which is enclosed.

JUL 18 1996

However, we may not view the matter in the same way as you or others in the department might, and if someone has a better idea, we are certainly open to recommendation.

1. First it occurs to us that if the so called "amnesty statutes" (Idaho Code Sections 42-1425 through 1427) are viable, one could argue in the SRBA context that there has been an enlargement of use of water rights, Nos. 35-07152 and 35-07153. We have prepared and are enclosing two SRBA claims which might address the matter from this standpoint. We have also enclosed a check for the filing fees. We computed the amount as follows: two claims - \$100 for the flat fees, plus \$100 for the two late fees, plus \$92 for the acreage fee, for a total of \$292.

2. Next, perhaps one could argue that under permits Nos. 35-08046 and 35-08050, some 89.4 or 91.2 acres was developed, although not specifically as contemplated under the permits. The points of diversion are different than as provided in the permits (they are the points listed under Rights Nos. 35-07152 and 35-07153 instead). We would need to rely upon the provisions of Idaho Code §42-218a.2. We have enclosed two completed Proof of Beneficial Use forms and Mr. Adolf's affidavit which might show reasonable cause for filing late Proof of Beneficial Use, as well as a check for filing fees of \$200.

3. The most preferable approach we have conceived is to request reinstatement of both permits, 35-08046 and 35-08050, in full, and reprocessing of them consistent with the understanding Mr. Adolf gained from the efforts of Mr. Cavaness and the letters from Norm Young and Tim Luke attached to Mr. Adolf's affidavit. The CRP contracts will expire after this irrigation season, and that would be the time Mr. Adolf had understood IDWR would commence reprocessing of the two permits. In any event, we hope this letter and the enclosures are satisfactorily responsive to your letter of July 2. We will appreciate your thoughts and suggestions as to the most acceptable approach, whether one of these we have discussed, or one the department may view as preferable.

Please let us hear from you as soon as it is convenient.

Very truly yours,



Kent W. Foster

Enclosure

pc. Larry Bethke

G:\WPDATA\KWF\BETHKE\DW0710 LTR sjw

100 18 1997



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 Huggins

Director

March 19, 1991

Ben Cavaness, Esq.
Cavaness & Boomer
Box 70
American Falls, Idaho 83211

Re: Additional Development Time for Trust Water Permits on Land
Placed in CRP - Nos. 35-8046, 35-8050, 35-8051

Dear Ben:

In response to your letter of July 12, 1990, you and I discussed this matter following a protest hearing held in American Falls. I took the assignment to evaluate the matter and provide you with a suggested resolution acceptable to IDWR. I understand the problem to be that some holders of permits in the Swan Falls controversy area did not develop because of uncertainties raised by the Idaho Power Company lawsuits. The legislation implementing the Swan Falls agreement provided for these existing but undeveloped permits to be reprocessed prior to further development.

Because of the substantial backlog of trust water area filings, some of the permit holders placed their land in the 10-year Conservation Reserve Program and are unable to cultivate the land during the period of the contract. IDWR processing of the backlog has moved more quickly than projected, and some of these permits have been reprocessed and given a development period that expires prior to the expiration of the CRP contract. Some other permit holders have been advised that their permits can now be reprocessed and are asking for a delay in reprocessing or assurance that the approved development period with allowed extensions will extend beyond their CRP contract period.

The Swan Falls controversy did place those wanting to develop in a position of uncertainty. IDWR does take this into consideration as trust water filings are processed. Also, I do agree that there is some similarity between the situation of the holders of these undeveloped permits on CRP contract lands and the situation the legislature addressed for holders of vested water rights on CRP lands. The legislature provided immunity from statutory forfeiture for such vested water rights.

Accordingly, IDWR, will upon request of a holder of a permit covering lands under a presently existing CRP contract, delay reprocessing under Section 42-203D, Idaho Code, until the

MAR 19 1991

Ben Cavaness
Page 2
March 19, 1991

expiration of the CRP contract. If the continuation order has already been issued for such lands, IDWR will, upon request, withdraw the order and hold the permit for reprocessing at the termination of the existing CRP contract.

IDWR prefers this approach because we are not authorized to approve a permit for development at a distant future date. It is not my intent to guarantee issuance of a continuation order when the permit is reprocessed at the end of the CRP contract period, but I do view this as an acceptable way of keeping the permits valid for such future consideration. At the time the permits are reprocessed, the priority date may be advanced if necessary to avoid injury to intervening right holders.

If this approach is acceptable, IDWR will follow through upon receipt of copies of the CRP contracts and a request for delay.

Sincerely,

Norman C. Young
NORMAN C. YOUNG

NORMAN C. YOUNG
Administrator
Water Management Division



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 7, 1991

Arthur Adolf
720 Stevens St.
American Falls, ID 83211

RE: Permit No. 35-8046

Dear Mr Adolf:

The department acknowledges receipt of your letter requesting that reprocessing of the above permit be delayed pending the expiration of your CRP contract.

The department has not yet issued a continuation order for this permit. Pursuant to your request and Mr. Young's letter of March 19, 1991, the department will delay reprocessing of your permit for the duration of the CRP contract. Termination of the contract prior to the expiration date may result in immediate reprocessing of the permit. Please be advised that Mr. Young's March 19 letter did not provide any guarantee that continuance will be given when the permit is reprocessed at the end of the contract period. You should be further reminded that if continuance of the permit is given, the priority date may be advanced if necessary to avoid injury to intervening right holders.

In light of Mr. Young's letter, you may wish to consider terminating your contract at an earlier date since there are no absolute guarantees that the permit will be continued in 1996. Any decision concerning termination of your contract is entirely yours. Unless you request reprocessing at an earlier date, the department will not reprocess the permit until the expiration of the contract.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Tim Luke'.

Tim Luke

Sr. Water Resource Spec.

cc: Ben Caveness

101 14 52

AFFIDAVIT OF ARTHUR M. ADOLF

RECEIVED

JUL 19 1996

Department of Water Resources
Eastern District Office

State of Idaho)
) ss.
County of Power)

Arthur M. Adolf, being first duly sworn, on his oath deposes and says:

1. Affiant is a resident of Power County, Idaho, of the age of 78 years, and presently resides at 720 Stevens Street, American Falls, ID 83211. His telephone number is (208) 226-2043.

2. Affiant is the former owner of the Northeast Quarter of Section 14 in Township 7 South, Range 29 East. Affiant's sister, Amanda Sherman, is the former owner of the Northwest Quarter of said section, township and range. On June 1, 1996, all of said real property was sold to Larry S. Bethke, also of American Falls, Idaho.

3. Affiant and his sister owned said property for many years prior to 1974, but prior to that year, said property had previously been dry-farmed only. Sometime before the irrigation season of 1974, Affiant was approached by a neighbor, Mr. Keith Phillips, who owned and farmed the land across the road to the north of the above described real property. Mr. Phillips indicated his pumps from his two wells in the South half of Section 11 in said township and range, produced more water than was actually required through his sprinkler irrigation system to properly irrigate his own land north of the road separating his property in Section 11 from the property of Affiant and Affiant's sister in Section 14. Mr. Phillips proposed to extend mainline under the road in two places and sprinkle some of the land of Affiant and Affiant's sister in Section 14. Mr. Phillips proposed to lease the additional land and farm the same in connection with the operation of his own land north of the road.

4. Pursuant to agreement, Mr. Phillips did in fact extend mainline under the road. Commencing with the irrigation season of 1974, and continuing each irrigation season thereafter through the present time, he has farmed approximately 40.4 acres in the North half of the Northwest Quarter and approximately 49 acres in the North half of the Northeast Quarter of said Section 14, pursuant to lease agreements, by means of sprinkler irrigation equipment.

5. In 1982, in contemplation of further developing the lands in the North half of Section 14, Affiant and his sister, Amanda Sherman, applied for and received permits Nos. 35-08046 and 35-08050, respectively. Before work under the permits could begin the Swan Falls controversy, including the lawsuit filed by Idaho Power Company, intervened, and Affiant was not able to commence the development contemplated by the permits. Before the delays occasioned by the proceedings related to the Swan Falls Controversy reached a point where Affiant felt able to proceed again, other difficulties arose. On February 4, 1987, Affiant's wife died. Then on February 18 of the same year, Affiant suffered a severe heart attack and was hospitalized for a period of time. Because of these circumstances, Affiant entered into conservation reserve program contracts for some of his land, and his sister did the same, in 1987. The contracts extend through 1996.

6. In about 1990, on behalf of Affiant and perhaps others, Mr. Ben Cavaness, a lawyer in American Falls, Idaho, had some conversations with IDWR officials about the reprocessing of the above referenced permits. Affiant may not be possessed of all the details of such conversations, but copies of two letters referencing the matter which came to be in

101

Affiant's possession are attached to this affidavit. Affiant gained the understanding that the permits would be reprocessed following the expiration of the pending CRP contracts. Affiant did not fully understand the notices that came from IDWR in late 1994 or the orders entered by IDWR in 1995; Affiant understood that with respect to permits nos. 35-08046 and 35-08050, IDWR was prepared to commence reprocessing after expiration of the CRP contracts in 1996 and that no further action needed to be taken until that time.

7. Affiant did try to continue farming for a couple of years after 1987, but his physical health, age and general condition have pretty well prevented him from being as active in either the actual farming or the business affairs related thereto, including the matters of the referenced permits.

DATED this 9 day of July, 1996.

Arthur M. Adolf
Arthur M. Adolf

STATE OF IDAHO)
County of Power) ss.
~~Bonneville~~

SUBSCRIBED AND SWORN TO before me this 9 day of July, 1996.

Rose Ann Junk
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-10-2000

(seal)

G:\WPDATA\KWP\BETHKE\ADLF0703 AFF sjw

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 35-07152 (Enlargement)
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Larry S. Bethke Phone (208) 226-2201

Mailing Address 2745 Breeding Road, American Falls, ID Zip 83211

2. Date of Priority (Only (1) per claim) May 1, 1974

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4.a. Location of existing

point of diversion is: Township 7 South Range 29 East Section 11,

SE 1/4 of SE 1/4 of __, Govt. Lot, __ B.M., County of Power

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township __ Range __ Section __, __ 1/4 of __ 1/4 of __ 1/4,

Govt. Lot __ B.M., County of _____

ending point is: Township __ Range __ Section __, __ 1/4 of

__ 1/4 of __ 1/4 Govt. Lot __ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Well and pump with mainline to place
of use

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/01 to 11/01 amount .73cfs or ____

For _____ purposes from ____ to ____ amount ____ or ____

For _____ purposes from ____ to ____ amount ____ or ____

For _____ purposes from ____ to ____ amount ____ or ____

7. Total quantity claimed (a) .73 (cfs) and/or (b) ____ (acre feet)

8. Total consumptive use claimed is 177.8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

Last Name Bethke Ident. Number 35-07152

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(b.) I/We do do not X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date 7/12/96

For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the _____ Title _____

Organization
 foregoing document in the space below as _____
 Title

of _____ and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.

County of Barnstable

Subscribed and sworn (or affirmed) before me this 15th day
of July 1996.

Notary Public Lorel A. Steele
Residing at 1440 S. 10th
My Commission Expires 4-27-2000

Last Name Bethke Ident. Number 35-07152

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature 

Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date 7/15/96

G:\WPDATA\KWF\BETHKE\SRBA.001 sjw

Last Name Bethke Ident. Number 35-07152 JUL 16 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION
JULY 2, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY BETHKE
2745 BREIDING RD
AMERICAN FALLS ID 83211

Mr. Bethke:

Our office has become aware of irrigation taking place on the N 1/2, Section 14, T7S, R29E. I observed the irrigation taking place on this property on June 28, 1996. The Power County Assessor's office shows this as ground that you own.

I have searched the water rights and adjudication data base and find no water rights for these grounds. It appears the place of use is being irrigated from two wells located in Section 11, T7S, R29E. At this time there is a moratorium on development of new ground, and no new permits can be issued.

Please respond to our office within 7 days of the date of this letter as to the status of this project. Please also note that to divert water in Idaho without a valid water right is contrary to Section 42-351, Idaho Code and subject to civil penalties of up to \$100 per day.

Sincerely,

Harold W Jones
 Water Resource Supervisor

HWJ:sc

Post-It™ brand fax transmittal memo 7671		# of pages > One
To	Glen Sexton	From
Co.	IDWR Boise	Co.
Dept.		Phone #
Fax #		Fax #

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 35-07153 (Enlargement)
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Larry S. Bethke Phone (208) 226-2201
Mailing Address 2745 Breeding Road, American Falls, ID Zip 83211
2. Date of Priority (Only (1) per claim) May 1, 1974
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
- 4.a. Location of existing
point of diversion is: Township 7 South Range 29 East Section 11,
SE 1/4 of SE 1/4 of __, Govt. Lot, __ B.M., County of Power
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township __ Range __ Section __, __ 1/4 of __ 1/4 of __ 1/4,
Govt. Lot __ B.M., County of _____
ending point is: Township __ Range __ Section __, __ 1/4 of

FILED 16 1977

__ 1/4 of __ 1/4 Govt. Lot __ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Well and pump with mainline to place
of use

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/01 to 11/01 amount .67cfs or ____

For _____ purposes from ____ to ____ amount ____ or ____

For _____ purposes from ____ to ____ amount ____ or ____

For _____ purposes from ____ to ____ amount ____ or ____

7. Total quantity claimed (a) .67 (cfs) and/or (b) ____ (acre feet)

8. Total consumptive use claimed is 40.4 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

Last Name Bethke Ident. Number 35-07153

16. Signature(s)

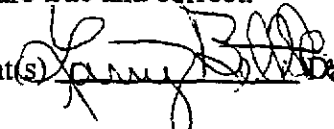
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(b.) I/We do do not X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)  Date 7/12/96

 Date

For Organizations: I do solemnly swear or affirm that I am of , that I have signed the Title

 Organization
foregoing document in the space below as

 Title
of and that the statements contained in the
 Organization

foregoing document are true and correct.

Signature of Authorized Agent

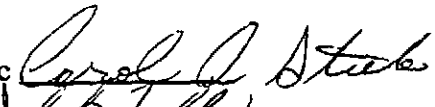
Title and Organization Date

State of Idaho/or)
) SS.

County of Bonneville)

Subscribed and sworn (or affirmed) before me this 12th day
of July, 1996.



Notary Public 
Residing at 
My Commission Expires 4-27-2000

Last Name Bethke Ident. Number 35-07153

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature 

Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date 7/15/96

G:\WPDATA\KWF\BETHKE\SRBA.002 sjw

JUL 17 1996

Last Name Bethke Ident. Number 35-07153

I certify that file No. 35.08050

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

S. Curtis
Reviewer

4-18-95
Date

WS5808NP
(00-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/18/95 10:59:59
Page 1

Water Right Number - 35-08050

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - -

*** C - CURRENT OWNER ***
SHERMAN

AMANDA

1 - 137 TEATER

2 -

3 -

City- KIMBERLY

Phone -

State- ID Zip- 83341

+ - - Priority Date - - - +
08/03/1982

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - -
GROUNDWATER

+ - - Tributary - - - - -

+ - - - - Point of Diversion - - - - -
Turn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
07S 29E 14 NE NW (77) POWER

+ - - Code Description Period From Water Use Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 3.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
3.200

+ - - Turn Rng Sec Tract Lot Acres Place of Use Code Description County
07S 29E 14 NE NW 40.0 01 IRRIGATION (77) POWER
07S 29E 14 NW NW 40.0 01 IRRIGATION (77) POWER
07S 29E 14 SW NW 40.0 01 IRRIGATION (77) POWER
07S 29E 14 SE NW 40.0 01 IRRIGATION (77) POWER

Total Acres: 160.0

+ - - Diversion Means - WELL, PUMP, MOTOR, PANEL, MAINLINE & WHEEL LINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks
No Remarks found.

+ - - Old Water Right Numbers
No Old Water Right Numbers found.

+ - - Conditions of Approval - - - - -

01C - A flow measurement port or other device as specified by the
- Department shall be installed by the right holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 14, 1995

RE: In the Matter of Application for Permit No. 35-08050 in the
name of Amanda Sherman

Dear Interested Party:

The accompanying order is a "final order" issued by the
department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the
presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the
agency head shall issue a final order following review of that
recommended order.

(3) If the presiding officer issued a preliminary order, that
order becomes a final order unless it is reviewed as required in
section 67-5245, Idaho Code. If the preliminary order is reviewed,
the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party
may file a petition for reconsideration of any order issued by the
agency head within fourteen (14) days of the issuance of that
order. The agency head shall issue a written order disposing of
the petition. The petition is deemed denied if the agency head
does not dispose of it within twenty-one (21) days after the filing
of the petition.

(5) 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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure



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

November 9, 1994

AMANDA SHERMAN
137 TEATER
KIMBERLY ID 83341

RE: Water Right No. 35-08050 Certified Mail No. 141794

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MEMORANDUM

TO: File

FROM: Karen Gustafson

DATE: December 26, 1991

Re: Permit No's: 35-08046 35-08050 35-08051 35-8053A

The following three permits have been put into a federal CRP contract which prevents the permit holder from doing any development on the land until 1996.

The proof due dates have been changed to February 1996. However, we should not send a proof due on these. Instead, it will be necessary to contact the permit holder at that time and tell them we intend to start the reprocessing of the permit.

This information has been sent to Mr. Cavaness. (See the enclosed letter)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 26, 1991

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

Re: Permit No.'s 35-8046 35-8050 35-8051

Dear Mr. Cavaness:

I apologize for the error made to your client when I mailed the proof due notice. A further review of the above mentioned files revealed that all the necessary information was in the files but had not been deleted from the computer data base. Thus, an automatic form letter was mailed.

I have taken the necessary steps to prevent any further correspondence from the department until February 1996. At that time we will start the reprocessing of the permits. We would ask, once again, however, that should your client choose to withdraw from the program before that date, that you notify the Department.

Once again, my apologies and I trust I have taken the appropriate steps to correct the situation.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

BEN CAVANESS
HENRY R. (Hank) BOOMER

Cavaness & Boomer

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

December 18, 1991

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

Karen L. Gustafson
Secretary/Records Manager
State of Idaho
Department of Water Resources
Statehouse Mail
Boise, ID 83720-9006

RECEIVED
DEC 20 1991

Department of Water Resources

Re: PERMIT NO. 35-08050
Amanda Sherman

Dear Ms. Gustafson:

Enclosed is a copy of a letter dated March 19, 1991 to me from Norm Young with regards to the above referenced matter, and a copy of the earlier correspondence made requesting that the extension action be allowed. Accordingly, there is no proof due on this claim at this time.

Please up date your records with the enclosed documents and advise me if anything further is required.

Very truly yours,



Ben Cavaness

BC:mh

cc: Amanda Sherman

Encl.

April 24, 1991

Norman C. Young
Administrator
Water Management Division
1301 North Orchard St.
Statehouse Mall
Boise, ID 83720

Re: Sherman Permit 35-0850

Dear Mr. Young:

In response to your letter of March 19, 1991 addressed to Ben Cavaness, this is to formally request that reprocessing of the above numbered permit by your department be delayed pending expiration of an existing CRP contract on the subject property.

Attached to this letter is a copy of the CRP contract showing that all of the subject property is in the CRP contract until 1996.

If you have already issued a continuation order on the lands under this permit, I would appreciate it if you would withdraw the order and hold the permit for reprocessing as noted above.

If anything further is required, please advise.

Sincerely,

Amanda Sherman

Amanda Sherman

CONSERVATION RESERVE PROGRAM CONTRACT

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 98-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6703). The information requested is necessary for CCC to administer the Emergency Food Assistance Program Contract, to assist in determining eligibility, and to determine the correct law, regulation, and policy applicable to the contract. The information may be furnished to USDA agencies (US Department of Justice, or other State and Federal law enforcement agencies), and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory, and in response information is voluntary; however, failure to furnish the correct, complete information requested will result in denial of furnishing all other information to the contract.

THIS CONTRACT is entered into between the Commodities Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "farm") for the facility and assets (referred to as "designated acreage") identified in Items B.17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator or such agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

[illegible]

S						384.7		6. RENTAL RATE PER ACRE		FROM		TO	
TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES				
88	9	10	11	12	13	14	15	15	17				
B-1		C-4	70.0	2520.00									
1146	4	D-4	3147	11392.20									
18. ANNUAL PAYMENT										DATE			
\$15,061.00										19. CCC USE ONLY - Payments according to the shares are approved.			
										CCC REPRESENTATIVE'S SIGNATURE Lee K. Hays			

CRP-1
(02-21-86)

U.S. DEPARTMENT
OF AGRICULTURE
Agricultural Stabilization and
Conservation Service

CONSERVATION RESERVE PROGRAM CONTRACT

APPROVED BY: 11/16/86
Form Approved OMB No. 0501-0175

1. CONTRACT NO. 16-077-1
2. CONTRACT NO. 386
3. FARM NO. 19240

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the provisions promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to determine eligibility, and to determine the amount of the Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the amount of the Conservation Reserve Program Contract. The information is being furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary. However, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

NOTE:

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operator (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable signup period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

A. OPERATOR NAME AND ADDRESS		4. OWNERS AND OPERATORS	
NAME AND ADDRESS	SHARE %	NAME AND ADDRESS	DATE
Art Adolf 720 Stevens	16.86	518-20-4615-0	2-15-87
Mr. Feltz, 83211	%	Arthur Adolph	2-15-87
Elfrida Van Osdell 4648 Oak Lane	0	519-16-4455-7	2-12-87
Howard, Rt. 06850	%	Elfrida Van Osdell	2-12-87
Amanda Sherman Box 322	33.88	518-36-8641-8	2-12-87
Frank Eymann 3478 Square Drive	%	Amanda Sherman	2-12-87
Belle, IN 463703	104.26	518-32-2593-6	2-25-87
	%	Frank Eymann	2-25-87

B. ACRES FOR CRP		G. RENTAL RATE PER ACRE		7. CONTRACT PERIOD	
TRACT NO.	FIELD NO.	TRACT NO.	FIELD NO.	FROM	TO
1215	9	3915	14	9/30/97	
1215	10	3915	14	9/30/97	
1215	11	3915	14	9/30/97	
1215	12	3915	14	9/30/97	
1215	13	3915	14	9/30/97	
1215	14	3915	14	9/30/97	
1215	15	3915	14	9/30/97	
1215	16	3915	14	9/30/97	
1215	17	3915	14	9/30/97	
1215	18	3915	14	9/30/97	
1215	19	3915	14	9/30/97	
1215	20	3915	14	9/30/97	
1215	21	3915	14	9/30/97	
1215	22	3915	14	9/30/97	
1215	23	3915	14	9/30/97	
1215	24	3915	14	9/30/97	
1215	25	3915	14	9/30/97	
1215	26	3915	14	9/30/97	
1215	27	3915	14	9/30/97	
1215	28	3915	14	9/30/97	
1215	29	3915	14	9/30/97	
1215	30	3915	14	9/30/97	
1215	31	3915	14	9/30/97	
1215	32	3915	14	9/30/97	
1215	33	3915	14	9/30/97	
1215	34	3915	14	9/30/97	
1215	35	3915	14	9/30/97	
1215	36	3915	14	9/30/97	
1215	37	3915	14	9/30/97	
1215	38	3915	14	9/30/97	
1215	39	3915	14	9/30/97	
1215	40	3915	14	9/30/97	
1215	41	3915	14	9/30/97	
1215	42	3915	14	9/30/97	
1215	43	3915	14	9/30/97	
1215	44	3915	14	9/30/97	
1215	45	3915	14	9/30/97	
1215	46	3915	14	9/30/97	
1215	47	3915	14	9/30/97	
1215	48	3915	14	9/30/97	
1215	49	3915	14	9/30/97	
1215	50	3915	14	9/30/97	
1215	51	3915	14	9/30/97	
1215	52	3915	14	9/30/97	
1215	53	3915	14	9/30/97	
1215	54	3915	14	9/30/97	
1215	55	3915	14	9/30/97	
1215	56	3915	14	9/30/97	
1215	57	3915	14	9/30/97	
1215	58	3915	14	9/30/97	
1215	59	3915	14	9/30/97	
1215	60	3915	14	9/30/97	
1215	61	3915	14	9/30/97	
1215	62	3915	14	9/30/97	
1215	63	3915	14	9/30/97	
1215	64	3915	14	9/30/97	
1215	65	3915	14	9/30/97	
1215	66	3915	14	9/30/97	
1215	67	3915	14	9/30/97	
1215	68	3915	14	9/30/97	
1215	69	3915	14	9/30/97	
1215	70	3915	14	9/30/97	
1215	71	3915	14	9/30/97	
1215	72	3915	14	9/30/97	
1215	73	3915	14	9/30/97	
1215	74	3915	14	9/30/97	
1215	75	3915	14	9/30/97	
1215	76	3915	14	9/30/97	
1215	77	3915	14	9/30/97	
1215	78	3915	14	9/30/97	
1215	79	3915	14	9/30/97	
1215	80	3915	14	9/30/97	
1215	81	3915	14	9/30/97	
1215	82	3915	14	9/30/97	
1215	83	3915	14	9/30/97	
1215	84	3915	14	9/30/97	
1215	85	3915	14	9/30/97	
1215	86	3915	14	9/30/97	
1215	87	3915	14	9/30/97	
1215	88	3915	14	9/30/97	
1215	89	3915	14	9/30/97	
1215	90	3915	14	9/30/97	
1215	91	3915	14	9/30/97	
1215	92	3915	14	9/30/97	
1215	93	3915	14	9/30/97	
1215	94	3915	14	9/30/97	
1215	95	3915	14	9/30/97	
1215	96	3915	14	9/30/97	
1215	97	3915	14	9/30/97	
1215	98	3915	14	9/30/97	
1215	99	3915	14	9/30/97	
1215	100	3915	14	9/30/97	

18. ANNUAL PAYMENT
\$ 22,000.00
19. CCC USE ONLY: Payments according to the shares are approved



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

R. KATH HIGGINSON

Director

March 19, 1991

Ben Cavaness, Esq.
Cavaness & Boomer
Box 70
American Falls, Idaho 83211

Re: Additional Development Time for Trust Water Permits on Land
Placed in CRP - Nos. 35-8046, 35-8050, 35-8051

Dear Ben:

In response to your letter of July 12, 1990, you and I discussed this matter following a protest hearing held in American Falls. I took the assignment to evaluate the matter and provide you with a suggested resolution acceptable to IDWR. I understand the problem to be that some holders of permits in the Swan Falls controversy area did not develop because of uncertainties raised by the Idaho Power Company lawsuits. The legislation implementing the Swan Falls agreement provided for these existing but undeveloped permits to be reprocessed prior to further development.

Because of the substantial backlog of trust water area filings, some of the permit holders placed their land in the 10-year Conservation Reserve Program and are unable to cultivate the land during the period of the contract. IDWR processing of the backlog has moved more quickly than projected, and some of these permits have been reprocessed and given a development period that expires prior to the expiration of the CRP contract. Some other permit holders have been advised that their permits can now be reprocessed and are asking for a delay in reprocessing or assurance that the approved development period with allowed extensions will extend beyond their CRP contract period.

The Swan Falls controversy did place those wanting to develop in a position of uncertainty. IDWR does take this into consideration as trust water filings are processed. Also, I do agree that there is some similarity between the situation of the holders of these undeveloped permits on CRP contract lands and the situation the legislature addressed for holders of vested water rights on CRP lands. The legislature provided immunity from statutory forfeiture for such vested water rights.

Accordingly, IDWR, will upon request of a holder of a permit covering lands under a presently existing CRP contract, delay reprocessing under Section 42-203D, Idaho Code, until the

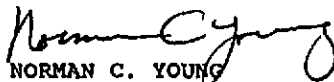
Ben Cavaness
Page 2
March 19, 1991

expiration of the CRP contract. If the continuation order has already been issued for such lands, IDWR will, upon request, withdraw the order and hold the permit for reprocessing at the termination of the existing CRP contract.

IDWR prefers this approach because we are not authorized to approve a permit for development at a distant future date. It is not my intent to guarantee issuance of a continuation order when the permit is reprocessed at the end of the CRP contract period, but I do view this as an acceptable way of keeping the permits valid for such future consideration. At the time the permits are reprocessed, the priority date may be advanced if necessary to avoid injury to intervening right holders.

If this approach is acceptable, IDWR will follow through upon receipt of copies of the CRP contracts and a request for delay.

Sincerely,



NORMAN C. YOUNG
Administrator
Water Management Division

AMANDA SHERMAN
137 TEATER
KIMBERLY ID 83341

138246
November 30, 1991

RE: PERMIT NO. 35-08050 PROOF DUE NOTICE

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 February 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



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

May 14, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Amanda Sherman
Box 327
Kimberly, ID 83341

RE: Permit No. 35-8050

Dear Ms. Sherman:

The Department acknowledges receipt of your letter requesting that reprocessing of the above permit be delayed pending the expiration of your CRP contract.

The Department has not yet issued a continuation order for this permit. Pursuant to your request and Mr. Young's letter of March 19, 1991, the Department will delay reprocessing of your permit for the duration of the CRP contract. Termination of the contract prior to the expiration date may result in immediate reprocessing of the permit. Please be advised that Mr. Young's March 19 letter did not provide any guarantee that continuance will be given when the permit is reprocessed at the end of the contract period. You should be further reminded that if continuance of the permit is given, the priority date may be advanced if necessary to avoid injury to intervening right holders.

In light of Mr. Young's letter, you may wish to consider terminating your contract at an earlier date since there are no absolute guarantees that the permit will be continued in 1996. Any decision concerning termination of your contract is entirely yours. Unless you request reprocessing at an earlier date, the Department will not reprocess the permit until the expiration of the contract.

Sincerely,

TIM LUKE
Sr. Water Resource Specialist

cc: Ben Cavaness



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

March 19, 1991

Ben Cavaness, Esq.
Cavaness & Boomer
Box 70
American Falls, Idaho 83211

Re: Additional Development Time for Trust Water Permits on Land
Placed in CRP - Nos. 35-8046, 35-8050, 35-8051, 35-8053A

Dear Ben:

In response to your letter of July 12, 1990, you and I discussed this matter following a protest hearing held in American Falls. I took the assignment to evaluate the matter and provide you with a suggested resolution acceptable to IDWR. I understand the problem to be that some holders of permits in the Swan Falls controversy area did not develop because of uncertainties raised by the Idaho Power Company lawsuits. The legislation implementing the Swan Falls agreement provided for these existing but undeveloped permits to be reprocessed prior to further development.

Because of the substantial backlog of trust water area filings, some of the permit holders placed their land in the 10-year Conservation Reserve Program and are unable to cultivate the land during the period of the contract. IDWR processing of the backlog has moved more quickly than projected, and some of these permits have been reprocessed and given a development period that expires prior to the expiration of the CRP contract. Some other permit holders have been advised that their permits can now be reprocessed and are asking for a delay in reprocessing or assurance that the approved development period with allowed extensions will extend beyond their CRP contract period.

The Swan Falls controversy did place those wanting to develop in a position of uncertainty. IDWR ~~has~~ ^{will} take this into consideration as trust water filings are processed. Also, I do agree that there is some similarity between the situation of the holders of these undeveloped permits on CRP contract lands and the situation the legislature addressed for holders of vested water rights on CRP lands. The legislature provided immunity from statutory forfeiture for such vested water rights.

Accordingly, IDWR, will upon request of a holder of a permit covering lands under a presently existing CRP contract, delay reprocessing under Section 42-203D, Idaho Code, until the

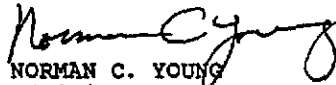
Ben Cavaness
Page 2
March 19, 1991

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IDWR prefers this approach because we are not authorized to approve a permit for development at a distant future date. It is not my intent to guarantee issuance of a continuation order when the permit is reprocessed at the end of the CRP contract period, but I do view this as an acceptable way of keeping the permits valid for such future consideration. At the time the permits are reprocessed, the priority date may be advanced if necessary to avoid injury to intervening right holders.

If this approach is acceptable, IDWR will follow through upon receipt of copies of the CRP contracts and a request for delay.

Sincerely,



NORMAN C. YOUNG
Administrator
Water Management Division

April 24, 1991

RECEIVED
MAY 6 1991
Department of Water Resources

Norman C. Young
Administrator
Water Management Division
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Re: Sherman Permit 35-0850

Dear Mr. Young:

In response to your letter of March 19, 1991 addressed to Ben Cavaness, this is to formally request that reprocessing of the above numbered permit by your department be delayed pending expiration of an existing CRP contract on the subject property.

Attached to this letter is a copy of the CRP contract showing that all of the subject property is in the CRP contract until 1996.

If you have already issued a continuation order on the lands under this permit, I would appreciate it if you would withdraw the order and hold the permit for reprocessing as noted above.

If anything further is required, please advise.

Sincerely,

Amanda Sherman
Amanda Sherman

CRP-1
(02-21-86)

U.S. DEPAR
OF AGRICULTURE
Agricultural Stabilization
and Conservation Service
Commodity Credit Corporation

Form Approved OMB No. 0560-0125
ST & CO CODE 12 CONTRACT NO
C/D

CONSERVATION RESERVE PROGRAM CONTRACT

1987

16-C77-1

3. FARM NO

1240

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary, however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS	SHARE	SSN	SIGNATURE	DATE
Edgreda Van Orsdel 7 Red Oak Ln Newark, Ct. 06850	73.62		Edgreda Van Orsdel	2-12-87
B. OWNER NAME AND ADDRESS				
Amanda Sherman Box 327 Kimberly, Id. 83341	0%		Amanda Sherman	2-12-87
Robert Van Orsdel 7 Red Oak Ln Newark, Ct. 06850	0%		Robert Van Orsdel	2-15-87
D. NAME AND ADDRESS				
Art Adloff 720 Stevens American Fork, Id. 83211	96.38%		Art Adloff	2-12-87

5. ACRES FOR CRP

6. RENTAL RATE PER ACRE		7. CONTRACT PERIOD	
\$		FROM	TO
384.7		FY 1987	Sept 30, 1996

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17
15261	B-1	CRP4	70.0	2520.00					
15261	A-1	CRP4	314.7	11392.20					
18. ANNUAL PAYMENT									
\$15,061.00				19. CCC USE ONLY - Payments according to the shares are approved.			CCC REPRESENTATIVE'S SIGNATURE		
							Lee Brown		
							DATE		

ORIGINAL COUNTY OFFICE COPY

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit CorporationForm Approved - OMB NO. 0560-0125
111 PL Mendocino

CONSERVATION RESERVE PROGRAM CONTRACT

1. ST & CO CODE & 2. CONTRACT NO.
C/D 386
3. FARM NO.
16-077-1 1240

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

A. OPERATOR NAME AND ADDRESS

Art Abolf
720 Stevens

4. OWNERS AND OPERATORS

SHARE %
168%SIGNATURE
518-20-4615-0DATE
2-15-87

B. OWNER NAME AND ADDRESS

Cm. Fellsch. 83311

SHARE %

SIGNATURE
519-16-4455-4DATE
2-12-87

C. OWNER NAME AND ADDRESS

Edw. Van Orsdel
700 Oak Lane

SHARE %

SIGNATURE
518-36-8641-8DATE
2-12-87

D. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

E. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

F. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

G. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

H. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

I. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

J. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

K. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

L. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

M. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

N. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

O. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

P. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

Q. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

R. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

S. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

T. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

U. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

V. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

W. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

X. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

Y. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

Z. OWNER NAME AND ADDRESS

Amanda Sherman
Box 327

SHARE %

SIGNATURE
518-32-2593-6DATE
2-12-87

July 5, 1990

Amanda Sherman
137 Teater
Kimberly, ID 83341

RE: PERMIT NO. 35-8050

Dear Ms. Sherman:

The department has reviewed your letter dated June 4, 1990 in which you request an extension of time to 1996 because you have placed the land associated with permit no. 35-8050 in the Federally sponsored CRP program.

Section 42-204, Idaho Code, is quite explicit in describing the reasons which allow the department to grant extensions of time for the submittal of proof of beneficial use (proof) to the department. The department has already granted an extension of time based on the litigation associated with the Swan Falls controversy (Sec. 42-204 1., Idaho Code). When the proof is due in 1992, the department can consider granting an extension of time based on due diligence (Section 42-204 5., Idaho Code) provided the proper forms are timely filed with the department and are otherwise approvable. At this time, however, it is premature for the department to consider changing the February 1, 1992 proof due date to some other date.

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

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region

IR-DEPARTMENT MEMO — 1

FROM: Harold W. Jones - INUR Eastern

DATE: 6-13-90

TO: Rita Fretk - Boise

SUBJECT:

Attached is the correspondence we discussed on 6-13-1990 about honoring GRP time forfeits. I assume Jim Johnson & his group would have some policy on this. Good Luck!

Skip

SIGNATURE

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

1988

Form Approved - OMB No. 0560-0175

16-077-1

2. CONTRACT NO.
327 386
FARM NO.
A240

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS	SHARE	SSN	SIGNATURE	DATE
Elfrieda Van Orsdel	0	519-16-4455-7	Elfrieda L Van Orsdel	2/12/87
B. OWNER NAME AND ADDRESS	SHARE	SSN <td>SIGNATURE<th>DATE</th></td>	SIGNATURE <th>DATE</th>	DATE
Amanda Sherman	.3388	518-36-8641-8	Amanda M. Sherman	2-12-87
C. NAME AND ADDRESS	SHARE	SSN <td>SIGNATURE<th>DATE</th></td>	SIGNATURE <th>DATE</th>	DATE
	0		Robert W. Van Orsdel	2/15/87
D. NAME AND ADDRESS	SHARE	SSN <td>SIGNATURE<th>DATE</th></td>	SIGNATURE <th>DATE</th>	DATE
Art Adelf	.6188	518-20-4615-0	See Attached Copy	

5. ACRES FOR CRP

6. RENTAL RATE PER ACRE

7. CONTRACT PERIOD

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
1203.7	819.0	\$ 39.15	1987	1996					

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
101	B	CP4	70.0	2754.00	102	2	CP4	71.6	2794.00
101	B	CP4	112.2	4039.20	102	3		88.0	2916.00
102	C	CP4	13.6	489.60	102	1		126.8	4564.80
102	D	CP4	3.3	118.20	102	1		238.1	8571.60
102	E	CP4	83.6	3009.60	102	2		38.8	1396.80

12. ANNUAL PAYMENT

\$ 47,125.00 32,064.00

13. CCC USE ONLY: Payments according to the shares are approved.

CCC REPRESENTATIVE'S SIGNATURE

Lee Kru

DATE

5/14/

CRP-1A Addendum
(02-21-86)

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

ADDENDUM TO THE CONSERVATION RESERVE PROGRAM (CRP) CONTRACT

Cont #386

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is required by law to be furnished to the Department of Agriculture or a Conservation Reserve Agency (CRA) as a condition of eligibility, and to determine the correct parties to the contract. The information is being furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

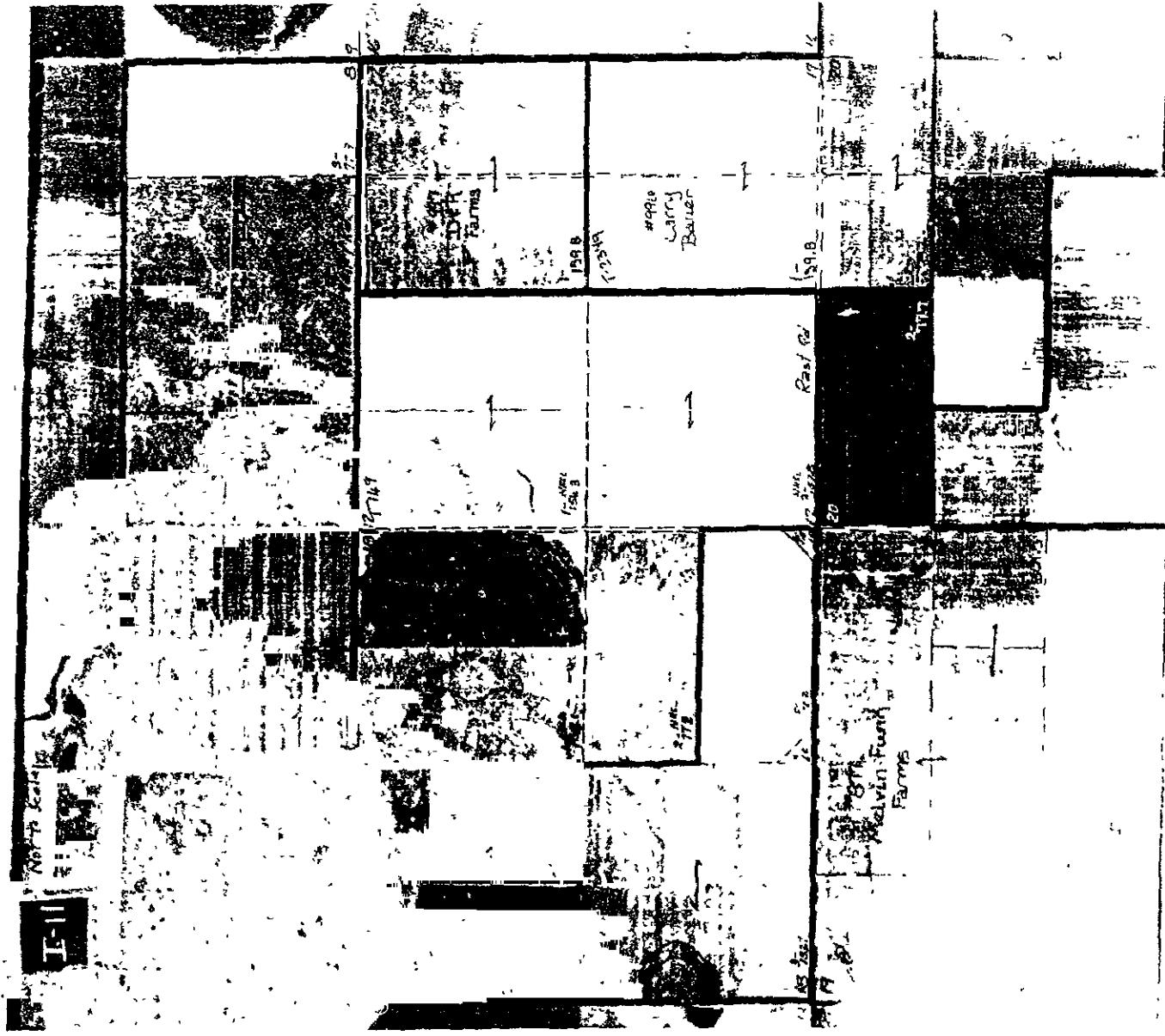
1. Each owner and operator who has signed the CRP-1 Contract shall initial below to acknowledge that the Addendum is hereby incorporated as a part of the CRP-1 Contract

INITIALS	INITIALS	INITIALS	INITIALS	INITIALS
A.				
B.				
C.				
D.				

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
1145	3	CP4	37.5	1350.00					
1146	4	CP4	37.7	1,384.20					
6-R			88						
T-61	B		6.5						
T-62									
T-63									
T-64									
T-65	E1		7.3						

[illegible]

T75 R9 29E Sec 14



T 75 R 30 E Sec 7



T175 R9 R1E Sec 13

H-11
N-10

Arthur Addit

Center Point

RECEIVED

JUN 11 1990

Department of Water Resources
Eastern District Office

Ms. Amanda Sherman
137 Teater
Kimberly, Idaho

83341

June 4, 1990

Idaho Dept. of Water Resources
Attn: Harold Jones
150 Shoup
Idaho Falls, Idaho
83403

Dear Mr. Jones:

I am writing to you in the matter of water permit No. 35-8050 and water permit No. 35-8053.

Both of these permits were originally approved in 1982 with a five year extension granted in 1987.

Due to the uncertainty of using these permits because of the Swan Falls controversy, the acreage under these permits was signed into the 10 year CRP grass program in 1987.

I am enclosing a copy of the CRP contracts issued on the above listed acreage from the ASOS office in American Falls.

As you will notice, these contracts will not expire until 1996, making it impossible to use these permits before the 5 year extension matures in 1992.

I hereby respectfully request a reasonable extension of time to make proof of beneficial use. The land is currently dryland and I intend to convert the land to irrigated when the 10 year grass program matures.

Please advise me if further correspondence is needed to complete this matter.

Sincerely,

Ms. Amanda Sherman

Amanda Sherman
137 Teater
Kimberly, Idaho

208-423-5187 83341

RECEIVED

JUN 14 1990

Department of Water Resources

5/14/91

ACTION REQUIRED

FROM: Tim Luke

TO: FILE

Note: Continuation of DER HAS BEEN
WITHDRAWN. Further continuance of the

Permit shall be delayed pending permit
holder's termination or completion of CRP Contract.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CFCII, D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 12, 1990

RE: Permit No. 35-8050

Amanda Sherman
137 Teater
Kimberly, ID 83341

Dear Ms. Sherman:

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 35-8050. Please note in condition #2., page two of the order that you must develop your system and beneficially use the water prior to February 1, 1992. Failure to beneficially use the water before February 1, 1992 could result in a loss of your water right permit.

Also enclosed is a copy of the approved extension of time request. Please be advised that the department has granted this extension of time based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Enclosures

MAILED

FEB 14 1990

BEN CAVANESS
HENRY R (Hank) BOOMER

Cavaness & Boomer

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

Telephone
(208) 226-2562

October 25, 1989

Tim Luke
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECORDED
OCT 26 1989

Department of Water Resources

Re: Permit No. 35-8050

Dear Tim:

This is to confirm my receipt of your letter dated October 18, 1989 and I have discussed that matter further with Amanda Sherman. Mrs. Sherman does not wish to abandon her other 120 acre filing and prove up this 40 acres at this time. Accordingly, she does not wish to receive back her readvertisement fee, but would like to have you process the application in due course.

Very truly yours,

Ben
Ben Cavaness

BC:mh

cc: Amanda Sherman

INDEXED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

OCTOBER 24, 1989

Power County Press
Box 547
American Falls, ID 83211

Dear Legal Dept.:

Enclosed you will find legal notices 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 NOVEMBER 20, 1989.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

RECEIVED

FEB 14 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-08050

SHERMAN, AMANDA
137 TEATER
KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: NENW Sec 14 T 07S R 29E

Use: IRRIGATION (3.200 CFS)

Priority: 8/03/1982

In: T07S R29E S14 NENW NWNW SWNW SENW

160.0 ACRES TOTAL

Permits not developed by July 1, 1985, are being reprocessed in compliance with Section 42-203d, Idaho Code. Protests against the continuance of permits must be filled with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before NOVEMBER 20, 1989.

R. KEITH HIGGINSON, Director

Published 11/01/1989 & 11/08/1989

UNFILMED

FEB 14 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 18, 1989

RE: Permit No. 35-8050

Ben Cavaness
Cavaness & Boomer
Box 70
American Falls, ID 83211

Dear Ben:

I am writing in response to your letter of September 12, 1989 and our more recent phone conversation concerning the above referenced permit. I further wish to acknowledge receipt of the trust water questionnaire and re-advertisement fee.

I am recommending that this permit be re-advertised as a trust water diversion. The permit will be re-advertised in accordance with Water Appropriation Rules 4,2,3,1 and 4,2,1,1. Advertising will commence during the first week of November, 1989. If there are no protests filed, the department will issue a continuation order re-authorizing the completion of the proposed project. The department will simultaneously process the pending extension of time request (filed in 1987). The order, therefore, should show a new proof due date, based upon the approval of the extension request. The new proof due date will most likely be set several years from now. Proof of beneficial use or an extension of time request must be filed on or before the new proof due date.

I cannot tell you at this time whether or not the department will approve a future extension request based on the fact that the lands are under CRP or some other federal set-aside program. The forfeiture exception allowed by Section 42-222(2), Idaho Code, does not necessarily apply to undeveloped permits.

As per our discussion, you may file proof of beneficial use on lands that are already developed. It appears that you have submitted sufficient evidence to show that at least 40 acres were irrigated prior to 1985.

MICROFILMED

FEB 14 1990

Page 2

Water historically diverted for those 40 acres would be considered a public water diversion rather than a trust water diversion. Proof filed on the 40 acres would result in a refund of the trust water re-advertisement fee. If your client wishes to file proof on the 40 acres, you should inform me on or before October 25, 1989 so that a refund of the advertising fee can be made.

Please feel free to call if you have questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

RECEIVED
FEB 14 1990

BEN CAVANESS
HENRY R. (Hank) BOOMER

Cavaness & Boomer

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

Telephone
(208) 226-2562

September 12, 1989

Tim Luke
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Re: Permit No. 35-8050

Dear Mr. Luke:

Pursuant to our recent telephone conversation, I am enclosing the trust water information questionnaire that has been completed by my client and executed by her, and I am enclosing the \$20 readvertising fee that is required. I am also enclosing a photo copy of a map from the ASCS office here in Power County which is certified on the back by Norman Wright to be a photo copy of the 1988 aerial of the subject property showing the 40.4 acres to be irrigated, and 112.2 acres to be dry land, which is now in the CRP, and certifying that it was in fact irrigated prior to July 1, 1985. As I indicated to you on the phone, the 112 acres has now been placed in the CRP program due to the uncertainty of the right to develop a water source prior to this time.

Accordingly, the earlier request for extension that was heretofore filed should now become operative so that we can wait until the CRP time period runs out prior to proceeding with the development.

Please note in the questionnaire that we are actually watering 40 acres of the property listed within the permit under a water source owned by a neighbor, which we wish to acquire a legal right to.

Please review the enclosed documents, and if I can be of any further assistance, please let me know.

Very truly yours,

Ben Cavaness

BC:mh

Encl.

NOT REFILED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

PERMIT NO. 35-8050

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes X No

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1985. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. 40

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 120

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other
water rights which are used on the same land.

Kevin M. Phillips has water right this land out of his
well in slip 5, 2nd 11, T4S, R22E5W. UNTIL I CAN PROVE

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

Permit Holder Kevin M. Phillips

Date 9-15-89

Michael

FEB 14 1990

page 2

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

I inherited this land from my parents just shortly before
I filed in this water. I was held up by the SHANN FALLS
LITIGATION UNTIL NOW. MY DAD & MOTHER HAD LEASED ^{40 ACRES OF} THIS LAND
TO MR PHILLIPS WHO INHERITED IT OUT OF HIS WILL SINCE ABOUT
1974.

SINCE I COULDN'T PROCEED DUE TO THE SHANN FALLS
LITIGATION I PUT THE REMAINING 120 ACRES IN THE CRP
PROGRAM IN 1980. I WILL BE UNABLE TO COMPLETE THE
CRP CONTRACT UNTIL AFTER THE CRP CONTRACT EXPIRES
3 YEARS.

X Herminia Bismarck

Encl Check # 139, dated 9-15-89, to Idaho Dept of Water Resources
in the amount of \$20.00

also Encl of a map showing my land

Receipt # 001687 \$20.00 D.K. 9/19/89

RECEIVED

FEB 14 1990

This is a photograph of a 1978 aerial;
held in the Power Co. ASES office—
Showing 40.4 acres irrigated and
112.2 acres dryland in CRP. — All
located in Sect. 14 T7S R929E.
Our records show that it was
irrigated prior to July 1, 1985—

Norman Indyca
ASES- 9/7/89

RECEIVED

FEB 11 1990





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 18, 1989

RE: PERMIT NO. 35-8050

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit. Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

MICROFILMED

FEB 14 1990

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke
Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

cc: Region

RECEIVED

FEB 14 1991

September 14, 1987

Amanda Sherman
137 Teater
Kimberly, ID 83341

Dear Ms. Sherman:

Re: Permit No. 35-8050

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is 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 permit is 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

NOT RECORDED

FEB 14 1990



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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

EXTENSION OF TIME

September 2, 1987

Amanda Sherman
137 Leater
Kimberly, ID 83341

PERMIT NO. 35-0050

We are in receipt of the \$15 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. 44501

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

FEB 1 1990

138689
CERTIFIED MAIL
June 30, 1987

SHERMAN, AMANDA
137 TEATER
KIMBERLY, ID 83341

PROOF DUE NOTICE

RE: Permit No. 35-8050

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 September 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 14 1990



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 NOT 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

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

FEB 14 1990

Affidavit of Publication

State of Idaho

County of Power

Dep. of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states
That she is the publisher of The Power County Press, a newspaper of
general circulation in Power County, Idaho published weekly at American
Falls in said county, that said newspaper has been published in said county
uninterruptedly and continuously for over seventy-eight consecutive weeks,
prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping
attached in the regular and entire edition of said newspaper and not in any
supplement thereof for 2 successive weekly issues thereof, the
date of the first publication being the 1 day of
November 1989 and the date of last publication being the
8 day of November 1989

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 8 day of November in the year of
1989, before me, a Notary Public, personally appeared Erma
Crompton known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledged to me that
he executed the same

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires, June 8, 1993

**Notice of
existing water
right permit**

Published in The Power County Press,
Nov. 1, 8, 1989.

**NOTICE OF EXISTING WATER
RIGHT PERMIT**

Presently recorded as follows:

35-08030
SHERMAN, AMANDA
137 TEATER
KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: NENW Sec 14 T 07S R
29E

Use: IRRIGATION (3,200 CFS)

Priority 8/03/1982

In. T07S R29E S14 NENW NWNW
SWNW SENW

160.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may be
submitted based on the criteria of Sec.
42-203A, Idaho Code and/or the new
public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402, on
or before NOVEMBER 20, 1989.

R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SHERMAN, AMANDA
137 TEATER
KIMBERLY, ID 83341

SEPTEMBER 28, 1982

RE: PERMIT NO. 35-8050

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.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS MUST BE STARTED WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED. THE PROJECT MUST THEN BE DILIGENTLY CONSTRUCTED UNTIL COMPLETED. TO MAINTAIN THE PERMIT IN A VALID STATUS YOU MUST COMPLETE AND RETURN THE ENCLOSED POSTCARD WHEN CONSTRUCTION IS COMMENCED, NO LATER THAN ONE YEAR FROM THE DATE OF APPROVAL OF THE PERMIT.

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.

PAGE 01
SEPTEMBER 28, 1947

RE: PERMIT 35-8050

SINCERELY,

DAVID R. TUTTILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Emile

APPLICATION NUMBER 305011

CHECK:

- ☒ Source
☒ Point of diversion Basin 38
☒ 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 105
☐ 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. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: Aug 30, 1982
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/3/82
☒ 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? _____
8-03-82 Date of priority recommended.
☒ Special conditions of approval or cover letter _____

Calc 26

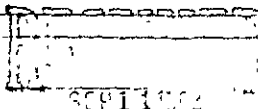
By Emile
STATE OFFICE REVIEW

Date Sept 7, 1982

See attached sheet for more information

By _____

Date _____



Department of Water Resources

August 30, 1982

RE: Claim to a Water Right No. 29-4245 to 29-4251 BLM
Application for Permit No. 35-8050 SHERMAN

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 12 and 13, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

35-S050-

SHERMAN, AMANDA

137 TEETER, KIMBERLY ID 83341

Source GROUNDWATER

Date Filed: 08/03/1982

Amount: 3.20 CFS

Diversion Point: NENW Sec 14 T 07S R 29E. POWER Co.

(3.20 CFS) from 04/01 to 11/01

Use: IRRIGATION

Place of Use. NENW NW1/4 SW1/4 Sec 14 T 07S R 29E FOR 160 ACRES

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

BEN CAVANESS
MARK BEEBE

Cavaness and Beebe

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

Telephone
(208) 726 7462

August 2, 1982

152-137-222
AUG 3 1982
DEPT. OF WATER RESOURCES
IDAHO FALLS, IDAHO

Mr. Keith C. Wilson
State of Idaho
Dept. of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Sherman Application

Dear Mr. Wilson:

Enclosed is the amended Applications of Permit for Amanda Sherman along with her check in the amount of \$185.00.

If you have any additional problems or questions, please let me know.

Very truly yours,



Ben Cavaness

BC:mh

Encl.

*Rec'd
Bill
check
for \$185.00*

June 25, 1982

Cavaness & Beebe
Attorneys at Law
P.O. Box 70
American Falls, ID 83211

Dear Mr. Cavaness:

Enclosed is the application for permit and check #92-306 for \$185.00 that was submitted to this office for Amanda Sherman. As we discussed, multiple system filings cannot be accepted, only single system filings.

For your convenience, enclosed is an example of how to complete a map and the suggested irrigation seasons for Idaho.

Please feel free to contact this office for any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

Enclosures

BEN CAVANESS
MARK BEEBE

Cavaness and Beebe

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

Telephone
(208) 726 / 4

June 7, 1982

JUN 17 1982

U.S. District Office

Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

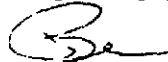
Re: Water Permit - Amanda Sherman

Dear Sirs:

Enclosed is the Application for Permit and our check in the amount of \$185.00 to cover the necessary fee for filing.

If you have any questions, please let me know.

Very truly yours,



Ben Cavaness

BC:mh

Encl.

Affidavit of Publication

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

Brett Crompton being first duly sworn
on oath, states

That is the edition
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement;

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said
newspaper and not in any supplement thereof for
successive weekly issues thereof, the date of the first publica-
tion being the day of 1982
the date of last publication being the
18 day of 1982.

(Signed) Brett Crompton

Subscribed and sworn to before me this

20 day of 1982.

Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) day of 1982.

SEP 3 1982

Legal Notice

Published in the Power County
Press August 11, 1982 and August
18, 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:

35-8050

SHERMAN, AMANDA
1374 TEATER, KIMBERLY, ID

33741 GROUNDWATER

Date Filed: 08/02/1982

Amount: 3.20 CFS

Division Point: NENW Sec 14 T

07S R 29E POWER Co.

Use: IRRIGATION (3.20 CFS)
from 04/01 to 11/01

Place of Use: NENW NW1/4
SW1/4 Sec 14 T 07S R 29E
FOR 160 ACRES
Division Means: WELL, PUMP,
MOTOR, PANEL, MAINLINE &
WHEEL LINE

If issued, the permit(s) will be sub-
ject to all prior water rights. Process
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water
Resources, 150 Shoop Ave., Idaho
Falls, Idaho 83402 on or before
AUGUST 30, 1982.

A. KENNETH DUNN
Director