

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

..Brett.Crompton..... being first duly
sworn on oath, states:

That he editor
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight consec-
utive weeks, prior to the first publication
of the annexed notice or advertisement:

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

.....18..... day of September.....1985....
and the date of last publication being the
.....25..... day of September.....1985....

(Signed) *Brett Crompton*
Subscribed and sworn to before me this

.....27..... day of September.....1985....
.....*Paula Hobbs*.....
Notary Public, residing at
American Falls, Idaho
(SEAL)
My commission expires the

.....14 day of March..1986..

**Proposed amending
of water permit**

Published in The Power County
Press September 18 & 25, 1985.

**NOTICE OF
PROPOSED AMENDING
OF WATER PERMIT**

Notice is hereby given that permit
No. 35-7836 in the name of Margaret
O'Haire, Boise, was issued for the
diversion of 6.40 cfs of water from a
groundwater source with the point of
diversion within the SW 1/4 SE 1/4, Sec.
13, T. 5S, R. 29E, B.M., Power
County; to be used for the irrigation
of 320 acres within the NE 1/4, Sec.
24, SE 1/4, Sec. 13, T. 5S, R. 29E,
B.M.

The permit holder now proposes
to amend permit No. 35-7836 chang-
ing the point of diversion to the
NE 1/4 SE 1/4, Sec. 14, T. 5S, R. 29E,
B.M., Power County and the place
of use to the E 1/4, Sec. 14, T. 5S, R.
29E, B.M.

Any protest to the proposed amen-

ding of the permit must be filed with
the Idaho Department of Water
Resources, 150 Shoup Avenue, Suite
15, Idaho Falls, Idaho, 83402 on or
before October 7, 1985.

A. KENNETH DUNN
Director

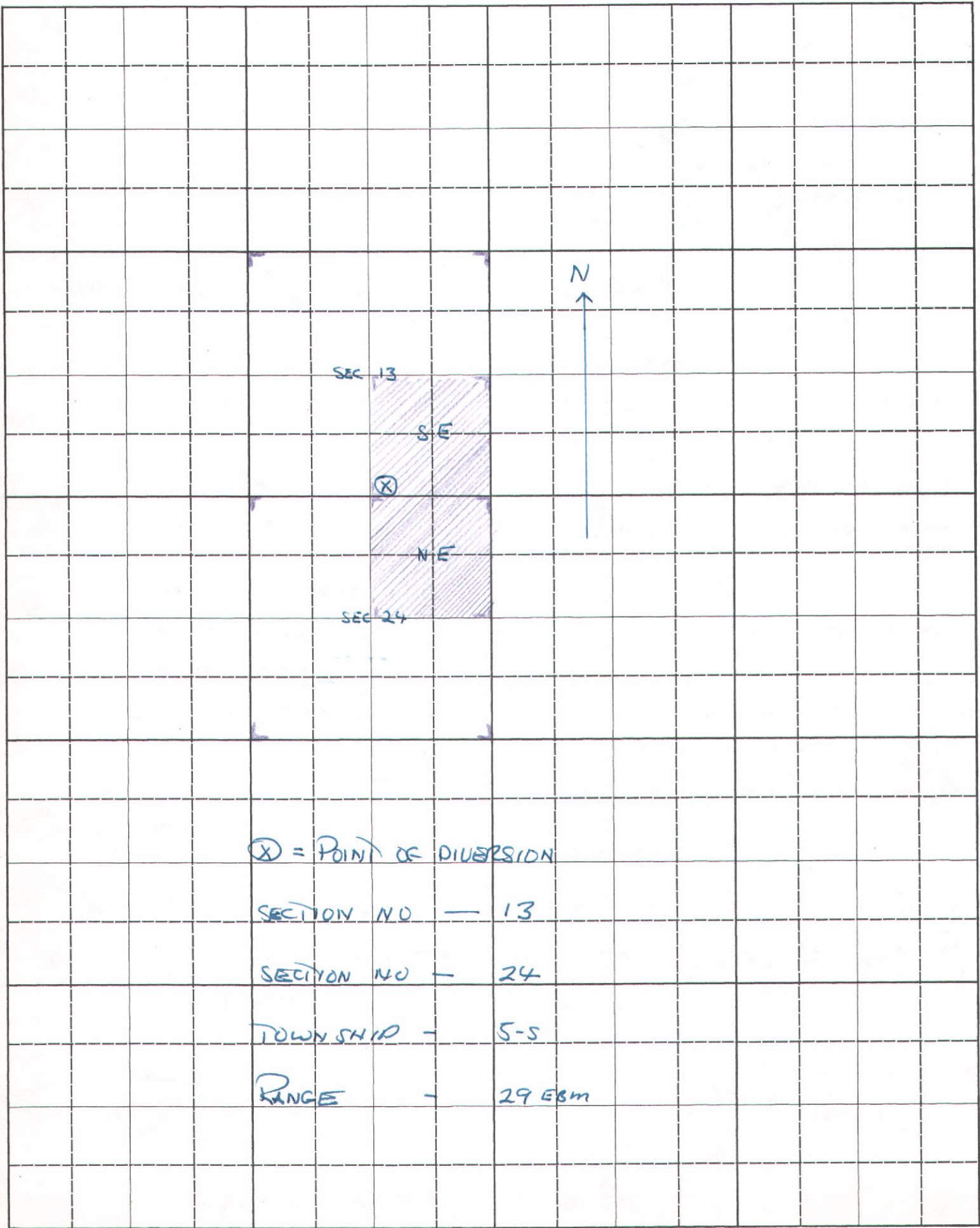
SEP 20 1985

Department of Water Resources
Eastern District Office

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



Scale: 2 inches equal 1 mile.

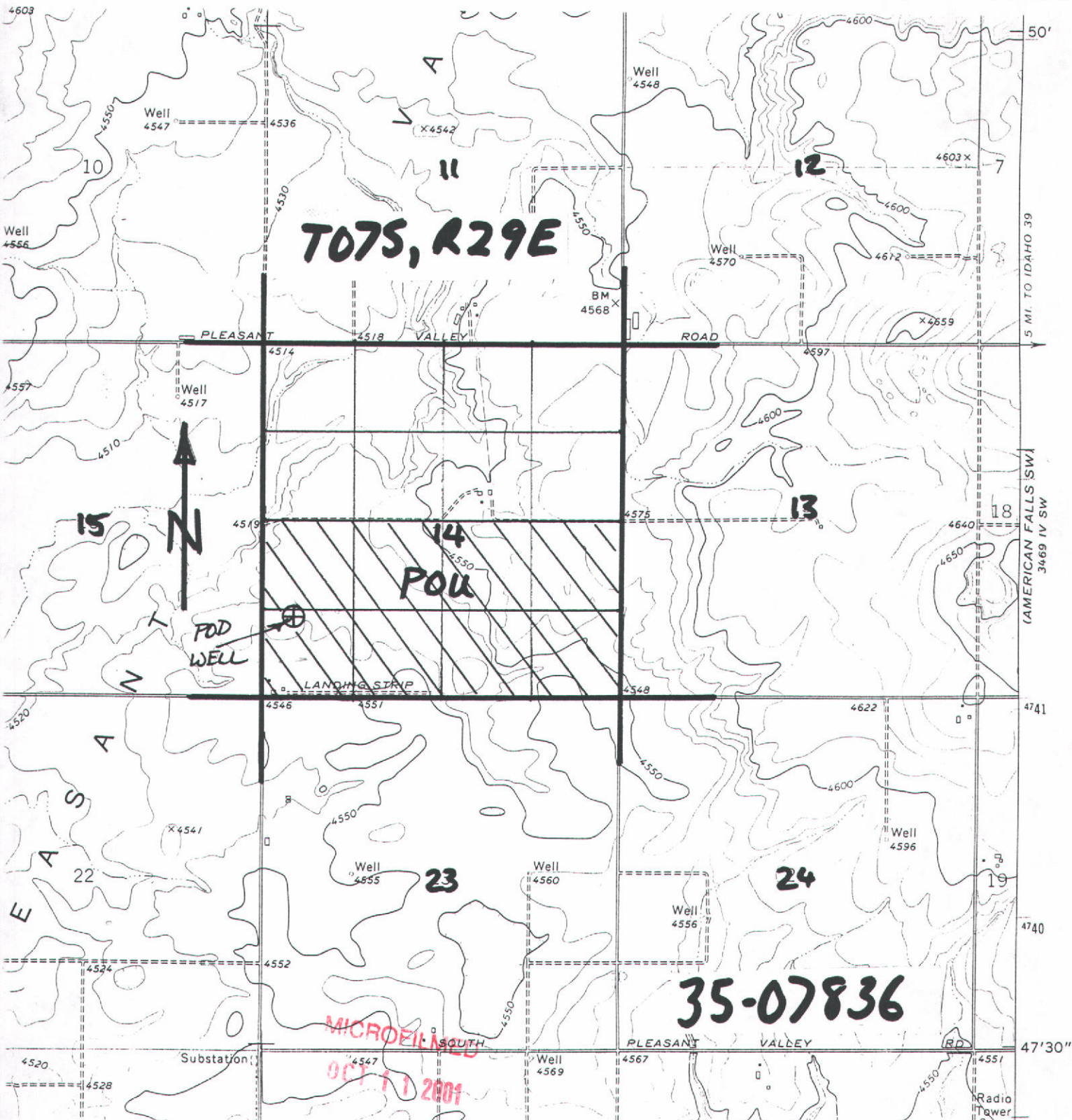
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. W. Vanderford, Inc.
(Applicant)
Margaret O'Haire, Sec.

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NE NE	NE NE	SW NE	SE NE	NE NW	SW NW	SE NW	SW SW	SE SW	NE SE	SW SE	SE SE	Total
Claim	35 13118	LARRY S BETHKE,	GROUND WATER	07S29E14	26.3	24.5											50.8
Claim	35 13134	LARRY S BETHKE,	GROUND WATER	07S29E14					20.2	20.2							40.4
Claim	35 7161A	LARRY BETHKE, MONICA BETHKE,	GROUND WATER	07S29E14			20	33		32	16						101
Claim	35 7162A	LARRY BETHKE, MONICA BETHKE,	GROUND WATER	07S29E14			20	33		32	16						101
Permit	35 8605A	NORTHWEST FARM CREDIT SERVICES ACA, RALPH BREDDING,	GROUND WATER	07S29E14								40	40				160
Rec	35 13118	LARRY S BETHKE,	GROUND WATER	07S29E14	25	24											49
Rec	35 13134	LARRY S BETHKE,	GROUND WATER	07S29E14					20	20							40
Rec	35 7161A	LARRY BETHKE, MONICA BETHKE,	GROUND WATER	07S29E14	33.4	33.4	20	33	37.2	37.2	38						270.2
Rec	35 7161A	LARRY BETHKE, MONICA BETHKE,	GROUND WATER	07S29E14			20	33		32	16						101
Rec	35 7162A	MONICA BETHKE, LARRY BETHKE,	GROUND WATER	07S29E14	33.4	33.4	20	33	37.2	37.2	38						270.2
Rec	35 7162A	MONICA BETHKE, LARRY BETHKE,	GROUND WATER	07S29E14	33.4	33.4	20	33	37.2	37.2	38						270.2
Rec	35 7977B	LARRY S BETHKE,	GROUND WATER	07S29E14													101
Right	35 7161	JERRY BROWER,	GROUND WATER	07S29E14			20	33		32	16						101
Right	35 7836	RALPH BREDDING, NORTHWEST FARM CREDIT SERVICES ACA,	GROUND WATER	07S29E14													308
Right	35 8046	LARRY BETHKE,	GROUND WATER	07S29E14	33.4	33.4	20	33	37.2	37.2	38			40	40	38	270.2
Right	35 8050	LARRY BETHKE,	GROUND WATER	07S29E14	33.4	33.4	20	33	37.2	37.2	38						270.2

lands to be licensed in S13,7S,29E - No OL

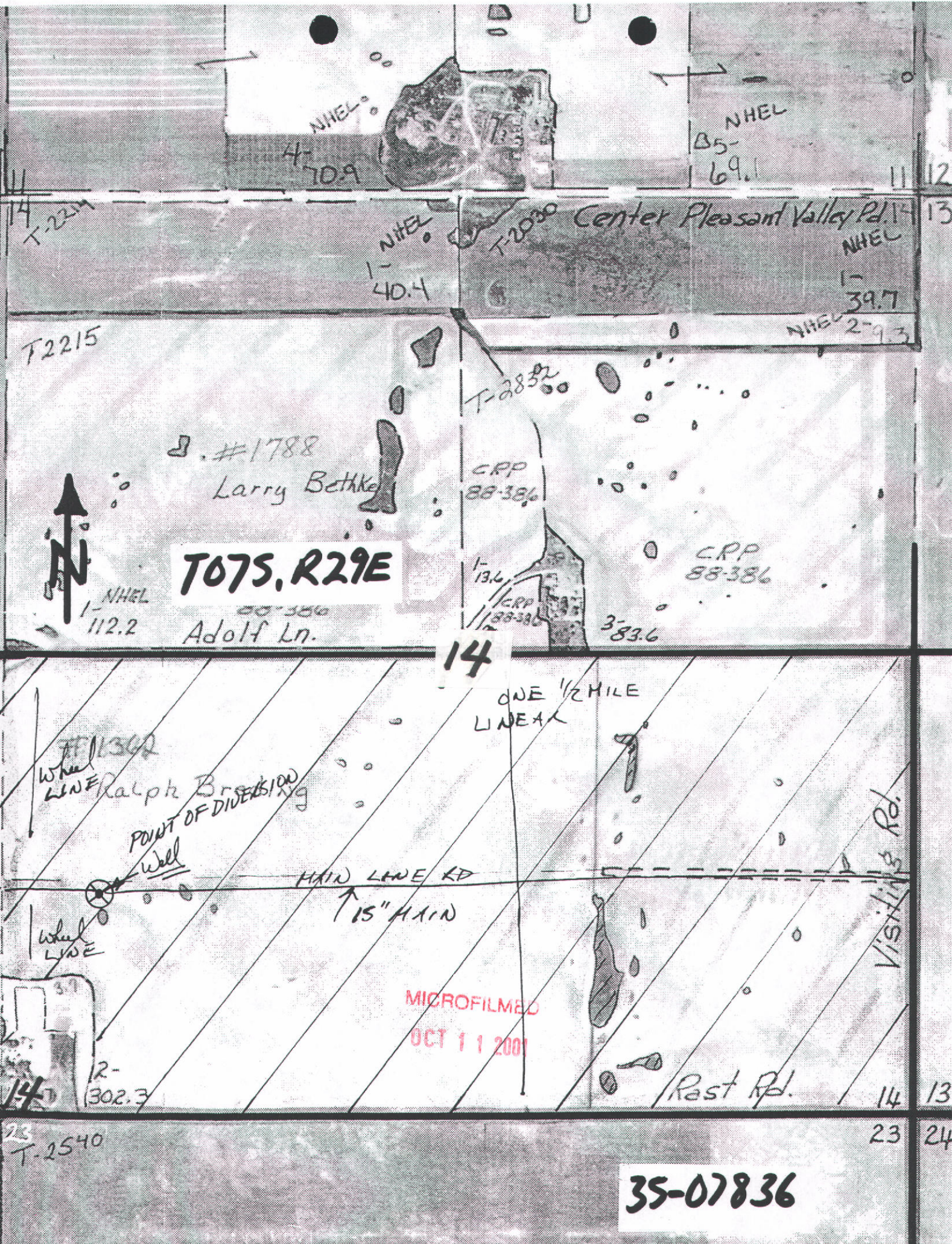


T075, R29E

POU

35-07836

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35-07836

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T-254

#1362

Breeding

10th April

1151.6

4-10⁶
(Calsberg)

35-08605A

Bredling Road

72215

7-23



12.2

7675, R29E

J. #1788
Larry B

Adolf Lm.

14

285-99

34

1

See Map
H-17

775

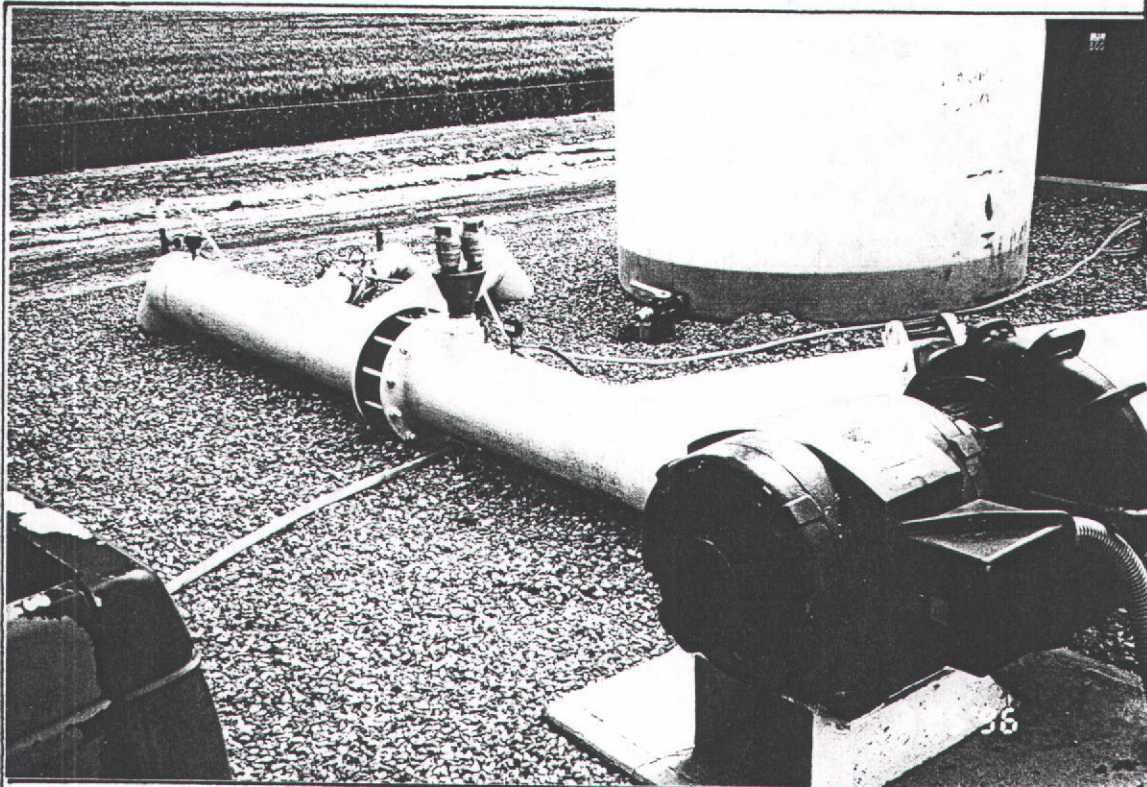
35-07836



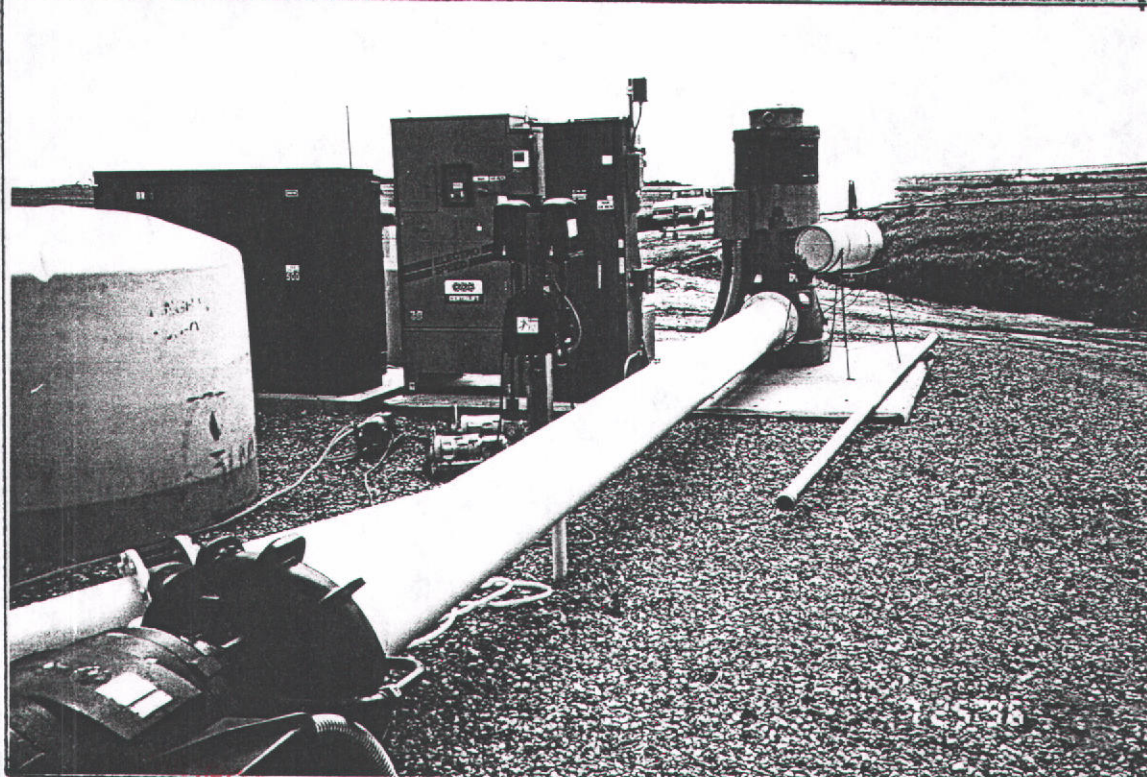
RALPH BREDING

IRRIGATION

1 of 4



VIEW OF
BOOSTER
PUMP
AND
MANIFOLD
SYSTEM



VIEW OF
POINT OF
DIVERSION
WELL +
PUMP

PROFILMED
OCT 11 2001

PERMIT
NUMBER

35-07836

RALPH BREIDING

IRRIGATION

25/4

NORTH VIEW
OF ~~POINT~~
PLACE OF USE



VIEW
NORTH EAST
PLACE OF
USE



MICROFILMED

OCT 11 2001

PERMIT
NUMBER

35-07836

RALPH BREED INC

IRRIGATION

35/4

VIEW EAST
CENTER OF
PLACE OF
USE



VIEW
SOUTH EAST
PLACE OF
USE



PERMIT
NUMBER

35-07836

MICROFILMED

OCT 11 2001

RALPH BREIDING

IRRIGATION

4/4

VIEW SOUTH
PLACE OF
USE



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OCT 11 2001

PERMIT
NUMBER

35-07836

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-07836

Priority: March 10, 1979

Maximum Diversion Rate: 6.16 CFS
Maximum Diversion Volume: 1,232.0 AF

It is hereby certified that NORTHWEST FARM CREDIT SERVICES ACA
10 W JUDICIAL
PO BOX 10
BLACKFOOT ID 83221-0010

And

RALPH BREDDING
2875 S VISITING RD

AMERICAN FALLS ID 83211 have complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated January 22, 1979; and have submitted Proof of Beneficial Use on September 29, 1994. An examination indicates that the works have a diversion capacity of 7.68 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	6.16 CFS	1,232.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 07S, Rge 29E, B.M., POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07S 29E 14										40.0	40.0	30.0	40.0	40.0	40.0	38.0	40.0	308.0

Total Acres: 308

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Right 35-08605A is also diverted through the point of diversion described above.
3. Rights 35-07836 and 35-08605A when combined shall not exceed a total diversion rate of 7.68 cfs.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-07836

4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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

Signed and sealed this 8TH day of August, 2001.

Acting for

KARL J. DREHER
Director

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AUG - 2 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07836

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AUG - 2 2001

Department of Water Resources

Date of Priority: March 10, 1979

Maximum Diversion Rate: 6.16 CFS

Maximum Diversion Volume: 1,232.0 AF

Comes now NORTHWEST FARM CREDIT SERVICES ACA
10 W JUDICIAL
PO BOX 10
BLACKFOOT ID 832210010

And

RALPH BREDING
2875 S VISITING RD

AMERICAN FALLS ID 83211 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. 35-07836, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.16 CFS	1,232.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 07S, Rge 29E, B.M., POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	14																	

Total Acres: 308

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 30 day of JULY, 2001.


(Signature)

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OCT 11 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07836

Preliminary check by kw # 50.00 FOR DEPARTMENT USE ONLY
Fee = 50.00 Received by Juan # 655282 Date 8/2/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-07836 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Right 35-08605A is also diverted through the point of diversion described above.
3. Rights 35-07836 and 35-08605A when combined shall not exceed a total diversion rate of 7.68 cfs.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Witness my hand this 8TH day of AUGUST, 2001.


Acting for **KARL J. DREHER**
Director

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OCT 11 2001

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-07836	J.W. Vanderford, Inc.	6.40
~~Full Assignment~~	~~35-07836~~	~~Margaret O'Haire~~	~~6.40~~
~~Full Assignment~~	~~35-07836~~	~~Chester Wahlen~~	~~6.40~~
~~Full Assignment~~	~~35-07836~~	~~Ralph Breeding~~	~~6.40~~
Full Assignment	35-07836	Ralph Breeding Northwest Farm Credit Services ACA	6.40

DEC 13 1994

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NOV 18 1994

Department of Water Resources

State of Idaho

Department of Water Resources
ASSIGNMENT OF PERMIT

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NOV 4 1994

Department of Water Resources

Filing Fee: \$25.00
Received 11/18/94
Receipt # 0031689

I, Ralph Breeding, hereby assign to Ralph Breeding, whose address is 2875 Visiting Rd., American Falls, ID., 83211 and Northwest Farm Credit Services, ACA, of 10 West Judicial - PO Box 10, Blackfoot, ID 83221

X All my right, title, and interest in and to Permit No. 35-07836 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).

Dated: October 31, 1994

Ralph Breeding
Ralph Breeding, Permit Holder

Carletta Breeding
Carletta Breeding, Spouse of Permit Holder

STATE OF IDAHO)
)ss.
County of Power)

On this 1st day of Nov, 1994, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that executed the same.

SEAL

Janice Bettel
Notary Public
Residing at Boutello
My commission expires 11-3-98

(11067-447)

database updated 11/21/94 c.zg.

DEC 18 1994

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SEP 29 1994

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 250.00
Receipt No. E020345
Receipt By: HWS
Date Received: 9-29-94

4-D1

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-07836 Telephone No. 226 2109
2. Name(s) of Permit Holder(s): RALPH BREIDING
3. Mailing Address: 2875 S. VISITING RD, AM FALLS, ID 83211
4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 10 / yr. 94
 - a. Well Driller: KEN VOLLMER Drilling Permit Number: 35 - 94 - E - 108
 - b. **OPTIONAL:**
Pump Horsepower: 400 ^{MAIN} 150 ^{BOOSTER} Pressure (psi): 60 Dynamic pumping level (ft): 245
5. Use(s) (as authorized by the water right permit):
 Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
 Irrigation (No. of acres): 320 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 6.4 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
 (This question is **not** optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?	Yes _____ or No <u>✓</u>
Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port: Is a flow measurement port required?	Yes <u>✓</u> or No _____
Has the measurement port been installed?	Yes <u>✓</u> or No _____
8. Fee Enclosed: \$ 250.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
 Name: RALPH BREIDING Telephone Number: 226 2109
 Address: 2875 S. VISITING RD, AM FALLS, ID 83211
10. The information given on this form 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.

Signature of permit holder: Ralph Breiding Date: 9-28-94
 (include your title, if on behalf of company or organization)

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JUL 05 1994
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 28 1994

Department of Water Resources
Eastern District Office
ASSIGNMENT OF APPLICATION FOR PERMIT

I, Chester Wahlen, hereby assign to Ralph Breeding
of, 2875 Visiting Road, American Falls, ID 83211
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 35-7836 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. _____ 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.

~~SE 1/4 Sec 15 Township 7 South Range 29 E.B.M., and SE 1/4 Sec. 14,~~
~~Township 7S, Range 29 E.B.M.~~

Made this 27th day of June, 1994.

Chester Wahlen
Applicant

State of Idaho)
County of Bingham) ss

On this 27th day of June, 1994 personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Leidell Nielsen
Notary Public
Residing in Aberdeen, ID

seal

My commission expires: 3-28-2000

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JUL 21 1994

database updated 7/7/94 C-78

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JUL 05 1994

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF WATER PERMITS

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JUN 28 1994

Department of Water Resources
Eastern District Office

Assignors, MARGARET O'HAIRE and G&M FARMS, an Idaho General Partnership, consisting of Gary Funk and Michael Funk, do hereby assign and transfer unto CHESTER WAHLEN, the Assignee, whose complete mailing address and telephone number are:

2624 W 1000 S Sterling ID 83210 208/328-2283

all of their right, title and interest in and to Water Permit No. 35-7834, Water Permit No. 35-7836 and Water Permit No. 35-7835 (ready for licensing).

Margaret O'Haire
Margaret O'Haire

G&M FARMS

By: Gary Funk
Gary Funk

By: Michael Funk
Michael Funk
Its General Partners

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OCT 01 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by PH
Date 10-1-92
Receipt No. 0025636

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

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 water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-7836

Name(s) of Permit Holder: Margaret O'Haire

Mailing Address: 8756 Clovis; Boise, Idaho 83706

Date Proof is Due October 1, 1992 Telephone No. 322-8516

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

Please see attachment

Costing \$

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

Please see attachment

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

FEE: \$15.00

Margaret O'Haire
(Signature)*

*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 within which to submit proof of beneficial use is extended to October 1, 1994.

JUL 21 1994

Signed this 2nd day October, 19 92

J. Shw Saylor
Chief, Water Allocation Bureau

REQUEST FOR EXTENSION OF TIME

Work completed toward development:

The buyers of the real property to which this permit relates have informed the permit holder that they have cleared the land of brush and rock. They have informed the permit holder that they have raised crops of wheat and barley on the ground.

Since January 30, 1990, the buyers have submitted to the Department their proof of beneficial use for Permit No. 38-7835, which relates to another portion of the real property purchased from the permit holder.

For further details of the buyers' actions regarding this permit and their intended development, please see the August 10, 1989 letter from Gary Funk (on behalf of the buyers) to Tim Luke of the Department.

Reasons for work not being complete:

The buyers' litigation regarding the linear irrigation system they purchased in 1985, as previously detailed in materials provided the Department, was the primary reason.

Permit holder's further reason is that she holds the Mortgage on the real property and will not be able to regain control of the real property until she pursues foreclosure litigation. Permit holder intends to file such litigation if the payments due her are not brought current by October 1, 1992, the annual payment date under the Promissory Note between buyers and permit holder. Until permit holder regains control of the real property in that litigation, she will be unable to take direct actions to develop the property and the permit to which this extension relates.

Length of extension:

Permit holder requests an extension until 1997 because she cannot now predict the total length of the anticipated foreclosure litigation.

In the alternative, permit holder requests the Department to grant an extension at least until 1994, the date requested in the request filed in 1989 regarding this permit.

JUL 21 1994

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EVALUATING	)	
WHETHER DEVELOPMENT OF 20,000 ACRES	)	
OF IRRIGATED LAND WOULD	)	MEMORANDUM DECISION
CAUSE A SIGNIFICANT REDUCTION	)	& ORDER
IN TRUST WATER AVAILABLE FOR	)	
POWER PRODUCTION	)	

This matter having come before the Director of the Idaho Department of Water Resources (IDWR) as a result of the Swan Falls water right settlement, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. "Trust water" is that portion of an unsubordinated water right used for hydropower generation purposes which is in excess of a minimum stream flow established by state action.

2. Section 42-203C(1), Idaho Code, provides as follows:

If an applicant intends to appropriate water which is held in trust by the state of Idaho pursuant to subsection (5) of Section 42-203B, Idaho Code, the director shall consider, prior to approving the application, the criteria established in Section 42-203A, Idaho Code, and whether the proposed use, individually or cumulatively with other existing uses, or uses reasonably likely to exist within twelve (12) months of the proposed use, would significantly reduce the amount of trust water available to the holder of the water right used for power production that is defined by agreement pursuant to subsection (5) of Section 42-203B, Idaho Code, and, if so, whether the proposed reduction is in the public interest. (emphasis added).

3. The IDWR conducted a study to estimate the reduction in hydropower generation which would result from the development of the first 20,000 acres of newly irrigated land (new development) authorized under the Swan Falls settlement. The study included several steps as follows:

- a) Identify the location of the potential new development and the related water sources;
- b) Estimate the net depletion resulting from new irrigation development of these lands;

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c) Route the reduced flows through the aquifer and surface flow systems to the affected power plants;

d) Compute the loss in potential generation at each plant resulting from the reduced flows.

4. Step a) in Finding of Fact No. 3. was accomplished by plotting land location as shown by the water right applications and permits being considered. The 20,000 acres are generally located as follows:

Acreage	General Location	Water Source
9,885	Snake River Plain	Snake Plain Aquifer
5,315	Valleys adjacent to the Plain	GW trib. to Snake Plain Modeled area
4,800	Scattered areas	GW and surface water from areas not trib. to Snake Plain Modeled area

20,000 acres

5. Step b) in Finding of Fact No. 3. was accomplished using simulation models which have previously established the "base" flows conditions.

6. Step c) in Finding of Fact No. 3. involved a groundwater component and a surface water component. Withdrawals from the Snake Plain aquifer and from the tributary valleys affect the water in storage in the aquifer. Storage changes alter the gradients which eventually reduce aquifer discharges. If a new withdrawal is continued long enough, the aquifer outflows will be reduced by an amount approaching the magnitude of the withdrawal and resulting depletion.

7. The IDWR digital model of the Snake Plain aquifer (groundwater model) was used to simulate this process and predict the outflow reductions after 15, 30, 45 and 60 years of annual withdrawals by new irrigation development at the assumed locations. The results of the groundwater model run indicate that aquifer outflows would be reduced by the following percentages of the annual depletion:

Year	Outflow Reduction (Acre Feet)	Percent of Annual depletion (%)
15	4,600	23
30	9,000	45
45	14,700	73
60	15,200	76

8. Significant reduction should be determined by evaluating the depletion when its effect on the river is fully felt. Incremental change in the percent of annual depletion is very small sixty (60) years after the first

FEB 14 1990

depletion. The percent of annual depletion in the 60th year adequately represents the long-term effect of aquifer depletions on Snake River flows.

9. The groundwater model predicts that approximately eighty percent (80%) of the reduction in river flow would occur in the Milner to King Hill reach with the remainder (20%) occurring between Blackfoot and Minidoka Dam.

10. The IDWR routed the reduced flows through the aquifer and river system using a digital model of the Snake River system (river model). This model and its computed base conditions are described in "Stream Flows in the Snake River Basin, 1985 Conditions of Use and Management" Open-File Report, September 1986. The groundwater depletion was input to the river model assuming uniform depletions each month.

11. The river model computes flows at numerous points in the Snake Plain Basin including sites at, or near to, the power plants. These computed flows were used to compute power generation and were compared to similarly computed generation for base flow conditions.

12. The annual reduction in hydropower generation 60 years after the development of 20,000 new acres is estimated to be approximately 2.8 million KWH in power facilities upstream from the Murphy gage on the Snake River.

13. In cooperation with staff of the Idaho Public Utilities Commission (IPUC), IDWR determined the rate impact of lost hydropower generation caused by the new development in the trust water area of the Snake River basin assuming that new thermal generation capacity is obtained to replace the lost hydropower generation.

14. The cost impact to the rate base of replacing the lost hydropower generation with thermal generation capacity must be considered in the evaluation of any significant reduction in hydropower generation, but the statutes and Water Appropriation rules do not require consideration of impacts to the rate base resulting from other aspects of the new development such as new pumping loads.

15. Step d) of Finding of Fact No. 3. was determined using an IPUC power supply model (power model) associated with the rate making process. Data from the 1966-1985 period was used to establish a base flow. The depletions were then input to the power model and the difference in ability to meet firm load requirements and to make economic spot market sales and purchases was determined. A comparison of the output of the power model run to base conditions produced increased total IPCO power supply costs due to Snake River depletions.

16. The power model shows that the impact of reduced hydropower generation at IPCO's facilities on the Snake River above the Hell's Canyon complex as a result of the development of 20,000 new acres will result in an average increase in IPCO's power costs of \$159,553 per year which is approximately five one hundredths of one percent (0.05%).

17. During certain periods of each year there generally is unappropriated water in the Snake River. During these periods, a new

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FEB 14 1990

appropriation of water has no effect upon IPCO's water rights or ability to generate hydropower.

CONCLUSIONS OF LAW

1. The development of 20,000 new acres which results in an average increase in power rates of five one hundredths of one percent (0.05%) will not cumulatively cause a significant reduction in IPCO's hydropower generation capability at hydropower generation facilities upstream from the Hells Canyon complex on the Snake River.

2. The hydropower generating facilities of IPCO which are affected by reductions in river flow represent approximately 25% of IPCO's hydropower generating capacity as compared to the Hells Canyon complex facilities which represent approximately 75% of IPCO's hydropower generating capacity. The Hell's Canyon facilities are subordinated to later in time consumptive uses and are not properly included as a part of the evaluation of significant reduction. (Water Appropriation Rule 5,3,1,4.).

3. The reduction in IPCO's hydropower generation capability caused by new development is such that the timing of the reduction, either on an annual basis or a long term basis, need not be considered by IDWR. The computer model studies show that it would take approximately 15 years for aquifer outflow to the Snake River to be reduced 23% of net new withdrawal. By the 60th year outflow would be reduced by 76% of the new depletion. Other factors present in a dynamic system as large as the Snake Plain aquifer will have more effect on the discharge of the Snake River than decreases caused by this amount of new development.

4. Staff of the IPUC advises that the effect of reduced hydropower production on "unit cost" is not a proper factor to consider when analyzing the effect of reduced flows to hydropower generating facilities. IPUC generally considers hydropower facilities to have zero unit or production costs. Thermal facilities on the other hand do have associated unit costs such as the cost of fuel.

5. The IDWR is unaware of any contract or regulatory permits including FERC licenses which require IPCO to produce or to maintain capability to produce hydropower at specific levels.

6. Approval of applications for permit or permits which propose the development of the first 20,000 acres of newly irrigated land with water from the Snake Plain aquifer will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

7. The development proposed by Permit No. 35-7836 will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

8. Permit No. 35-7836 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

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ORDER

It is, therefore, hereby ORDERED that Permit No. 35-7836 is hereby continued subject to the following conditions:

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.
6. All conditions of approval contained in Permit No. 35-7836 are incorporated into and made part of this order.

Dated this 5TH day of FEBRUARY, 1990.


R. KEITH HIGGINSON
Director

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 2/7/89
Receipt # 0005425

REQUEST FOR EXTENSION OF TIME

Department of Water Resources

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

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. 35-7836

Name(s) of Permit Holder: Margaret O'Haire

Post Office Address: 8756 Clovis, Boise, ID 83709

Telephone No. _____

Date Proof is Due: March 1, 1989

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

Land has been cleared of brush and is now being
cleared of rock. Wheat & barley have been raised
on the ground.

Costing \$ _____

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

Permit holder is named as a defendant in Swan Falls.

Permit holder(s) request an extension to March 1, 1990 X 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 within which to submit proof of beneficial use is extended to October 1, 1992.

Signed this 30th day of January, 1990.

A. New Sactor
Chief, Water Allocation Bureau

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FEB 14 1990

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 3 day of January 1990 and the date of last publication being the 10 day of January 1990.

(Signed)

State of Idaho

County of Power

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

Notary Public for Idaho

Residing at American Falls, Idaho
My commission expires: June 8, 1993

Notice of existing water permit

Published in The Power County Press,
Jan. 3, 10, 1990.

NOTICE OF EXISTING WATER
RIGHT PERMIT
Presently recorded as follows:

35-07831

BEHREND, CHARLES M.
2706 W. 1800 S.
ABERDEEN, ID 83210

Source: GROUNDWATER

Division Pt: SWNE Sec 25 T 05S R
29E

Use: IRRIGATION (6,400 CFS)
Total Diversion: (6,400 CFS)

Priority: 5/21/1979

In: T05S R29E S25 NENE NWNE
SWNE SENE
NENW NWNW SWNW SENW

320.0 ACRES TOTAL

35-07834

O HAIRE, MARGARET
8756 CLOVIS DR.
BOISE, ID 83709

Source: GROUNDWATER

Division Pt: SWSE Sec 12 T 05S R
29E

Use: IRRIGATION (6,400 CFS)
Total Diversion: (6,400 CFS)

Priority: 1/22/1979

In: T05S R29E S12 NESE NWSE
SWSE SESE
S13 NENE NWNE SWNE SENE

320.0 ACRES TOTAL

35-07836

O HAIRE, MARGARET
8756 CLOVIS DR.
BOISE, ID 83709

Source: GROUNDWATER

Division Pt: NESE Sec 14 T 05S R
29E

Use: IRRIGATION (6,400 CFS)
Total Diversion: (6,400 CFS)

Priority: 3/10/1979

In: T05S R 29E S14 NENE NWNE
SWNE SENE
NESE NWSE SWSE SESE

320.0 ACRES TOTAL

35-07838
O HAIRE, MARGARET
8756 CLOVIS DR.
BOISE, ID 83709

Source: GROUNDWATER

Division Pt: NESE Sec 15 T 05S R
29E

Use: IRRIGATION (6,400 CFS)
Total Diversion: (6,400 CFS)

Priority: 1/22/1979

In: T 05S R29E S15 NENE NWNE
SWNE SENE
NESE NWSE SWSE SESE

320.0 ACRES TOTAL

35-07954

BEHREND FARMS
2706 W. 1800 S.
ABERDEEN, ID. 83201

Source: GROUNDWATER

Division Pt: SENE Sec 24 T 05S R
29E
SESE Sec 24 T 05S R 29E
NENE Sec 25 T 05S R 29E

Use: IRRIGATION (32,000 CFS)
Total Diversion: (32,000 CFS)

Priority: 2/24/1981

In: T05S R29E S24 NENE NWNE
SWNE SENE
NENW NWNW SWNW SENW
NESE NWSE SWSE SESE

R30E S19 NENE NWNE NWNE
SENE
NENW NWNW SWNW SENW
NESE NWSE SWSE SESE

S30 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
1600.0 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 filed 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 42-203 C, Idaho Code, only.

R. KEITH HIGGINSON, Director

FROM Jodi

DATE 2/28/99

TO file # 35-7836

SUBJECT

Please send copy of all correspondence to:

Carl W. Harder

HAWLEY, TROXELL, ENNIS & HAWLEY

P.O. Box 1617 **MICROFILMED**

Boise, ID

83701 FEB 14 1999

Margaret O'Haire
Current Address:

8756 clovis

Boise, ID 83709

98
SIGNATURE

STATE OF IDAHO

Department of Water Resources
Eastern District Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now MARGARET O'HAIRE Phone 322-8516

of (address) 7407 McMullen, Boise, ID 83709, 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. 35-7836, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ SE ¼, Section 14, Township 5S, Range 29E, B.M.,
County of Power. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 6.40 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	14	40	40	40	40									40	40	40	40	320

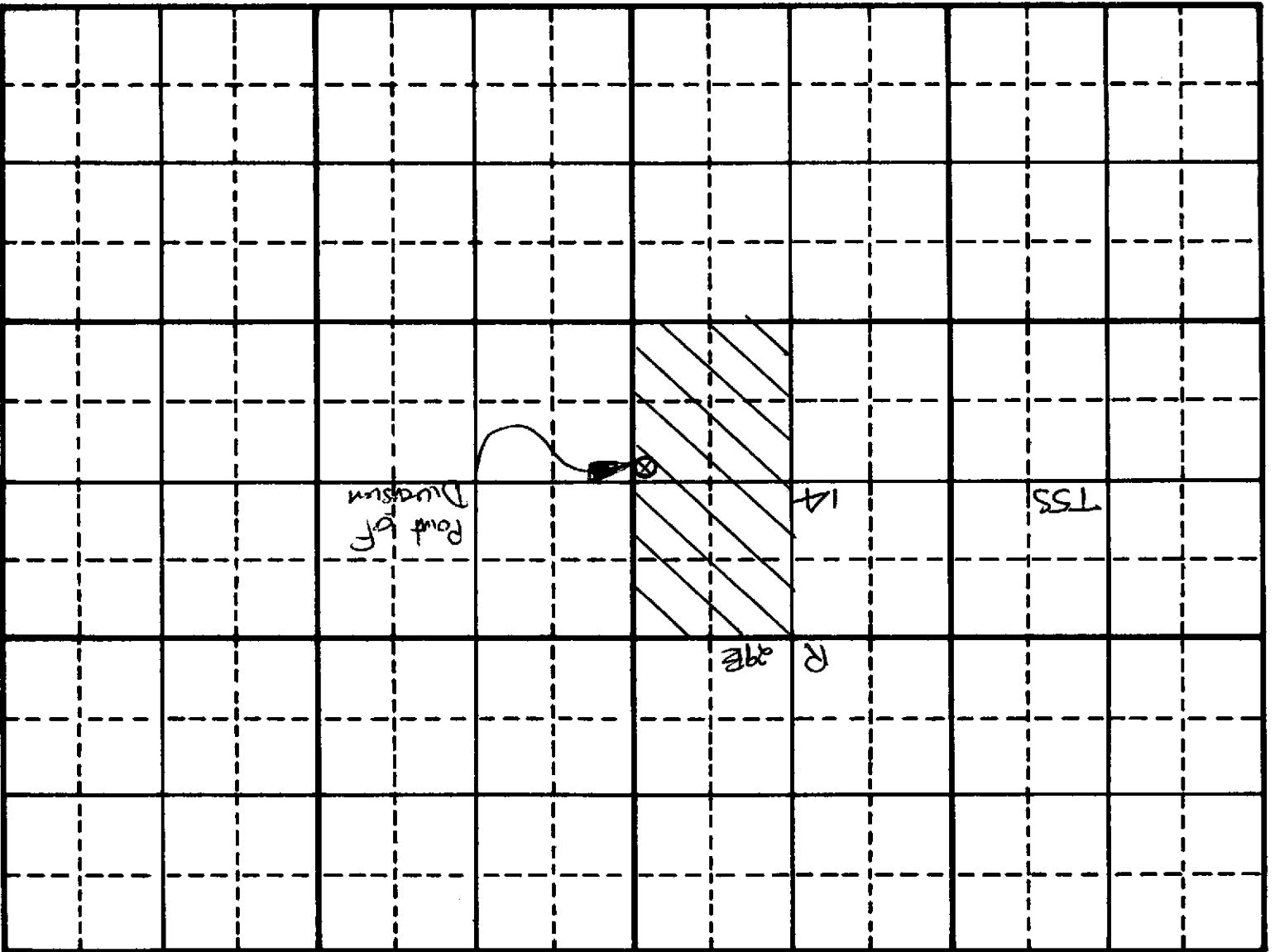
Total number of acres to be irrigated = 320

4. a. Who owns the property at the point of diversion? Applicant & G.M. Farms
b. Who owns the land to be irrigated or the place of use? Applicant & G.M. Farms
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Written agreement between parties

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FEB 14 1980

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



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

Signed at Boise, Idaho, this 24th day of July, 1985.

Margaret Haine
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by SA. Fee = \$20.00
Publication prepared by *WJ* Date 9-11-85
Publication dates 9/19 + 9/26/85
Published in *Four City Press*
Received by *HWS* Date 5-31-85 #33301
(To G-M Form 5)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth on

page 4 of Permit No. 35-7836 are met.

Witness my hand this

17 day of

October

1985

Chief, Operations Bureau

L. Glen Saxton

MICROFILMED

FEB 14 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

..Brett Crompton..... being first duly
sworn on oath, states:

That he editor
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight consec-
utive weeks, prior to the first publication
of the annexed notice or advertisement:

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

....18.... day of September.....1985....
and the date of last publication being the
....25.... day of September.....1985....

(Signed) *Brett Crompton*
Subscribed and sworn to before me this

....27.... day of September.....1985....
.....*Paula Hoffer*.....
Notary Public, residing at
American Falls, Idaho
(SEAL)
My commission expires the

.....day of March..1986.

Department of Water Resources
Eastern District Office

**Proposed Amending
of water permit**

Published in The Power County
Press September 18 & 25, 1985.

NOTICE OF
PROPOSED AMENDING
OF WATER PERMIT

Notice is hereby given that permit
No. 35-7636 in the name of Margaret
O'Haire, Boise, was issued for the
diversion of 6.40 cfs of water from a
groundwater source with the point of
diversion within the SW 1/4 SE 1/4, Sec.
13, T. 5S, R. 29E, B.M., Power
County; to be used for the irrigation
of 320 acres within the NE 1/4, Sec.
24, SE 1/4, Sec. 13, T. 5S, R. 29E,
B.M.

The permit holder now proposes
to amend permit No. 35-7636 chang-
ing the point of diversion to the
NE 1/4 SE 1/4, Sec. 14, T. 5S, R. 29E,
B.M., Power County and the place
of use to the E 1/4, Sec. 14, T. 5S, R.

ding of the permit must be filed with
the Idaho Department of Water
Resources, 150 Shoup Avenue, Suite
15, Idaho Falls, Idaho, 83402 on or
before October 7, 1985.

A. KENNETH DUNN
Director

RECEIVED

FEB 14 1986

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

J. W. VANDERFORD, INC., MARGARET O'HAIRE, a
I, an Idaho corporation, hereby assign to single person
of 7407 McMullen, Boise, Idaho, 83709
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7836
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 13th day of February, 19 84.

J. W. VANDERFORD, INC.

John W. Vanderford
Permit Holder

By: John W. Vanderford, President

Not Applicable
Spouse of Permit Holder

State of Idaho)
County of Idaho) ss.

On this 9 day of July, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Sharon M. Knapp
Notary Public residing at

Bozelle, Idaho

My commission expires:

Dec 17, 1987

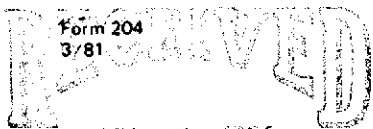
MICROFILMED

FEB 14 1990

RECEIVED

JUL 18 1984

Department of Water Resources



For Office Use Only	
Fee Received	15.00
Date	4-17-84
Receipt #	33929

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

J. W. Vanderford Inc of Box 181 Hebden
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 35-7836.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
_____, 19 ____.

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

Costing \$ _____

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

Unable to proceed because of the Swan Falls
Water Problem.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to Feb 30, 19 89.
(1 yr. minimum, 5 yrs. maximum)

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

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 March 1, 1989.

IT IS FURTHER ORDERED that the permit be reinstated and the priority advanced to
March 10, 1979, pursuant to Section 42-218a, Idaho Code.

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

Dated this 15th day of June, 1984.

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

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., an Idaho Corp. Phone 232-5911

Post office address P. O. Box 967, Pocatello, Idaho 83201

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13 Township 5 South

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

4. Water will be used for the following purposes:

Amount 6.4 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. 6.4 cubic feet per second and/or b. - - - acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pumps - Main line system
direct to center pivots

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

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

c. Proposed well diameter is 20 inches; proposed depth of well is 400 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: - -

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

[illegible]

Total number of acres to be irrigated 320 Acres

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

9. a. Who owns the property at the point of diversion J. W. Vanderford, Inc.

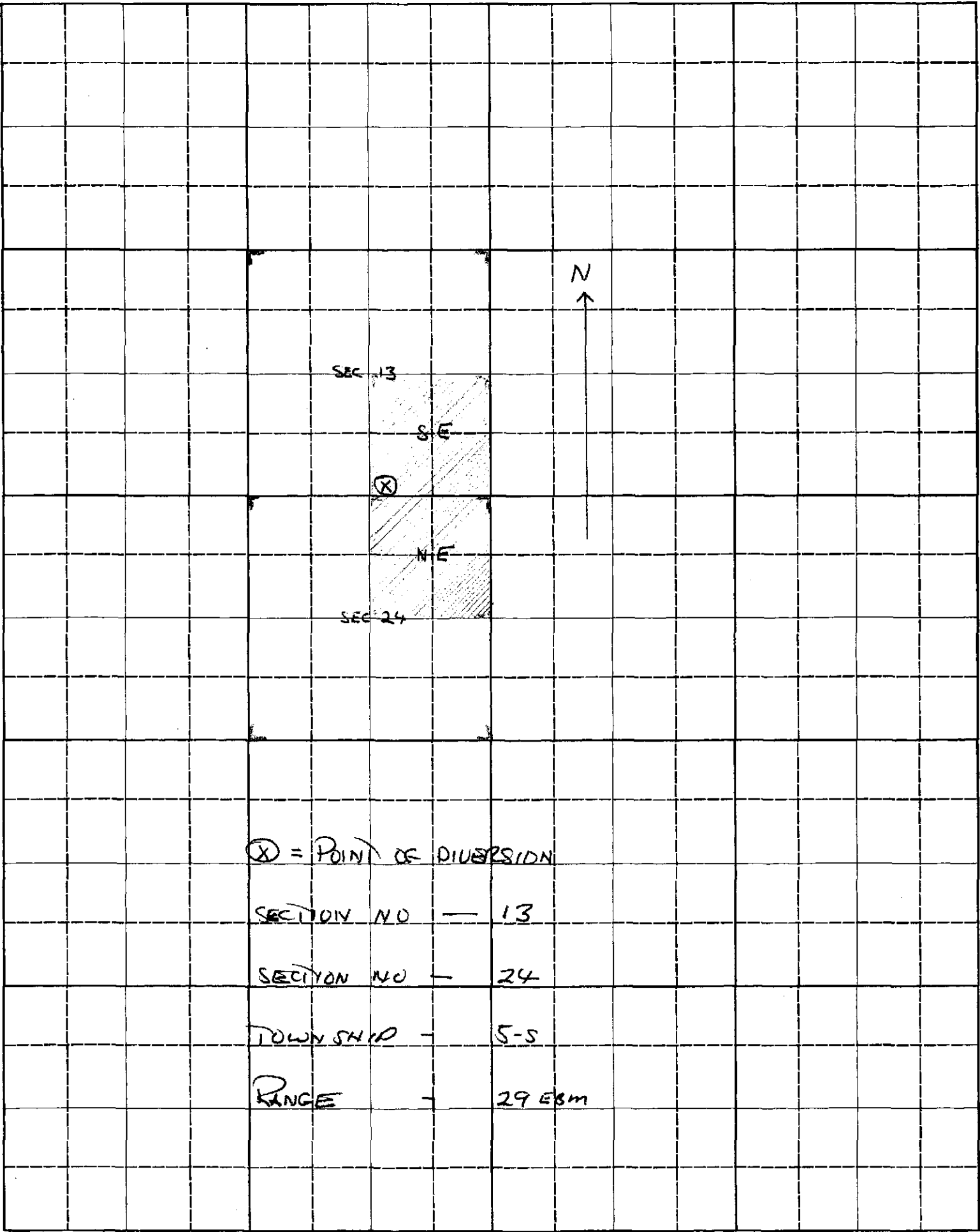
b. Who owns the land to be irrigated or place of use J. W. Vanderford, Inc.

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

applicant to make this filing

10. Remarks

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



Scale: 2 inches equal 1 mile.

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

J. W. Vanderford, Inc.
(Applicant)
Margaret O'Haire, Sec.

Proposed Priority 1-22-79

Received by _____ dh Date 1-22-79 Time 1:30 p.m.

Preliminary check by ARK Fee \$ 95.00 92-145

Received by _____ dh Date 1-22-79 #19839

Publication prepared by DH Date 1-26-79

Published in _____ Power Co. Press

Publication dates FEB 1 & 8, 1979

Publication approved 97 Date 2-13-79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SS

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. 35-7836, 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 1st day of March, 1979.

Chief, Operations Bureau

A. Allen Saylor

Affidavit of Publication

RECEIVED

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

FEB 12 1979

Phyllis Ringe

being first duly sworn
Department of Water Resources
Eastern District Office

on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publica-

tion being the 1st day of February, 1979

the date of last publication being the

8th day of February, 1979

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

9th day of February, 1979

Rose Ann Turk
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) day of February, 1979

82-0

Legal Notice

35-7835

J.W. Vanderford, Inc.
P.O. Box 967, Pocatello, ID 83201
Source: Groundwater
Date Filed: 01/22/1979
Amount: 6.40 CFS
Diversion Point: SESE Sec 11 T O5S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW SESW Sec 12 T O5S R 29E NESE NWSE SWSE SESE Sec 11 T O5S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system

35-7836

J.W. Vanderford, Inc.
P.O. Box 967, Pocatello, ID 83201
Source: Groundwater
Date Filed: 01/22/1979
Amount: 6.40 CFS
Diversion Point: SWSE Sec 13 T O5S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NENE NWNE SWNE SENE Sec 24 T O5S R 29E NESE NWSE SWSE SESE Sec 13 T O5S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system

35-7837

J.W. Vanderford, Inc.
P.O. Box 967, Pocatello, ID 83201
Source: Groundwater
Date Filed: 01/22/1979
Amount: 6.40 CFS
Diversion Point: SESE Sec 21 T O5S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NESE NWSE SWSE SESE Sec 21 T O5S R 29E NWNE SWNE NENW SENW Sec 28 T O5S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system

35-7838

J.W. Vanderford, Inc.
P.O. Box 967, Pocatello, ID 83201
Source: Groundwater
Date Filed: 01/22/1979
Amount: 6.40 CFS
Diversion Point: NESE Sec 15 T O5S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NENE NWNE SWNE SENE NESE NWSE SWSE SESE Sec 15 T O5S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system

If issued, the permits 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

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 10, 2001

NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 10
BLACKAFOOT ID 83221-0010

RALPH BREIDING
2875 S VISITING RD
AMERICAN FALLS ID 83211

RE: License No. 35-7836 - Issuance of License

Dear Water Right Holder(s):

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

Enclosed is a copy of the approved Application for Amendment.

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

MICROFILMED

OCT 11 2001

Enclosure(s)

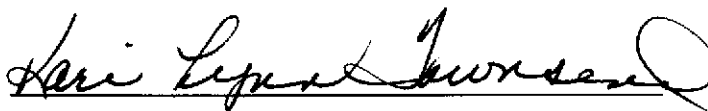
CERTIFICATE OF MAILING

I hereby certify that on August 10, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-7836

NORTHWEST FARM CREDIT SERVICES ACA
10 W JUDICIAL
PO BOX 10
BLACKFOOT ID 83221-0010

RALPH BREDDING
2875 S VISITING RD
AMERICAN FALLS ID 83211

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED

OCT 11 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 25, 2001

RALPH BREDDING
2875 S VISITING RD
AMERICAN FALLS ID 83211

RE: Permits 35-07836 and 35-08605A

Dear Mr. Bredding:

Pursuant to our telephone conversation yesterday afternoon, enclosed you will find revised licensing amendments for the above referenced permits. I reviewed the field examinations and found that the point of diversion was located on the line between the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, Twp. 07S, Rge. 29E. In light of this, along with your review at the county assessor's office, we have revised the point of diversion description. No other changes were made.

Please review these licensing amendment forms carefully. If you concur with the information presented please sign the forms and return them with the \$50.00 filing fee, per amendment form, to this office within 14 days.

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

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED
OCT 11 2001

Memorandum

To: Files 35-07836 and 35-08605A

From: Kay Walker 

RE: Location of Point of Diversion

Date: July 24, 2001

.....

Mr. Breeding called me this afternoon in regard to the licensing amendments I had sent out to him. He says we are off on the location of the point of diversion by about 30 feet. He went into the county assessor's office to confirm the location we had identified and they determined that his point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14 rather than the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14. In looking at the map prepared by field examiner I noticed that the point of diversion is located right on the line between these 10 acre tracts and told Mr. Breeding I would prepare new amendment forms and send them out with the correct point of diversion. He said he'd be glad to sign the amendments and send them in once the point of diversion description is corrected.

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OCT 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 16, 2001

NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 10
BLACKFOOT ID 83221-0010

RALPH BREDING
2875 S VISITING RD
AMERICAN FALLS ID 83211

RE: Water Right Permit No. 35-07836

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion

☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

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

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure(s)

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OCT 11 2001

LICENSE REVIEW CHECKLIST

Permit No. 35-07836 Date: 7-12-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use change

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 35-8605A - pld OL only
File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 6.4 cfs

Fee Limit 7.0 cfs

Measured 7.68 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 4.16

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 6.16 cfs 1232 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 6.16 cfs 1232 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

sl-acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

6.16 cfs x 1.9835 x 214 days = 2614.7 af (vs) 308 acres x 4.0 (FHR) = 1232 af
3.0 (con)

Remarks: W36, W35, R64, R55

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist? YES - Aberdeen - American Falls

Water Msmt. Dist? YES - EAST

Crit. GWMA? _____

GWMA? _____

Government Lots? NO

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

Not req'd

Adjust memo _____

Amend Letters

P37 P87, S06

Second Amendment Notice

P49 S06

hands to be licensed in S13,7S,29E-No OL

Jeff ✓
WR Permit files

MEMORANDUM

July 6, 2001

TO: Permit file nos. 35-8605A and 35-7836

FROM: Cindy Hodges *cyh*

RE: Permit development and amendments

Recently I conducted a field inspection on lands in S1/2 Section 14 and SE Section 15, T7S R29E, to investigate a potential illegal diversion and use of groundwater. These lands had been identified through a review by Jeff Peppersack as having a possible unauthorized diversion.

The above permits are presently held by the landowner, Ralph Breeding. Permit 35-8605A authorizes irrigation within SW1/4 Section 14 T7S R29E. Permit 35-7836 authorizes irrigation in E1/2 Section 14, T5S R29E. A drilling permit was issued pursuant to 35-7836 in Sec 14, T6S R29E. According to the 1996 beneficial use examination, 35-8605A was recommended for licensing in SE1/4 Sec 15 T7S R29E, and 35-7836 was recommended in S1/2 Sec 14, T7S R29E. This recommendation satisfies the water right coverage for the area under investigation but leaves a few permit development questions.

The system as described in 1996 is essentially the same system I found this season. I have ruled out a permitting error for 35-7836 by matching the application map with surrounding permits in the same area which were filed about the same time. I suspect that permit 35-7836 was simply moved by the owner without an appropriate amendment, and the drilling permit was issued with an incorrect legal. The permitted place of use in T5S is *not* being irrigated, according to 97-98 satellite photos. If the proper permit amendments can be obtained, the net result is that all irrigated land can be authorized under a valid water right and the issue of illegal diversion is no longer a crucial one.

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OCT 11 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 16 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-07836

1. Owner: RALPH BREDING Phone No. (208) 226-2109
2215070 HOB.

Current Address: 2875 S. VISITING RD., AMERICAN FALLS, ID 83211

2. Accompanied by: OWNER EXAM DATE: 7/25/97

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: 35-08605A (COMMON SYSTEM)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SW	SW	14	07S	29E	POWELL	U.S. G.S. TOPO / NAPP PHOTOS

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	14									40	40	30	40	40	40	38	40	308
																			308

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201 11 2004

TOTAL

2. Measurements: SEE SOLE TYPE

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SOLE METER	POLYBORN TYPE-FLYER T-F	ASHKORT		7H0263	0-160	60751
PRESSURE GAGE						

1.
D. FLOW MEASUREMENTS

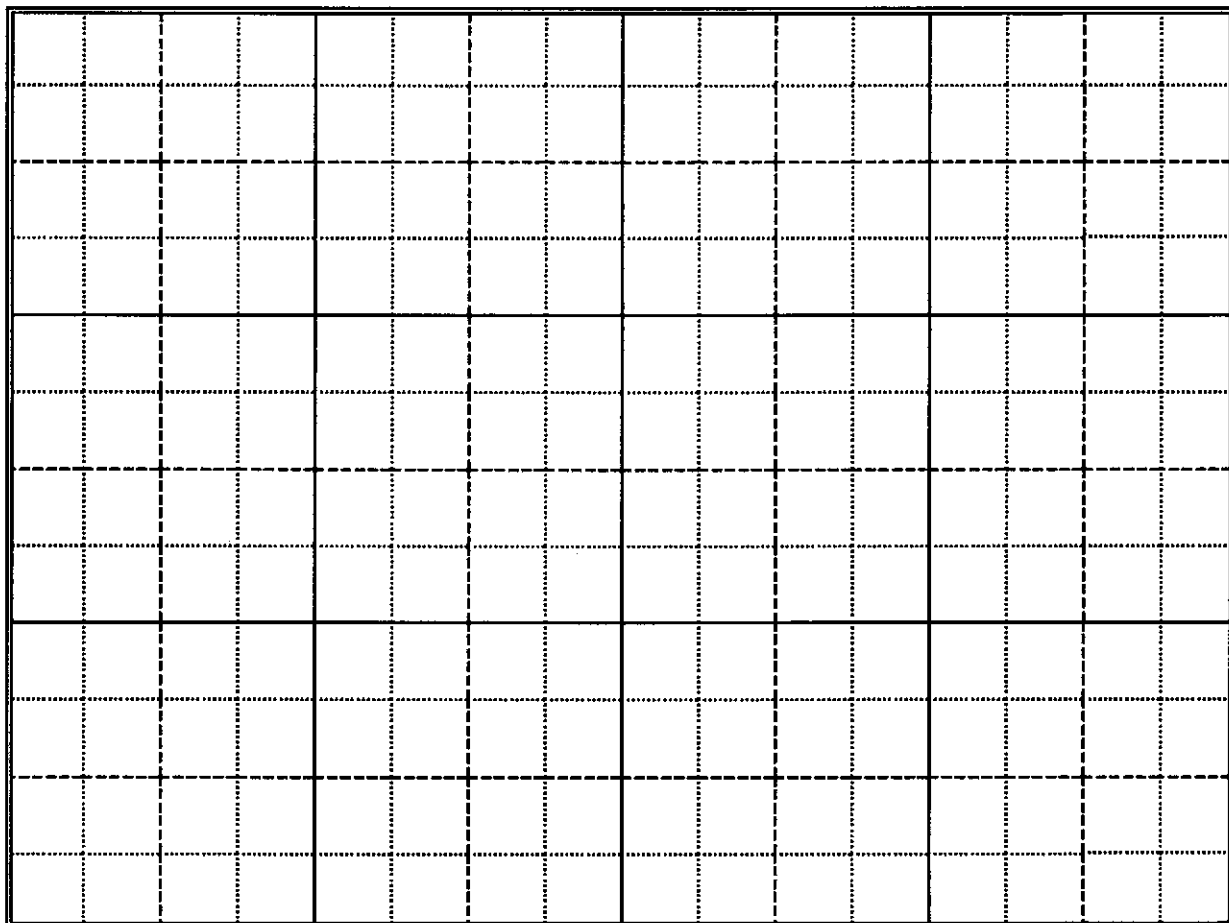
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
BOOSTER PUMP		125	HAALATHOD	P/A151000-SS	8"
WELL PUMP	DAVIDEAL ELEC.	400	G950444		12"

4.

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached (required for irrigation of 10+ acres)
Photo of Diversion and System Attached

Scale: 1" =



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable. SEE ATTACHMENTS

E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED BY A 400 HP VERTICAL TURBINE PUMP TO
A 125 HP CENT. TURBINE PUMP TO A 15" MAIN LINE WHICH
DISTRIBUTES WATER TO PERMIT # 35-08605A & 35-07836.
SYSTEMS CAN BE OPERATED INDEPENDENTLY.

* SYSTEM PUMP CONTROLLED BY ELECTRONIC SPEED CONTROLS

* NO GATE VALVE ON MAIN PUMP OR BOOSTER PUMP.

Have conditions of permit approval been met? ☒ yes ☐ no
EXCEPT AS NOTED.

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OCT 11 2001

SEAL

Reviewer

Date _____

Field Examiner's Name

Date 4/2/97

1. AUTHENTICATION

Change P.D. as reflected above

_____	Add P.D. as reflected above
_____	Add P.U. as reflected above
_____	Other
_____	None

2. Recommended Amendments

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (ata) 1,232
12816 + 710A	4/1	6.16	
Totals:	12/31	6.16 cfs	1,232 AFA

1. Recommended Amounts

H. RECOMMENDATIONS

* This Permit in combination with 35-08605A Not to exceed 7.68 cfs

2. Volume Calculations for Other Uses:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 308.40 \times 4 = 1232.4 \text{ A-Ft}$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.16 \times 214 \times 1.9835 = 2614.74 \text{ A-Ft}$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} = 1232.4 \text{ A-Ft}$$

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

$$308 \text{ ACRES} \times .02 = 6.16 \text{ AFS}$$

$$Q = \text{POLYSONIC} = 3,447 \text{ GPM} / 448.8 = 7.68 \text{ CFS}$$

Measured Method:

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

MODE SELECT
INPUT

OUTER DIAMETER
14.0200 IN

PIPE MATERIAL
? CS.SS

WALL THICKNESS
0.1370 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
10.933 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-25 16:4400 *R
+002.00 % AIZ

MODE SELECT
T0 CHECK

0516.6 MMSEC
100.01 % T0

07-25 16:4600 *R
+775.345E 06PM

07-25 17:0300 *R
+ 1.179E 36PM

07-25 17:0800 *R
+ 3.156E 36PM

07-25 17:0900 *R
+ 3.417E 36PM

07-25 17:4200 *R
+ 3.420E 36PM

07-25 17:4200 *R
+ 3.447E 36PM

7.68CFS

*35-86054
35-07836
RALPH BLEEDING*

*what
fine
not + what*

MICROFILMED

ad

35-07836

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District No. 1
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RALPH BREEDING

35-07836

SONIC TAPE

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 400 + 150

Eff = Efficiency = .7 (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 235 ft.

Assumed Draw down = + 25 ft.

Lift = 260

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 63 psi

$$Q_{cfs} = \left[\frac{550}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{260}{Lift} + \left(\frac{63}{psi} \times 2.308 \right) \right]$$

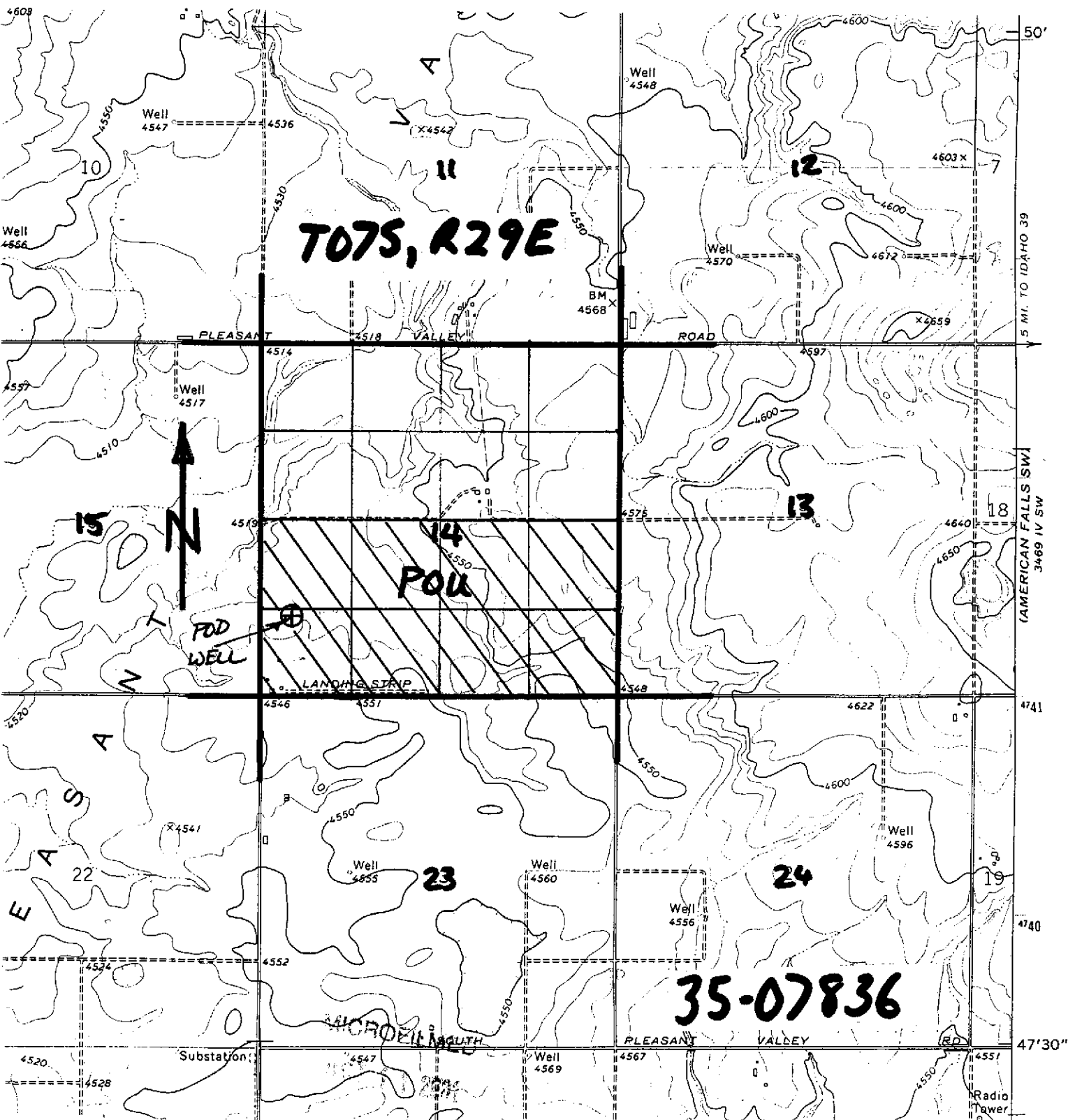
$$Q_{cfs} = \left[\frac{3,393.33}{ } \right] \div \left[\frac{406.173}{ } \right]$$

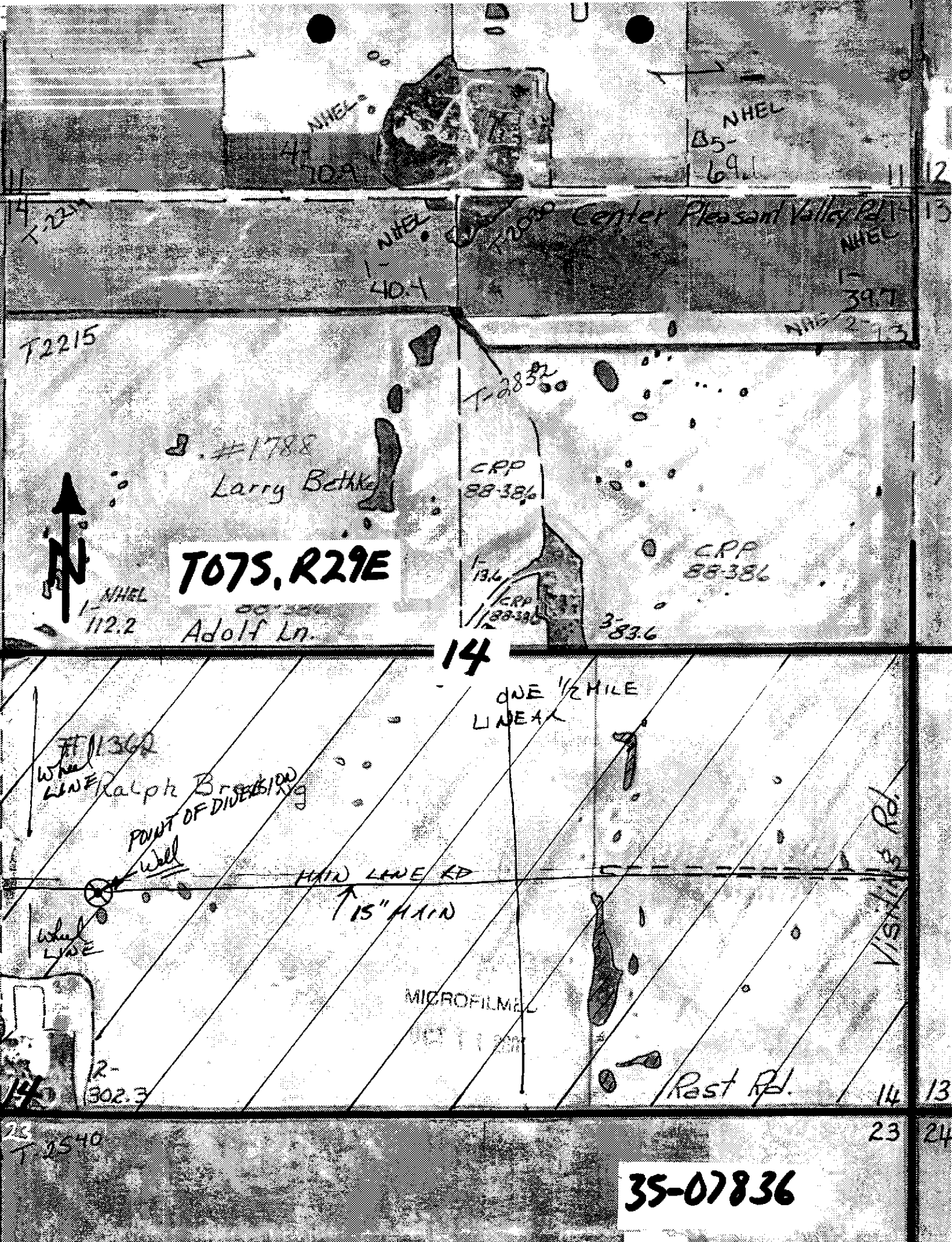
$$Q_{cfs} = \underline{8.35} \text{ cfs}$$

MICROFILMED

DATE 8-1-2004

PERMIT NO. 35-07836





35-07836

#1547
Driscoll Bros.

1-1514
NWEL

2-1515
NWEL

#1552
Wester Wahlen

1-1518
NWEL

DOT
151677

1-100

NWEL

NWEL

1-1032

Breding Road

1-2215

1-1034



T075.R29E

#1788
Larry Betke

1-1122
Adolf Ln.

1-404
NWEL

1-1038

1-1038

1-1038

1-1038

1-1038

1-1038

1-1038

1-1038

1-1038

1-1038

1-134
NWEL

1-134
NWEL

1-134
NWEL

1-134
NWEL

1-134
NWEL

1-134
NWEL

1-134
NWEL

1-134
NWEL

1-134
NWEL

ONE 1/2 MILE
LINE 4

15" HAND

Visit Rd.

Rest Rd.

T.75

See Map

35-08605A

35-07836

FIELD EXAM NOTES

320 acres

EXAM # 35-07836

DATE OF EXAM 7/25/96

PERMITEE NAME RALPH BREDING

OTHER WATER RIGHTS SAME POD 35-08805A

OTHER WATER RIGHTS SAME POU DONE

PUMP #1 HP 400 MAKE Continental Electric Co. SERIAL # 6950444

COLOR AND DESCRIPTION Gray / Blue

OUTPUT DIAMETER 12" SYSTEM PRESSURE 72 PSI WELL DEPTH 400

STATIC H2O 235 WELL DEPTH DYNAMIC PUMP

PSI GAGE TYPE Rain Bird 0-160 CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

PUMP #2 HP 60 PSI MAKE BAD SERIAL #

COLOR AND DESCRIPTION

OUTPUT DIAMETER SYSTEM PRESSURE PSI WELL DEPTH

STATIC H2O WELL DEPTH DYNAMIC PUMP

PSI GAGE TYPE CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP 125 MAKE Marathon SERIAL # P/2A151000-55

COLOR AND DESCRIPTION Dark Green

Cornell 8H-125-4 Serial 87914 13.00

BOOSTER PUMP #2 HP MAKE SERIAL #

COLOR AND DESCRIPTION

LINEAR
CIRCLE-PIVOT [Y] [N] NUMBER OF TOWERS 16 PIVOT LENGTH 1/2 MILE
PRESSURE [H] [L]

WHEEL LINES
HAND LINES [Y] [N] NUMBER OF LINES 2 LENGTH OF LINES ① 1/4 1320'
① 900'

RAIN BIRDS PER LINE 56 NOZZEL DIAMETER

SURFACE WATER TYPE OF MEASUREING DEVICE

AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH /

MICROFILMED

SET 11 2007

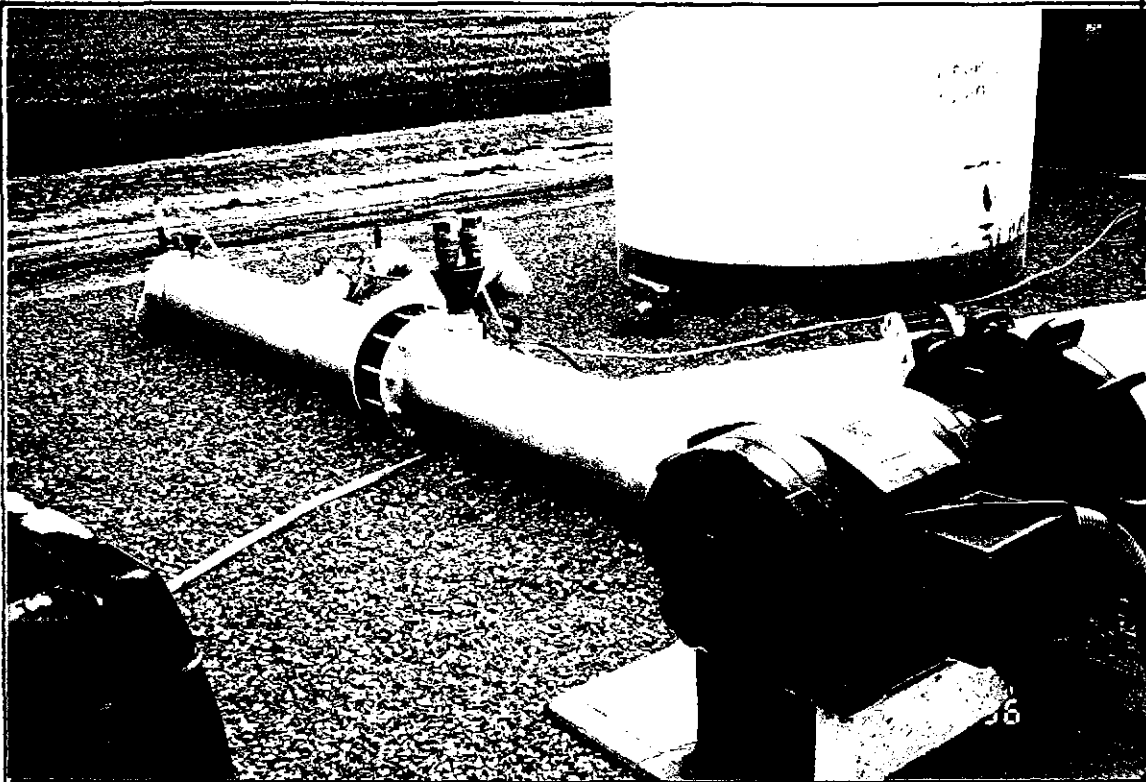
35-07836

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

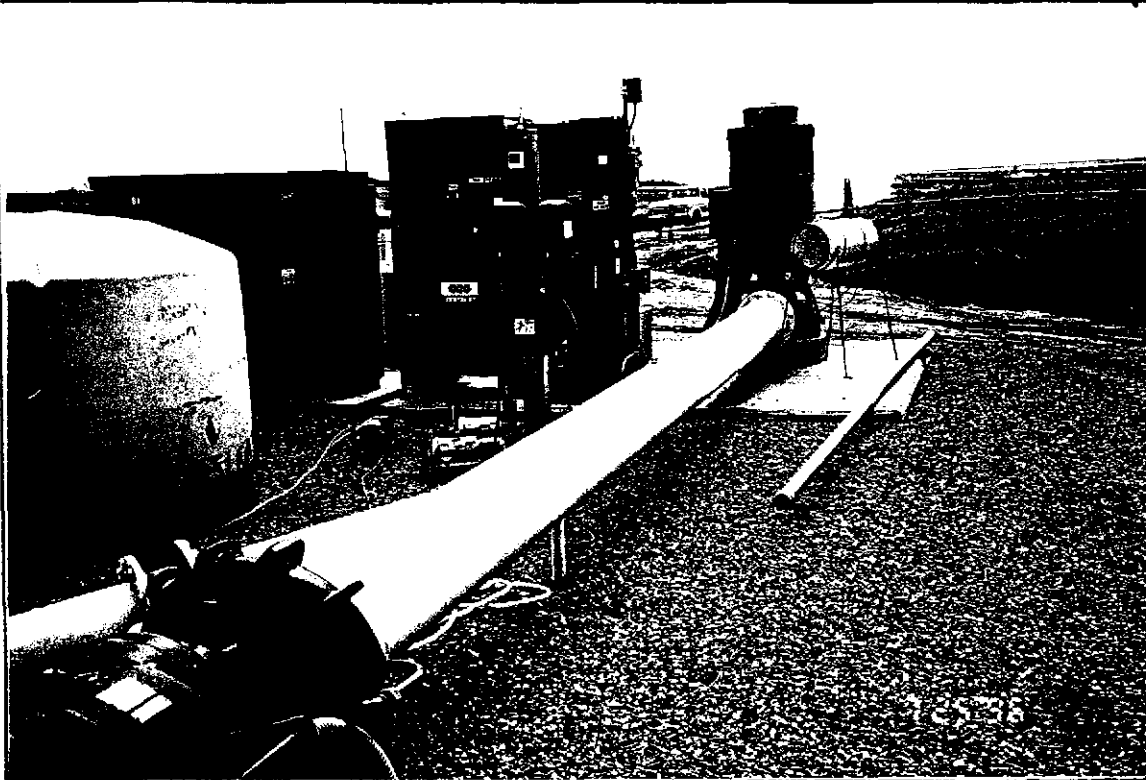
RALPH BREDING

IRRIGATION

184



VIEW OF
BOOSTER
PUMP
AND
MANIFOLD
SYSTEM



VIEW OF
POINT OF
DIVERSION
WELL +
PUMP

RECEIVED
OCT 11 1964

PERMIT
NUMBER

35-07836

RALPH BREDING

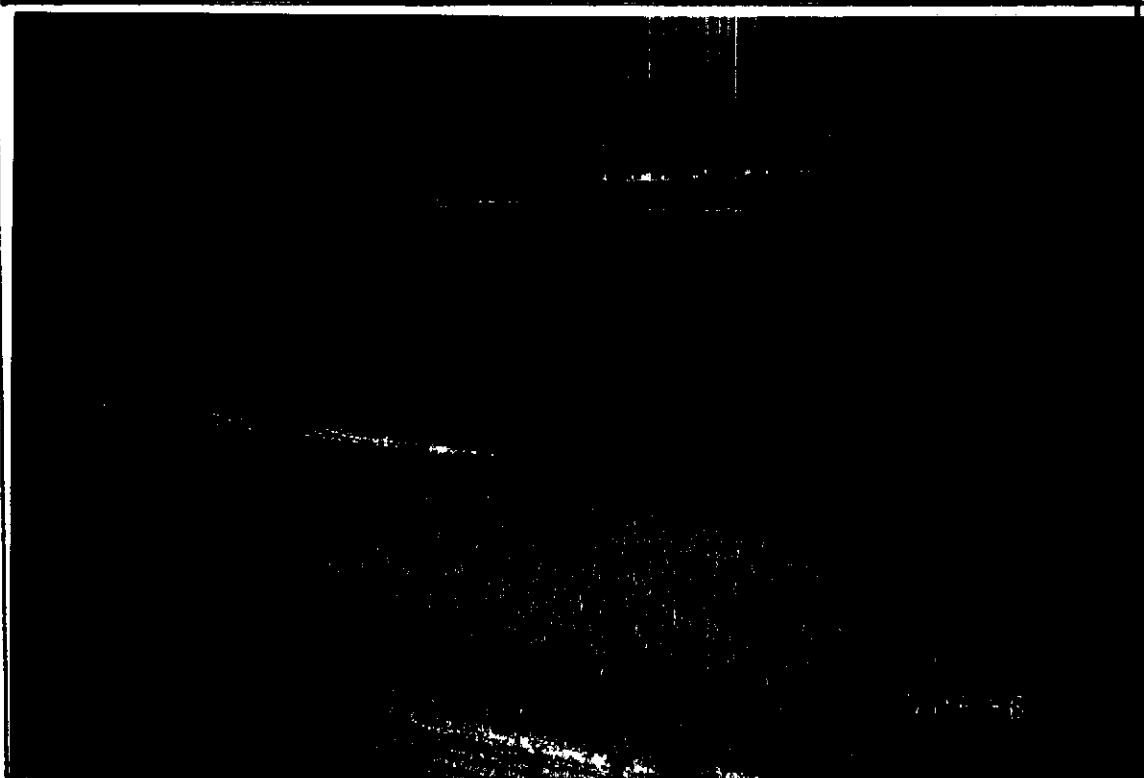
IRRIGATION

25/4

NORTH DIEW
OF POINT
PLACE OF USE



DIEW
NORTH EAST
PLACE OF
USE



PERMIT
NUMBER

35-07836

MICROFILMED

OCT 5 1 2001

RALPH BREEDING

IRRIGATION

35/4

VIEW EAST
CENTER OF
PLACE OF
USE



VIEW
SOUTH EAST
PLACE OF
USE



PERMIT
NUMBER

35-07836

MICROFILMED

OCT 1 1999

RALPH BREDING

IRRIGATION

45/4

VIEW SOUTH
PLACE OF
USE



7-25-86

MICROFILMED

OCT 11 2001

PERMIT
NUMBER

35-07836



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

November 30, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RALPH BREDDING AND
NORTHWEST FARMS CREDIT SERVICES ACA
10 W JUDICIAL
PO BOX 10
BLACKFOOT ID 83211-0010

Re: Permit Nos. 35-07836 and 35-08605A

Dear Water Right Holders:

This letter is to confirm that the assignment of ownership on the above referenced water rights is satisfactory. We have modified our computer records to reflect these changes in ownership.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

c: Ralph Bredding

DEC 13 1994

WR0749NP
No. 35-07836

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/21/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RALPH BREIDING 2875 VISITING RD AMERICAN FALLS ID 83211	03/10/1979	IRRIGATION	04-01 11-01	6.40 CFS	
					TOTAL DIVERSION:	6.40 CFS

C NORTHWEST FARM CREDIT SERVICES ACA
10 W JUDICIAL
PO BOX 10
BLACKFOOT ID 83211-
(208) 785-0820

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05S R29E S14 NESE POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
05S	29E	14	:	40		40		40		40						40		40		40		320.0
																				TOTAL ACRES	320.0	

Pou County: POWER

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the
- Department shall be installed by the right holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.
- 016 - See remarks for additional conditions of approval.

Remarks: THE DEPT. RESERVES JURISDICTION OF THIS PERMIT FOR THE PURPOSE OF
ADDING ANY APPLICABLE CONDITIONS TO PROTECT PUBLIC INTEREST.

Dates: App. Received: Priority Date: 03/10/1979
Proof Due Date: 10/01/1994 Proof Made Date: 09/29/1994
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

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

Comments: Date: 10/01/1992 User-ID: ANDREGG Subject: Extension of Time Received
Extension of Time Received

Date: 10/07/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd

WR0749NP
No. 35-07836

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/21/94
PAGE: 2

=====

Comments: Date: 10/07/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 10/06/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 10/20/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 09/22/87 05/21/88 CONVERT 05/23/89 CURTIS 07/13/89 CURTIS
12/26/89 CURTIS 02/07/90 CURTIS 10/01/92 COMMENTS 10/02/92 GUSTAFSO
10/07/92 COMMENTS 12/12/92 POST-STD 12/14/92 APSTRPHE 07/07/94 CZIMMERM
10/06/94 COMMENTS 10/20/94 JYARBROU 10/20/94 COMMENTS

Paid To:

STATE OF IDAHO
DEPT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, ID 83720-9000

Control No. 21101582

Comments:

BREEDING WATER PERMIT ASSIGNMENTS

Mail To:

DEC 23 1994

MEMO:

Date	11/16/94
Amount	\$50.00

DETACH BEFORE DEPOSITING



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 10, 1994

NORTHWEST FARM CREDIT SERVICES ACA
ATTN JAN GAMBLE
PO BOX 10
BLACKFOOT ID 83221-0010

RE: Assignments of Permit Nos. 35-07836 & 35-08605A

Dear Jan:

I recently received two 'Assignment of Permit' forms on the above referenced permits assigning these permits jointly to Northwest Farm Credit Services and Ralph Breeding.

As of July 1, 1994, each assignment of a permit must be accompanied by a \$25.00 filing fee. Assignments of permits are not acceptable without filing fees.

I am returning these assignments to you, please resubmit the assignments with the filing fees to my attention at the above address.

If you have any questions, please contact me directly at (208) 327-7944.

Respectfully,

A handwritten signature in cursive script that reads "Cindy Zimmerman".

Cindy Zimmerman
Water Resource Agent

Enclosures

RECEIVED
DEC 13 1994



Farm Credit Services

10 West Judicial
P.O. Box 10
Blackfoot, Idaho 83221-0010
208/785-0820 FAX 208/785-0878

November 2, 1994

RECEIVED
NOV 4 1994
Department of Water Resources

Idaho Dept. of Water Resources
1301 N Orchard Street
Boise, ID 83706

RE: Permit No. 35-08605A and No. 35-07836
Ralph Breeding

Enclosed are two Assignment of Permits as referenced above. These assign the permits to Ralph Breeding and to Northwest Farm Credit Services, ACA. Farm Credit Services has an interest in these permits as security for a loan. We request that copies of all notices and correspondence concerning these permits be sent to us, and to Ralph Breeding.

Sincerely,

Jan Gamble
Customer Service Representative

NOV 16 1994

Permit No. 35-07836 Reviewed by JAL Date 10/13/94

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

Correct Uses? yes

Surface water source

✓ Ground water source

yes Drilling permit required?

23 Copy in the file?

7.00 ⁰⁰ Amount paid for permit

Well log in the file?

Drilling Permit No. 35-94-E-0108-000

yes Correct?

Yes Required?
250.00 Amount Submitted
Yes Correct?

yes Required?
yes Installed?
Waiver requested?

Date proof received	_____
Date proof due	_____ - _____
No. of days late	_____ = _____
Priority Date	_____ x _____
New Priority Date	_____

Proof acceptable

New Address _____

Proof Made 9-29-94

October 13, 1994

RALPH BREDDING
2875 VISITING RD
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-07836

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

DEC 13 1994

July 31, 1994

RALPH BREDDING
2875 VISITING RD
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 35-07836

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

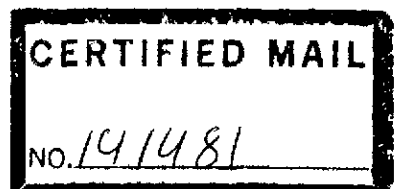
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO. 35-7836

Owner Type
Current OwnerName and Address
RALPH BREIDING
2875 VISITING RD
AMERICAN FALLS, ID 83211

Current Owner

NORTHWEST FARM CREDIT SERVICES ACA
10 W JUDICIAL
PO BOX 10
BLACKFOOT, ID 832210010
(208)785-0820

Original Owner

J.W. VANDERFORD INC

Priority Date:

03/10/1979

Status:

Active

Source

GROUND WATER

Tributary to

Beneficial Use

IRRIGATION

From

4/01

To

10/31

Diversion Rate

6.16 CFS

Volume

Subuse Code

Total Diversion

Location of Point(s) of Diversion:

GROUND WATER

NWSWSW
NESE

Sec. 14

Township 7S

Range 29E

POWER County

IRRIGATION Use:

Acre Limit: 308

Place(s) of use:

Place of Use Legal Description: IRRIGATION

POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
7S	29E	14		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
				NESW 40			SWSW 30			NESE 40			SWSE 38	
				NWSW 40			SESW 40			NWSE 40			SESE 40	
Total Acres: 308														

Conditions of Approval:

- 016 A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 016 The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- 016 See remarks for additional conditions of approval.

Remarks:

1. General

THE DEPT. RESERVES JURISDICTION OF THIS PERMIT FOR THE PURPOSE OF ADDING ANY APPLICABLE CONDITIONS TO PROTECT PUBLIC INTEREST.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
ANDREGG	10/1/92	Extension of Time Received	Extension of Time Received
VAULT	10/7/92	Proof of Beneficial Use Rcvd	Proof of Beneficial Use Rcvd
VAULT	10/6/94	Proof of Beneficial Use Rcvd	Proof of Beneficial Use Rcvd
VAULT	10/20/94	Proof of Beneficial Use Rcvd	Proof of Beneficial Use Rcvd

Dates:

Proof Due Date: 10/01/1994 ✓
Proof Made Date: 09/29/1994 ✓
Approved Date: 03/01/1979 ✓
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: → 1/22/1979
Protest Deadline Date:
Number of Protests: 0
Field Exam Date: ~~7/25/96~~ 7/25/97
Date Sent to State Off: 1/14/98
Date Received at State Off: 1/16/98 ✓

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



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

July 15, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RALPH BREDING
2875 VISITING RD
AMERICAN FALLS ID 83211

Re: Permit No. 35-07836

Dear Mr. Breding:

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

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

Sincerely,

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

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

RECEIVED
JUL 21 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 15, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

CHESTER WAHLEN
2624 W 1000 S
STERLING ID 83210

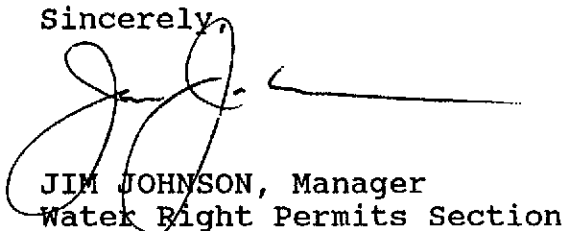
Re: Permit Nos. 35-07834, 35-07835 and 35-07836

Dear MR. Wahlen:

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water rights to you. We have modified our computer records to reflect these changes in ownership.

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

Sincerely,

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

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

JUL 21 1994

WR0749NP
No. 35-07836

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RALPH BREDDING 2875 VISITING RD AMERICAN FALLS ID 83211	03/10/1979	IRRIGATION	04-01 11-01	6.40 CFS	
TOTAL DIVERSION:					6.40 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T05S R29E S14

NESE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
05S	29E	14	:	40		40		40		40						40		40		320.0
TOTAL ACRES																			320.0	

Pou County: POWER

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the
- Department shall be installed by the right holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.
- 016 - See remarks for additional conditions of approval.

Remarks: THE DEPT. RESERVES JURISDICTION OF THIS PERMIT FOR THE PURPOSE OF
ADDING ANY APPLICABLE CONDITIONS TO PROTECT PUBLIC INTEREST.

Dates: App. Received: Priority Date: 03/10/1979
Proof Due Date: 10/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/01/1992 User-ID: ANDREGG Subject: Extension of Time Received
Extension of Time Received

Date: 10/07/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 09/22/87 05/21/88 CONVERT 05/23/89 CURTIS 07/13/89 CURTIS
12/26/89 CURTIS 02/07/90 CURTIS 10/01/92 COMMENTS 10/02/92 GUSTAFSO
10/07/92 COMMENTS 12/12/92 POST-STD 12/14/92 APSTRPHE 07/07/94 CZIMMERM

WR0749NP
No. 35-07836

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHESTER WAHLEN 2624 W 1000 S STERLING ID 83210 (208) 328-2283	03/10/1979	IRRIGATION	04-01 11-01	6.40 CFS	
TOTAL DIVERSION:					6.40 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05S R29E S14

NESE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
05S	29E	14	:	40		40		40		40						40		40		40	320.0
TOTAL ACRES																				320.0	

Pou County: POWER

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- 016 - See remarks for additional conditions of approval.

Remarks: THE DEPT. RESERVES JURISDICTION OF THIS PERMIT FOR THE PURPOSE OF ADDING ANY APPLICABLE CONDITIONS TO PROTECT PUBLIC INTEREST.

Dates: App. Received: Priority Date: 03/10/1979
Proof Due Date: 10/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/01/1992 User-ID: ANDREGG Subject: Extension of Time Received
Extension of Time Received

Date: 10/07/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 09/22/87 05/21/88 CONVERT 05/23/89 CURTIS 07/13/89 CURTIS
12/26/89 CURTIS 02/07/90 CURTIS 10/01/92 COMMENTS 10/02/92 GUSTAFSO
10/07/92 COMMENTS 12/12/92 POST-STD 12/14/92 APSTRPHE 07/07/94 CZIMMERM



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 25, 1992

G & M Farms
2990 W 2000 S
Aberdeen, ID 83210

Re: Permit No. 35-07836

Dear Mr. Funk:

Returned is the proof of beneficial use form filed in connection with the above referenced permit. The Department is unable to accept the proof since G & M Farms is not the current owner of record. The current owner of record, Margaret O'Haire filed and was granted an extension of time. It extends the proof of beneficial use due date to October 1, 1994.

As you know, there has been considerable confusion concerning the water rights owned by Mrs. O'Haire. The Department is currently corresponding with Mr. Carl Harder, attorney for Mrs. O'Haire. In order that the Department may service your needs and those of Mrs. O'Haire in connection with water rights, it is imperative that this confusion be cleared up as soon as possible. The Department will no longer accept correspondence in connection with these permits unless it is filed by the current owner of record.

Since you filed a \$250 license exam fee with the proof, and the Department is unable to accept it, you are entitled to a refund. I have begun the process to refund the \$250 license exam fee. The process takes between two and four weeks and will arrive under separate cover.

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

Sincerely,


Karen L. Gustafson
Secretary/Records Manager

Enclosure

CC: IDWR - Regional Office
Fiscal
Carl Harder

RECEIVED

JUL 21 1994

For Office Use Only
Amt. of Fee \$ 250.00
Date 10-2-92
Receipt No. E017938
Received by HWT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

OCT 02 1992

Department of Water Resources

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.

Permit No. 35-07836 Telephone No. 397-4960

Name(s) of Permit Holder(s): GEM Farms

Post Office Address: 2990 W. - 2000 So. Aberdeen, Idaho 83210

Source of Water: Groundwater

If ground water, well driller's name: Sherm Couch Date drilled: 9-27-92

Extent of Use:
Domestic _____ (No. of households) Irrigation 320 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

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

Show date water was first diverted and beneficially used under this permit: Well drilled in 1992 - use for crop irrigation 1993

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 250.00 (See License Examination Fee Schedule)

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

Gary or Mike Funk 397-4960
Name Telephone No.

2990 W - 2000 So. Aberdeen, Idaho 83210
Address

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.

9-30-92 [Signature] Partner
Date Signature (and title if on behalf of a company or organization)

JUL 21 1994

Ident. No. 35-92-E-0092-000
Water Right No. 35-07838

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR DRILLING PERMIT

1. Name: G & M FARMS 208-397-4375
Address: 2990 W 2000 S
ABERDEEN ID 83210
2. Proposed Well Location: SWSE Sec. 24, Township 06S, Range 29E
POWER County
3. Proposed Use of Well: Non-Domestic
Any beneficial use not included within the definition of domestic.
4. Well Construction Information:
A. New Well
B. Proposed Surface Diameter 16 In. Proposed Maximum Depth 250 Ft.
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
5. Construction Start Date: 9/25/1992
6. Anticipated Well Driller: _____
NOTE: The actual well driller must be identified prior to drilling.
7. Applicant's Signature _____ Date _____
Title _____
(Owner, Firm Representative, Other)

Fee \$ _____ Received by _____ No. _____ Date _____

JUL 21 1994

ACT OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED**

Date: **9/25/1992**

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 or modified in compliance with the applicable statutes; specific conditions of approval shown on the water right permit, transfer, amendment, or injection well permit; and the rules and regulations of the Department for water appropriation, injection wells, and well construction.
2. This drilling permit is valid for two (2) months from approval date for the start of drilling.
3. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller licensed in the State of Idaho.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

Signature of Authorized Dept. Representative

Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____

Expires On: _____

RECEIVED

JUL 21 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 2, 1992

Margaret O'Haire
8756 Clovis
Boise, ID 83706

Re: Permit No. 35-07836

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1994. Please note that the department has granted this extension 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.

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

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MAILED
JUL 21 1994

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 35-07836 Reviewed by klg Date 10/1/92

BASIC INFORMATION

10/1/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Recommend approval Based on due diligence
Extend to 10/1/94*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 10/2/92 klg
Change Priority Date _____

July 31, 1992

MARGARET O HAIRE
8756 CLOVIS DR.
BOISE ID 83709

PROOF DUE NOTICE

RE: PERMIT NO. 35-07836

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

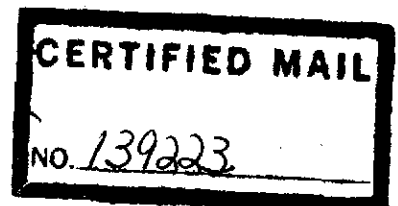
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED



JUL 21 1994



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 8, 1990

RE: Permit No. 35-7836

Margaret O'Haire
8756 Clovis
Boise, ID 83709

Dear Permit Holder(s):

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 35-7836. Please note in condition #1., page five 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 the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Enclosures

RECEIVED

FEB 14 1990

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-7836

Reviewed by [Signature]

Date 1-23-90

BASIC INFORMATION

y Date stamp received
y Extension received timely (not too early not too late)
y Fee received and receipted
y Name and signature same as permit
y Address change

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?
y 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 - *First ext. req. submitted by property purchaser. Permit holder decided to submit one. Since dept. received no response regarding litigation. Recommend approval based on litigation (Swan Falls).*

 Reinstate Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

y Change proof due date y Address change
 Priority date change

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

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

DECEMBER 26, 1989

Power County Press
Box 547
American Falls, ID 83211

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JANUARY 22, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

RECEIVED
FEB 14 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-07836

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

Source: GROUNDWATER

Diversion Pt: NESE Sec 14 T 05S R 29E

Use: IRRIGATION (6.400 CFS)
Total Diversion: (6.400 CFS)

Priority: 3/10/1979

In: T05S R29E S14 NENE NWNE SWNE SENE
NESE NWSE SWSE SESE

320.0 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 1/03/1990 & 1/10/1990

MICROFILMED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
AUG 11 1989

Department of Water Resources

PERMIT NO. 35-7836

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

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

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

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

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

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

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 500 Acres

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

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

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

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

Permit Holder Margaret Haine

Date 8-11-89

MICROFILMED

FEB 14 1990

PERMIT # 35-7836

POINT OF DIVERSION:

NE1/4 SE1/4 Section 14

PROPOSED DEVELOPMENT AND USE:

The point of diversion would have to be moved to the NE1/4 NE1/4 of section 23. This would lessen the cost of the power line construction to a minimal \$1,500.00 hook-up charge. Our development plans for this permit would include the purchase of 2-1980' pivot irrigation systems. The cost figures listed below are for both new and used equipment and include installation. Proposed development would be 1991 and 1992.

DESCRIPTION:	NEW	USED
2) 1980' Valley Pivots	132,414.	65,000
15" PVC Mainline 5940' x 9.00	53,460	53,460
Well 550' x 45.00 cased	24,750	24,750
Pump 500hp plus 75hp booster	16,500	10,000
Power Line Construction Cost	1,500	1,500
	228,624	154,710
10% Inflation factor	22,862	15,471
	251,486	170,181

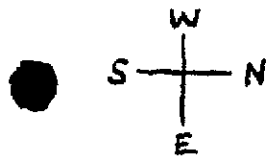
WATER REQUIREMENTS:

The two 1980' pivots would require approximately 2800 GPM. The well permits are valid for 6.4 CFS or 2880 GPM and the well will actually put out mor than that.

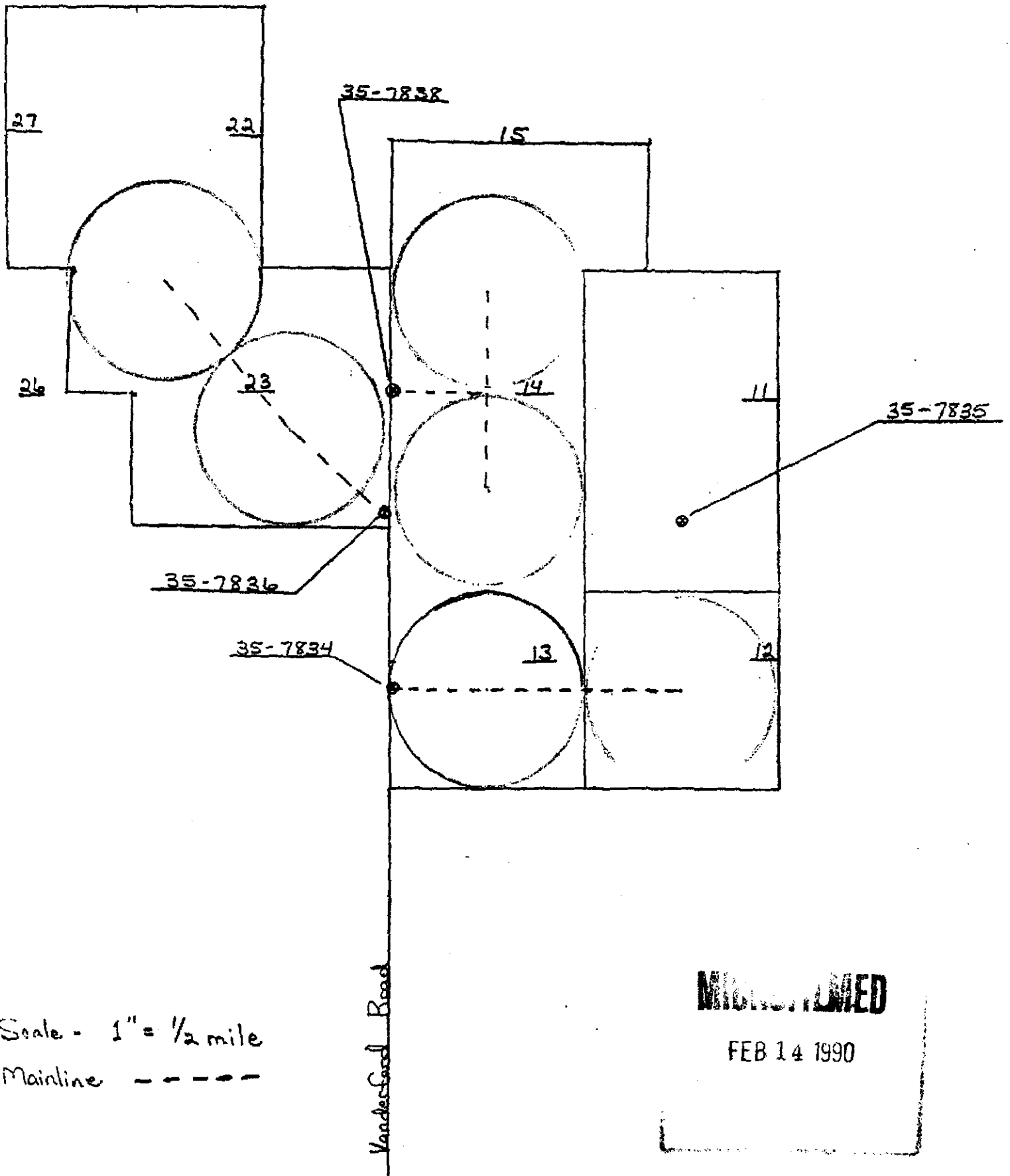
CROPS TO BE GROWN:

Wheat and potatoes, others if possible.

RECEIVED
FEB 14 1990



G&M Farms
3600 Acres
T 5 South Range 29 E 3M



FROM

Tim Lile

TO

File

SUBJECT

~~CE85~~ ASCS Gordon Wright
permitted for
CE 1/2 see 14

INTER-DEPARTMENT MEMO — 1

DATE

N 1/2 N 1/2 was irrigated
S 1/2 N 1/2 not irrig.

Count 240 Acres AS TRUST ACRES.

MICROFILMED

FEB 14 1990

SIGNATURE

#35-7036



13

40

40

40

40

40

40

40

40

24

#255-71 SHOWS NO
1984 IRRIGATION USE

FEB 14 1990

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 2/7/89
Receipt # C005425

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Eastern District Office

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

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. 35-7836

Name(s) of Permit Holder: GIM FARMS - A Partnership

Post Office Address: 2490 W - 2000 S Aberdeen, Idaho 83210

Telephone No. 208) 397-4870

Date Proof Is Due: March 1, 1989

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

Cleared of brush and is now being cleared of rock.
Wheat & barley have been raised on the ground.

Costing \$ _____

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

Due to litigation involving GIM Farms & Lindsay Mfg.
and also poor economic times, we have not been able
to complete the development.

Permit holder(s) request an extension to March 1, 1994.
(1 yr. minimum)

Mary Smith - Partner
(Signature)*

FEE: \$15.00

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

INDEXED

IT IS HEREBY ORDERED that the above request for extension of time be

FEB 14 1990

Signed this _____ day of _____, 19____.

MEMORANDUM

MAY 24, 1989

TO: FILES 35-7834, 35-7835, 35-7836 and 35-7838

FROM: Rita Fleck

RE: Status of Permits

Mrs. Margaret O'Haire came into the office to discuss the status of these permits. On three of the four permits, a request for extension of time forms were filed by G & M Farms. G & M Farms is group who are in the process of purchasing the property covered by these permits from Mrs. O'Haire.

Mrs. O'Haire had given them authorization file the extension requests, however, the reason for the delay as given by G & M Farms is litigation with Lindsay Mfg. I requested more information about the litigation such as the nature of it and when it began. No response has been received.

In order to protect her interest in these filings, Mrs. O'Haire submitted the extension requests in lieu of the G & M Farms request. The filing fees submitted by G & M Farms were transferred to Mrs. O'Haire's forms.

Tim Luke sent trust water questionnaires out on these files. As soon as they are returned, the department can address the extension of time forms.

MICROFILMED

FEB 14 1990

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

REC-11
APR 13 1989

Department of Water Resources

35-07836 ✓
MARGARET O HAIRE
7407 MC MULLEN
BOISE ID 83709

MICROFILMED

FEB 14 1990

Present to:
Clifford W. Henders
Hawley, Threlk, etc.
Box 1617
Boise 83701
5/8/89



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

April 6, 1989

RE: PERMIT NO. 35-7836

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.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice re-advertising additional information as required by Water Appropriation Rule 4.5. (copy enclosed)

FEB 14 1990

Page 2

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

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

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

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

FEB 14 1990

February 28, 1989

Carl W. Harder
HAWLEY, TROXELL, ENNIS & HAWLEY
P. O. Box 1617
Boise, ID 83701

Dear Mr. Harder:

Re: Permit No. 35-7834, 35-7836 and 35-7838

Pursuant to a telephone conversation with Sally, enclosed are copies of request for extension of time forms submitted to this office by G & M Farms for permits held by Margaret O'Haire.

Please review the requests. If Ms. O'Haire agrees with the information and wishes the department to take action on these requests, then the department will with authorization from Ms. O'Haire or her representative. If not, Ms. O'Haire has the option of filing the extension requests herself. Note that she should take action soon as the extensions are due on March 1, 1989.

If Ms. O'Haire does authorize the submittal of the extension requests by G & M Farms, detailed information regarding the length and nature of the litigation will be needed.

In both my conversation with Ms. O'Haire and Sally, the topic of assigning the permits was brought up. If you wish to discuss the possibility, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

C: Margaret O'Haire

MICROFILMED

FEB 14 1990

January 6, 1989

G & M Farms
2990 W. 2000 S.
Aberdeen, ID 83210

Dear Property Owner(s):

Re: Permits 35-7834, 35-7835, 35-7836 and 35-7838

This office has sent out a copy of the enclosed letters and some forms to Margaret O'Haire, the permit holder of record. The letters were returned to the department. I contacted the county Assessor's Office and found that you are either now acquiring or have acquired a portion or all of the property covered under these permits.

Please note the enclosed copies of these permits are the personal property of Margaret O'Haire until the permits have been assigned to you. If you are using the water for the uses described on the permits and you wish to continue with the process of developing water rights under these permits, either provide us with any documentation which specifically conveys the permits to you or have the permit holder complete the enclosed assignment form, sign it before a notary public and return it to this office. At that time, the department will acknowledge the assignment and provide you with an opportunity to submit the required proof of beneficial use or request for extension of time for each of the permits.

If this office can be of further assistance, please feel free to contact me at 334-7900.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: B/U Letters
Assignment Form
Permit Copies

MICROFILMED

FEB 14 1990

INTER-DEPARTMENT MEMO — 1

FROM Jodi

DATE 1/5/89

TO file #35-7836

SUBJECT Called Power Cnty. Assessor.
Requested new address for:

Margaret O'Haire
No address as property owner

Address:

8756 Ebvis
Boise, ID 83709

RECORDED
FILMED

New owner:

FEB 14 1990

G & M Farms
2990 W. 2000 S.
Aberdeen, ID 83210



SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Treasury House
Boise, Idaho 83720

expired 26 Jan 89

Department of Water Resources

JAN 04 1989

RECEIVED

NOV 26 1988
JAN 04 1989
FEB 14 1990
U.S. POSTAGE
3140
BOISE, IDAHO

RECEIVED
FEB 14 1990

NO 138625

MARGARET O HAIRE
7407 MC MULLEN
BOISE, ID 83709

December 31, 1988

138825

PROOF DUE NOTICE

RE: PERMIT NO. 35-07836

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 14 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 18, 1985

RE: Permit No. 35-7836

Margaret O'Haire
7407 McMullen
Boise, ID 83709

Dear Ms. O'Haire:

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

FEB 14 1990

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: STEVE McCORMICK

Right Number 35-7836 Applicant MARGARET O'HAIRE

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion. OK
- N/A ☒ Amount, nature and period of use. ~~If increased, delay date of priority.~~
- OK ☒ Description of amended places of use. ~~If expanded, delay date of priority.~~
- ☒ Ownership of point of diversion and place of use. OK
- ☒ Map. OK
- ☒ Signature (must be permit holder). OK
- ☒ Fee. OK
- ☒ Existing water rights from the same source, amended place of use. NONE
- ☐ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No ~~Should date of priority be delayed? If yes, to what date?~~ _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☐ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions _____

By EMC Date OCT 08 1985

STATE OFFICE PROCESSING:

- ☒ Amendment correct and complete. By Juni Date 10-16-85
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

GREEN, SERVICE, GASSER & KERL
ATTORNEYS AT LAW
CENTER PLAZA — P.O. BOX 4883
POCATELLO, IDAHO 83205-4883

TELEPHONE (208) 232-4471

ROBERT M. TERRELL
1883 - 1971

JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER*
RON KERL
JIM D. PAPPAS
DUANE A. BYBEE**
FREDERICK L. RINGE
STEVEN V. RICHERT

ALBERTA M. PHILLIPS
GUY R. PRICE

August 21, 1985

*Also Member D.C. Bar
**Also Member Utah Bar

Mr. Harold W. Jones
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

Re: G & M Farms/Margaret O'Haire

Dear Mr. Jones:

Mrs. Margaret O'Haire has completed and her attorney has furnished us an Application for Amendment of Water Permit No. 35-7836. This Amendment is the same as requested by Mr. Gary Funk on behalf of G & M Farms and is filed by Ms. O'Haire for the reason that she is still record owner of that permit pending completion of Contract of Sale to G & M Farms by the terms of which, after payment G & M will then own the permit.

If you find this to be in order, would you please be kind enough to issue the appropriate amendment and change to the permit, filing the original with Ms. O'Haire through her attorney, Carl W. Harder, Esquire, Hawley, Trossell, Ennis & Hawley, P.O. Box 1617, Boise, Idaho 83701, with copy of the same to this office.

Please accept our thanks for your kind cooperation.

Very truly yours,

GREEN, SERVICE, GASSER & KERL

James B. Green

JBG/vp
Enc.

c: Carl W. Harder, Esq.
Mr. Gary Funk

2/1/233/1

MICROFILMED

FEB 14 1986

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that permit No. 35-7836 in the name of Margaret O'Haire, Boise, was issued for the diversion of 6.40 cfs of water from a groundwater source with the point of diversion within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 5S, R. 29E, B.M., Power County; to be used for the irrigation of 320 acres within the NE $\frac{1}{4}$, Sec. 24, SE $\frac{1}{4}$, Sec. 13, T. 5S, R. 29E, B.M.

The permit holder now proposes to amend permit No. 35-7836 changing the point of diversion to the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 5S, R. 29E, B.M., Power County and the place of use to the E $\frac{1}{2}$, Sec. 14, T. 5S, R. 29E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho, 83402 on or before October 7, 1985.

A. KENNETH DUNN

Director

Published in the Power County Press, American Falls 9/19 & 9/26/85

Proposed amending of water permit

Published in The Power County
Press September 18 & 25, 1985.

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that permit No. 35-7836 in the name of Margaret O'Haire, Boise, was issued for the diversion of 6.40 cfs of water from a groundwater source with the point of diversion within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 5S, R. 29E, B.M., Power County; to be used for the irrigation of 320 acres within the NE $\frac{1}{4}$, Sec. 24, SE $\frac{1}{4}$, Sec. 13, T. 5S, R. 29E, B.M.

The permit holder now proposes to amend permit No. 35-7836 changing the point of diversion to the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 5S, R. 29E, B.M., Power County and the place of use to the E $\frac{1}{2}$, Sec. 14, T. 5S, R. 29E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho, 83402 on or before October 7, 1985.

A. KENNETH DUNN
Director

MICROFILMED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

VoidComes now G + M Farmsof (address) 2000 S. 2990 W. Aberdeen, Idaho 83210, 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. 35-7836, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ SE ¼, Section 14, Township 5S, Range 29E, B.M.,
County of Power. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 6.40 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	14	40	40	40	40									40	40	40	40	320

Total number of acres to be irrigated = 320

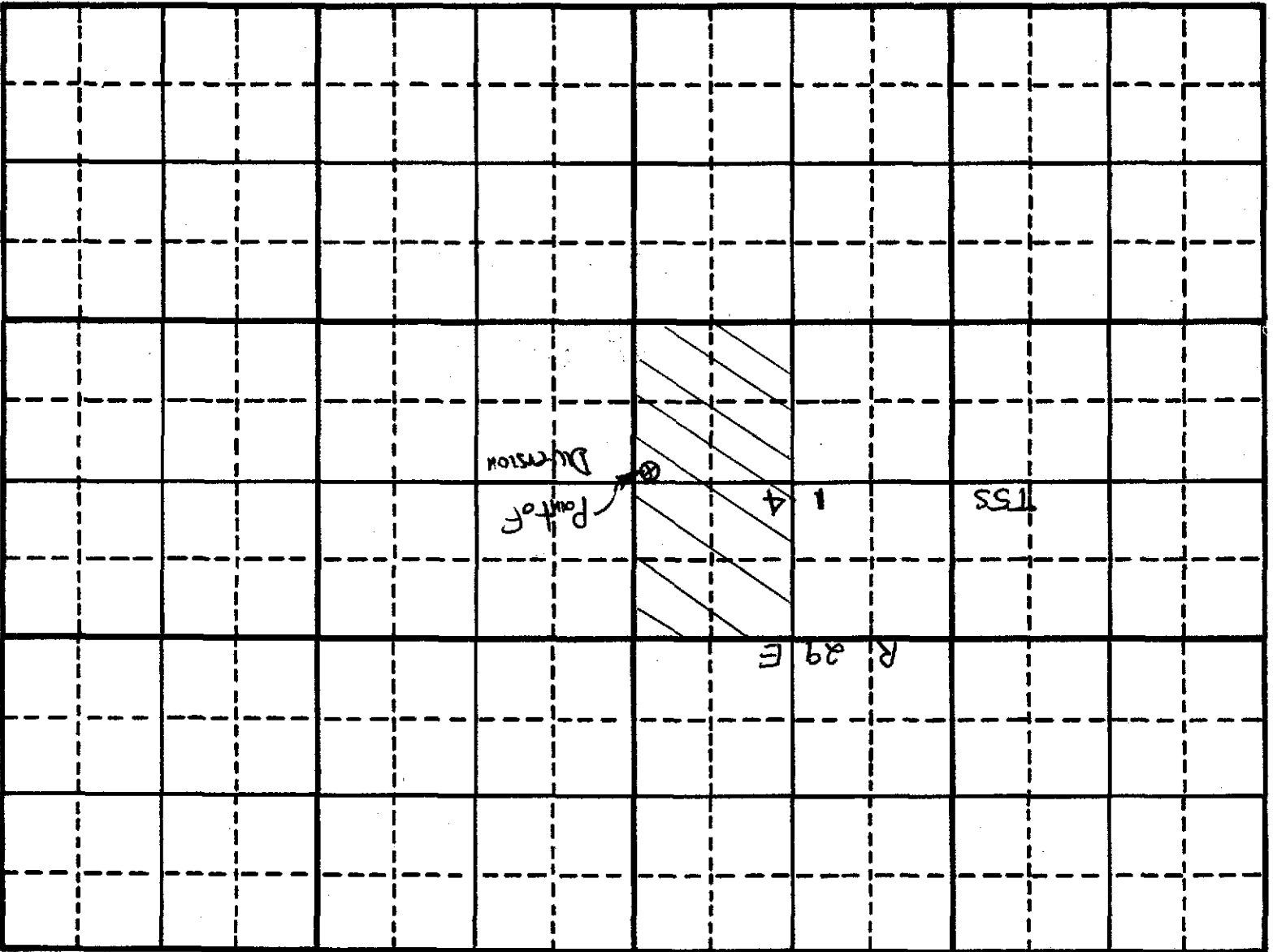
4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

FEB 14 1990

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at

Idaho Falls

this 31 day of May

1985

(Signature)

John F. Jones
aka. G. W. Jones

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by HWS Date 5-31-85 # 33301

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

RECORDED

FEB 14 1990

Witness my hand this _____ day of _____, 19 _____

Director



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
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

FEB 14 1990

WATER RIGHT NUMBER 35-7836

OWNER LAST NAME - J. W. VANDERFORD, INC.

OWNER LAST NAME - O HAIRE

ADDRESS LINE 1 - 7407 MC MULLEN

ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - PERMIT

TOTAL DIV. VOLUME -

DIVERSION POINT - SWSE 13 05S 29E LOT

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE - IRRIGATION

USE - IRRIGATION

USE - IRRIGATION

USE - IRRIGATION

DEGREE NAME -

REMARKS - REINSTATED 6-15-1984.

THE DEPT. RESERVES JURISDICTION OF THIS PERMIT FOR THE PURPOSE OF

ADDING ANY APPLICABLE CONDITIONS TO PROTECT PUBLIC INTEREST.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 03-01-1989 PERMIT/DENIED - 03-01-1979 PROTESTED -

PROOF MADE - FLD EXAM - COND. OF APPROVAL - 01C 03A 16

DIVERSION MEANS - WELL, PUMPS & SPRINKLER SYSTEM

FIRST NAME - ORIG OWNER - O

FIRST NAME - MARGARET

ADDRESS LINE 2 -

CITY - BOISE

TRIBUTARY OF -

STATUS -

.00 AFA TRFR/AMEND -

REDIV -

IRRIGATION

PLACE OF USE -

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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

July 26, 1984

RE: Water Right Nos. 35-7834/7835/7836/7837/7838

Geri L. Anchustegui

Box 1617

Boise, ID 83701

Dear Ms. Anchustegui:

We are in receipt of the assignment forms submitted in connection with the above referenced permits. Enclosed, per your request, are copies of the assignments wherein J. W. Vanderford, Inc. assigned all right, title and interest in the permits to Margaret O'Haire. Also enclosed is a copy of our transmittal letter to Ms. O'Haire for your information.

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

Sincerely,

KAY WALKER

Technical Records Specialist

KW:sc

Enclosures

ENCLOSURE



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

July 26, 1984

RE: Permit Nos. 35-7834/7835/7836/7837/7838

Margaret O'Haire
7407 McMullen
Boise, ID 83709

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

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

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosures

RECEIVED
JUL 27 1984

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign?
b. Partial Assign?
4. "No assignment" condition on permit? NO
5. Commencement of works received? see ext. of 6-84
6. Affidavit of Residency required? NO

1. Type Permit Summary sheet ✓
2. Coding sheet ✓
3. Acknowledgement letter type lp
4. Copy to region ✓

Date: 7-13-84

Employee: R. Walker

RECEIVED
DEPT. OF TRANSPORTATION

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JACK HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT, P.A.
R. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH
JOHN F. KURTZ, JR.
LINDA L. HOLDEMAN
BRENT F. LLOYD
JOHN MCGOWN, JR.
ALBERT P. BARKER
JOHN T. HAWLEY, JR.
DON A. OLOWINSKI
J. CHARLES HEPPWORTH
NICHOLAS G. MILLER
RONALD E. BUSH

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

PAUL B. ENNIS
(1916-1982)

July 12, 1984

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

RECEIVED
JUL 13 1984

Kay Walker
DEPARTMENT OF WATER RESOURCES
State of Idaho
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

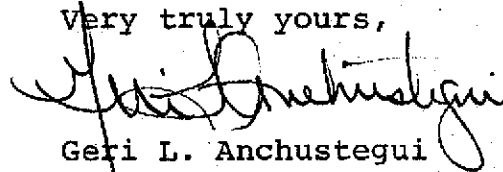
Re: Assignment of Permit

Dear Ms. Walker:

Enclosed please find five Assignment of Permits pertaining to Permit Nos. 35-7834, 35-7835, 35-7836, 35-7837, and 37-7838, wherein J. W. Vanderford, Inc. assigns all right, title and interest in said Permits to Margaret O'Haire. Please file these Assignments in the appropriate manner and return conformed copies in the envelope provided.

If you have any questions, or if further information is necessary, please contact me immediately at 344-6000 ext. 219.

Very truly yours,


Geri L. Anchustegui

Enclosure

RECEIVED



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

June 15, 1984

J. W. Vanderford
500 S. Edgehill Drive
Providence, UT 83201

Dear Mr. Vanderford:

Re: Extensions of Time for Permit Nos. 35-7831 to 35-7839

Enclosed are the approved extensions of time in connection with the above referenced permits. The time within which to submit the statement of beneficial use is indicated on each copy. The requests have 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."

These 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 the additional conditions. The department has been holding the extension of time requests without action because of the ongoing Swan Falls litigation. Even though that 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 permits you hold. If the permits are valid, the extension requests can be approved under existing law, but development and continued use of water under the terms of the permits may be adversely affected when the Swan Falls litigation is ultimately resolved.

Approval of these extensions of time should not 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 litigation will be considered as a cause for applying for and receiving additional extensions of time for potential project construction and proof submittal if the Swan Falls

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matter is not resolved in the near future.

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

Sincerely,

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Dean Funk

MICROFILMED

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 35-7836

X Date received stamp
Y Fee received and receipted
Y Name on request same as on permit
X 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
N Review conditions of approval
N Extensions previously approved
N Proceed diligently
Y Is delay caused by litigation: ✓ Swan Falls
 Date lit. completed _____
 Date lit. began _____
 Period of delay _____
 New proof due date _____

ACTION: *Hold - pending Swan Falls.*
6-6-84 Approve based on litigation

N Is the extension timely received?
 Reinstated: Extension received Apr. 17 107
 Proof due date Mar 1 - 60
 Days late 47
 Priority date Jan 22, '79 22
 Adjusted priority date Mar. 10, 1979 69
N Is there commencement of works?
 Cover letter _____
 Coding sheet _____
 Rolodex card updated and refiled _____

Reviewed by *[Signature]* Date: 6-6-84

MICROFILMED

35-7836

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JACK HAWLEY, P. A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
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RONALD E. BUSH

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

PAUL B. ENNIS
(1916-1982)

May 29, 1984

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

RECEIVED
MAY 30 1984

[HAND CARRIED]

Department of Water Resources
State Office
450 W. State Street
Boise, Idaho 83720

Department of Water Resources

Re: J. W. Vanderford, Inc. -
Water Permits Nos. 35-7831 through 35-7839

Gentlemen:

Enclosed herewith are the following documents in connection with the above-referenced water permits:

1. Original and one copy of Request for Extension of Time with regard to Water Permit No. 35-7831.
2. Original and one copy of Request for Extension of Time with regard to Water Permit No. 35-7832.
3. J. W. Vanderford, Inc. check in the amount of \$30.00 in payment of your filing fee for these requests.
4. Original and nine copies of letter from Idaho Power Company to you dated May 4, 1984, together with enclosures thereto.

Would you please file the enclosed original Requests for Extension of Time in the respective permit files and then file-stamp the extra copies of each request and return them to me.

MICROFILMED

Department of Water Resources
May 29, 1984
Page 2

Also, please file the original and copies of the letter and enclosures from Idaho Power in the above-referenced water permit files.

I am enclosing an extra copy of this letter and an extra copy of the Idaho Power Company letter, both of which please file stamp and return to us, with copies of Enclosures 1 and 2, to complete our file.

I had already furnished your department with a copy of the IPUC order lifting the Idaho Power Company moratorium on further irrigation pumping hookups.

Please let us know whether you need anything further in order to take affirmative action on the various requests for extension of time.

Thank you for your usual consideration.

Yours truly,


Thomas A. Miller

TAM:b
Enclosures

cc: Mr. J. W. Vanderford
Mrs. Margaret O'Haire

MICROFILMED

35-7836

Snake River



Hydro Power

IDAHO POWER COMPANY

P O Box 309
American Falls, Id.
May 4, 1984

RECEIVED
MAY 30 1984

Idaho Water Resources Board:
Boise, Idaho

Dear Sirs:

Department of Water Resources

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

RECEIVED

Idaho Power
(Intra-Company Correspondence)

Subject **IPUC Irrigation Moratorium Rescinded
Proposed Hook-up Policy February 10, 1984
Water Rights Litigation**

To
**Staff
Division Managers
District Managers**

February 9, 1984

As you are aware, the IPUC by Order No 18641 rescinded the moratorium on electrical service to irrigation uses above Swan Falls effective February 10, 1984. Therefore, effective February 10, 1984 for any application for electrical service for any consumptive water use, the following procedures should be followed. These procedures should be followed for either ground or surface water diversions:

1. Depletions Below Swan Falls:

The rescinding of the moratorium does not effect provision of electrical service below Swan Falls. For determination of location with respect to Swan Falls, please see maps for ground and surface water depletion that were provided to you previously via T A Spofford's memo of March 4, 1983.

2. Depletions Above Swan Falls:

- (a) When a customer applies for electrical service for the purpose of diverting water for any use, except domestic, the Company shall obtain, in addition to the usual information required for such an application, a copy of the Idaho Department of Water Resources application/permit for the proposed use. For domestic service, see 2(e) below.
- (b) Upon obtaining information in (a) above, provide the applicant for service with Letter A (copy attached). Proceed to process the application pursuant to routine policies and procedures.
- (c) Send copies of Letter A and the Idaho Department Water Resources application or permit to Thomas G Nelson, P O Box 1906, Twin Falls, Idaho 83301.
- (d) Applications for pressurization service for existing irrigation diversions with no increase in irrigated acreage should be accepted and processed pursuant to normal policies and procedures. If there is an increase in irrigated acreage, process the application per 2(a) and (b) above.

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- (e) If the application is for domestic service to a parcel not more than two and one-half acres or in a subdivision in which the average lot size is no more than $2\frac{1}{2}$ acres, serve the request per the Company's normal policies and procedures.

If the parcel or acre parcel involved is above two and one-half acres, process the request in accordance with 2(a) and (b) above.

This statutory definition of domestic purposes is water for household use or livestock and water used for all other purposes including irrigation of up to one-half ($\frac{1}{2}$) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. For the purposes of the exception in section 42-227, Idaho Code, "domestic purposes" shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments."

This should be referred to in determining if the proposed use in "domestic" except for the lot size. For the purpose of this policy, we are allowing domestic service for parcels of up to two and one-half acres.


T. A. Spafford

TAS:jar
Enclosure

MICROFILMED

NOTE: This letter is to be individually typed for each customer/applicant. Make three copies of the letter--one copy for the customer/applicant, one copy for Company records, and one copy to be mailed to Thomas G Nelson, P O Box 1906, Twin Falls, Idaho 83301.

Dear _____:

On your execution of this letter, Idaho Power Company (Company) will accept for processing your application for electrical service. The Company acknowledges that you have delivered to it a copy of an Idaho Water Right Application or Permit, and you have acknowledged and agreed to comply with Company tariffs, policies and procedures. With the acceptance of your application for processing, your application will be processed in accordance with normal procedures and policies of this Company.

However, be advised that by reason of a complaint filed with the Idaho Public Utilities Commission and the Idaho Supreme Court decision in Idaho Power Company vs State of Idaho, et al, you may be sued as a defendant in the remand of the above cited case or in Idaho Power Company vs Idaho Department of Water Resources, et al, or in a related case or proceeding so as to determine whether or not your proposed or actual consumptive water use depletes the Idaho Power Company's protectible water rights. You are notified that the Company does not by the acceptance of your electrical service application for processing or by providing electrical service as requested, waive any rights the Company has relating to water rights, water use by the Company, or any other claim or right of the Company. You are further notified that as a result of legal action, you could be permanently enjoined or otherwise stopped from diverting water and perhaps required to compensate the Company for any damages by reason of your diversion.

Please acknowledge your understanding of this letter by executing the "customer acknowledgement" below.

Very truly yours,

"Customer Acknowledgement"

I understand the contents of this letter.

Applicant

MICROFILMED

May 6, 1984

Re: Permit No. 35-7836

J. W. Vanderford, Inc.
Box 181
Aberdeen, ID 83210

Gentlemen:

This office has received the request for extension of time which you submitted in connection with the above-referenced permit. Since the extension request indicates that development of a water right under the permit has not been started and since the proposed use of water is hydraulically upstream of the Swan Falls Dam on the Snake River, the Department will delay action on the request for extension of time.

As background information, in November of 1982, the Idaho Supreme Court held that Idaho Power Company's use of Snake River water at Swan Falls Dam for power generation purposes was not subordinated to later-in-time upstream uses as was previously thought. Although certain issues in the case still need to be determined at the district court level, several potential implications of the case need to be carefully considered. It is possible that unless use of water began prior to the November 1982 ruling, development of a new water right cannot occur even though a permit has been issued by the Department. It is also possible that the Department will not issue any new water right permits for consumptive uses upstream from Swan Falls Dam in the Snake River drainage including tributary groundwater. It is also possible that compensation may have to be paid to Idaho Power Company by later in time waterusers in the impact area for depletion of Snake River flows used by Idaho Power Company to generate power at Swan Falls and at other dams along the Snake River.

Due to these concerns, the Department will hold your request for extension of time without action until the impacts of the Swan Falls issue have been determined.

If you have questions, please feel free to contact the Department.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: Regional Office



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

April 17, 1984

Mrs. Charles Shackelford
P. O. Box 212
Aberdeen, ID 83210

PERMIT NO. 35-7836, J. W. Vanderford, Inc.

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

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

Enclosed is our receipt No. 33929.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

WARNING

CANCELLED OR LAPSED

This permit has been officially **CANCELLED** or **LAPSED**.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

J. W. VANDERFORD, INC.
P. O. BOX 967
POCATELLO, ID 83201

LAPSE NOTICE

MARCH 05, 1984

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 35-7836 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED DECEMBER 31, 1983.

YOUR PERMIT CANNOT BE REINSTITATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 5-21-1984
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Rita Fleck

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

J. W. VANDERFORD, INC.
P. O. BOX 967
POCATELLO, ID 83201

~~38303~~
138288

PROOF DUE NOTICE

DECEMBER 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7836 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 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

March 2, 1979

Re: Permit No.'s 35-7834, 35-7835, 35-7836,
35-7838, 35-7838, & 35-7839

J. W. Vanderford, Inc.
P.O. Box 967
Pocatello, Idaho 83201

Gentlemen:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval on the fourth pages.

Please note the special condition requiring you to install access ports or other devices 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 these permits 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 permits 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 permits 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 specific protests to your permits. 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 permits or subsequent licenses or water rights.

If you have any questions, please let us know.

Sincerely,

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

Enclosures

RECEIVED
MARCH 10 1979

DRT:lr

35-7836

STAFF REVIEW - STATE OFFICE

1. Sec Name vs. Signature
2. W Source
3. ✓ Point of Diversion
4. 6.4 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. NA Place of Use for other than irrig.
8. 320 Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 95 Fee & Rec't. No.

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 None plotted

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Snake River Condition NO

Payette River Letter 7

Priority Date 1/22/79

Water Quality #16 NO

Water Quality #10 7
intrastate interstate

Meas. Dev. or Sc. Meas. Yes

Totalizing meter NO

Supplemental 7

Right-of-Way Cond. 7

Watermaster Cond. 7

Wtr. Dist No. 7

Meas. Dev. Cond. for apps within a Water Dist. 7

Jui Reviewer
2/28/79 Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 26, 1979

Power County Press
174 Idaho Street
American Falls, Idaho 83211

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 billings to this office before FEBRUARY 19, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

RECEIVED
JAN 27 1979

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:

35-2836-

J. W. VANDERFORD, INC.

P. O. BOX 967, POCA TELLO, ID 83201

Source: GROUNDWATER

Date Filed: 01/22/1979

Amount: 6.40 CFS

Diversion Point: SWSE Sec 13 T 05S R 29E, POWER Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE Sec 24 T 05S R 29E NESE NWSE SWSE SESE
Sec 13 T 05S R 29E FOR 320 ACRES

Diversion Means: WELL, PUMPS & 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.

STAMPED: FEB 19 1979

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

35-7836

Item Initial Date

Application No. J.W. VANDERFORD

☒ 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) RP 1/22/79

In form to receipt

(2) _____

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) _____

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(4) RP 1/22/79

In form for advertising

(5) _____

Platted on Map No. Basin 35.5 Sec. R29E

(6) _____

Located within Water ~~Basin~~ BASIN No. 35

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) RP 1/22/79

Other rights on the same place of use None

(10) _____

Comments: _____

(11) dh 2-12-79

Affidavit of Publication received (date) 2-12-79

(12) dh 2-20-79

Final date for protests FEB 19, 1979

Protests received: yes _____ no ☒

(13) dh 2/22/79

All requested information received from agencies or applicant: yes _____ no _____

(14) dh dh

Action recommended:

☒ Approve _____ Deny

1/22/79 Proposed Priority

Reason for Reduction _____

☒ Measuring device ^{access} required

See attached sheet for other conditions of approval

No special conditions for approval

RECEIVED
FEB 26 1979

Department of Water Resources

(15) District E

By dh

MAILED 2/22/79

Bos Pinned