

35-7877

R29E R30E

35-7954A

T 6 N

POINT OF DIVERSION

PLACE OF USE

35-7873

SOUTH

POWER CO
BINGHAM CO

BM

WEST

SOUTH

35-7877

JUN 09 1994

R29E R30E

Strang Rd.

35-07877

T55

R30E

POINT OF DIVERSION

PLACE OF USE

R30E

35-7877

JUN 09 1994

35-7877

R29E R30E

ECOLOGICAL SURVEY
138000m E

PLACE OF USE

POINT OF DIVERSION

SUT

POWER CO
BINGHAM CO

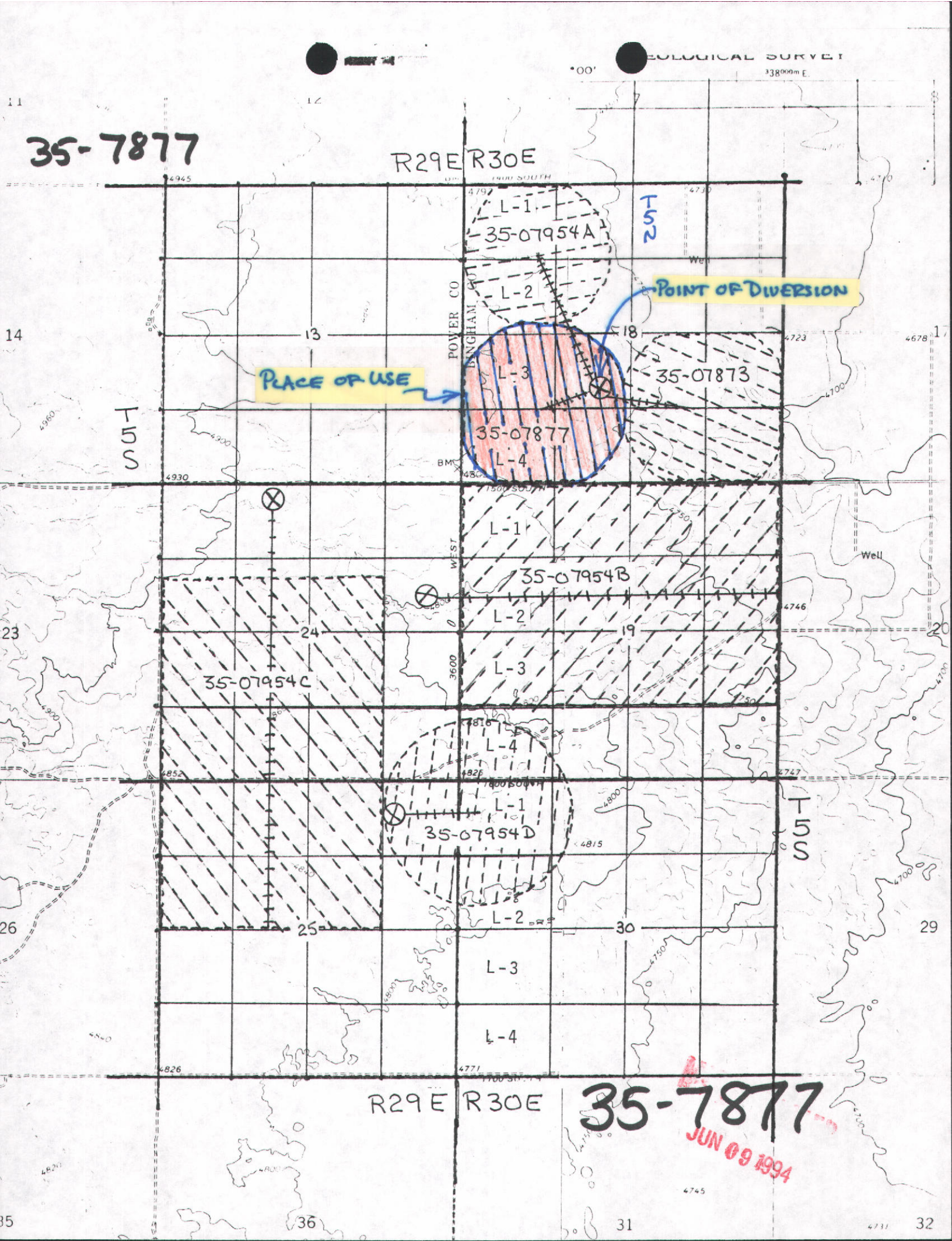
T5N

T5S

R29E R30E

35-7877

JUN 09 1994



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 35-07877

Priority: September 21, 1979

Maximum Diversion Rate:

1.71 CFS

Maximum Diversion Volume:

588.0 AF

This is to certify, that PAUL BEHREND
2706 W 1800 S

ABERDEEN ID 83210

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 21, 1979; and has submitted Proof of Beneficial Use on January 9, 1992. An examination indicates that the works have a diversion capacity of 4.500 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	1.71 CFS	588.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 18, Township 05S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	30E	18	Lot 2 (SWNW) 2	SENW 1	NESW 31	
			Lot 3 (NWSW) 45	Lot 4 (SWSW) 40	SESW 28	147

Total number of acres irrigated: 147

CONDITIONS/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 uses the same well as Rights 35-07873 and 35-07954A and when combined with those rights shall not exceed a combined diversion rate of 4.5 cfs nor 4.0 afa per acre for the lands above.

JUN 09 1994

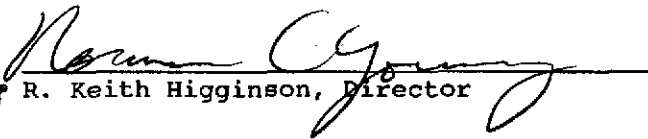
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07877

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 12TH
day of MAY, 1994.

Acting for


R. Keith Higginson, Director

JUN 09 1994

APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07877

RECEIVED
MAY 05 1994
Department of Water Resources

Date of Priority: September 21, 1979

Maximum Diversion Rate: 1.71 CFS
Maximum Diversion Volume: 588.0 AF

Comes now
2706 W 1800 S
ABERDEEN ID 83210

PAUL BEHREND

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. 35-07877, 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	1.71 CFS	588.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESW, Sec. 18, Township 05S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	30E	18	Lot 2 (SWNW) 2	SENW 1	NESW 31	
			Lot 3 (NWSW) 45	Lot 4 (SWSW) 40	SESW 28	147

Total number of acres irrigated: 147

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 Aberdeen, 5 PM, this 30 day of April, 1994.

APPROVED

Paul M Behrend
(Signature)

JUN 09 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07877

FOR DEPARTMENT USE ONLY

Preliminary check by BC Fee = 20⁰⁰ Receipted by dw # 103022 Date 5/5/94 ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-07877 with the following;

CONDITIONS/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 uses the same well as Rights 35-07873 and 35-07954A and when combined with those rights shall not exceed a combined diversion rate of 4.5 cfs nor 4.0 afa per acre for the lands above.

Witness my hand this 12TH day of MAY, 1994.

[Signature]
Acting for R. Keith Higginson, Director

JUN 09 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-7877 Telephone No. 397-4047
2. Name(s) of Permit Holder(s): PAUL Behrend
3. Post Office Address: 2706 W 1800 S Aberdeen Id 83210
4. Source of Water: Ground WATER
- a. If ground water, well driller's name: Henry Vollmer Date drilled: Dec 1990
- b. Pump horsepower: 400 Pressure (psi): 70 Dynamic pumping level (ft.): 400'
5. Extent of Use:

Domestic _____ (No. of households) Irrigation 160 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 2.00
3.2 cfs _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 775.00 (See License Examination Fee Schedule)

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

Paul Behrend 397-4047
Name Telephone No.

2706 W 1800 S Aberdeen Id 83210
Address

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

12-29-91
Date

Paul Behrend
Signature (and title if on behalf of a company or organization)

JAN 16 1992

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-7877	J.W. Vanderford, Inc.	3.20
~~Full Assignment~~	~~35-7877~~	~~Margaret O'Haire~~	~~3.20~~
~~Full Assignment~~	~~35-7877~~	~~Charles J. Shackelford~~	~~3.20~~
		~~Carma J. Shackelford~~	~~3.20~~
Full Assignment	35-7877	Paul Behrend	3.20

MICROFILMED

OCT 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 28 1990

Department of Water Resources
Eastern District Office

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Charles Shackelford, hereby assign to Pat Behrend
of, 2706 W 1800 E Aberdeen Id 83210
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 35-7877 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. 35-7877 to appropriate the public
waters of the State of Idaho.

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

SW 1/4
40 40 40 40
Point
of
Diversion
160 Acres

SW 1/4 Sec 18 containing 160 Acres

Made this 21 day of Sept., 1990.

Charles Shackelford
Applicant

State of Idaho)
County of Power) ss

On this 21st day of September, 1990, ~~personally appeared before me~~ the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Blen Canamero

Am. Falls, Idaho
Notary Public

seal

My commission expires: 11/5/91

OCT 17 1990

RECEIVED
OCT 12 1990

Department of Water Resources

ASSIGNMENT OF PERMIT NO. 35-7877

For valuable consideration, Margaret O'Haire, 8756 Clovis Drive, Boise, Idaho 83709, the Assignor, does hereby sell and assign unto Charles J. Shackelford and Carma J. Shackelford, husband and wife, the Assignees, Box 212, Aberdeen, Idaho 83210, all of the Assignor's right, title and interest in and to Water Permit No. 35-7877 issued by the Department of Water Resources, State of Idaho.

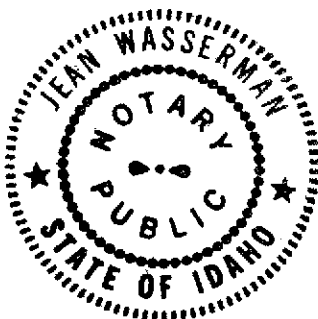
DATED this 21st day of September, 1990.

Margaret O'Haire
Margaret O'Haire

STATE OF IDAHO)
) ss.
County of Ada)

On this 21st day of Sept., 1990, before me, Jean Wasserman, the undersigned, a Notary Public in and for said State, personally appeared MARGARET O'HAIRE, a single woman, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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



Jean Wasserman
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 2/17, 1991

MICROFILMED

OCT 17 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 35-7877 IN THE NAME
OF MARGARET O'HAIRE

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. 35-7877 (permit) was issued to Margaret O'Haire (permit holder) authorizing the diversion of 3.2 cfs of groundwater for irrigation of 160.0 acres.

5. Information submitted by the permit holder shows that the irrigation of the 160.0 acres authorized under this permit did not occur prior to July 1, 1985.

MICROFILMED

MAR 05 1988

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. 35-7877 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. 35-7877 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 October 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

MAR 05 1990

6. All conditions of approval contained in Permit No. 35-7877 are incorporated into and made part of this order.

Dated this 14th day of February, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

MAR 05 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 7/10/89
Receipt # 0008089

REQUEST FOR EXTENSION OF TIME

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

RECEIVED

JUN 10 1989

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

Permit No. 35-7877

Name(s) of Permit Holder: MARGARET O'HAIRE

Post Office Address: 8756 CLAVIS Dr. Boise, Idaho - 83709

Telephone No. 322-8516

Date Proof is Due: OCT. 1, 1989

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

Costing \$

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

NO WORK HAS BEEN DONE due to the pending SWAN FALLS
LITIGATION. WORK WILL COMMENCE UPON APPROVAL BY IDWR

Permit holder(s) request an extension to OCT 1, 19 94. Margaret O'Haire
(1 yr. minimum) (Signature)*

FEE: \$15.00

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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

Signed this 14TH day of February, 19 90.

MICROFILMED
MAR 05 1990
J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, John Vanderford, hereby assign to Margaret O'Haire
of 8756 Clouis Dr. - Boise, Idaho - 83709
Address

All my right, title, and interest in and to Permit No. 35-7877
to appropriate the public waters of the State of Idaho.

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

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 12th day of July, 1989

J. W. Vanderford, Inc.
John Vanderford President.
Permit Holder

Spouse of Permit Holder

State of Utah)
County of Cache) ss

On this 12th day of July, 1989, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Joan L. Smith
Notary Public residing at
Logan, Utah

MICROFILMED

My commission expires:

11/19/90

MAR 05 1990

RECEIVED

AUG 9 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

J W Vanderford of 500 South Edgehill Dr.
(Name) (Address) Providence

State of Utah - 84332, 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. 35-7877.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Oct. 1, 1984.

That he has heretofore performed the following work described under said permit: No work was initiated on this permit because Idaho Power had refused to run power to this area in conjunction with the Swan Falls issue. A recent PUC ruling has changed this situation & power will be made available Costing \$
(This must be filled out! If no work has been completed put none.)

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Over the past few years we have investigated other sources of power, mainly diesel but they have not proven to be economically feasible.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Oct. 1, 1989.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

MICROFILMED

John Vanderford
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

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 the statement of beneficial use is extended to October 1, 1989.

IT IS FURTHER ORDERED the extension be conditioned as follows: The Department reserves the jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.
Signed this 29th day of August, 1984.

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant J.W. Vanderford Inc. Phone 397-4616

Post office address Aberdeen, ID 83210

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 5S

Range 30E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.20 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 3.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, and sprinkler system

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 _____ inches; proposed depth of well is _____ feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

Range _____ B.M. _____

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

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

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

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

MICROFILMED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	30E	18									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. None

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

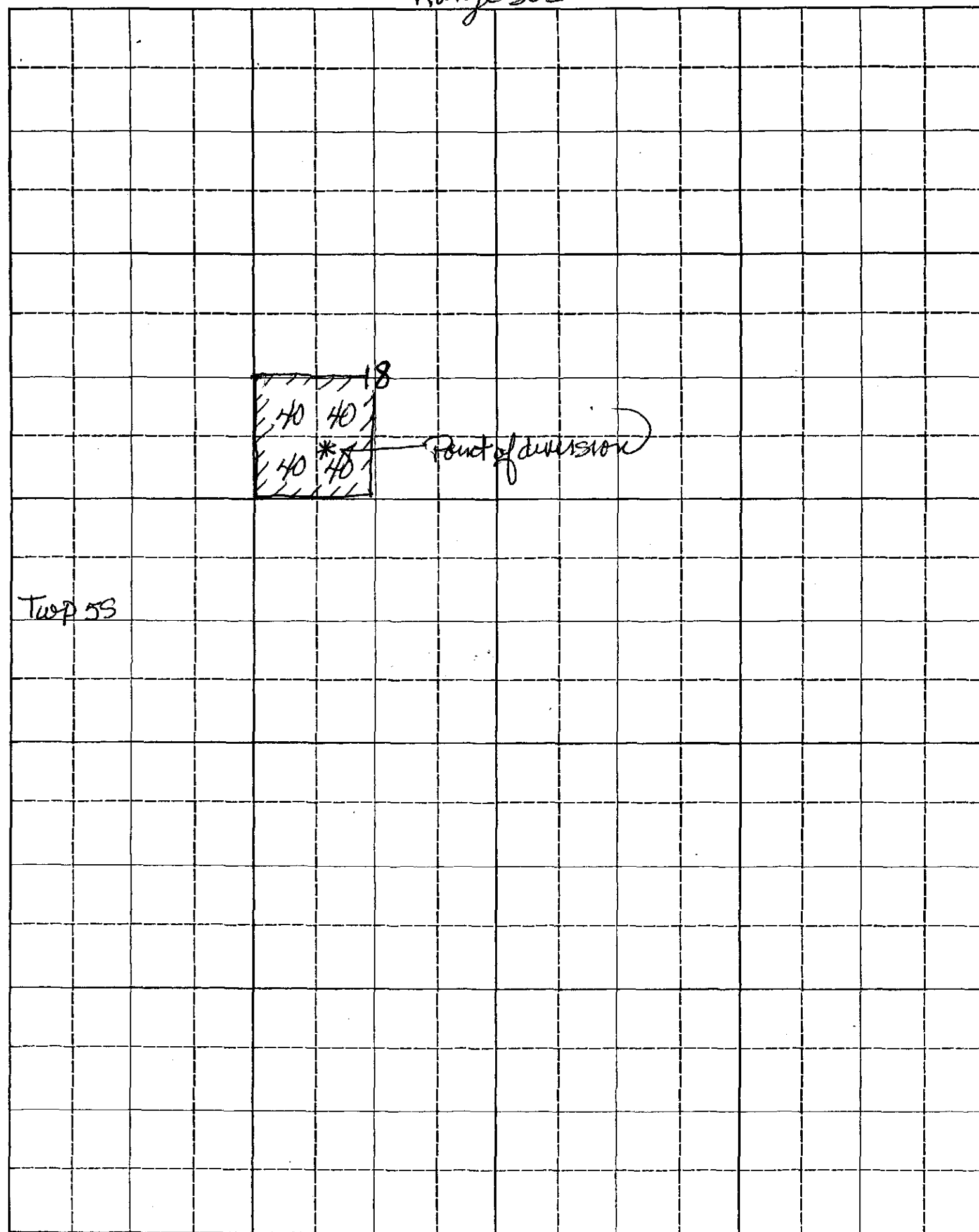
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

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

Range 30E



Scale: 2 inches equal 1 mile.

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

X *J. Vanderford*
(Applicant)

Proposed Priority 9/21/79
Received by dh Date 9-21-79 Time _____
Preliminary check by ARK Fee \$ 65.00
Receipted by dh Date 9-26-79 # 13720
Publication prepared by dh Date 9-27-79
Published in Blackfoot News
Publication dates 10/4 & 10/11/79
Publication approved JD Date 10/17/79
Protests filed by: _____

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

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. 35-7877, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 84.
 - 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: (1) 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 29th day of October, 19 79.

J. Glen Saylor
Chief, Operations Bureau



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 12, 1994

PAUL BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-07877

Dear Water Right Holder(s):

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

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

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

JUN 09 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 19, 1994

PAUL BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-07877

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

JUN 09 1994

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L3507877	T05S R30E S18 GROUNDWATER							02-02	01			31	03-45	04-40	28			147
3507695	GROUNDWATER	25	40	40	25													130
A3507695	GROUNDWATER	25	40	40	25													130
R3507695	GROUNDWATER	28	40	38	30	10			09									155
3507873	GROUNDWATER														40	40	40	160
L3507873	GROUNDWATER									0				01	31	30	30	124
3507877	GROUNDWATER									40	40	40	40					160
3507954	GROUNDWATER					33	33	33	33									132
L3507954A	GROUNDWATER					18	01-44	02-38	16									116
3508059	GROUNDWATER	09			10													19
A3508059	GROUNDWATER	10			10													20
R3508059	GROUNDWATER	10			10													20
A3512927	GROUNDWATER	02			02	10			09									23
R3512927	GROUNDWATER	28	40	38	30	10			09									155

POLL COMPARISON

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-7877 DATE 4-15-94



NAME	Yes ☐	No ☒	Or Address Change?
PRIORITY DATE	☐	☒	Advance? ☐ Advanced to: ☐ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? ☐ Notice of Intent to Void necessary? ☐
POINT OF DIV	☒	☐	Amendment needed? <u>CHANGE TO N/ESW OF 18</u> Overlaps? <u>37-7873 and 37-7954A</u>
PLACE OF USE	☒	☒	Amendment needed? <u>add SWNW & SENW 1/4's</u> Overlaps? ☐
DIV RATE	☐	☒	Measurement done? <u>Annular</u> Theoretical only? ☐ <u>Q = 4.5</u> <u>147 x rate = 1.71</u>
			Capacity: <u>4.5</u> Combined rates exceed capacity <u>NO</u> Allowable amount: <u>1.71 CFS</u>
ANNUAL VOLUME	☐	☒	Season of use: <u>C/4 (4-1 to 10-31)</u> Calculations: <u>147 x 4 = 588</u> Flow limit: <u>1.71 cfs x 214 x 1.9835 = 725</u> Combined volumes exceed capacity/allowable <u>NO</u>
USES	☐	☒	Change(s) in Nature of Use? ☐ Amendment necessary? ☐
REMARKS	☐	☒	Multiple p/d(s) in 1/4 1/4? ☐ <u>W29</u> Other <u>37-7873 + 37-7954A</u>
CONDITIONS	☐	☒	Measuring/Locking Devices ☐ Watermaster control - District ☐ <u>R31</u> Irrigation Overlap ☐ Water Quality ☐ Other <u>Specify capacity condition</u>

COMMENTS: Reduce Acres
5/11 Jim suggested a capacity limiting condition because the
rates combined for each system not enough to run the circle
systems. Amend P/B + P/U

RECOMMENDED	CFS	VOLUME	LICENSE
<u>Irrigation</u>	<u>1.71</u>	<u>588</u>	
<u> </u>	<u> </u>	<u> </u>	1ST AMENDMENT LETTER <u>P37+P38</u>
<u> </u>	<u> </u>	<u> </u>	FINAL AMENDMENT LETTER <u>P47</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 11 1994

Department of Water Resources

A. GENERAL INFORMATION

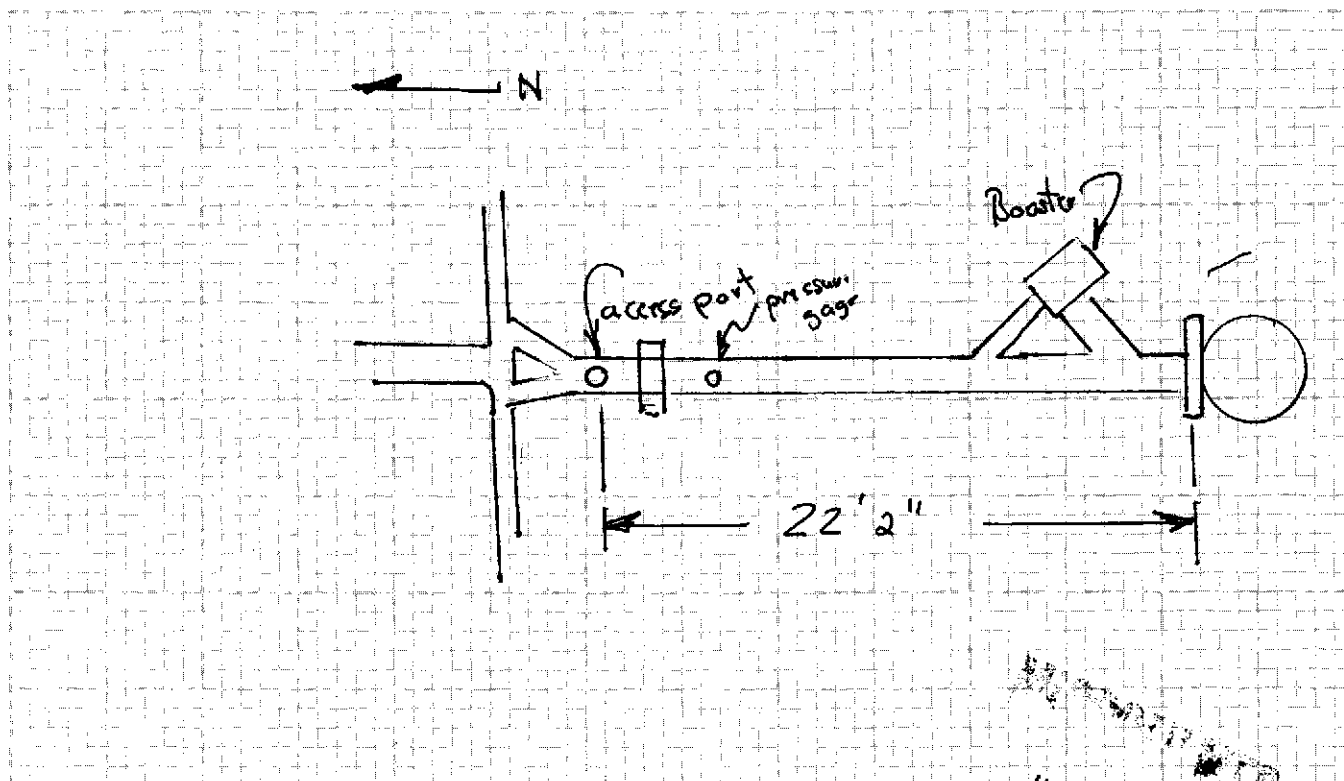
1. Owner: Paul Behrend Permit No. 35-7877
Current Address: 2706 W. 1800 S. Abandon ID Phone No. 8347-4047
2. Accompanied by: Paul Behrend EXAM. DATE: 6-2-92
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: No ☐ Copies Attached
2. Other water rights with same point of diversion: Yes - 2 other permits; 35-07954, 35-7873
(part) ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

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

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

Well pump & booster to 3 quarts (this proof for 35-1977 is 8 ft. w. pivot & w. gun rated at 1000 spm). Mainline pressure is 80 psi. Bolls set at 500 ft. to static water level is 325'.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	N.A.	400	\$800.00	N.A.	40' / 2" Circumf.
Motor Make	Marathon	30	65644	Covall	65649
Hp					
Motor Serial No.					
Pump Make					
Pump Serial No. or Discharge Size					

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

5. Point(s) of Diversion:

[illegible]

Indicate Method of Determination.

[illegible]

4661 60 N00

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Anubar				191157	12"	
Pressure gage		Funk			160 psi	

2. Measurements:

12" ~~Ins~~ Inside diameter pipe - High - 42.4, 80 psi
Low - 30

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

$$\frac{(400hp + 304p) 8.814 \times .8}{500' 1ft + (2.3 \times 80psi)} = \frac{3032}{684} = 4.43cfs$$

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 147 \text{ acres} \times 4 \text{ af} = 588 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.71 \text{ cfs} \times 214 \text{ d} \times 1.9835 = 725.8 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 588 \text{ af}$$

2. Volume Calculations for Other Uses:

JUN 09 1994

JUN 09 1994

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

CONSULTANT SEAL

Field Report Preparation Date

Certification Date

Signature

Field Examiner's Name

Harold Jones
H.C. Jones

J. AUTHENTICATION

2. Recommended Amendments

- ☒ Change P.D. as reflected above
☒ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

Totals:

1.71 cfs

588 cfs

Beneficial Use
Irrigation

Period of Use
From 4-1
To 10-31

Rate of Diversion
Q (cfs) 1.71 cfs

Annual Volume
V (afa) 588

1. Recommended Amounts

I. RECOMMENDATIONS

The above acreage + cfs applies to pivots 35-07877, 35-07873 + 35-07854A

Total division of 4.50 cfs serves all 3 pivots in Section 18. A total of 387.5 acres is irrigated but only 2 pivots run at any one time. The use rate utilized is 0.016 cfs/acre using total acres + total cfs.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

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

35-7877

Measured by: H.C. Jones

Date 6-2-92

Owner: Paul Behrend

Permit No. 35-7877 - 7873
+ , - 7954 (part)

Description of well &/or measuring site

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

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 40 1/2"

T = Pipe Thickness in Inches =

ID = 2 [(0.1592 X CIR) - T] = 12"

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 12"

State ID No.

Select C based on size from Table below.

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

C selected 3.99

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 42.4

Low Reading = 30.0

High - Low = H = 12.4

CALCULATION OF DISCHARGE IN CFS (Q)

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

$$Q = \frac{(12)^2 \cdot (\sqrt{12.4}) \cdot (3.99)}{448.8} = 4.5 \text{ cfs}$$

SKETCH (If not shown on Field Report)

JUN 09 1992

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
35-07954A																			
5S	30E	18					18	44	38	16									116.0
							L-1	L-2											
35-07873																			
5S	30E	18								0.5			1	31	30	30	32		124.5
35-07877																			
5S	30E	18						2	1	31	45	40	28						147.0
								L-2			L-3	L-4							
Total																			387.5ac

Rate per acre: $Q = 4.50 \text{ cfs}$
 $A_c = 387.5 \text{ ac}$

Rate per acre = $4.50 \text{ cfs} / 387.5 \text{ ac} = 0.011613$

35-07954A for 116ac = $116 \text{ ac} \times 0.011613 = 1.35 \text{ cfs}$

35-07873 for 124.5ac = $124.5 \text{ ac} \times 0.011613 = 1.44 \text{ cfs}$

35-07877 for 147ac = $147 \text{ ac} \times 0.011613 = 1.709$
 $= 1.71 \text{ cfs}$

JUN 09 1994

35-7877

35-7877

R29E R30E

35-7954A

16 N

Point of Diversion

Place of Use

35-7873

35-7877

JUN 09 1994

R29E R30E

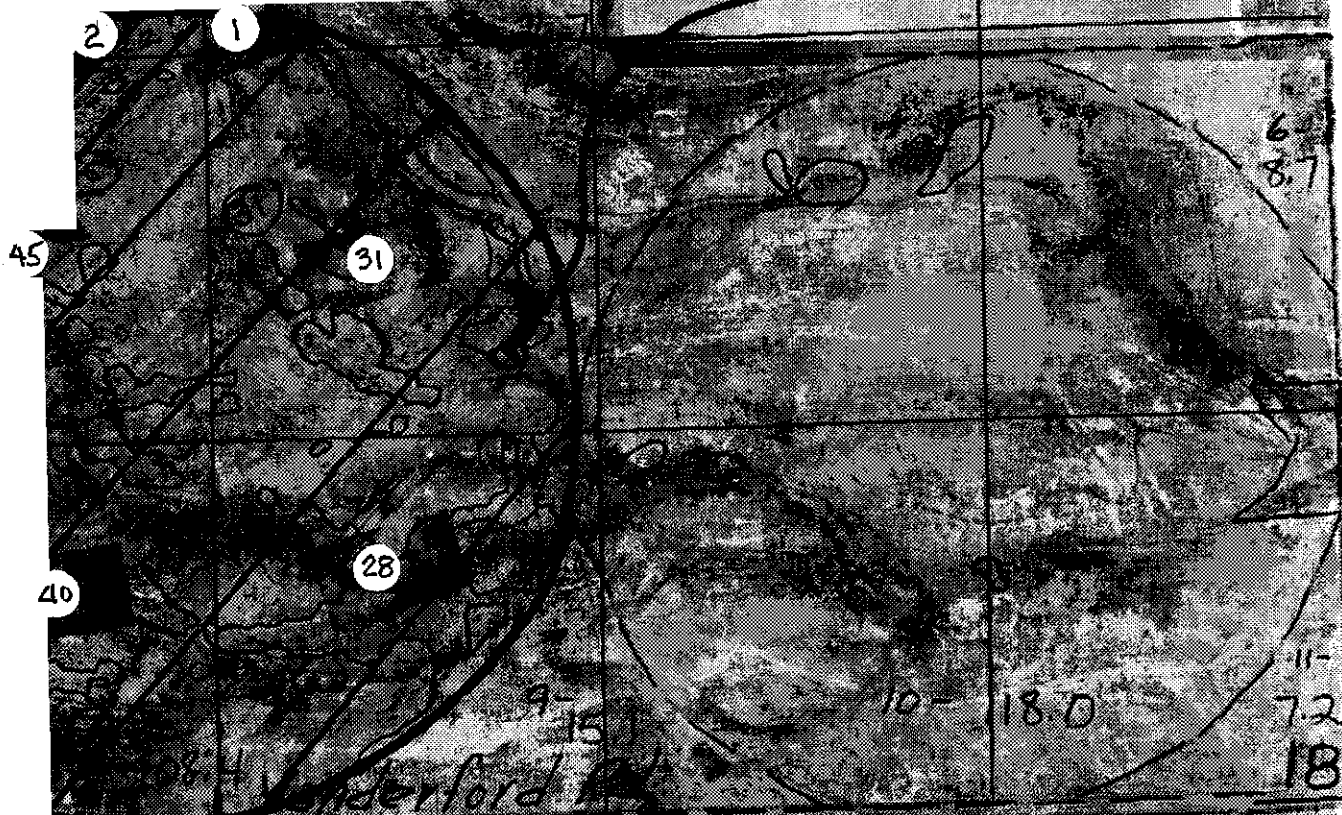
Strang Rd.

35-07877

T5S

R30E

POINT OF DISSECTION



TRACE OF USE

R30E

35-7877

JUN 09 1964

24

RECEIVED

MAR 03 1994

Department of Water Resources

COPY

Feb-24-1994

Idale Dept. WATER Resources

I am writing concerning the status of my beneficial use permits on permit no's 35-7954, 35-7877, & 35-7873. A Field Exam was done & beneficial use forms filed in the summer of 1992 & I am wondering why a license has not been given to me on these permit no's. If I need to provide further information please let me know so I can obtain my licenses. I have a Real Estate transaction that is being held up until these permits become licenses.

Sincerely

Paul Behrend

JUN 09 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 22, 1993

PAUL BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: Permit Nos. 35-07954, 35-07873, 35-07877

Dear Mr. Behrend:

The field exams on the above referenced permits are still at the Eastern Regional Office in Idaho Falls pending final review by the regional staff. As soon as they are forwarded to this office, I will complete the final review for licensing the permits.

Feel free to contact the Idaho Falls office at 525-7161 to explain the urgency of the situation. I am sure they will work to expedite their review and forward them to me for the final processing as quickly as possible.

If you have any further concerns, feel free to contact me.

Sincerely,

BRENDA L. CHAPMAN
Water Resource Agent

c: Eastern Regional Office

JUN 09 1994

RECEIVED

NOV 19 1993

Department of Water Resources

NOV - 17 - 1993

Idaho Dept. WATER Resources
Licensing Dept.

In the Summer of 1992 we submitted
proof of Beneficial Use For permit #'s 35-7954
35-7877, 35-7873 & A Field Survey was taken
to Determine water flow & points of Diversion.
We have NOT heard back from the Dept.
As to the Status of our permit being
transferred to A License. We are currently doing
some Refinance work on this Real Estate &
need to know the Status of our request. We
would greatly Appreciate An Answer to this
transfer to speed up our refinance needs.

Sincerely

Paul W Behrend

If you need Any Additional Information
Please Call Paul Behrend - 397-4047 or
write 2706 W 1800 S
Abendeen Id 83210

JUN 09 1994

January 15, 1992

PAUL BEHREND
2706 W. 1800 S.
ABERDEEN ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-07877

Dear Permit Holder:

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

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

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JAN 16 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-07877

Reviewed by Klg

Date 1/9/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

irrigate 160
Correct Uses? yes

SOURCE OF WATER

Surface water source
Ground water source

yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 35-90-E-097
100 Amount paid for permit yes Correct?
yes Well log in the file? log references 35-7954

LICENSE EXAMINATION FEE

yes Required?
125 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

needs flowport drillin 383

proof acceptable

DATA ENTRY

New Address _____

Proof Made 1/9/92
1/15/92 Klg

MEMORANDUM

TO: File

FROM: Karen Gustafson

DATE: January 8, 1992

Re: WELL LOGS FOR PERMIT NO.'S 35-7954, 35-7973, 35-7977

After a lengthy discussion with Mr. Behrand on the phone, I am of the opinion that the well log filed under permit no. 35-7954 is actually the well for the other two above mentioned permits.

I have located a drilling permit for all three wells and am convinced that Mr. Behrand and Mr. Vollmer have filed all the necessary paperwork. There has been a paperwork error made at some point in time.

Per Glen Saxton's suggestion, at the time the field exam is done, please determine where the points of diversion and places of use actually are for these three permits.

Your prompt consideration is appreciated.

Thanks.

JAN 16 1992

Drilling Permit No. 90-E-097
Water Right Permit No. 52-7873/35-7877
Injection Permit No. _____
Copy to WR file

State of Idaho
Department of Water Resources

RECEIVED
NOV 30 1990

APPLICATION FOR DRILLING PERMIT

Department of Water Resources

1. Applicant (please print) PAUL BEHREND
2. Mailing Address 2706 W. 1800 S ABERDEEN ID 83210
Telephone _____

() Well Owner () Well Operator () Other, specify _____

3. Proposed well location NW SE 1/4 SE 1/4, or Gov't Lot No. _____
Sec. 18, Twp. 5S, Rge. 30E, County BINGHAM
Street Address of Well Site _____
Lot, block and subdivision _____

1. Proposed use of well:

☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

☒ Non-Domestic: Any beneficial use not included within the definition of domestic. Irrig. 396 ac.

() Injection

() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. Well construction information:

A. ☒ New well () Deepen () Replace - See Condition 9

B. Proposed Surface Diameter 16" Proposed Maximum Depth 400'

C. Anticipated bottom hole temperature:

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

6. Construction Start Date 12/1/90 JAN 16 1992

7. Anticipated Well Driller Boelmer
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Paul Behrend Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved

Date 11/27/90

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:


Signature of Authorized Department Representative

Eastern Reg. Mgr
Title

Receipt No. E05485 Received by HUJ Fee 200.00 Date 11-27-90

EXTENSION OF DRILLING PERMIT

JAN 6 1992

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

WELL DRILLER'S REPORT

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

1. WELL OWNER

Name BEHREND FARMS INC.Address 2706 W 1800 S.ABANDONED, IDAHO, 83210Owner's Permit No. 35-90-E-01335-7874

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement 35-7874
☐ Abandoned (describe method of abandoning) Should Be

3. PROPOSED USE

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

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>18"</u> inches	<u>1</u> feet	<u>19'</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

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

Placed from _____ feet to _____ feet

Surface seal depth 19' Material used in seal: ☒ Cement grout☐ Pudding clay ☐ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casingONE 19' SEC ☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☐ Welded ☐ Solvent

Weld

☐ Cemented between strataDescribe access port 2"

7. WATER LEVEL

Static water level 375' feet below land surface.Flowing? ☐ Yes ☐ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

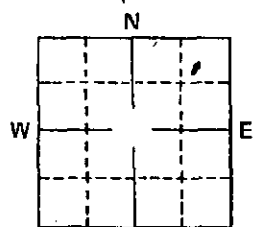
Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20"	0	14'	50.14		
20"	14	19'	SOLID GRAY LAUA		
18"	19	47'	"		
18"	47	70'	BROKEN GRAY LAUA		
	70	115'	SOLID GRAY LAUA		
	115	123'	SOLID RED LAUA		
	123	210'	SOLID GRAY LAUA		
	210	230'	SOLID RED LAUA		
	230	275'	GRAY LAUA		
	275	310'	RED LAUA		
	310	372'	GRAY SOLID LAUA		
	372	397'	RED LAUA		
	397	418'	BROKEN LAUA		
	418	510'	SOLID LAUA BLOCK		
18"	510	516'	BROKEN CLUSTERS		

10.

Work started 04/15/91 finished 04/26/91

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

JAN 16 1992

Lot No. _____ Block No. _____

County POWERNE 1/4 NE 1/4 Sec. 25, T. 5, R. 29 EWP.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name WILLMER WELL DRILLING Firm No. 383ABANDONED, IDAHO 83210Address 407 E CUSTAL Date 05/10/91

Signed by (Firm Official) _____

and

(Operator) _____

(Permit # 35-07954)

WELL DRILLER'S REPORT

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

1. WELL OWNER

Name PAUL BEHREND
ABIDEEN, ID 83210
Address 2706W 1800S
Owner's Permit No. 35-7831/7832/7833/7834

7. WATER LEVEL

Static water level 474' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

2. NATURE OF WORK

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

8. WELL TEST DATA

☐ Pump ☐ Bailor ☒ Air ☐ Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

3. PROPOSED USE

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

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>16</u> inches	<u>1</u> feet	<u>18</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation N/A inches by _____ inches

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

Well screen installed? ☐ Yes ☒ No

Manufacturer's name N/A

Type N/A Model No. _____

Diameter N/A Slot size _____ Set from _____ feet to _____ feet

Diameter N/A Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel N/A

Placed from N/A feet to _____ feet

Surface seal depth 18' Material used in seal: ☐ Cement grout

☒ Puddling clay ☐ Well cuttings

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

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port 2" ACCESS PORT

9. LITHOLOGIC LOG

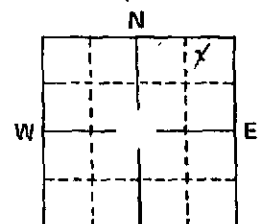
Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
18"	0	3'	TOP SOIL		
	3'	27'	GRAY LAVA		
	27'	88'	RED LAVA		
	88'	121'	BROKEN LAVA & CEMENT		
	121'	190'	GRAY LAVA		
	190'	223'	BROKEN LAVA		
	223'	365'	GRAY LAVA		
	365'	371'	BROKEN LAVA GRAY		
	371'	435'	BLACK LAVA		
	435'	475'	SOLID LAVA		
	475'	500'	BROKEN LAVA		
	500'	535'	SOLID LAVA		
	535'	560'	BROKEN LAVA		

10.

Work started 3/20/90 finished 4/10/90

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name: _____

Lot No. JAN 16 1992 Block No. _____

County POWELL

Y.E. 1/4 NE 1/4 Sec. 25, T. 5 N/S, R. 29 E/W

11. DRILLERS CERTIFICATION

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

Firm Name Vollmer Well Drilling Firm No. 383

Address _____ Date _____

Signed by (Firm Official) Kenneth H. Vollmer

and

(Operator) Kenneth H. Vollmer

WELL DRILLER'S REPORT

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

[illegible]

WELL DRILLER'S REPORT

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

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 20, 1991

Paul Behrand
2706 West 1800 South
Aberdeen, ID 83210

Re: Permits 35-07873, 35-07877 and 35-07954

Dear Mr. Behrand:

Returned is the proof of beneficial use you submitted in connection with two of the above mentioned permits. During my review of these permits, several errors have been detected that need to be corrected.

First of all, it is necessary for you to complete a separate proof of beneficial use on each permit. I have partially completed both of these proofs. It will be necessary for you to complete and sign them. Also, please note that each permit has been issued for 3.2 cfs. The license exam fee for each proof is \$175. You cannot combine the two permits and submit one fee. The total fee for both permits is \$350. Since you have already submitted \$250, there is a balance due of \$100.

Secondly, the legal descriptions shown on the well logs do not agree with the location of the points of diversion authorized on the permits. When the Department conducts the field examination of your system, we will determine the location of the points of diversion. If there are differences, you will need to file amendments to the permits before the Department will issue a license of water right.

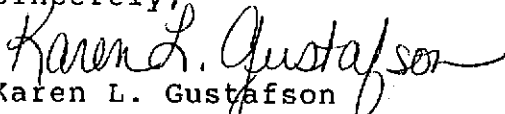
Lastly, in your letter accompanying the proof submittal for permits 35-07873 and 35-07877, you refer to permit 35-07954 and state you intend to drill another well under this permit. You also state that 1240 acres of the 1600 acres authorized under permit 35-07954 are being irrigated.

RECEIVED
JAN 11 1992

Since you filed proof of beneficial use for permit no. 35-07954 with the Department on March 22, 1991, additional development under terms of the permit, including the irrigation of additional land or the drilling of an additional well, is not authorized under terms of the permit.

If you have any questions or if we can be of further assistance, please contact our regional office in Idaho Falls.

Sincerely,



Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

RECEIVED

JAN 20 1992

RECEIVED
DEC 16 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

*copy of
1st proof*

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

1. Permit No. 35-7873 35-7877 Telephone No. 397-4047

2. Name(s) of Permit Holder(s): Paul Rehrend

3. Post Office Address: 2706 W 1800 S

4. Source of Water: Ground water

a. If ground water, well driller's name: Henry Lohmer Date drilled: Dec 1990

b. Pump horsepower: 400 Pressure (psi): 70 Dynamic pumping level (ft.): 400'

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 3.20 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 6.4 cfs 640 acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 250. (See License Examination Fee Schedule)

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

Paul Rehrend 397-4047
Name Telephone No.

2706 W 1800 S Aberdeen Id 83210
Address

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

12-10-91
Date

Paul Rehrend
Signature: (and title if on behalf of a company or organization)



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 12, 1990

Re: Water Right No. 35-7873 / 35-7877

Paul Behrend
2706 W. 1800 S.
Aberdeen, ID 83210

Dear Water Right Holder(s):

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

Also, we have enclosed copies of the Assignment of Permit forms for your records.

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

OCT 17 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 12, 1990

Re: Water Right No. 35-7873 / 35-7877

Charles J. Shackelford
Carma J. Shackelford
Box 212
Aberdeen, ID 83210

Dear Water Right Holder(s):

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

Also, we have enclosed copies of the Assignment of Permit forms for your records.

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

OCT 17 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 12, 1990

Re: Water Right No. 35-7873 / 35-7877

Margaret O'Haire
8756 Clovis Drive
Boise, ID 83709

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to Charles and Carma Shackelford and then to Paul Behrend. We have modified our computer records to reflect this change in ownership.

Also, we have enclosed copies of the Assignment of Permit forms for your records.

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

OCT 17 1990

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, P.A.
THOMAS A. MILLER
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BARBITT
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
JOHN F. KURTZ, JR.
ROBERT S. ERICKSON
NICHOLAS G. MILLER
JOHN MCGOWN, JR.
ALBERT P. BARKER

DON A. OLOWINSKI
RONALD E. BUSH
STEVEN W. BERENTER
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL M. STODDARD
JOSEPH P. LANGFIELD
SUSAN D. MINER
KEVIN J. BEATON
PATRICK V. COLLINS
CHRIS F. ODE
BRAD P. MILLER
STEVEN R. ORMISTON
WILLIAM J. DAVIS
JOHN B. HINTON
JULIA A. CROSSLAND
RICHARD B. BURLEIGH
RANDOLPH J. HILL
CRAIG G. TAYLOR
NICHOLAS J. WOYCHICK
CLIFFORD L. BROWN

FIRST INTERSTATE CENTER
SUITE 1000

POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

FAX
(208) 342-3829

M. NEAL NEWHOUSE
OF COUNSEL

PAUL B. ENNIS
(1916-1982)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-0845

October 4, 1990

RECEIVED

OCT 5 1990

HAND DELIVERED

State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Water Right License No. 35-7695
Water Permit Nos. 35-7873, 35-7876 & 35-7877

Gentlemen:

Enclosed herewith are duplicate originals (plus one copy) of Notice of Mortgage concerning Water Right License No. 35-7695 requesting you to send notices and correspondence in connection with said license to Margaret O'Haire, the Mortgagee, as well as to Mr. and Mrs. Charles J. Shackelford, the Mortgagors.

Also enclosed for filing are duly executed Assignments of Permits Nos. 35-7873, 35-7876 and 35-7877, whereby Margaret O'Haire sells and assigns her right, title and interest in and to said permits unto Charles J. Shackelford, et ux.

Please file stamp the originals and all copies of these documents and return to us the extra original and one copy of the Notice of Mortgage and two copies of each of the Assignments. Please file the originals which you retain in the appropriate files in your office.

If you have any questions concerning the filing of these documents, please call me.

MICROFILMED

OCT 17 1990

Dept. of Water Resources
October 4, 1990
Page 2

Thank you for your prompt attention and consideration.

Yours truly,


Thomas A. Miller

TAM/jw
Encs.

cc: Margaret O'Haire (w/o Encs.)
Mr./Mrs. Charles J. Shackelford
(w/o Encs.)

MICROFILMED

OCT 17 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

February 23, 1990

RE: Permit No. 35-7877

Margaret O'Haire
8756 Clovis Dr.
Boise, ID 83709

Dear Ms. O'Haire:

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 35-7877. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to October 1, 1992. Failure to beneficially use the water before October 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

FILED

MAR 05 1990

35-7873 STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-7876
35-7877

Reviewed by [Signature]

Date 2-8-1990

BASIC INFORMATION

- ✓ Date stamp received
✓ Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
✓ Fee received and receipted
✓ Name and signature same as permit
Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- Has adequate work been completed to demonstrate due diligence?
 Has the cost incurred been adequate to demonstrate an intent to complete the project?
✓ Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

 Is delay by a government agency?

Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN

Reasoned approval based on Swan Falls until 10-1-1992

Special conditions or remarks:

Reinstate Date extension received _____ = _____

Proof due date _____ = _____

No. of days late _____ = _____

Priority date _____ = + _____

ADJUSTED PRIORITY DATE _____ = _____

 Prepare coding sheet

 Change rolodex card

DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.
Boise, Idaho 83720

35-07877

O HAIRE, Margaret
8756 Clovis Drive
Boise, Id. 83709
Source: GROUNDWATER
Diversion Pt: SESW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESW, NWSW,
SWSW, SESW.
160.0 ACRES TOTAL.

35-07885

GEHRING, Ferdinand
740 Calder
American Falls, Id. 83211
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 18, T. 06S, R.
30E; SWSW, Sec. 18, T. 06S, R. 30E; SWSE,
Sec. 20, T. 06S, R. 30E.
Use: IRRIGATION (16.000 CFS); Total
Diversion: (19.200 CFS).
Priority: 1/02/1980.
In: T06S, R30E, S18, NENW, NWNW,
SWNW, SENW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE, S20,
NENW, NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW.
800.0 ACRES TOTAL.

35-07931

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 19, T. 01S, R.
34E, NWSE, Sec. 19, T. 01S, R. 34E; SWSE,
Sec. 19, T. 01S, R. 34E; SESE, Sec. 19, T.
01S, R. 34E.
Use: IRRIGATION (4.870 CFS).
STOCKWATER (.130 CFS)
Total Diversion: (5.000 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S19, NENE, NWNE,
SWNE, SENE, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

35-07932

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWSW, Sec. 18, T. 01S, R.
34E.
Use: IRRIGATION (4.800 CFS).
STOCKWATER (.130 CFS).
Total Diversion: (4.930 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S18, NESW, NWSW,
SWSW, SESW, SWSE, S19, NWNW.
240.0 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 JANUARY 22, 1990. Protests must be
based on the public interest criteria of Section
42-203C, Idaho Code, only.

R. KEITH HIGGINSON
Director

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

I, Ted Townsend do
solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

4th day of January, 19 90,

and the last publication having been made on the

11th day of January, 19 90,

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

On this 16th day of January, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee..... \$5.00

MICROFILMED

MAR 05 1990

(628)

Pub.: 1/4, 11

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

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

DECEMBER 26, 1989

The Morning News
Box 70
Blackfoot, ID 83221

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 JANUARY 22, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

MAR 05 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-07877 ✓

~~J.W. VANDERFORD INC.~~
O HAIRE, MARGARET ✓
8756 CLOVIS DR. ✓
BOISE, ID 83709 ✓

Source: GROUNDWATER ✓

Diversion Pt: SESW ✓ Sec 18 ✓ T 05S ✓ R 30E ✓

Use: IRRIGATION ✓ (3.200 CFS) ✓
Total Diversion: (3.200 CFS) ✓

Priority: 9/21/1979 ✓

In: T05S ✓ R30E ✓ S18 ✓ NESW ✓ NWSW ✓ SWSW ✓ SESW ✓

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 JANUARY 22, 1990. Protests must be based on the public interest criteria of Section 42-203C, Idaho Code, only.

R. KEITH HIGGINSON, Director

Published 1/04/1990 & 1/11/1990

RECEIVED

MAR 05 1990

FROM *Tim Loh*

DATE

TO *File*

*Power County ASCS - Norman Wright
35-7877 SW 1/4 sec*

SUBJECT

Not

*Noting crop repl for 1985
Count full 160 acres as ~~transferred~~*

MAR 05 1990

SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

J. W. Vanderford
500 S. Edgehill Dr.
Providence, UT 84332

Re: Permit No. 35-7877

Dear Mr. Vanderford:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On October 29, 1979, the Department of Water Resources (Department) issued Permit No. 35-7877 which authorized the diversion of 3.20 of water from a groundwater source for the irrigation of 160 acres.

The Department mailed a letter and questionnaire to you on April 6, 1989 in connection with the permit. The letter provided notice that the Department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the Department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a re-advertisement fee in the amount of twenty dollars (\$20) and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within thirty (30) days of the date of the letter was cause for the Department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosure
cc: Region

MICROFILMED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 35-7877

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

MAR 05 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

MICROFILMED

MAR 05 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 NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

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

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

MAR 05 1990

September 4, 1984

S. W. Vanderford
500 S. Edgehill Drive
Providence, UT 84332

Dear Mr. Vanderford:

Re: Permit Nos. 35-7873, 35-7876 and 35-7877

Enclosed is a copy of the approved requests for extension of time filed in connection with the above referenced permits. The time within which to submit the statements of beneficial use is extended to October 1, 1989. Each request has been approved with the following condition:

The Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.

Such conditions may be necessary due to statutory or regulatory changes occurring after the date of the extension and before the date that beneficial use is made. However, if conditions are added to your permits, you will be given an opportunity to object to them.

Even though the Swan Falls dispute has not been settled, it has been determined that a decision is now necessary on your requests for extension to clarify for you and all other parties to the Idaho Power lawsuit the status of the permit you hold. If the permit is valid, the extension requests can be approved under existing law, but development and continued use of water under terms of the permits may be adversely affected when the Swan Falls litigation is ultimately resolved.

In 1982 the Idaho Legislature added a requirement that as a permit holder you should commence the excavation or construction of diverting works within one year of the date a permit is issued or in the case of these extensions, within one year of the date the extensions are signed. The enclosed blue postcards must be completed and returned to this office as soon as you commence construction. The commencement of works requirement and the approval of these extensions of time should not, however, be considered as encouraging you to commence construction. The Swan Falls litigation is still pending and there are inherent risks in making expenditures on a project that is subject to litigation. Pending

RECEIVED

litigation will be considered as a cause for delaying the commencement of works construction and applying for and receiving additional extensions of time for the proof of beneficial use submittal if the Swan Falls matter is not resolved in the near future.

If you have questions on this extension approval, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

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STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 35-7877

Y Date received stamp
Y Fee received and receipted
Y Name on request same as on permit
Y Address same permit as on latest correspondence
Y Proof due date within six months of due date
Y Signature same as permit
- Source of water the same
Y Review conditions of approval
N Extensions previously approved
- Proceed diligently
Y Is delay caused by litigation: X Swan Falls
 Date lit. completed _____
 Date lit. began _____
 Period of delay _____
 New proof due date _____

ACTION: *Recommend approval based on
~~the diligence~~ S. F. litigation*

Y Is the extension timely received?
- Reinstate: Extension received _____
 Proof due date _____
 Days late _____
 Priority date _____
 Adjusted priority date _____
N Is there commencement of works?
 Cover letter _____
 Coding sheet - address
 Rolodex card updated and refiled _____

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Reviewed by *[Signature]* Date: 8-29-64



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

EXTENSION OF TIME

August 15, 1984

**J. W. Vanderford
500 South Edgahill Dr.
Providence, UT 84332**

PERMIT NO. **35-7877, 35-7876, 35-7873**

We are in receipt of the **\$45** 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. **34997.**

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED



IDAHO POWER COMPANY

AUG 9 1984

P O Box 309

American Falls, Id.

May 4, 1984

Department of Water Resources

MAY 30 1984

Idaho Water Resources Board:
Boise, Idaho

Department of Water Resources

Dear Sirs:

During the life of the water permits for J.W. Vanderford Inc. Farms that have since expired, During that time there was a moratorium on that ground and we were not taking any requests for service. The Idaho Public Utilities Commission has since rescinded Said Moratorium. We are now taking requests if they have an approved permit and sign our letter "A".

Hal W Walker

District Manager
American Falls

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138066

J. W. VANDERFORD, INC.
500 S. EDGEHILL DR.
PROVIDENCE, UT 84332

PROOF DUE NOTICE

JULY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7877 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 3, 1979

J.W. Vanderford, Inc.
Aberdeen, Idaho 83210

Dear Mr. Vanderford,

RE: Permit No. 35-7877

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuttle

DAVID R. TUTTLE
Superintendent, Water Allocations Section

DRT:lr

Enclosures

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OCT 16 1979

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho)
I, David Mark Brown) ss.

do
solemnly

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

of publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
4th day of October, 19 79

and the last publication having been made on the
11th day of October, 19 79

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

David Mark Brown
Subscribed and sworn to before me this 12th

day of October, 19 79

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1980

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:

35-7877
J.W. VANDERFORD, INC.
ABERDEEN, ID 83210
Source: GROUNDWATER
Date Filed: 09/21/1979
Amount: 3.20 CFS
Diversion Point:
SESW Sec 18 T 05S R 30E,
BINGHAM, Co.
Use: IRRIGATION
(3.20 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW
SESW Sec 18 T 05S R 30E FOR 160
ACRES

Diversion Means: WELL, PUMP &
SPRINKLER SYSTEM.

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the Director
of the Idaho Department of Water
Resources, 1515 Lincoln Road, Idaho
Falls, Idaho 83401 on or before
OCTOBER 22, 1979.

C STEPHEN ALLRED
Director

(6261)
Pub: 10/4, 11

37

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

SEPTEMBER 27, 1979

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billings to this office before OCTOBER 22, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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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:

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Date Filed: 09/21/1979
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Diverion Point:
SESU Sec 18 T 05S R 30E.
BINGHAM, Co.
Use: IRRIGATION
(3.20 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW
SESU Sec 18 T 05S R 30E FOR 160
ACRES

Diverion Means: WELL, PUMP &
SPRINKLER SYSTEM.
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Protests against the granting of any
permit must be filed with the Director
of the Idaho Department of Water
Resources, 1515 Lincoln Road, Idaho
Falls, Idaho 83401 on or before
OCTOBER 22, 1979.

C STEPHEN ALLRED
Director
Pub: 10/4, 11
(6261)

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:

35-72111

J. W. VANDERFORD, INC.

ABERDEEN, ID 83210

Source: GROUNDWATER

Date Filed: 09/21/1979

Amount: 3.20 CFS

Diversion Point: SESE Sec 18 T 05S R 30E, BINGHAM Co.

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

Place of Use: NESE NWSE SWESE SESE Sec 18 T 05S R 30E FOR 150 ACRES

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM

cw
If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before OCTOBER 22, 1979.

C. STEPHEN ALLRED

Director

Published 10/4 & 10/11/79.

MICROFILMED

STATE OF IDAHO
Department of Water Resources

No 13720

Boise, Idaho, Sept 26, 1979

RECEIVED FROM S. W. Vanderford, Inc. of Aberdeen \$ 385.00
Three Hundred Eighty Five and 00/100 DOLLARS

FOR		
1 Transfer	\$	35.00
1 Amendment	\$	2.00
6 App for Permit	\$	330.00
	\$	
TOTAL - - -	\$	385.00

Rona Henning

RCS

Road
ho 83401
'186

J. W. Vanderford, Inc.
Aberdeen,
Idaho 83210

Dear Sir:

Re: Application for Transfer
Application for Amendment
(6) Applications for Permit

Attached herewith is Departmental receipt No. 13720 in the amount of \$385.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

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