

**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:

35-7840

BOTHWELL FARMS COMPANY

610 EAST SOUTH TEMPLE,

SALT LAKE CITY, UT 84102

Source: GROUNDWATER

Date Filed: 01-25-1979

Amount: 2.47 CFS

Diversion Point: SENW Sec. 18 T 04S

R 33E Bingham Co.

Use: IRRIGATION (2.47 CFS) from 04-01 to 11-01

Place of Use: Lot 02 (SWNW) SENW

NESW Lot 03 (NWSW) Lot 4 (SWSW)

SESW Sec. 18 T 04S R 33E For 197

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 Rd., Idaho Falls, Idaho 83401 on or before FEBRUARY 19, 1979

C. STEPHEN ALLRED
Director

(5919)

Pub.: 2-1 & 2-8-79

37

RECEIVED

FEB 18 1979

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss.

I, David Mark Brown 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 1st day of February, 19 79

and the last publication having been made on the 8th day of February, 19 79;

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.

David Mark Brown

Subscribed and sworn to before me this 12th

day of February, 19 79

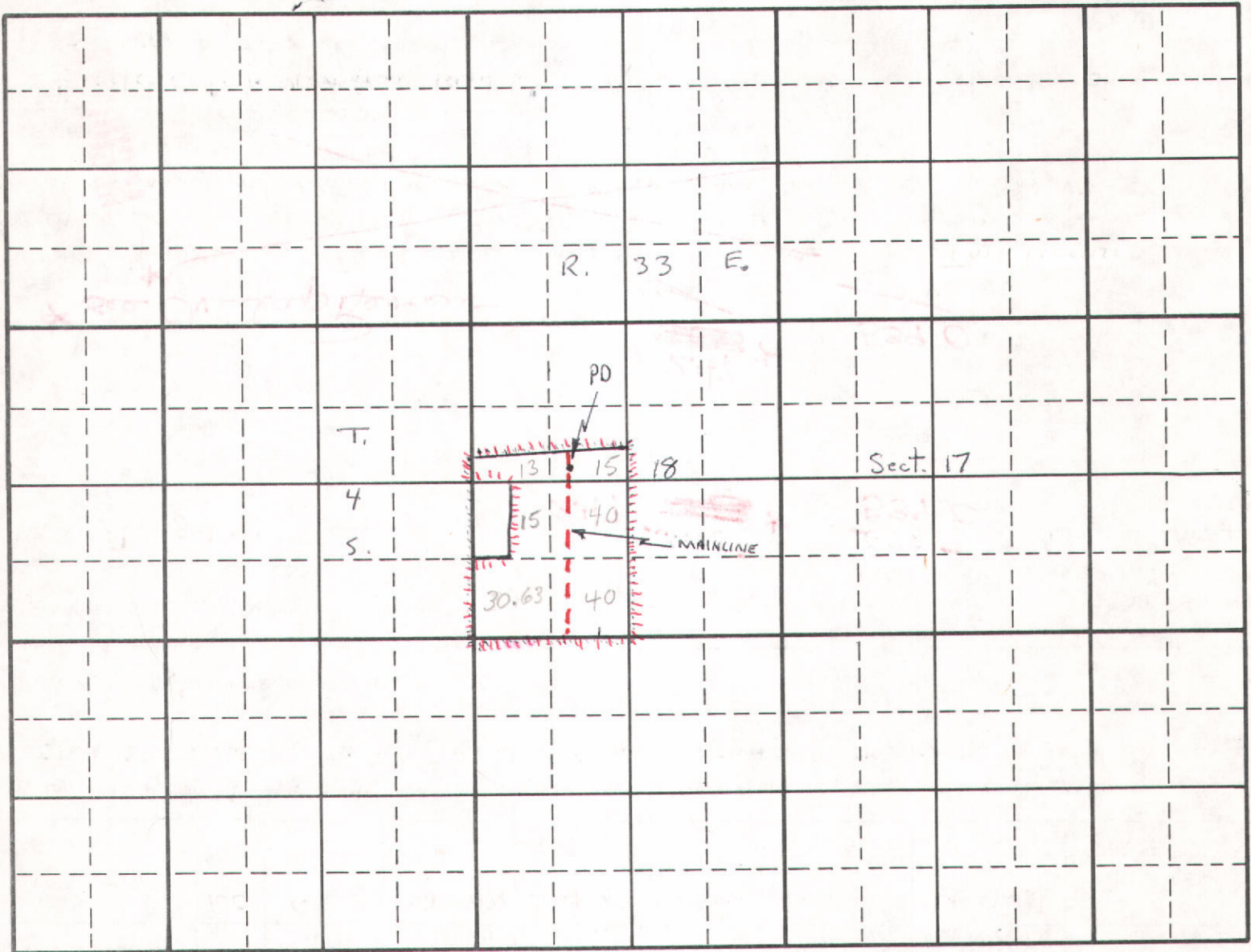
Patricia A. Johnson

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

97-A

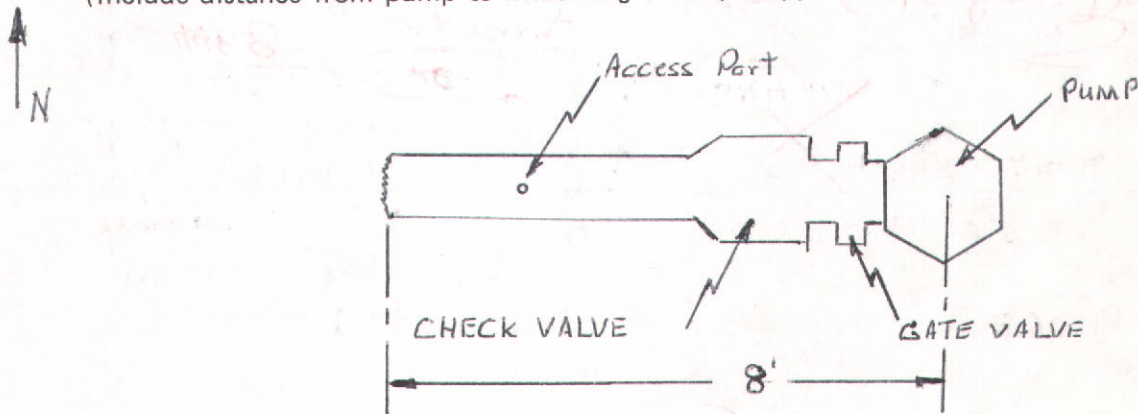
MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 of NW 1/4 Sect 18 T4S R33E

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4S	33E	18						13	15	40	15	30.63	40						153.6
								10+2			10+2	10+2							153.6
																			154

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

Examiner's Signature H.W. Jones

Checked by [Signature]

Approved by [Signature]

Date 9-4-80

Date 2-11-81

Date 9-29-82



State of Idaho License and Certificate of Water Right

Priority July 1, 1953

35-2067

Assigned to Melvin Clements

State of Idaho License and Certificate of Water Right

Water License No. 20007

Amount 1.5 second feet

Water District No. _____

Priority February 10, 1947

THIS IS TO CERTIFY that

MILO LOOMIS

of Springfield, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho, dated February 10, 1947; that Permit No. 20007

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

1.5 second feet, was issued thereunder on May 22, 1947, showing that said works

were completed on the 8th day of March, 1947; and that on the 25th

day of May, 1949,

of

MELVIN E. CLEMENTS' Assignee/MILO LOOMIS

of Springfield, State of

Idaho

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of subterranean flow

subterranean flow from a well

for the purpose of irrigation

, under Use Permit No. 20007

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4518, on the 14th day of March, 1950;

The right hereby confirmed dates from February 10, 1947;

The Point of Diversion is located

in the Ne 1/4 SE 1/4, Sec. 13, Tp. 4 S., R. 32 E, B. M. Bingham County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.5 cubic feet per second.

Description and location of use:

Trp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	32 E.	13	NW 1/4 SW 1/4	40	20
4 S.	33 E.	18	NW 1/4 SW 1/4	40	40
			Lot 3 or NW SW	24.12	
Number of Acres Actually Irrigated				24.12	

24 - This piece owned by separate party
92

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7840 Priority January 25, 1979 Amount 2.47 cfs

THIS IS TO CERTIFY, that Bothwell Farms Company
of Salt Lake City, Utah, has complied with the terms and conditions of Permit
No. 35-7840 issued pursuant to Application for Permit dated January 25, 1979,
and has submitted proof to the Department of Water Resources on August 2, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.20 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>2.47</u> cfs and	<u>539.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.47 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
539.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Twp.
4S, Rge. 33E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	33E	18							GL2 13	15	40		GL3 15	31	40				154

Total number of acres irrigated 154

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
hereby described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of

Apr, 19 83.

Director

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 Bothwell Farms Company Phone (801) 363-7274

Post office address 610 East South Temple, Salt Lake City, Utah 84102

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

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

Range 33E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.47 for Irrigation purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 2.47 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 16 inches; proposed depth of well is 85 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

Range _____ B.M. _____

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

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

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

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

[illegible]

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	

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

R 33 E

T
4
S

A hand-drawn map on a grid. A rectangular area is outlined with a thick black line. Inside this rectangle, a vertical line is labeled 'MAIN LINE'. To the left of the 'MAIN LINE', there are three horizontal lines with tick marks, labeled '30.42', '30.42', and '30.42' from top to bottom. To the right of the 'MAIN LINE', there are two horizontal lines with tick marks, labeled '40' and '40' from top to bottom. A horizontal line with tick marks extends from the left side of the rectangle to the right, labeled '18'. A diagonal line with tick marks extends from the top-right corner of the rectangle to the right, labeled 'P.D. well'.

Christine B. Pedroncelli
(Applicant)
for Bothwell Farms President

Proposed Priority 1-25-79

Received by BH Date 1-25-79 Time 11:00 AM

Preliminary check by [Signature] Fee \$ 5500

Received by BH Date 1-25-79 # 12844

Publication prepared by BH Date 1-26-79

Published in BACK FOOT NEWS

Publication dates FEB 1 & 8, 1979

Publication approved [Signature] Date 2/13-79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [Signature] J.J.

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. 35-7840, 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

March 1, 1984.

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: 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 2nd day of March, 1979.

Chief, Operations Bureau

[Signature]

RECEIVED

FEB 18 1979

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss.

I, David Mark Brown 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
134 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
1st day of February, 19 79

and the last publication having been made on the
8th day of February, 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 February, 19 79

Patricia H. 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.

195-1846
DAVID MARK BROWN COMPANY
610 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84102
Source: GROUNDWATER
Date Filed: 01-25-1979
Amount: 2.47 CFS
Diversion Point: SENW Sec. 18 T 04S
R 33E Bingham Co.
Use: IRRIGATION (2.47 CFS) from
04-01 to 11-01

Place of Use: Lot 02 (SWNW) SENW
NESW Lot 03 (NWSW) Lot 4 (SWSW)
SESW Sec. 18 T 04S R 33E For 197
Acres
Diversion Means: WELL, PUMP &
SPRINKLER SYSTEM

It is 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 Rd., Idaho
Falls, Idaho 83401 on or before
FEBRUARY 19, 1979

C. STEPHEN ALLRED
Director

(5919)
Pub.: 2-1 & 2-9-79

37

97-A

April 20, 1983

RE: Permit No. 35-7840

Bothwell Farms Company
610 East South Temple
Salt Lake City, UT 84102

Gentlemen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



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

Jan. 26, 1983
~~October 8, 1982~~

copy

RE: Permit No. 35-7840

Bothwell Farms Company
610 East South Temple
Salt Lake City, UT 84102

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7840, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.47 cfs Source: groundwater

The maximum quantity diverted shall not exceed 539.0 acre feet
per year.

Point(s) of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 4S, Rge. 33E, Bingham County

Beneficial use: Irrigation of 154 acres within the Gov. Lot 2(SW $\frac{1}{4}$ NW $\frac{1}{4}$),
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Gov. Lot 3(NW $\frac{1}{4}$ SW $\frac{1}{4}$), Gov. Lot 4(SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 18, Twp. 4S,
Rge. 33E

Priority date established: January 25, 1979

Conditions (if any): This right when combined with all other rights shall provide
no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands
above.

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JOHNSON
Water Distribution Supervisor

JJ:kw



I deleted Mr. Martinsens land (W 1/2 of NW of Sec) as instructed by phone
copy of letter enclosed.

Signature _____

Date _____

08-4-6

Recommended Amendments:

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

☐ Add P.D. as reflected above.

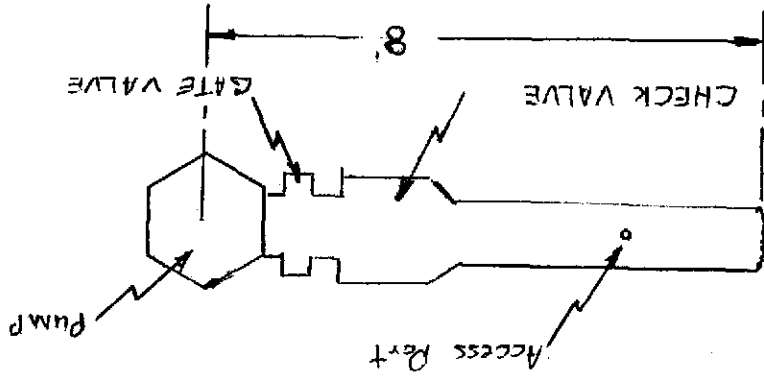
☒ None

Recommended Amendments:

[illegible]

Place(s) of Use

Point(s) of diversion: SE 1/4 of NW 1/4 Sect 18 T4S R33E

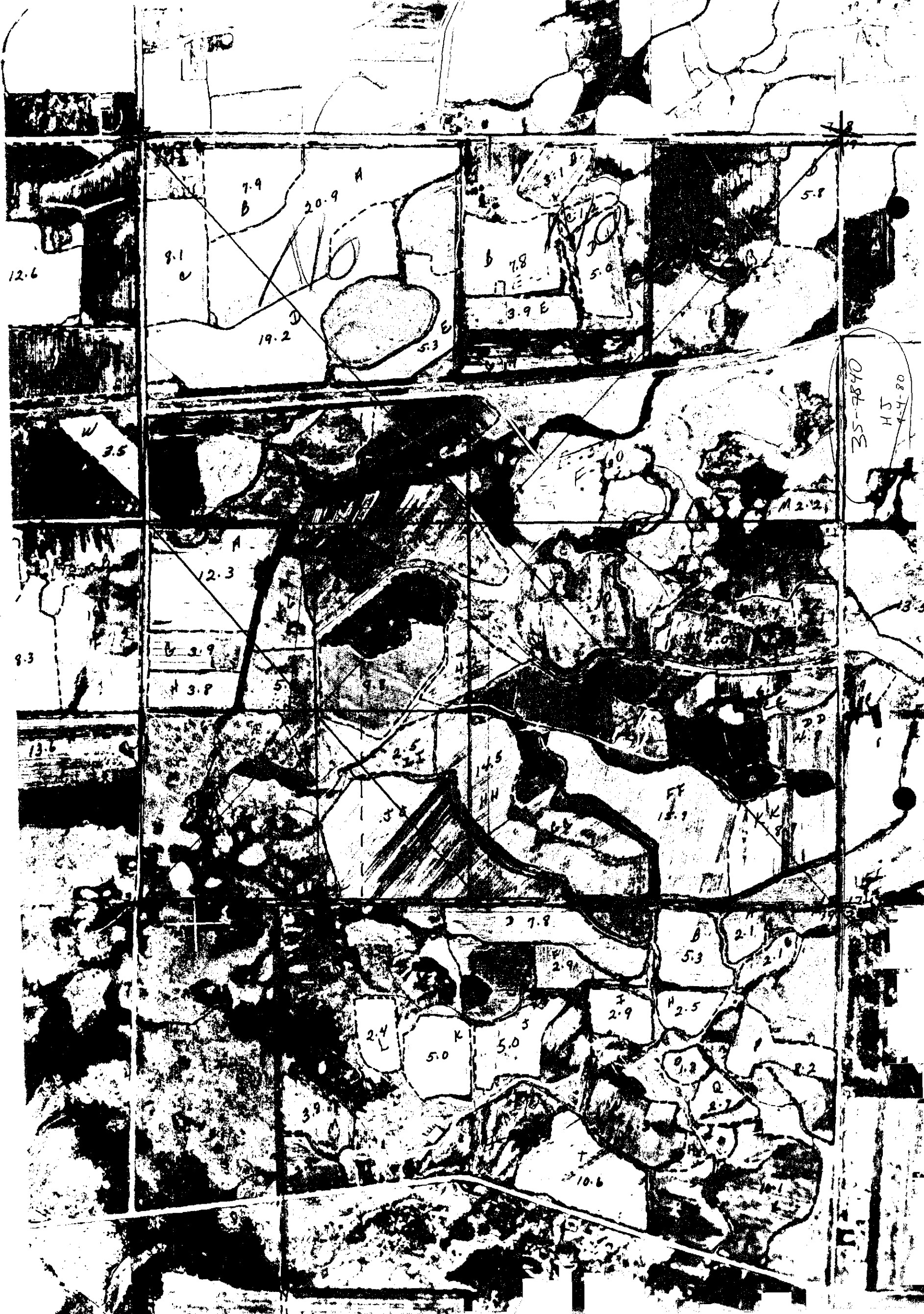


(Include distance from pump to measuring device, if applicable.)

SCHEMATIC DIAGRAM OF SYSTEM

A hand-drawn map on a grid showing a rectangular area. The area is labeled "Sect. 17" and "MINKLINE". Dimensions are marked: 40, 15, 18, 13, and 20. Other labels include "S.", "T.", "R.", "E.", and "33".

MAP (Attach Aerial Photo)



12.6

9.1

7.9
B

20.9

A

19.2

5.3

7.8

3.9 E

5.0

5.8

W

3.5

12.3

A

3.9

3.8

8.3

13.6

2.5

5.4

14.5

4.4

FF
15.9

12.2

13.3

2.0

4.8

7.8

2.9

5.3

2.1

2.1

2.5

2.9

2.4

5.0

5.0

3.9

9.3

8.7

8.2

10.6

35-7840

HJ

4-4-80

Overlap Review for 35-7840

License 35-2342 gw P/D NWSW Sec 17 T4S R33E
(different well)

P/U see attached
copy

No Overlap different wells

Recommend licensing 35-7840
at .02 cfs/AC since it has
a diversion from a different well

$$154 \text{ AC} \times .02 = 3.08 \text{ cfs} \quad \text{Permit limits to } \underline{2.47 \text{ cfs}} \checkmark$$

$$\sqrt{2.47 \times 1.9835 \times 214 = 1048.4}$$
$$\sqrt{3.08 \times 1.9835 \times 214 = 1307.4} \text{ or}$$

$$154 \times 3.5 = \underline{539.0} \checkmark$$

Recommend condition R16

RC 9/29/82

MICROFILMED

35 2342

and a further 25% can be used for a purpose as appropriate for the

[illegible]

East Lake City, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of **subterranean** , for the purpose of **irrigation**

, under Use Permit No. 35,254 of the Department of Reclamation

10 of Licensees at page 6 of the in the State of Idaho, and entered of record in Volume

The right hereby authorized dates from July 1, 1953.

The Point of Diversion is located

File # 89-1, St. Louis, Mo. 27, 1934, R 33-1, 12 M. County St. Louis

What date or dates of entry to effect such right is entered and is duly confirmed, for the purposes of this section, and a duly used for said purposes, and shall

NWSW

3030

35-2007

Assigned to Melvin
Clements

1.5

1.5

45 33 E 18

NW SW

$\frac{24}{92}$ — This piece owned
by separate party

RECEIVED

BOTHWELL & SWANER

610 East South Temple
SALT LAKE CITY, UTAH 84102

November 13, 1980

RECEIVED

DEC 5 1980

Department of Water Resources
Eastern District Office

Mr. Barry Bradley
Box 38
Blackfoot, Idaho 83277

Dear Barry:

No one has called about the water you mentioned in your telephone conversation. Be sure they do not allot any of Bothwell Farms' water to Mr. Martineau's land.

NW SW SECTION
T4S R33E

Is the irrigation magazine of any use to you? If not, I'll just throw it away.

Very truly yours,

BOTHWELL FARMS COMPANY

Margaret Lay
Office Manager

ml



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 13, 1979

RE: Permit No. 35-7840

Gary Gehring
Rt. #1, Box 145
American Falls, ID
83211

Dear Mr. Gehring:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

JACKIE S. DENNING
Senior Clerk

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

No card

John V. Evans
Governor

C. Stephen Allred
Director

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

RECEIVED

OCT 2 1979

September 26, 1979

RE: Permit No. 35-7840

Department of Water Resources

Brothwell Farms Co.
610 E. South Temple
Salt Lake City, UT

Dear Sirs:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

JACKIE S. DENNING
Senior Clerk

cc: IDWR - State Office
Alan L. Hennebold
Mike Mead, Federal land Bank

MICROFILMED

August 17, 1979

Re: Permit No. 35-7840 - Bothwell Farms Company

Furchner & Martsch
Attn: Alan L. Hennebold
178 W. Judicial St.
Blackfoot, ID 83221

Dear Mr. Hennebold:

We acknowledge receipt of the proof of beneficial use form submitted for the above referenced permit.

Our Eastern Regional Office is presently in the process of the paper work portion and a field examination will be scheduled sometime during the next irrigation season and a water right license issued based upon our field examiner's findings.

If you have any questions or need further assistance, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:jg

Law Offices
FURCHNER & MARTSCH
178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

H. WILLIAM FURCHNER
JAMES L. MARTSCH
ALAN L. HENNEBOLD

July 30, 1979

RECEIVED

SEP 3 1979
Department of Water Resources

AREA CODE 208
785-2310
P. O. BOX 886

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit No. 35-7840

Please find enclosed herewith Bothwell Farm's Proof of Application of Water To Beneficial Use for Permit 35-7840. Please direct any further correspondence in this matter to this office.

We would appreciate receiving your acknowledgment of receipt of the above-mentioned Proof of Application as soon as possible.

Very truly yours,

FURCHNER & MARTSCH

Alan L. Hennebold
Alan L. Hennebold

ALH: sm

Enclosures

cc: Mike Meade
Federal Land Bank
10 W Judicial
Blackfoot, Idaho 83221

MICROFILMED

Identification No. _____

Permit No. 35-7840

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 2 1979

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Bothwell Farms Co.

b) Post Office Address 610 East South Temple, Salt Lake City, Utah 84102

2. Permit Number 35-7840

3. Date of Priority that you are prepared to establish January 24, 1979

4. a) Source from which water was appropriated subterranean

b) Location of the point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18

Township 4 S., Range 33 E. Boise Meridian, Other points of diversion: N/A

5. a) The amount of water and use to which the water has been applied:

Amount 2.47 cfs for irrigation purposes from April 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 2.47 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By Barry Bradley, ranch foreman, with mechanical flow measurement device.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A

b) Describe the agreement or understanding by which you take water from the works:
N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Well: 100 HP, U.S. Motor, Berkley Pump; 16" casing; depth of 56'

b) Describe the type and size of measuring device which you have installed at your point of diversion: "Badger" installed measuring device

c) Give well driller's name and address and the date the well was completed: Paul Vollmer & Sons, Box 176, Aberdeen, Idaho 83210 June, 1972

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
N/A

Exam typed
8/9/79

RECEIVED

... aerial photo of the property
with this affidavit:

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subunit:

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4	S	33E	18				25	30	40	30.62	30.63	40							196.25

Total number of acres irrigated 196.25

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

7-19-79

(Date)

Christine B. Redwood

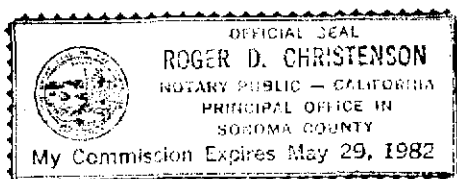
(Signature)

President, Bothwell Farms Co.

State of CA.)

County of Sonoma) ss.

On this 19th day of July, 1979, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Roger D. Christenson
Notary Public residing at Sonoma Co.

My commission expires

5-29-82

35-9840

January 4, 1979

Furchner and Martsch
178 W. Judicial Street
Blackfoot, Idaho 83221

Attention: Alan L. Hennebold

Dear Mr. Hennebold:

Reviewing the application for permit to appropriate the waters of the State of Idaho you submitted in behalf of Bothwell Farms Company, I find we must return the application and your check No. 1761 in the amount of \$65.00 for the following reasons:

1. The acreage exceeds the actual amount that is shown on the General Land Office Survey Platt, therefore, the amount of water you asked for is Q-excessive.

2. The S $\frac{1}{2}$ of Sec. 18 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 4S, Rge. 33E is already covered in part by License No. 35-2342, issued to the Bothwell Brothers in the amount of 3.00 c.f.s. to irrigate the above described lands in the amount of 291.25 acres.

I have, therefore, enclosed a retyped application for your review and the signature, at the bottom of page three, of an official of the Bothwell Farms Company.

The 2.47 c.f.s. on this application allows enough water to bring the SW $\frac{1}{4}$, Sec. 18 up to the statutory amount of 0.02 c.f.s. per acre and 0.02 c.f.s. for the 55 acres of new land in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, all in Twp. 4S, Rge. 33E.

The filing fee for the new application for permit is \$55.00, which must be enclosed with the permit. If you have any questions, please feel free to contact me at this office.

Sincerely,

LOY H. JOHNSON
Sr. Water Resource Agent

LHJ/dh

MICROFILMED

Law Offices
FURCHNER & MARTSCH
178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

December 28, 1978

H. WILLIAM FURCHNER
JAMES L. MARTSCH
ALAN L. HENNEBOLD

AREA CODE 208
785-2310
P. O. BOX 886

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

ATTN: Mr. Ernest M. Carlsen

Dear Mr. Carlsen:

Please find enclosed the completed Application for Permit of Bothwell Farms Co. together with this firm's check #1761 in the amount of \$65.00 to cover the filing fee.

We previously submitted this Application with a check for \$55.00 to pay the filing fee, but your letter of December 26, 1978 informed us that the filing fee had been increased to \$65.00. I trust the application is now in order and can be processed.

Thank you for your assistance.

Sincerely,

FURCHNER & MARTSCH

Alan L. Hennebold
Alan L. Hennebold

Encls.
ALH:sj

RECEIVED

DEC 28 1978

Department of Water Resources
Eastern District Office

73
13
48
11
10



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

March 2, 1979

Re: Permit No. 35-7840

Bothwell Farms Company
610 East South Temple
Salt Lake City, Utah 84102

Gentlemen:

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

Please 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. The Department will provide the specifications for the installation to you.

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. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

35-7840

STAFF REVIEW - STATE OFFICE

- | | |
|---|--|
| 1. <u>Pres</u> Name vs. Signature | 7. <u>N/A</u> Place of Use for other than irrig. |
| 2. <u>W</u> Source | 8. <u>✓</u> Place of Use for irrigation (add acres) |
| 3. <u>✓</u> Point of Diversion | 9. <u>A</u> Property Owner at Pt. of Div. & Pt. of Use |
| 4. <u>2.47</u> Amnt. & Period of Use | 10. <u>✓</u> Map |
| 5. <u>✓</u> Descrip. of Diverting Wrks. | 11. <u>55.0</u> Fee & Rec't. No. |
| 6. <u>5</u> Time req. for Proof of B/U | |

Copies Sent To:

- | | |
|------------------------------------|-------------------------|
| <u>NO</u> Idaho Health Department | <u>NO</u> U.S.F.S. |
| <u>7</u> Idaho Fish & Game Dept. | <u>7</u> Dept. of Lands |
| <u>7</u> Bureau of Land Management | <u>7</u> Other |

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land 35-2342 - See attached sheet

35-7240 - lapsed

Withdrawals of all protests received N/A yes no

Conditions:

- | | |
|--|---|
| ID Power Co. Letter - Snake R. <u>No</u> | Meas. Dev. or Sc. Meas. <u>Yes</u> |
| ID Power Co. Letter - G.W. & Tribs. <u>Yes</u> | Totalizing meter <u>No</u> |
| Snake River Condition <u>No</u> | Supplemental <u>7</u> |
| Payette River Letter <u>No</u> | Right-of-Way Cond. <u>7</u> |
| Priority Date <u>1/25/79</u> | Watermaster Cond. <u>7</u> |
| | Wtr. Dist No. <u>7</u> |
| Water Quality #16 <u>No</u> | Meas. Dev. Cond. for apps within a Water Dist. <u>7</u> |
| Water Quality #10 <u>7</u> | |
| intrastate <u>7</u> interstate <u>7</u> | |

Jine Reviewer

2/28/79 Date

max rate for

$$196.25 \text{ ac} \times .02 = 3.925 \text{ cfs}$$

minus

141.25 ac or

lic 35-2342

@ 0.0103 cfs/ac

$$\rightarrow \underline{1.454}$$

$$\rightarrow 2.47 \text{ cfs}$$

allowable on
permit 35-7840

YLS

3-2-79

To: File

From: Jim J.

2/28/79

Water Right Analysis for Overlapping Land.

Lic 35-2342:

$$3.0 \text{ cfs} / 291.25 \text{ ac} = 0.0103 \text{ cfs/ac}$$

$$\text{Balance } (0.02 - 0.0103) \text{ cfs} = 0.0097 \text{ cfs}$$

Overlapping land: between 35-2342 AND App No. 35-7840

T4S R33E	Sec 18	Ac	cfs	=	cfs
NE SW	40	40 x	0.0097	=	0.388
NW SW	30.62	30.62 x	"	=	0.297
SW SW	30.63	30.63 x	"	=	0.297
SE SW	40	40 x	"	=	0.388
		141.25 x	"		1.370

New Land in App No. 37-7840:

T4S R33E Sec 18
SW NW 25
SE NW 30
55 Ac

Amt applied for less Amt
allocated to overlapping land =
 $(2.47 - 1.370) \text{ cfs} = 1.1 \text{ cfs}$

SUMMARY:

This application has two different allocations/ac.

- 1) 0.0097 cfs/ac for overlapping lands in Lic. 35-2342
- 2) 0.02 cfs/ac for all other land in application.

Allocation for 196.25 Acres:

$$\begin{aligned} \text{Lic. 35-2342} \quad 0.0103 \times 141.25 \text{ ac} &= 1.455 \text{ cfs} \\ 0.0097 \times 141.25 \text{ ac} &= 1.370 \text{ cfs} \\ 0.02 \times 55 \text{ ac} &= 1.100 \text{ cfs} \\ \text{Total} &= 3.925 \text{ cfs} \end{aligned}$$

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 26, 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 galley 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 billing to this office before FEBRUARY 19, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

**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:

35-7840
BOTHWELL FARMS COMPANY
610 EAST SOUTH TEMPLE,
SALT LAKE CITY, UT 84102
Source: GROUNDWATER
Date Filed: 01-25-1979
Amount: 2.47 CFS
Divergence Point: SENW Sec. 18 T 04S
R 33E Bingham Co.

Use: IRRIGATION (2.47 CFS) from
04-01 to 11-01
Place of Use: Lot 02 (SWNW) SENW
NESEW Lot 03 (NWSW) Lot 4 (SWSW)
SESEW Sec. 18 T 04S R 33E For 197
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 Rd., Idaho
Falls, Idaho 83401 on or before
FEBRUARY 19, 1979

C. STEPHEN ALLRED
Director

(5919)
Pub.: 2-1 & 2-8-79

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:

35-2840-

BOTHWELL FARMS COMPANY

610 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84102

Source: GROUNDWATER

Date Filed: 01/25/1979

Amount: 2.47 CFS

Diversion Point: SENW Sec 18 T 04S R 33E, BINGHAM Co.

Use: IRRIGATION (2.47 CFS) from 04/01 to 11/01

**Place of Use: LOT 02 (SWNW) SENW NESW LOT 03 (NWSW) LOT 04 (SWSW) SENW
Sec 18 T 04S R 33E FOR 197 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 Rd., Idaho Falls, Idaho 83401 on or before FEBRUARY 19, 1979.

C. STEPHEN ALLRED

Director

Published 2/1 & 2/8/79.

MICROFILMED

January 26, 1979

Mr. Alan L. Hennebold
Furchner and Martsch
P. O. Box 886
Blackfoot, Idaho 83221

Dear Sir:

Re: Application for Permit - Bothwell Farms

Attached herewith is Departmental receipt No. 12844 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

Law Offices
FURCHNER & MARTSCH
178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

H. WILLIAM FURCHNER
JAMES L. MARTSCH
—
ALAN L. HENNEBOLD

January 24, 1979

AREA CODE 208
785-2310
—
P. O. BOX 886

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

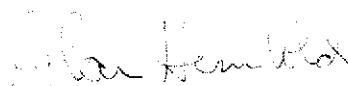
Dear Sirs:

Please find enclosed herewith the Application for Permit to Appropriate Public Waters of Bothwell Farms Company together with this firm's Check No. 1827 in the amount of \$55.00 in payment of the applicable filing fee. As you recall, Bothwell Farms' previous application was returned and the Department of Water Resources made the appropriate changes in the permit enclosed herewith which permit the president of Bothwell Farms has reviewed and signed.

If you have any further questions concerning this application, please refer them to this firm. Thank you for your assistance in this matter.

Very truly yours,

FURCHNER & MARTSCH


Alan L. Hennebold

ALH/lr
Encls.

RECEIVED

JAN 25 1979

Department of Water Resources
Eastern District Office

FURCHNER & MARTSCH
ATTORNEYS AT LAW
BLACKFOOT, IDAHO 83221

1761

PAY TO THE ORDER OF State of Idaho Department of Water Resources

12-28 1978

92-63
1241

Sixty five and NO/100

\$ 65.00

DOLLARS

IB&T Idaho Bank
& Trust Co.
BLACKFOOT, IDAHO

FOR Appli. for Water Permit - Bothwell Farms

James A. Martsch

⑆1241⑆0063⑆030011510⑆

Furchner and Martsch
178 W. Judicial Street
Blackfoot, Idaho 83221

Attention: Alan L. Hennebold

Dear Mr. Hennebold:

Reviewing the application for permit to appropriate the waters of the State of Idaho you submitted in behalf of Bothwell Farms Company, I find we must return the application and your check No. 1761 in the amount of \$65.00 for the following reasons:

1. The acreage exceeds the actual amount that is shown on the General Land Office Survey Platt, therefore, the amount of water you asked for is Q-excessive.

2. The S $\frac{1}{2}$ of Sec. 18 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 4S, Rge. 33E is already covered in part by License No. 35-2342, issued to the Bothwell Brothers in the amount of 3.00 c.f.s. to irrigate the above described lands in the amount of 291.25 acres.

I have, therefore, enclosed a retyped application for your review and the signature, at the bottom of page three, of an official of the Bothwell Farms Company.

The 2.47 c.f.s. on this application allows enough water to bring the SW $\frac{1}{4}$, Sec. 18 up to the statutory amount of 0.02 c.f.s. per acre and 0.02 c.f.s. for the 55 acres of new land in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, all in Twp. 4S, Rge. 33E.

The filing fee for the new application for permit is \$55.00, which must be enclosed with the permit. If you have any questions, please feel free to contact me at this office.

Sincerely,



LOY H. JOHNSON
Sr. Water Resource Agent

LHJ/dh

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Bethwell Farms Company

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ARK 1/25/79

In form to receipt

(2)

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management
☒ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
☒ Request Information from Applicant
☒ Request Dam Safety Information

(3)

(4)

In form for advertising yes

(5)

Platted on Map No. 4533E

(6)

Located within Water District No. Basin 35

(7)

Critical groundwater area: yes no X

(8)

Groundwater levels:

 Declining, X Stable, Increasing

(comment)

(9)

Other rights on the same place of use

(10)

LIC 35-2342
Comments:

(11)

Affidavit of Publication received(date)

(12) dh 2-20-79

Final date for protests FEB 19, 1979

Protests received: yes no X

(13) RDC 2/22/79

All requested information received from agencies or applicant: yes no

(14)

Action recommended:

☒ Approve Deny

1/6/79 Proposed Priority

 Reason for Reduction

☒ Measuring device required

 See attached sheet for other conditions of approval

 No special conditions for approval

(15) District E By RDC Date 2/22/79

RECEIVED
FEB 26 1979

Department of Water Resources

Pinned B03