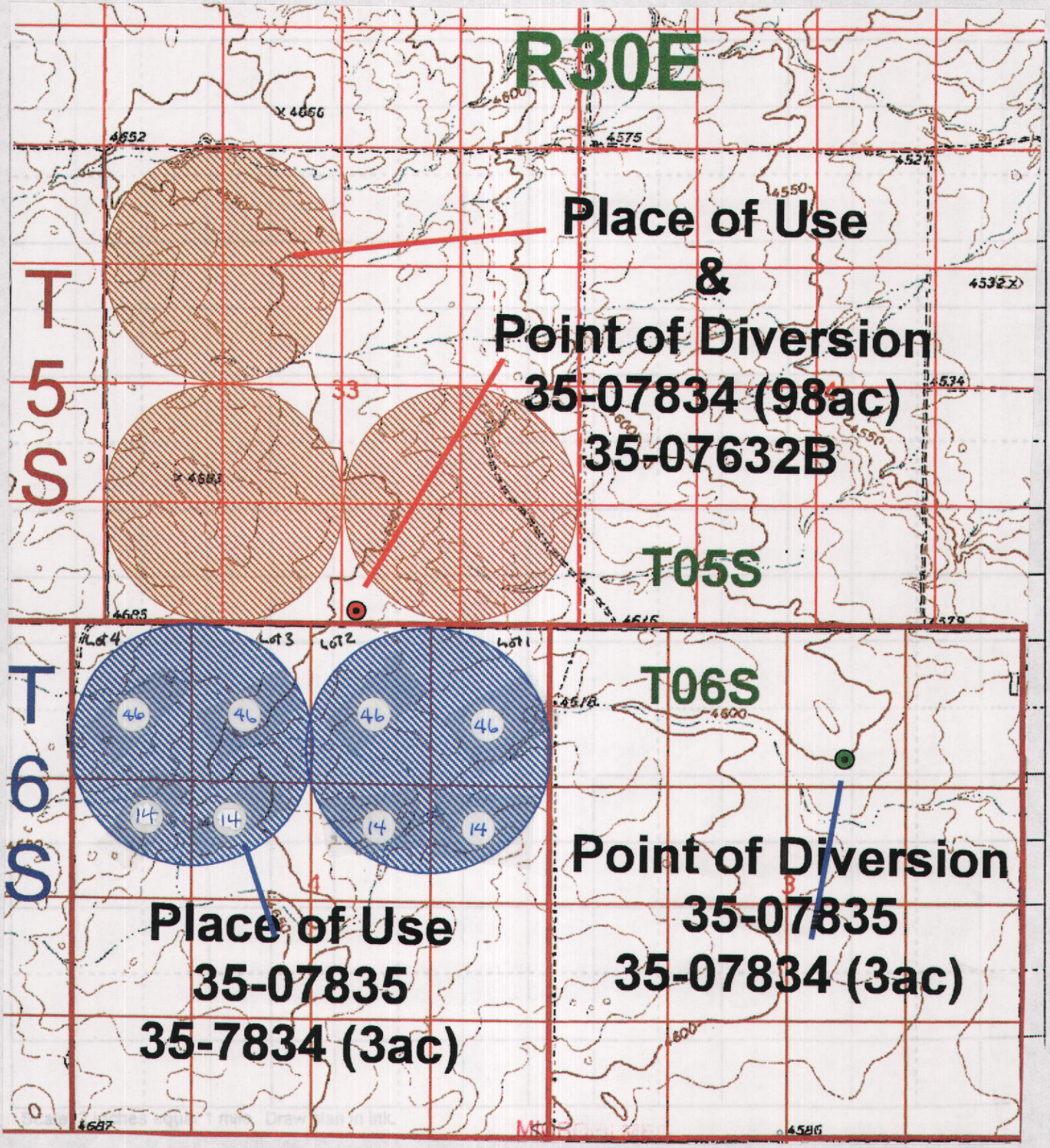
Transfer No. 68927

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

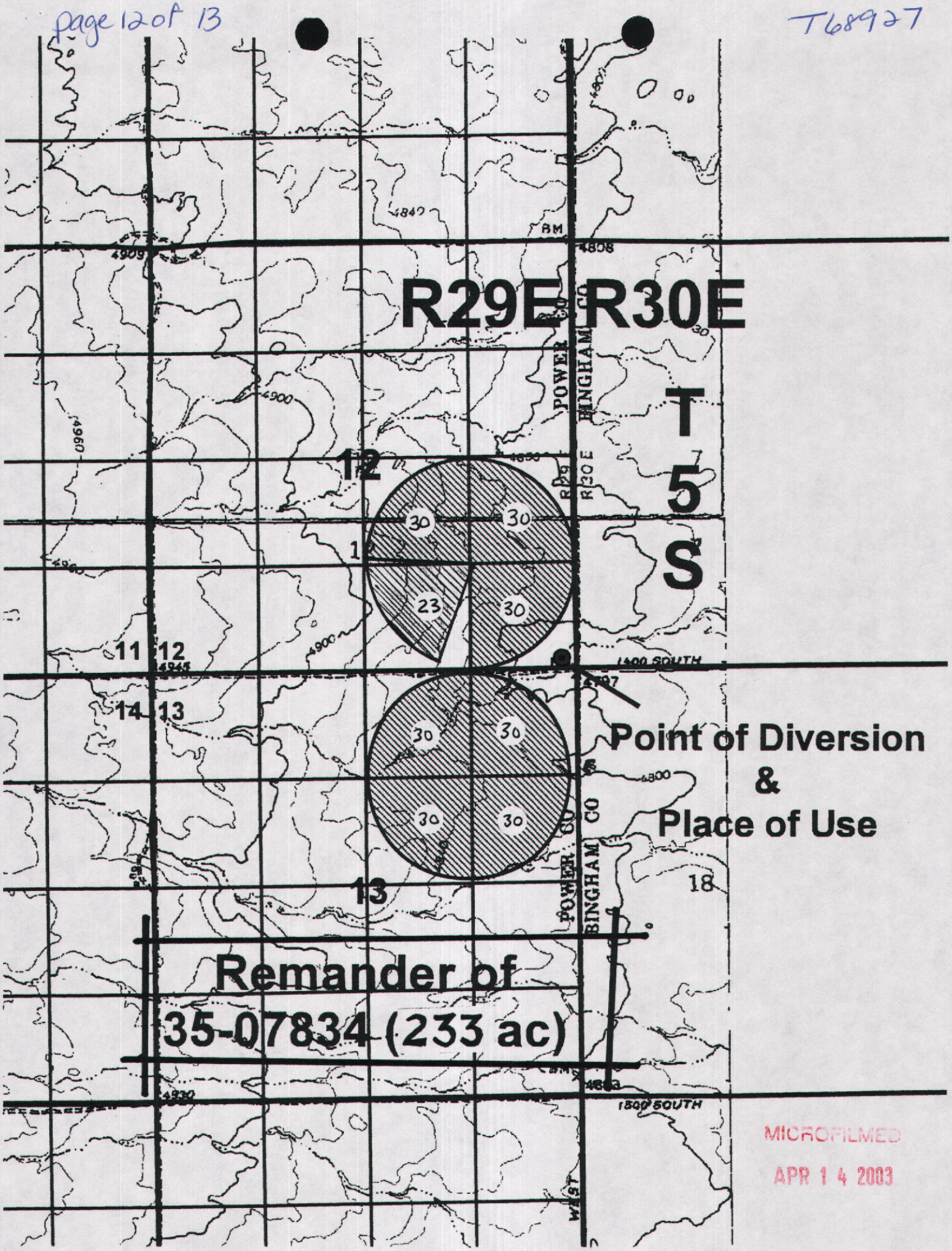
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



APR 1 4 2003

T68927



MICROFILMED
APR 14 2003

DEPT. OF WATER RESOURCES
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 68927

PAUL W. BEHREND, DEBRA J. BEHREND, GREG KNITTEL, JENNECCA KNITTEL, KRISTIN R. BEHREND and NICHOLAS P. BEHREND, 2706 W. 1800 S., ABERDEEN, IDAHO, 83210, has filed Application No. 68927 to change the point of diversion and to change the place of use for the following water rights within BINGHAM County:

Right No. 35-7834
Priority: 6/19/80
Source: GROUND WATER
Use: IRRIGATION (309 acres)
4.49 CFS 1,236.0 AFA
Total Amount: 4.49 CFS 1,236.0 AFA
Point(s) of Diversion: SESE, S12, T05S, R29E.

Right No. 35-7835
Priority: 2/24/79
Source: GROUND WATER
Use: IRRIGATION (237 acres) 4.73 CFS 948.0 AFA
Total Amount: 4.73 CFS 948.0 AFA
Point(s) of Diversion: SESE, S11, T05S, R29E
Place of Use: S12, T05S, R29E; S11, T05S, R29E.
The purpose of the transfer is to change a portion of the above rights as follows:
The applicants are re-arranging 240 acres of these rights to irrigate 2 pivots in the N1/2 Sec. 4, T06S, R30E. The well is in the NWNE, Sec. 3, T06S, R30E.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of $25.00 for each application on or before March 26, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(4969)
Pub.: 3/8, 15

MICROFILMED
APR 1 4 2003

RECEIVED
MAR 1 9 2001
Department of Water Resources
Eastern Region

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)
ss
State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive Weeks the first publication having been made on the 8th day of March 2001, and the last publication having been made on the 15th day of March 2001; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

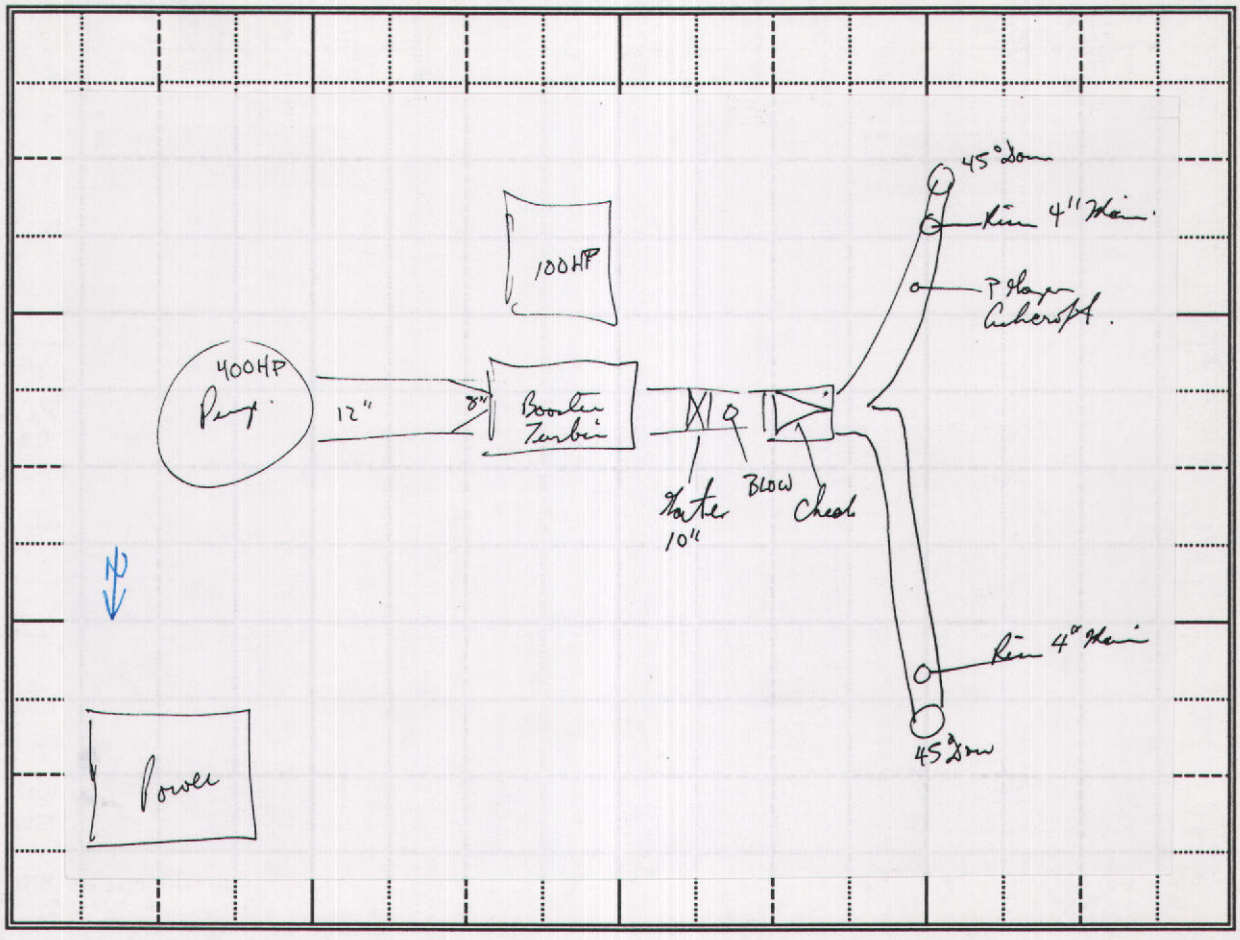
Jacqueline Graham

On this 15th day of March, in the year of 2001, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same.

MARGE SITZMAN
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....$5.00

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

_____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	U.S. MOTOR	400	9530/M11W242ROMR-1		12"
BOOSTER	TECO ELECT	100	LE74A3100017	AURORA	10" 95-03913

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

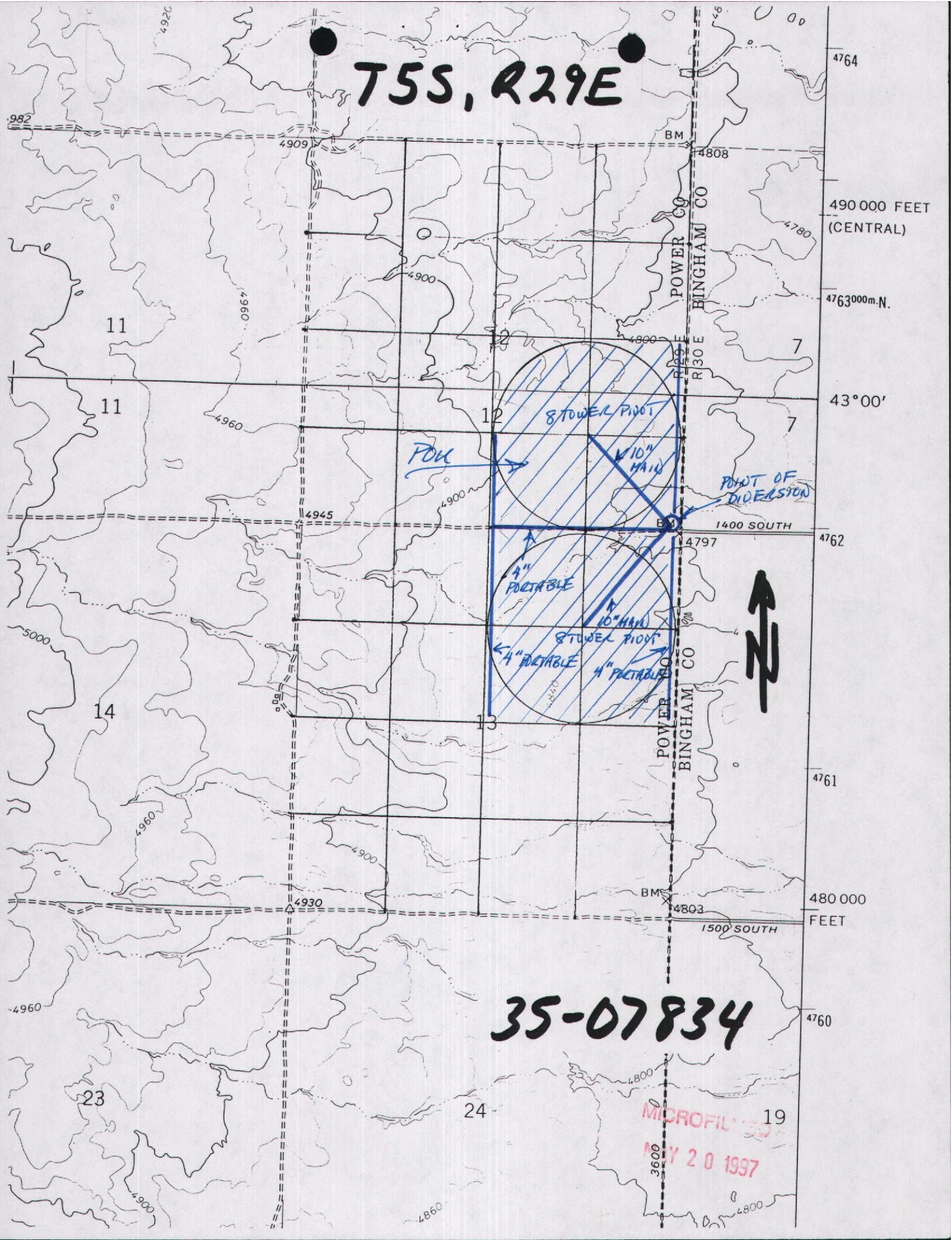
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PSI	0-160	ASHCROFT				

2. **Measurements:** _____

MICROFILMED
MAY 20 1997


T5S, R29E
490 000 FEET
(CENTRAL)
4763 000m.N.
43°00'
480 000
FEET
1400 SOUTH
1500 SOUTH
POWER CO
BINGHAM CO
R29 E
R30 E
8 TOWER PIVOT
10" MAIN
POINT OF DIVERSION
4" PORTABLE
POU
BM
4808
4797
4803
35-07834
MICROFILMED
MAY 20 1997

T 5 S

R 29 E.

T 2396

100

54

5

HEL 8- 72.7

HEL 9- 169.3

103

12

13

14

11

HEL 10- 60.2

HEL 11- 143.1

T 2054

1410 Chester Wahlen

T 2896

HEL 12- 55.7

HEL 12- 234.0

33

39

1416 Chester Wahlen

39

39

P. D.

7

10 NHEL 1- 5.1

4" PORTABLE MAINLINE

40

39

50.3

40

40

HEL 1- 105.0

PLACE OF USE

35-0834

13

24

19

18 NHEL

25

2A

CHESTER WAHLEN

IRRIGATION

S of S



SOUTH WEST CORNER

VIEW SOUTH



NORTH EAST CORNER

IRRIGATED BY HAND LINES.

MICROFILMED
MAY 20 1997

PERMIT NUMBER 35-07834

CHESTER WAHLEN

IRRIGATION

4/5



400 HP PUMP
100 HP BOOSTER



SOUTH EAST CORNER

IRRIGATED BY HAND LINES

MICROFILMED
MAY 20 1997

PERMIT NUMBER

35-07834

CHESTER WAHLEN

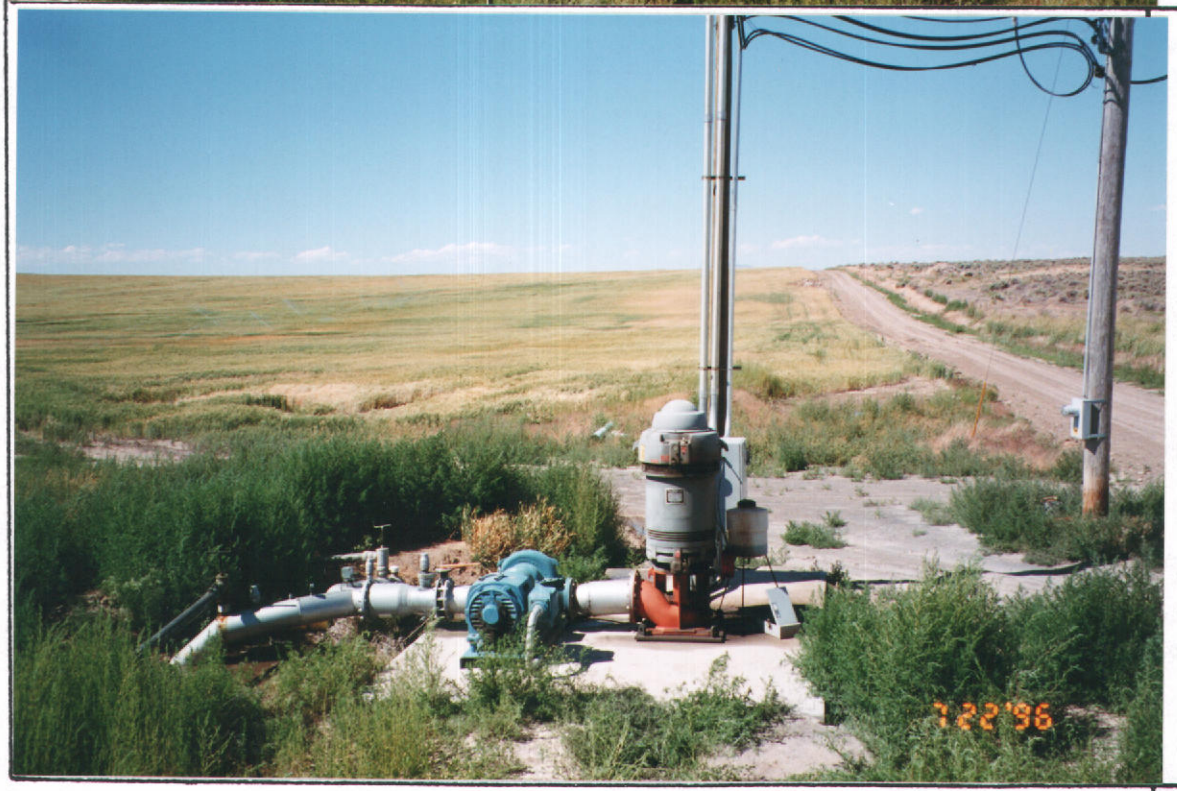
IRRIGATION

3/5



NORTH PIVOT

← PUMP



VIEW NORTH

NORTH PIVOT

PUMP & BOOSTER

MICROFILMED
MAY 20 1997

PERMIT NUMBER 35-07834

NEXT 6 PICTURES VIEWED LEFT TO RIGHT

CHESTER WAHLEN

IRRIGATION

1 of 5



VIEW SOUTH

POU SOUTH PIVOT

← HAND LINES



PIVOT POINT SOUTH

MICROFILMED MAY 20 1997

PERMIT NUMBER 35-07834

CHESTER WAHLEN

IRRIGATION

2 of 5



VIEW SOUTH WEST

SOUTH PIVOT + HAND LINES



CENTER ROAD BETWEEN SECTIONS

← 4" MAIN LINE HEADS WEST

RECEIVED
MAY 20 1997

PERMIT NUMBER

35-07834

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

COPY

Receipt No: E020348

Date: 9/30/1994
Time: 11:15:54

Received
From: WAHLEN, CHESTER

Type of Payment		Program Acct	Amount
DRILLING PERMIT 35-94E-114	63116	229 21 1205	200.00

Total

$200.00

CHECK 8051

Region: EASTERN Signature: Dennis W Swan

RECEIVED
APR 29 1996

COPY

5422

Elmer Funk Jr.
2990 West - 2000 South
Aberdeen, Idaho 83210

CUSTOMER'S ORDER NO.	DEPT.	DATE
		4-12-94

NAME Chester Wahlen

ADDRESS Sterling, Idaho 83210

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD.	PAID OUT

QUAN		DESCRIPTION	PRICE	AMOUNT
	1			
1	2	500 HP Yaskawa Motor		30,000 —
	3	w/ Worthington pump, bowls		
	4	& approx. 600' Columns.		
	5			
1	6	150 HP Cornell Booster Pump		5,000 00
	7			
	8	< Less - credit for balance owed		
	9	to Pleasant Valley Potato by		- 5,500 00
	10	G & M Farms >		
	11			
	12			
	13			
	14	Balance Due		29,500 00
	15			
	16			
	17			
	18			

REC'D BY X Chester Wahlen 4-18-94

REDIFORM
5L320/01320

KEEP THIS SLIP
FOR REFERENCE

APR 29 1996

ESTIMATE & AGREEMENT

IRRIGATION ENGINEERING
PUMPS, MAINLINES
& SPRINKLERS

MOUNTAIN AG., INC.

P.O. BOX 905
HIGHWAY 39 WEST
BLACKFOOT, IDAHO 83221
PHONE (208) 785-6500

P.O. BOX 51258
4440 S. YELLOWSTONE
IDAHO FALLS, IDAHO 83405
PHONE (208) 522-3703

LOCKWOOD CENTER PIVOTS
POTATO, BEET, DRY
EDIBLE BEAN EQUIPMENT

№ 006259

TO: Chester Walker

DATE: 10 Oct 94

COMPLETION DATE:

BID: WE HEREBY PROPOSE TO FURNISH MATERIAL AND LABOR TO COMPLETE THE WORK OUTLINED HEREIN FOR THE SUM OF:

DOLLARS $

PAYMENT TO BE MADE AS FOLLOWS:

WE HEREBY SUBMIT SPECIFICATIONS AND BID FOR:

QUANTITY	STOCK NUMBER OR DESCRIPTION	AMOUNT
2	1300' Zimmatic Pivot, 14.9 x 24 Tires, 6 5/8	40950 00
	Pipe, 44' End Boom + Auto Restart -	x 2
	Low Temperature Shut Off - 32-100 End	
	Gun w/ 200 GPM BP - Rotator, Regulator	
	Drops Pivot Lgt w/ Trade Rev w/ Stop.	
	Freight Setup Power Pod Wire Machine	
	With Boom Back at Towers	81,900 00
3800'	10" 125 PSI PVC Installed	21,356 00
3800'	Quad 2 Wire Installed	3420 00
3800'	PVC Covered	1140 00
4	10" Starter Coupler	144 00
4	10" Goose neck	320 00
1	Chemigation Valve	347 00
4	Thrust Block	200 00
2	30 Amp Disconnect	340 00
2	Electrical Tie In	700 00
2	Mainline Tie In	1680 00
2	6" Electric Valve	1800
		112347 00
	Pull 3 Post Pump #350/ft In 3 Out + Any	
	WORK on Bowls to match Application	

Sub Total
Trade-in
Cash Paid With Order
Sales Tax
Balance

1. Describe Trade-in, if any
2. If Seller is to deliver or install material and circumstances are encountered which increase such costs, these additional costs will be added to the balance due and be paid by Purchaser. Seller is granted permission to clear terrain to install material and will backfill any digging, but will not be required to restore trees, grass or other cover to the backfill.
3. ( ) Seller ( ) Purchaser shall install the material. The same shall be delivered by Seller to Purchaser at _____ and be installed and remain on the following real property. (Use legal desc.-e. g. SE ¼, NE ¼, Sec 8 Inp. 3 N, R 42 EBM) _____
4. Balance Payable; ( ) in cash payable on or before _____ 19____
   ( ) term purchase agreement payable in _____ consecutive (monthly, annual) installments commencing _____ 19____ on Seller's standard purchase money security agreement, on such financing terms as the parties agree, but the SPECIAL TERMS AND CONDITIONS on the reverse side hereof shall nevertheless continue in full effect between the parties and this agreement shall be incorporated into and be a part of such purchase money security agreement. In case of inconsistencies between this instrument and such purchase money security agreement this instrument shall control.
5. **Any price increases between Seller and its suppliers on any materials, machine, hire or labor listed herein, which occur between the date hereof and date of delivery to Purchaser will be passed on to and paid by Purchaser. This order shall not be binding on Seller until accepted and signed by a duly authorized agent of Seller and this order may be modified or rescinded only by a writing signed by both parties or their duly authorized agents.**
6. In case of change in quantity of materials or services installed or furnished, arithmetic error, unit prices extended will determine total cost. Any past due sums shall bear a **FINANCE CHARGE of 1½% PER MONTH** on unpaid balance (equal to **18% ANNUAL PERCENTAGE RATE**) from their due date until paid.
7. Purchaser agrees that title and risk of loss to materials sold hereunder pass to Purchaser at Seller's (or common carrier's) place of business immediately upon identification of the material to the agreement and prior to delivery to, or installation at Purchaser's premises, and confirms that the material will be used by him directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming.
8. **Purchaser warrants the trade-in to be free of all liens and encumbrances; that he has read this Estimate and Agreement in its entirety, both front and back pages and attachments, if any, has received a true completed copy hereof; that his signature hereon makes this a firm offer on his part to purchase the material; that if this offer is accepted by Seller by signature hereon, by delivery of all or any part of the material or otherwise, he has read, understands and agrees to all of the terms and conditions hereof, including but not limited to the SPECIAL TERMS AND CONDITIONS on the reverse side and item 5 above, and that all terms and blanks were filled in prior to signing this order.**

NOTICE: SEE OTHER SIDE FOR IMPORTANT INFORMATION. ALL OF THE TERMS, CONDITIONS AND PROVISIONS ON THE REVERSE SIDE FORM A PART HEREOF.

MOUNTAIN AG., INC.

By: Jack Tuybe

Its: _____

Dated this 11 day of Oct 19 94.

RECOMMENDED

x Chester Walker Purchaser.

_____ Residence.

This estimate void after _____ days from date unless accepted by Purchaser's Signature.

MODERN PRINTING, INC., Blackfoot, Idaho

ZIMMATIC PIVOT SYSTEM CONTRACT (STANDARD OUTLET SPACING)

ORDER FORM NO. Z 86740

SHIPMENT WILL BE MADE AT THE OPTION OF LINDSAY WHEN AVAILABLE

Dealer: Mountain Ag Inc

Sold To: Chester Wahlen

Address:

City: Aberdeen State: ID Zip: 83

Ship To:

Address: Same

City: State: Zip:

Tower #	1	2	3	4	5	6	7	8	9	10
Pipe Size	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8		
Length	157	157	157	157	157	157	157	157		
Tower #	11	12	13	14	15	16	17	18	19	20
Pipe Size										
Length										

Over Hang: 5 9/16 / 44

TOTAL LENGTH INCLUDING OVERHANG

SPRINKLER SPACING: ☐ Variable ☐ Fixed ☐ Spray — 25 PSI Regulator

GPM 1100 PSI 65

OUTLET SPACING STD OUTLETS

Qty.	Part No.	Description	Amount
		PIVOT STRUCTURE - Order (1)	
	01-2403-2	10" Pivot, Heavy Duty	
	01-2014-7	8" Pivot, Heavy Duty	
	01-2008-9	6-5/8" Pivot, Std.	
1	01-2010-5	6-5/8" Pivot, Heavy Duty	
	01-2004-8	5-9/16" Pivot, Std.	
	01-2110-3	5-9/16" Pivot, Heavy Duty	
	01-2710-0	8" Mobile	
	01-2712-6	6-5/8" Mobile	
	01-2713-4	5-9/16" Mobile	
	01-2711-8	Agri Tow	
		PIVOT CONTROL - Order (1)	
1	01-2989-0	Std. 10 W. TGS	
	01-3039-3	Std. 10" 11 W. TGS	
	01-3111-0	AIMS 10 W.	
	01-3112-8	AIMS 10" 10 W.	
	01-3179-7	AIMS 10 W. 3 Wheel Mobile	
		PIVOT ANCHORING - Order (1)	
1	01-1649-1	Pkg., 8",6-5/8",5-9/16" Non-Tow	
	01-2795-1	Pkg., 10" Non-Tow	
	01-2071-7	Pkg., Tow, Heavy Duty	
	01-2374-5	Pkg., Agri Tow	
	01-2493-3	Pkg., Concrete A/T	
	01-3151-6	Pkg., Skid Non-Tow	
		CONTROL PANEL ACCESSORIES	
1	01-2553-4	Auto S.D. w/Rev.	
	01-2560-9	Auto S.D. any Twr w/Rev.	
1	01-2554-2	Auto Restart	
	01-2555-9	Low Temp.	
	01-2552-6	Twr. Check	
	01-2556-7	Twr. Check, 17 Twr.	
	01-2557-5	Auto S.D. w/Rev. 10"	
	01-2561-7	Auto End Gun Agri Tow	
	01-3152-4	End Tower Light	
1	01-3155-7	Pivot Light	
		STD SPANS Order No. Req'd	
	01-2595-5	10", 113' Solid, 15%	
	01-2596-3	10", 135' Solid, 15%	
	01-2217-6	8", 113' Solid, 15%	
	01-2219-2	8", 113' Swivel, 30%	
	01-2050-1	8", 135' Solid, 15%	
	01-2052-7	8", 135' Swivel, 30%	
	01-2221-8	8", 157' Solid, 15%	
	01-2037-8	6-5/8", 113' Swivel, 30%	
	01-2036-0	6-5/8", 113' Solid, 15%	
	01-2038-6	6-5/8", 135' Solid, 15%	
	01-2039-4	6-5/8", 135' Swivel, 30%	
8	01-2044-4	6-5/8", 157' Solid, 15%	
	01-2046-9	6-5/8", 179' Solid, 15%	
	01-2048-5	6-5/8", 201' Solid, 12%	
	01-2022-0	5-9/16", 113' Solid, 15%	
	01-2024-6	5-9/16", 135' Solid, 15%	
	01-2025-3	5-9/16", 135' Swivel, 30%	
	01-2030-3	5-9/16", 157' Solid, 15%	
	01-2032-9	5-9/16", 179' Solid, 15%	

Qty.	Part No.	Description	Amount
		JOINTS - Order (1) Per Tower	
	01-2402-4	Standard, 10"	
	01-2056-8	Standard, 8"	
7	01-2055-0	Standard, 6-5/8"	
	01-2054-3	Standard, 5-9/16"	
	01-2401-6	Reduction 10" to 8"	
	01-2058-4	Reduction 8" to 6-5/8"	
	01-2057-6	Reduction 6-5/8" to 5-9/16"	
1	01-2283-8	Last, Tower	
		STD OVERHANG - Order (1)	
	01-2960-1	11 Ft., 5-9/16"	
	01-2279-6	22 Ft., 5-9/16"	
	01-2475-0	33 Ft., 5-9/16"	
1	01-2280-4	44 Ft., 5-9/16"	
7	01-3171-4	55 Ft., 5-9/16"	
	01-2281-2	66 Ft., 5-9/16"	
	01-2282-0	88 Ft., 5-9/16"	
		ELECTRICAL CABLE Order No. of Spans	
	01-2180-6	113' 14 AWG	
	01-2179-8	135' 14 AWG	
	01-2178-0	157' 14 AWG	
	01-2174-9	160' 14 AWG	
	01-2177-2	179' 14 AWG	
	01-2171-5	201' 14 AWG	
	01-1861-2	113' 12 AWG	
	01-1862-0	135' 12 AWG	
	01-1863-8	157' 12 AWG	
	01-1868-7	160' 12 AWG	
	01-1864-6	179' 12 AWG	
	01-1865-3	201' 12 AWG	
	01-1851-3	113' 10 AWG	
	01-1852-1	135' 10 AWG	
8	01-1853-9	157' 10 AWG	
	01-1858-8	160' 10 AWG	
	01-1854-7	179' 10 AWG	
	01-1855-4	201' 10 AWG	
		ELECTRIC TOWER CONTROL	
	01-2819-9	Std. 10" All	
6	01-2167-3	Std. - No. of Spans Less 2	
1	01-2168-1	Next-To-Last - Order 1	
1	01-2169-9	Last Tower - Order 1	

Qty.	Part No.	Description	Amount
		WHEEL SETS - Order No. of Spans	
	01-2958-5	10 X 20 Retread	
	01-1689-7	11 x 24.5 Retread	
	01-1690-5	11.2 x 24 New	
	01-2959-3	11.2 x 38 New w/ Tube	
8	01-1691-3	14.9 x 24 New	
		END GUN MODULES - Order (1)	
	01-2253-1	Module, Spray, All, OH	
	10-0762-4	Flush Out Kit	
1	1-2390+1	SR-100 W/200GPM BP	
		SPRINKLERS	
1300	1-2830-6	16 Taper	
1300	1-2737-3	Reg	
		TOWER STRUCTURE - Order No. of Spans	
8	01-2018-8	Solid T.S.	
	01-2020-4	Swivel T.S.	
	01-1833-1	Low Profile, Swivel	
	01-1965-1	Hi-Clearance, Swivel 6-5/8"	
	01-3096-3	Hi-Clearance, Swivel 8"	
	01-3097-1	Hi-Clearance, Swivel, 10"	
		CENTER DRIVE - Order No. of Spans	
8	01-1349-8	Lindsay 43 R.P.M.	
	01-1700-2	Lindsay 86 R.P.M.	
		FINAL DRIVE - Order No. of Spans	
8	01-1234-2	Non-Towable	
	01-1235-9	Towable	
		CORNER SYSTEM	
		Corner Span	
		Wire, Guide	
		Wheel Assy Reinf.	
		C.S. Valve Pkg	
		C.S. Spray Drop	

LMC	DLR	QTY.	PART NO.	DESCRIPTION (OPTIONS)
			01-2891-8	Package Pivot Brace
			01-3105-2	Joint P.E. 6-5/8" w/outlet
			01-3106-0	Joint P.E. 5-9/16" w/outlet
			01-3110-2	4 Wheel Cart, 10 x 20 Recap Galv.
			01-3133-4	4 Wheel Cart, 11 x 24.5 Recap Galv.
			01-3139-1	4 Wheel Cart, 11.2 x 24 New Galv.
			01-3140-9	4 Wheel Cart, 15" Imp.
		8	1-2671-4	Drop Spray
		1	1-2674-8	Drop Spray

For Office Use Only
☐ 1-1330-8 ☐ 1-1331-6 ☐ 1-1332-4

Sub-Total	
Installation	
Freight	
Sales Tax	
Total*	
Down Payment (%)	
On Substantial delivery (%)	
After Zimmatic started (%)	

Purchaser has arranged financing as follows:
☐ Cash ☒ Other (Specify below)
Lease

The undersigned purchaser agrees with Lindsay Manufacturing Company and Dealer/Seller to be bound by the Warranty and Terms and Conditions on the reverse side hereof, and that Dealer/Seller is not an agent or representative of Lindsay.

Purchaser: Chester Wahlen Date: 10/12/94

Seller: Mtn Ag Inc Russ Howard Jr. K Date: 10/13/94

APPROVED APR 29 1996

ZP 9/94

ZIMMATIC PIVOT SYSTEM CONTRACT (STANDARD OUTLET SPACING)

ORDER FORM NO. Z 86960

SHIPMENT WILL BE MADE AT THE OPTION OF LINDSAY WHEN AVAILABLE

Dealer: Mountain Ag Inc

Sold To: Chester Wahlen

Address:

City: Aberdeen State: Id Zip:

Ship To:

Address: Same

City: State: Zip:

Tower #	1	2	3	4	5	6	7	8	9	10	Over Hang
Pipe Size	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8			5 9/16
Length	157	157	157	157	157	157	157	157			44
Tower #	11	12	13	14	15	16	17	18	19	20	
Pipe Size											
Length											

TOTAL LENGTH INCLUDING OVERHANG

SPRINKLER SPACING 25 PSI regulator
☐ Variable ☐ Fixed ☐ Spray
GPM 1100 PSI 65

OUTLET SPACING STD OUTLETS

Qty.	Part No.	Description	Amount
		PIVOT STRUCTURE - Order (1)	
	01-2403-2	10" Pivot, Heavy Duty	
	01-2014-7	8" Pivot, Heavy Duty	
	01-2008-9	6-5/8" Pivot, Std.	
1	01-2010-5	6-5/8" Pivot, Heavy Duty	
	01-2004-8	5-9/16" Pivot, Std.	
	01-2110-3	5-9/16" Pivot, Heavy Duty	
	01-2710-0	8" Mobile	
	01-2712-6	6-5/8" Mobile	
	01-2713-4	5-9/16" Mobile	
	01-2711-8	Agri Tow	
		PIVOT CONTROL - Order (1)	
1	01-2989-0	Std. 10 W. TGS	
	01-3039-3	Std. 10" 11 W. TGS	
	01-3111-0	AIMS 10 W.	
	01-3112-8	AIMS 10" 10 W.	
	01-3179-7	AIMS 10 W. 3 Wheel Mobile	
		PIVOT ANCHORING - Order (1)	
1	01-1649-1	Pkg., 8",6-5/8",5-9/16" Non-Tow	
	01-2795-1	Pkg., 10" Non-Tow	
	01-2071-7	Pkg., Tow, Heavy Duty	
	01-2374-5	Pkg., Agri Tow	
	01-2493-3	Pkg., Concrete A/T	
	01-3151-6	Pkg., Skid Non-Tow	
		CONTROL PANEL ACCESSORIES	
1	01-2553-4	Auto S.D. w/Rev.	
	01-2560-9	Auto S.D. any Twr w/Rev.	
1	01-2554-2	Auto Restart	
	01-2555-9	Low Temp.	
	01-2552-6	Twr. Check	
	01-2556-7	Twr. Check, 17 Twr.	
	01-2557-5	Auto S.D. w/Rev. 10"	
	01-2561-7	Auto End Gun Agri Tow	
	01-3152-4	End Tower Light	
1	01-3155-7	Pivot Light	
		STD SPANS Order No. Req'd	
	01-2595-5	10", 113' Solid, 15%	
	01-2596-3	10", 135' Solid, 15%	
	01-2217-6	8", 113' Solid, 15%	
	01-2219-2	8", 113' Swivel, 30%	
	01-2050-1	8", 135' Solid, 15%	
	01-2052-7	8", 135' Swivel, 30%	
	01-2221-8	8", 157" Solid, 15%	
	01-2037-8	6-5/8", 113' Swivel, 30%	
	01-2036-0	6-5/8", 113' Solid, 15%	
	01-2038-6	6-5/8", 135' Solid, 15%	
	01-2039-4	6-5/8", 135' Swivel, 30%	
8	01-2044-4	6-5/8", 157' Solid, 15%	
	01-2046-9	6-5/8", 179' Solid, 15%	
	01-2048-5	6-5/8", 201' Solid, 12%	
	01-2022-0	5-9/16", 113' Solid, 15%	
	01-2024-6	5-9/16", 135' Solid, 15%	
	01-2025-3	5-9/16", 135' Swivel, 30%	
	01-2030-3	5-9/16", 157' Solid, 15%	
	01-2032-9	5-9/16", 179' Solid, 15%	

Qty.	Part No.	Description	Amount
		JOINTS - Order (1) Per Tower	
	01-2402-4	Standard, 10"	
	01-2056-8	Standard, 8"	
T	01-2055-0	Standard, 6-5/8"	
	01-2054-3	Standard, 5-9/16"	
	01-2401-6	Reduction 10" to 8"	
	01-2058-4	Reduction 8" to 6-5/8"	
	01-2057-6	Reduction 6-5/8" to 5-9/16"	
1	01-2283-8	Last, Tower	
		STD OVERHANG - Order (1)	
	01-2960-1	11 Ft., 5-9/16"	
	01-2279-6	22 Ft., 5-9/16"	
	01-2475-0	33 Ft., 5-9/16"	
1	01-2280-4	44 Ft., 5-9/16"	
	01-3171-4	55 Ft., 5-9/16"	
	01-2281-2	66 Ft., 5-9/16"	
	01-2282-0	88 Ft., 5-9/16"	
		ELECTRICAL CABLE Order No. of Spans	
	01-2180-6	113' 14 AWG	
	01-2179-8	135' 14 AWG	
	01-2178-0	157' 14 AWG	
	01-2174-9	160' 14 AWG	
	01-2177-2	179' 14 AWG	
	01-2171-5	201' 14 AWG	
	01-1861-2	113' 12 AWG	
	01-1862-0	135' 12 AWG	
	01-1863-8	157' 12 AWG	
	01-1868-7	160' 12 AWG	
	01-1864-6	179' 12 AWG	
	01-1865-3	201' 12 AWG	
	01-1851-3	113' 10 AWG	
	01-1852-1	135' 10 AWG	
8	01-1853-9	157' 10 AWG	
	01-1858-8	160' 10 AWG	
	01-1854-7	179' 10 AWG	
	01-1855-4	201' 10 AWG	
		ELECTRIC TOWER CONTROL	
	01-2819-9	Std. 10" All	
6	01-2167-3	Std. - No. of Spans Less 2	
1	01-2168-1	Next-To-Last - Order 1	
1	01-2169-9	Last Tower - Order 1	

Qty.	Part No.	Description	Amount
		WHEEL SETS - Order No. of Spans	
	01-2958-5	10 X 20 Retread	
	01-1689-7	11 x 24.5 Retread	
	01-1690-5	11.2 x 24 New	
	01-2959-3	11.2 x 38 New w/ Tube	
8	01-1691-3	14.9 x 24 New	
		END GUN MODULES - Order (1)	
	01-2253-1	Module, Spray, All, OH	
	10-0762-4	Flush Out Kit	
1	1-2390-1	SR-100 w/200 BP	
		SPRINKLERS	
1300	1-2830-6	Rotator	
1300	1-2737-3	Reg	25 PSI
		TOWER STRUCTURE - Order No. of Spans	
8	01-2018-8	Solid T.S.	
	01-2020-4	Swivel T.S.	
	01-1833-1	Low Profile, Swivel	
	01-1965-1	Hi-Clearance, Swivel 6-5/8"	
	01-3096-3	Hi-Clearance, Swivel 8"	
	01-3097-1	Hi-Clearance, Swivel, 10"	
		CENTER DRIVE - Order No. of Spans	
8	01-1349-8	Lindsay 43 R.P.M.	
	01-1700-2	Lindsay 86 R.P.M.	
		FINAL DRIVE - Order No. of Spans	
8	01-1234-2	Non-Towable	
	01-1235-9	Towable	
		CORNER SYSTEM	
		Corner Span	
		Wire, Guide	
		Wheel Assy Reinf.	
		C.S. Valve Pkg	
		C.S. Spray Drop	

LMC	DLR	QTY.	PART NO.	DESCRIPTION (OPTIONS)
			01-2891-8	Package Pivot Brace
			01-3105-2	Joint P.E. 6-5/8" w/outlet
			01-3106-0	Joint P.E. 5-9/16" w/outlet
			01-3110-2	4 Wheel Cart, 10 x 20 Recap Galv.
			01-3133-4	4 Wheel Cart, 11 x 24.5 Recap Galv.
			01-3139-1	4 Wheel Cart, 11.2 x 24 New Galv.
			01-3140-9	4 Wheel Cart, 15" Imp.
		8	1-2671-4	Drop
		1	1-2674-8	Drop

For Office Use Only
☐ 1-1330-8 ☐ 1-1331-6 ☐ 1-1332-4

RECEIVED APR 29 1996

Sub-Total	
Installation	
Freight	
Sales Tax	
Total*	
Down Payment (%)	
On Substantial delivery (%)	
After Zimmatic started (%)	

*Subject to adjustment as herein provided.

Purchaser has arranged financing as follows:
☐ Cash ☒ Other (Specify below)

Lease

The undersigned purchaser agrees with Lindsay Manufacturing Company and Dealer/Seller to be bound by the Warranty and Terms and Conditions on the reverse side hereof, and that Dealer/Seller is not an agent or representative of Lindsay.

Purchaser: Chester Wahlen Date: 12/13/94

Seller: Mtn Ag Inc Russ Stewart - Jack Date: 12/13/94

ZP 9/94

CUSTOMER COPY

INVOICE

No 001373

GARY VOLLMER & SONS
Rt. 1, Box 67
AMERICAN FALLS, IDAHO 83211

(208) 226-5770

TO Chet Wahlen

INVOICE DATE	SALESMAN
Nov 17-94	Gary

SHIP TO

YOUR ORDER NO.	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
575'	18" well.	65.00/ft.	37,375 00
20'	18" casing	22.00/ft.	440 00
			37815 00
	advanced.		10,000 00
	Balance.		$27,815 00
	Received 11-17-94		$17,815 00
	Balance.		10 000 00

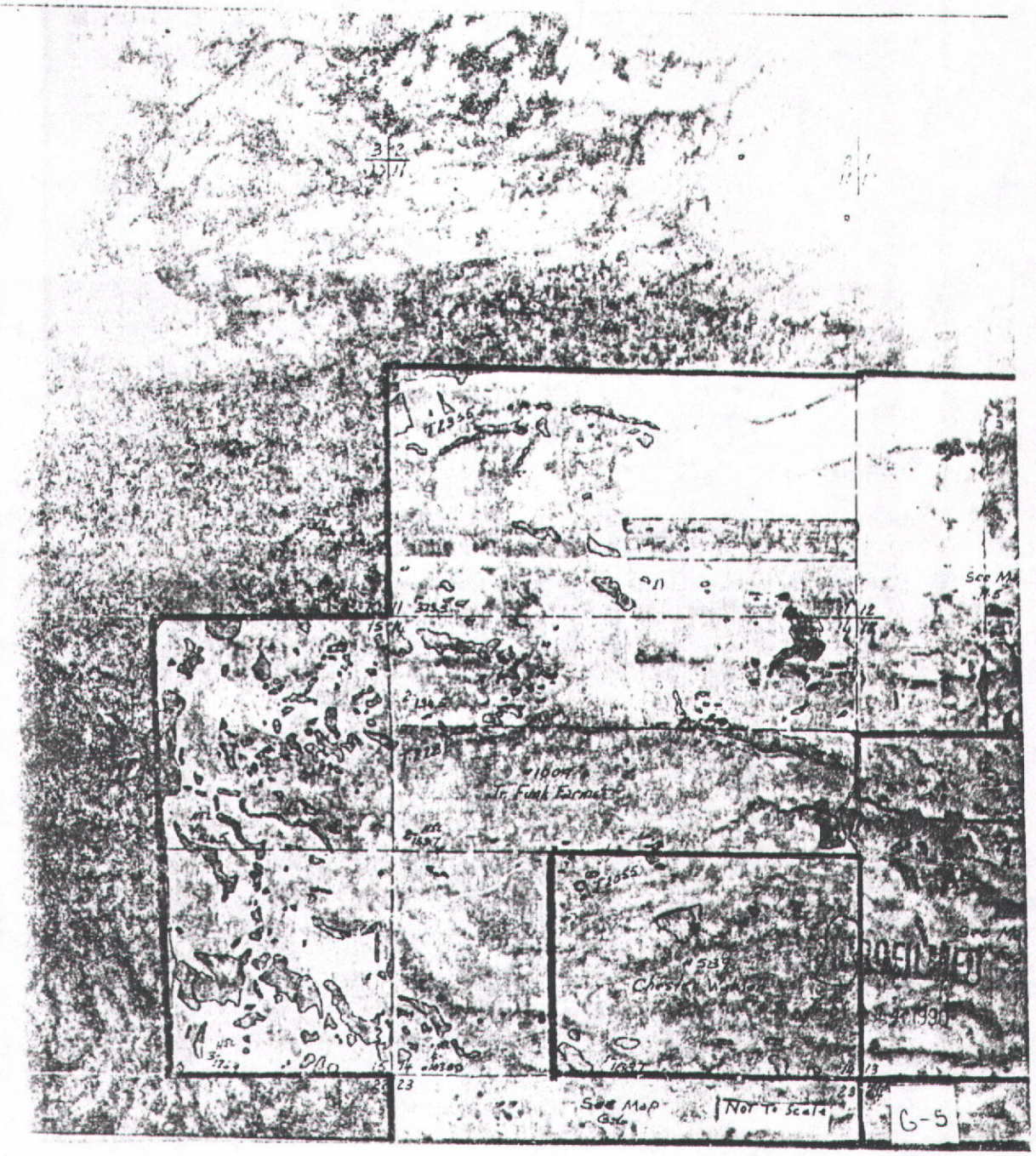
TERMS: Accounts are due on the 10th of the month following purchase date and become past due 30 days after date of purchase. Past due accounts will be charged 1½% INTEREST PER MONTH (18% ANNUAL RATE). Title to the above listed merchandise shall remain with the seller until paid for. Purchaser agrees to pay all reasonable attorney fees & collection costs if seller deems it necessary to force collection of this account.

I certify that the property which I have here purchased will be used by me for the following purposes. ☐ Directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming or to repair equipment used primarily as described above.

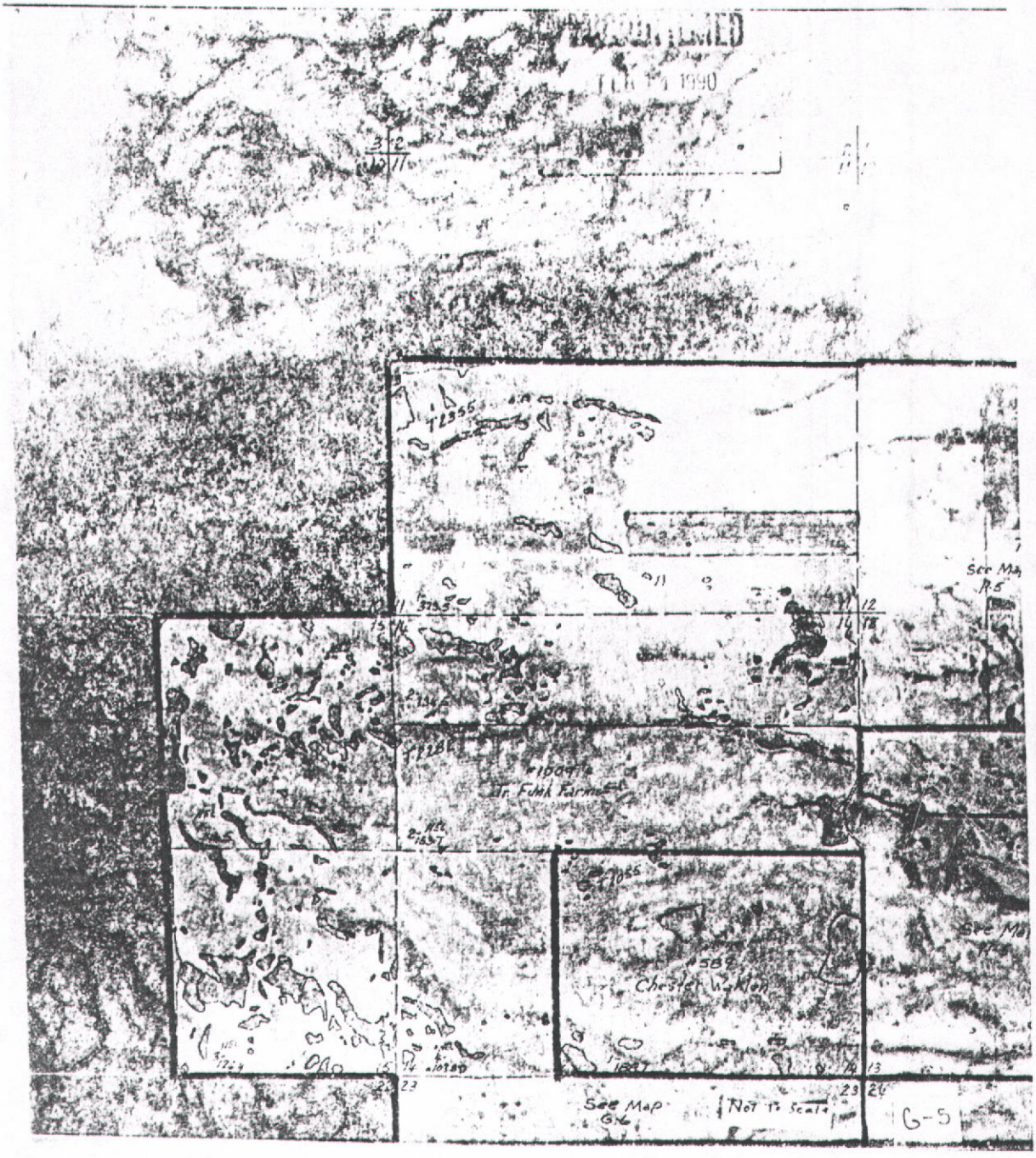
PURCHASER _____

MICROFILMED
APR 29 1996

Thank You


Jr. Funk Farm
See Map
Gde
Not to Scale
G-5


H-5
Not To Scale
MICROFILMED
FEB 14 1990
#3282
#1009
Jr. Funk Farms
#931
105 D


See Map P-5
Mr. Funk Farmed
Chester Watson
See Map G-4
Not to Scale


H-5
Not To Scale
FEB 14 1990
T 12 R 2 W
#1004
Jr. Fuhst Farms
#931
Kyle Stebbins
(Fuhst Farms)
NEL
2105.0
NEL
1760.7
NEL
1460.8
NEL
1495
NEL
1693
NEL
1257
#1004
12
13
18
19
7
6
1
12

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 20 1999
DEPARTMENT OF WATER RESOURCES

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

1. Water Right Number(s) 35-07835 35-07834

   Adjudication Claim Number(s) A35-07632B (sent info to region)

2. The following REQUIRED information must be submitted with this form.

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) CHESTER WAHLEN, 2624 W. 1000 S., ABERDEEN, ID 83210

4. New Owner/Claimant(s) PAUL W. & DEBRA J. BEHREND, NICHOLAS P. AND KRISTIN R. BEHREND GREG &JENNECCA KNITTEL

   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 2706 W. 1800 S.

   City, State and ZIP Code ABERDEEN, ID 83210

   New Telephone Number (208) 397 - 4047

5. Date you acquired the property APRIL 1, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres actually irrigated 808 Number and type of stock

   Diversion rate in CFS (cubic feet per second) Number of homes 0 Other uses

   MICROFILMED NOV 10 1999

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Paul W. Behrend Debra J Behrend Kristin R Behrend Date 4-2-99

   Jennecca Knittel Greg Knittel Nicholas P Behrend Date 4-2-99

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.

4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.

5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

   Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately.*

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise , ID 83705-5082 (208) 334-2190
IDWR Southern Region, 1341 Fillmore St., Twin Falls, ID 83301-3380 (208) 736-3033
IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450
IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

ALLIANCE

2-7L 81

WARRANTY DEED

For Value Received

CHESTER WAHLEN, TRUSTEE OF THE CHESTER WAHLEN AND ORVA MARIE WAHLEN FAMILY LIVING TRUST, DATED AUGUST 16, 1996

the grantor, does hereby grant, bargain, sell and convey unto

PAUL W. BEHREND and DEBRA J. BEHREND, husband and wife and NICHOLAS P. BEHREND and KRISTIN R. BEHREND, husband and wife, and GREG and JENNECCA KNITTEL, husband and wife

whose current address is

2706 W. 1800 S.

ABERDEEN, ID 83210

the grantees, the following described premises, in **POWER** County **IDAHO**, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: **April 1,1999**

Chester Wahlen - trustee

CHESTER WAHLEN, TRUSTEE

STATE OF **IDAHO**, COUNTY OF **BANNOCK**
On this **1ST** day of **APRIL, 1999**
before me, a Notary Public in and for said State, personally appeared

CHESTER WAHLEN, TRUSTEE

known to me to be the person whose name is subscribed to the within instrument as Trustee and acknowledged to me that he executed the same as such Trustee.

172366

INSTRUMENT #
TIME 12:05 pm
REQ. OF Alliance Title
APR 0 2 1999
POWER COUNTY AM FALLS
CHRISTINE STEINLICHT
BY
DEPUTY

MICROFILMED
NOV 1 0 1999

Notary Public,
Residing at INKOM, ID
Comm. Expires 12-10-99

MELISSA M. DROLLINGER
NOTARY PUBLIC
STATE OF IDAHO

182

MICROFILMED

NOV 10 1999

"EXHIBIT A"

A PARCEL OF LAND LOCATED IN TOWNSHIP 5 SOUTH, RANGE 29 E.B.M., POWER COUNTY, IDAHO DESCRIBED AS FOLLOWS:

SECTION 11: S1/2 35-07835
SECTION 12: S1/2 35-07834 35-07835
SECTION 13: ALL
SECTION 14: ALL
SECTION 15: NE1/4
SECTION 22: S1/2
SECTION 23: ALL
SECTION 26: N1/2 NW1/4
SECTION 27: N1/2

wkl/lw
10/31/96

MONTGOMERY
NOV 10 1999

ALLIANCE

27181

WARRANTY DEED

For Value Received

CHESTER WAHLEN, AKA CHESTER WHALEN OR FLOYD CHESTER WAHLEN AND EFFIE CARLA WAHLEN, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

PAUL W. BEHREND and DEBRA J. BEHREND, husband and wife and NICHOLAS P. BEHREND and KRISTIN R. BEHREND and GREG KNITTEL and JENNECCA KNITTEL, husband and wife

whose current address is

2706 W. 1800 S.

ABERDEEN, ID 83210

the grantees, the following described premises, in **POWER** County **IDAHO**, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their, heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: **April 1,1999**

Chester Wahlen
CHESTER WAHLEN

Effie Carla Wahlen
EFFIE CARLA WAHLEN

STATE OF **IDAHO**, COUNTY OF **BANNOCK**
On this **1ST** day of **APRIL, 1999**
before me, a Notary Public in and for said State, personally appeared

CHESTER WAHLEN
EFFIE CARLA WAHLEN

known to me to be the persons whose names are subscribed to the within instruments and acknowledged to me that they executed the same.

172367

INSTRUMENT #
TIME 12:06 pm
REQ. OF Alliance Title

APR 02 1999

POWER COUNTY AMERICAN FALLS
CHRISTINE STERLIGHT
BY Debra Gunnell
DEPUTY

Notary Public,
Residing at INKOM, ID
Comm. Expires 12-10-99

ELISSA M. DROLLINGER
NOTARY PUBLIC
STATE OF IDAHO

1-2

RECORDED
NOV 12 1999

"EXHIBIT A"

A PARCEL OF LAND LOCATED IN TOWNSHIP 5 SOUTH, RANGE 29 E.B.M., POWER COUNTY, IDAHO DESCRIBED AS FOLLOWS:

SECTION 11: S1/2
SECTION 12: S1/2
SECTION 13: ALL
SECTION 14: ALL
SECTION 15: NE1/4
SECTION 22: S1/2
SECTION 23: ALL
SECTION 26: N1/2 NW1/4
SECTION 27: N1/2

10/31/96

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07834

Priority: June 19, 1980 — Maximum Diversion Rate: 4.49 CFS; Maximum Diversion Volume: 1236.0 AF

This is to certify, that CHESTER WAHLEN
2624 W 1000 S
STERLING ID 83210 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 22, 1979; and has submitted Proof of Beneficial Use on February 26, 1996. An examination indicates that the works have a diversion capacity of 4.490 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	4.49 CFS	1236.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 12, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	29E	12	NESE	39	NWSE	33	SWSE	39	
			SESE	39					150
		13	NENE	39	NWNE	40	SWNE	40	
			SENE	40					159
					Total number of acres irrigated:				309

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right 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.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07834

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6th day of MAY, 1997.

Acting for KARL J. DREHER, Director

RECEIVED
APR 2 8 1997
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07834

Date of Priority: June 19, 1980

Maximum Diversion Rate: 4.49 CFS
Maximum Diversion Volume: 1236.0 AF

Comes now CHESTER WAHLEN
2624 W 1000 S
STERLING ID 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. 35-07834, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	4.49 CFS	1236.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 12, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	29E	12	NESE	39	NWSE	33	SWSE	39	
			SESE	39					150
		13	NENE	39	NWNE	40	SWNE	40	
			SENE	40					159

Total number of acres irrigated: 309

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

Signed at Sterling, this 14th day of April, 1997.

Chester Wahlen
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07834

****

FOR DEPARTMENT USE ONLY

Preliminary check by ____ Fee = 50.00 Receipted by JW # C038739 Date 4-28-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-07834 with the following;

CONDITIONS OF APPROVAL AND REMARKS

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

Witness my hand this 6TH day of MAY, 1997.

Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-07834 IN THE NAME OF CHESTER WAHLEN	**PRELIMINARY ORDER REINSTATING PERMIT**

FINDINGS OF FACT

1. On March 1, 1979, the Department of Water Resources (department) issued the above-captioned permit with a condition of approval requiring that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the department on or before March 1, 1984.

2. On June 15, 1984, the department approved a request for an extension of time in which to submit the 'proof of beneficial use of water (extension request) to March 1, 1989.

3. On January 30, 1990, the department approved a second extension request extending the proof due date to October 1, 1992.

4. On October 2, 1992, the department approved a third extension request extending the proof due date to October 1, 1994.

5. On July 28, 1994, the department denied a fourth extension request, since the department did not have authority to approve an additional extension request.

6. On February 26, 1996, the permit holder submitted proof of beneficial use to the department.

CONCLUSIONS OF LAW

1. Section 42-218a, Idaho Code, provides in pertinent part as follows:

> A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect. Notice of said lapsing shall be sent by regular mail provided:
>
> 1. That within sixty (60) days after such notice of lapsing the department may, upon a showing of

RECEIVED

APR 29 1996

reasonable cause, reinstate the permit with the priority advanced a time equal to the number of days that said showing is subsequent to the date set for proof;

2. The permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on February 26, 1996.

3. The department should reinstate the permit with the priority advanced by the amount of time in which the proof submittal was late.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-07834 in the name of Chester Wahlen is **REINSTATED.**

II IS, FURTHER HEREBY ORDERED that the priority of use of the permit be advanced to **June 19, 1980.**

DATED this 9TH day of MARCH, 1996.

NORMAN C. YOUNG
Administrator

APR 29 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of March, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the following:

Kent W. Foster
HOLDEN KIDWELL HAHN
& CRAPO
P.O. Box 50130
Idaho Falls, ID 83405

Chester Wahlen
2624 W 1000 S
Sterling, ID 83210

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

APR 29 1996

Form 217
11/91

RECEIVED
FEB 26 1996
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $ 250.00
Date 2-26-96
Receipt No. C034904
Receipt by gw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-07834 Telephone No. (208) 328-2283

2. Name(s) of Permit Holder(s): Chester Wahlen

3. Mailing Address: 2624 West 1000 South, Sterling, ID 83210

4. Source of Water: Groundwater

   If **GROUNDWATER**, Well Driller's Name: Gary Volmer Date Drilled: Oct. 1 - Nov. 5 1994

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

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

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

   Irrigation 320 (No. of acres) Other _____

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

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

   Measuring device: Required? ___ Yes ___ No Installed? ___ Yes ___ No
   OR
   Flow Measurement Port: Required? X Yes ___ No Installed? X Yes ___ No

8. Fee Enclosed: $ 250 (See License Fee Schedule on back of Instruction Sheet)

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

   Chester Wahlen (208) 328-2283
   Name Telephone No.

   2524 West 1000 South, Sterling, ID 83210
   Address

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

APR 29 1996

2/23/96 Chester Wahlen
Date Signature (and title, if on behalf of a company or organization)

NOTICE

This file has been REPRODUCED from MICROFICHE because:

For Reinstatement

Darla J. Block — Person Recreating File

Mar. 05, 1996 — Date

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-07834	J.W. Vanderford, Inc.	6.40
~~Full Assignment~~	~~35-07834~~	~~Margaret O'Haire~~	~~6.40~~
Full Assignment	35-07834	Chester Wahlen	6.40

Form 204
11-91

JUN 2 8 1994

RECEIVED
JUL 0 1 1994
Department of Water Resources

For Office Use Only
$15 Fee Received by [illegible]
Date 7-28-94
Receipt No. T-064410

Department of Water Resources
Eastern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 35-7834

Name(s) of Permit Holder: Chester Wahlen

Mailing Address: 2624 W. 1000 S., Sterling, Idaho 83210

Date Proof is Due October 1, 1994 Telephone No. 208/328-2283

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".)

None

Costing $

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

I purchased this property April 4, 1994; received title to it on May 16, 1994, and would like to have a 4 year extension.

Permit holder(s) request an extension to October 1, , 19 98 .

FEE: $15.00

Chester Wahlen
(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 DENIED since the department is not authorized to grant an additional extension request.

Signed this 28TH day July , 19 94

R. Keith Higginson
R. KEITH HIGGINSON, Director

RECEIVED
JUL 05 1994
Department of Water Resources

RECEIVED
JUL 28 1994
Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF WATER PERMITS

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:

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

database updated 7/1/94 cg

Form 204
11-81

RECEIVED

OCT 0 1 1992

For Office Use Only
$15 Fee Received by [illegible]
Date 10-1-92
Receipt No. 0025627

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 35-7834

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 97.

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.

Signed this 2nd day October, 19 92

L. Glen Saxton
Chief, Water Allocation Bureau

Form 204
4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
$15 FEE Receipted by [illegible]
Date 8/17/89
Receipt # [illegible]

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

Permit No. 36-7224

Name(s) of Permit Holder: C & M Farms - A Partnership

Mailing Address: [illegible]

Telephone No. [illegible]

Date Proof is Due: March 1, 1990

Describe what work has been completed toward the development of this water right: Land has been leveled of rocks and is now being cleared of rock. Wheat & barley have been sowed on the ground. Drip tape system has been laid.

Cropping #

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

Due to litigation involving C & M 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 Faris - Partner (Signature)*

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

FEE: $15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be No Action required

MICROFILMED

FEB 14 1990

Signed this ____ day of _____, 19____.

_____

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 CAUSE A SIGNIFICANT REDUCTION IN TRUST WATER AVAILABLE FOR POWER PRODUCTION	MEMORANDUM DECISION & ORDER

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;

MICROFILMED

FEB 14 1990

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

MICROFILMED
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

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. 35-7834 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. 35-7834 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

ORDER

It is, therefore, hereby ORDERED that Permit No. 35-7834 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. 35-7834 are incorporated into and made part of this order.

Dated this 5TH day of FEBRUARY, 1990.

R. KEITH HIGGINSON
Director

MICROFILMED
FEB 14 1990

Form 204
4/86

For Office Use Only
$15 FEE Receipted by CJ
Date 2/7/89
Receipt # C0054

RECEIVED
MAY 24 1989
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Permit No. 45-7891

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

Post Office Address: Twin Falls, Idaho, 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 and 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:

I am involved as a defendant in Snake Basin

Permit holder(s) request an extension to March 1, 1994. Margaret O'Hare
(1 yr. minimum) (Signature)*

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

FEE: $15.00

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

FEB 14 1990

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, 19 90.

R. Keith Taylor
Chief, Water Allocation Bureau

Form 204
3-81

For Office Use Only
Fee Received
Date
Receipt #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

J.W. Vanstaford Inc. of 500 S. Edgehill, Providence
(Name) (Address)

State of Utah 84332, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 35-7834.

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

That he has heretofore performed the following work described under said permit: None at present
(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:
We failed to complete this work due to the Swan Falls-Idaho Power suit against the State and the refusal of Idaho Power to run power lines to our place of use

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

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

John Vanstaford Pres.
(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.

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

Signed this 15th day of June, 1984.

L. Glen Saxton
Chief, Operations Bureau

Form 202
3/78

Ident. No. 35 7834

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 ¼ of SE ¼ of Section 12 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 (cfs or acre-feet per annum) for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)

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

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

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

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 - (Month/Day) to - - (Month/Day) inclusive.

   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: - - ¼ of - - ¼ 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:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 S	29 E	13	40	40	40	40													160 Acres
5 S	29 E	12													40	40	40	40	160 Acres

Total number of acres to be irrigated 320 Acres

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

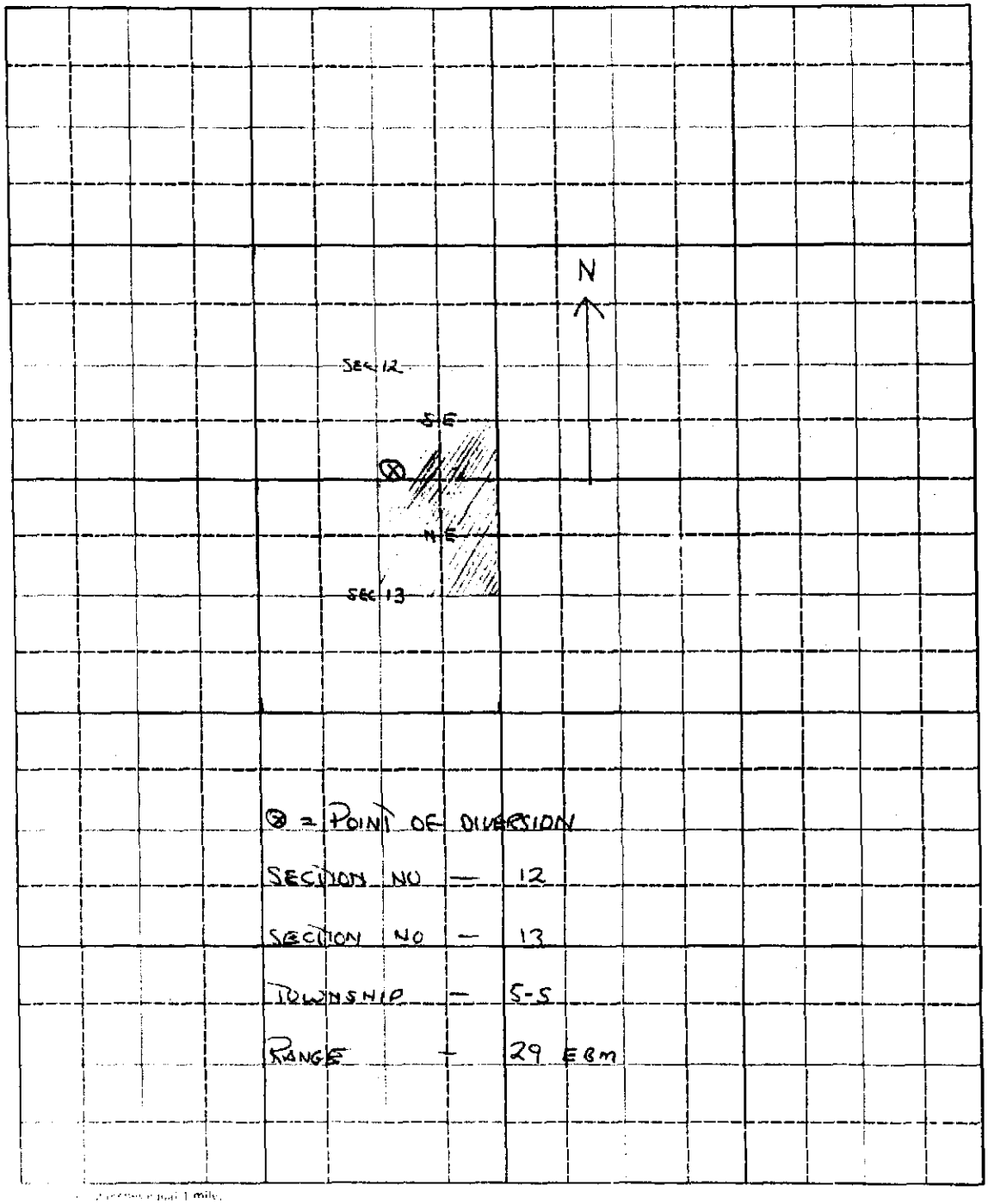
9. a. Who owns the property at the point of diversion J. W. Vanderford, Inc.

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: one inch equals 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.

(Applicant)

Proposed Priority 1-22-79

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

Preliminary check by KG Fee $ 95.00 92-145

Receipted 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 [illegible] Date 2-13-79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ~~R.K.~~ S.S.

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. 35-7834, 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, 19 84.
   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
   d. Other: 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, 19 79.

L. Glen Saxton

Chief, Operations Bureau

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

RECEIVED
MAR 31 2003
Department of Water Resources

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

March 26, 2003

Paul W Behrend, Debra J Behrend, Kristin R Behrend
Nicholas B Behrend, Greg Knittel or Jenecca Knittel
2706 W 1800 S
Aberdeen ID 83210

RE: Application for Transfer #69827 68927

Dear Applicant:

This letter is to acknowledge receipt of your relinquishment of the above referenced application. The Department has taken the steps necessary to void the application in our files.

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

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
APR 14 2003

MEMORANDUM

Date: March 26, 2003

To: Transfer 68927

From: hjones

Re: Transfer Withdrawel

On 3/26/2003 I received a FAX from the applicant asking to withdraw this transfer.

MICROFILMED

APR 14 2003

To Idaho Dept. WATER

Attn: HAROLD JONES

FROM Paul Behrend
ABERDEEN
221-0342

Please withdraw our Application # 68927
to TRANSFER water to Schiffer.

Paul M Behrend

MICROFILMED
APR 2 6 2003

41 Form 3222 November 30, 1999

Page 1 of 13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 68927

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Paul W. Behrend, or Debra J. Behrend, or Kristin R. Behrend, or Nicholas P. Behrend or Greg Knittel or Jennecca Knittel % Paul Behrend Phone (208) 397-4047

Post Office address 2706 W 1800 S, Aberdeen Id 83210

RECEIVED MAR 31 2003 Department of Water Resources

RECEIVED APR 19 2001 Department of Water Resources

A. PURPOSE OF TRANSFER

1. ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Transfer of water rights to Lenard Schritter (N½ Sec 4, T6S R30E) in exchange for land (W½, and SE¼ Sec 33 T5S R30E) (Note: This is the second of two transfers for 35-7834)

WITHDRAWN 3-26-03

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 35-13304 (Split) Priority

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
35-07834	06/19/1980	0.04 cfs	IRRIGATION	4/1	to	10/31
35-07835	02/24/1975	4.73 cfs	IRRIGATION	4/1	to	10/31
					to	
					to	

2. Total amount of water being transferred 4.77 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
2		NW	NE	3	6S	30E	BINGHAM	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	30E	4	L-1 46	L-2 46	14	14	L-3 46	L-4 46	14	14									240

WITHDRAWN 3-26-2003

MICROFILMED APR 1 9 2001

Total Acres 240

Transfer No. 68927

PART 1

5. General Information:

a. Description of diversion system well pump mainline to Two Pivots in N½Sec 4 and wheel lines N½Sec3(under 35-08064)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No longer irrigated either dry farmed or CRP

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

_____

For the Director

MICROFILMED

Transfer No. 68927

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 135-07854A which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____
4. Date or priority 6/19/1980
5. Water is used for the following purposes:
   amount 3.43 cfs for Irrigation purposes from 4/1 to 10/31
   (cfs/ac-~~ft~~)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)
6. Total amount of water under right 3.43 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	12	5S	29E	Power	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	29E	12													30	30	26	30	116
		13	30	30	30	30													120
													MIC						

SEP 14 2020

Total Acres 236

9. Describe any other water rights used for the same purpose as described above _____

Transfer No. 68927

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 35-07834

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.04 cfs (cfs/ac-ft) for IRRIGATION purposes from 4/1 to 10/31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

"D"

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	12	5S	29E	Power	Field #11 & #12

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	29E	12															3		3

35-07834 Total Acres 3

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount 3.39 cfs (cfs/ac-ft) for IRRIGATION purposes from 4/1 to 10/31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

"C"

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	12	5S	29E	Power	Field #11 & #12

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	29E	12													30	30	23	30	113
		13	30	30	30	30													120

APR 1 6 2009

Total Acres 233ac

T68927

02/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 35-7834

Owner Type	Name and Address
Current Owner	DEBRA J BEHREND
Current Owner	KRISTIN R BEHREND
Current Owner	NICHOLAS P BEHREND
Current Owner	PAUL W BEHREND
Current Owner	GREG KNITTEL
Current Owner	JENNECCA KNITTEL
	2706 W 1800 S
	ABERDEEN, ID 83210
	(208)397-4047
Original Owner	JW VANDERFORD INC

Priority Date: 06/19/1980
Basis: License
Status: Active

Source	Tributary to
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	4.49 CFS	1236 AFA	
Total Diversion			4.49 CFS	1236 AFA	

Location of Point(s) of Diversion:

GROUND WATER SESE Sec. 12 Township 05S Range 29E POWER County

Licensed Diversion Capacity: 4.49

IRRIGATION Use:
Acre Limit: 309

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
05S	29E	12		NESE	39		NWSE	33		SWSE	39		SESE	39
		13		NENE	39		NWNE	40		SWNE	40		SENE	40

Total Acres: 309

Conditions of Approval:

1. R55 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.
2. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

MICROFILMED

APR 2 6 2001

T 68927

Dates:

Licensed Date: 05/06/1997
Decreed Date:
Permit Proof Due Date: 10/1/94
Permit Proof Made Date: 2/26/96
Permit Approved Date: 3/1/79
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 01/22/1979
Protest Deadline Date:
Number of Protests: 0

Other Information:

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

MICR[illegible]

APR 14 2003

TRANS NO. 68927

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **35-07835**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	4.73 CFS	948.0 AF

SOURCE

GROUNDWATER

Priority: 02/24/1979

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 11, Township 05S, Range 29E
POWER County

PLACE OF USE:

IRRIGATION

			NE					NW					SW					SE					
			NENE		NWNE		SWNE	SENE		NENW		NWNW		SWNW	SENW		NESW		NWSW		SWSW	SESW		NESE		NWSE		SWSE	SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	SUM
05S	29E	11																						32	31	32	32		127.0
05S	29E	12															21	28	31	30									110.0
																										TOTAL ACRES			237.0

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Describe any other water rights used for the same purpose as described above:
NONE

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

APR 14 2003

TRANS NO. 68927

Water Right No. **35-07835**

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

/_/ Tax Notice /_/ Warranty Deed /_/ Other _____

MICA

APR 2 2003

page 9 of 13

T68927

02/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 35-7835

Owner Type	Name and Address
Current Owner	DEBRA J BEHREND
Current Owner	KRISTIN R BEHREND
Current Owner	NICHOLAS P BEHREND
Current Owner	PAUL W BEHREND
Current Owner	GREG KNITTEL
Current Owner	JENNECA KNITTEL
	2706 W 1800 S
	ABERDEEN, ID 83210
	(208)397-4047
Original Owner	JW VANDERFORD INC

Priority Date: 02/24/1979
Basis: License
Status: Active

Source	Tributary to
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	4.73 CFS	948 AFA	
Total Diversion			4.73 CFS	948 AFA	

Location of Point(s) of Diversion:

GROUND WATER SESE Sec. 11 Township 05S Range 29E POWER County

Licensed Diversion Capacity: 4.73

IRRIGATION Use:
Acre Limit: 237

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
05S	29E	11		NESE	32		NWSE	31		SWSE	32		SESE	32
		12		NESW	21		NWSW	28		SWSW	31		SESW	30

Total Acres: 237

Conditions of Approval:

1. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Dates:
Licensed Date: 08/31/1994
Decreed Date:
Permit Proof Due Date: 12/1/90
Permit Proof Made Date: 11/23/90
Permit Approved Date: 3/1/79
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:

T68927

Enlargement Statute Priority Date:
Application Received Date: 01/22/1979
Protest Deadline Date:
Number of Protests: 0

Other Information:
Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

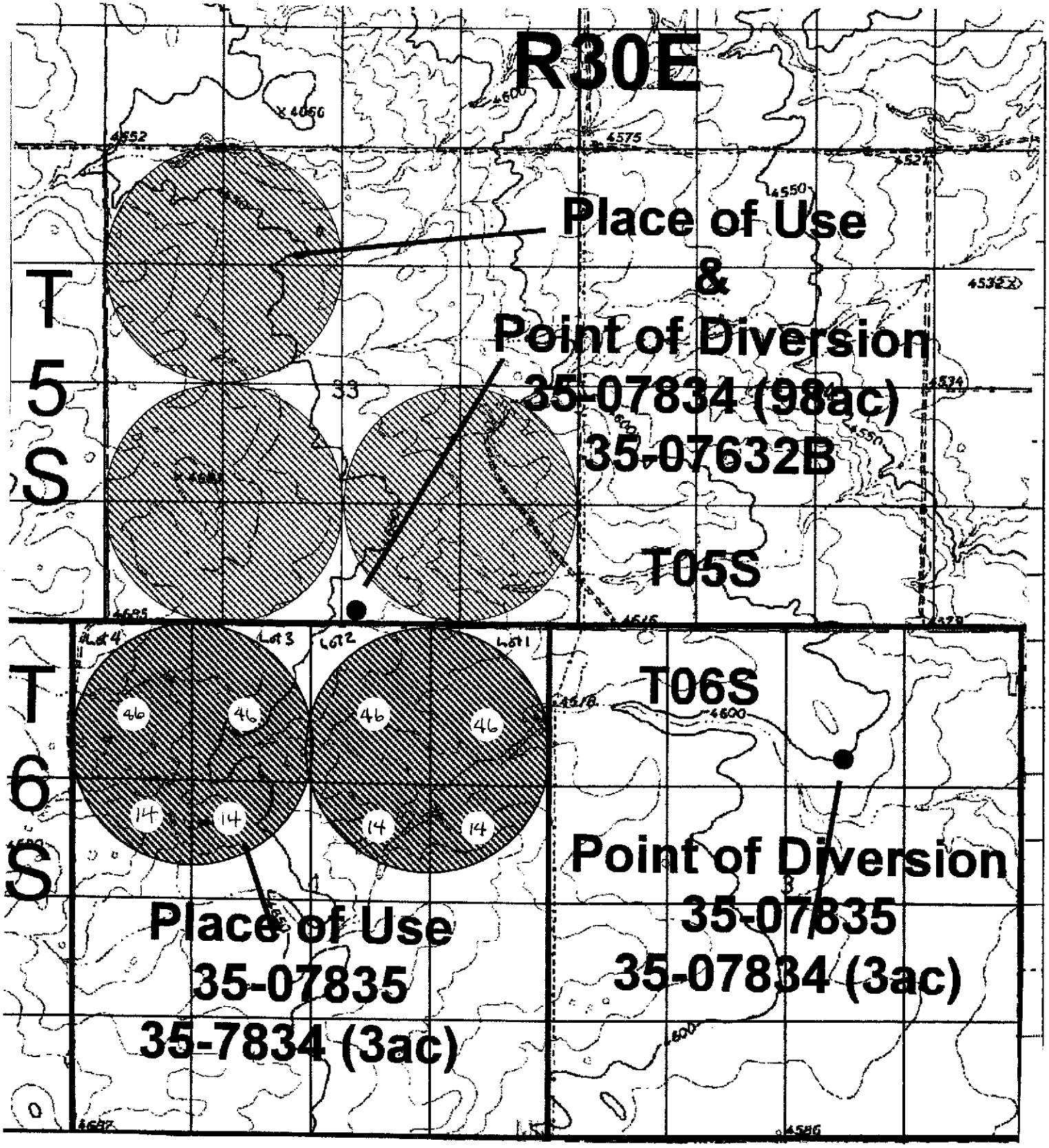
Micr...
APR 1 4 2003

Transfer No. 68927

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

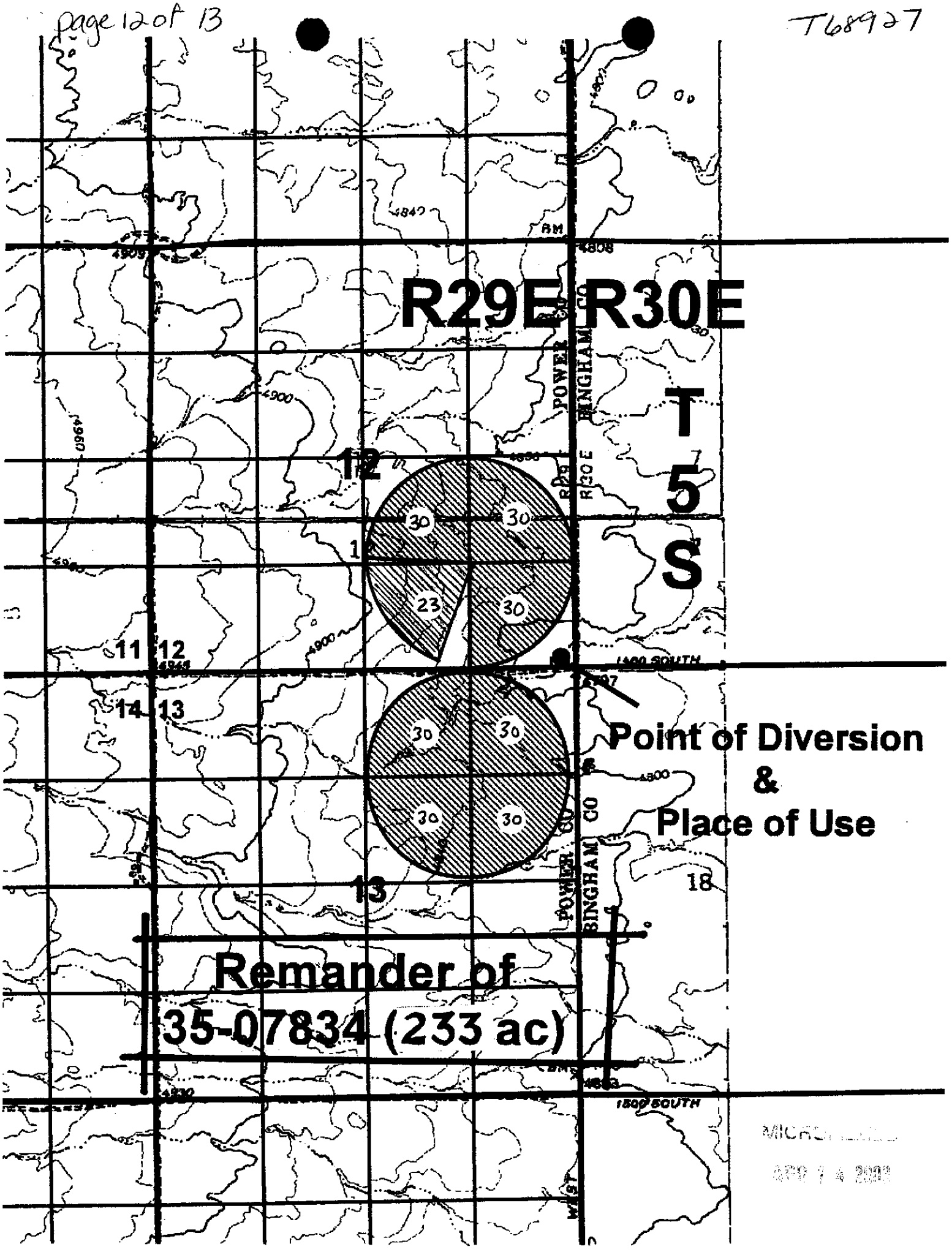
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



AUG 1 4 2003

T68927


R29E R30E
T
5
S
12
1
11 12
14 13
13
18
30
30
23
30
30
30
30
POWER CO
BINGHAM
1500 SOUTH
Point of Diversion
&
Place of Use
Remander of
35-07834 (233 ac)

Transfer No. 68927

PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Paul M Behrend
(Signature of Applicant)

WENDY J. MURPHY NOTARY PUBLIC STATE OF IDAHO

Subscribed and sworn to before me this 5 day of Feb, 20 01.

Wendy J. Murphy
(Notary Public)

My commission expires 6/23/2006

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 4 attachments

Received by KW Date 2-5-2001 Protest filed by

Prelim. Check by Fee #410.00 E026456

Receipted by KW Date 2-5-2001

Published in Morning News Copies of protest forwarded by

Pub. Dates March 8 & 15th, 2001 Hearing held by Date

Watermaster recommendations requested on Recommended for ☑ approval ☐ denial

received by

Copy of transfer sent to lien holder

MICROFILMED

APR 1 4 2003

Farm Credit Services

P.O. Box 130
2842A Pocatello Street, #103
American Falls, Idaho 83211
208/226-7336 FAX 208/226-5052

February 6, 2001

Behrend, Behrend & Knittel
c/o Paul Behrend
2706 West 1800 South
Aberdeen, ID 83210

Dear Paul:

This letter is to confirm our understanding regarding a proposed transfer of water rights.

Our understanding is you propose to transfer 5.80 cfs under licenses 35-07632B, 35-10948, and 35-07834 (part) and 4.77 cfs under licenses 35-07834 (part) and 35-07835 from the real estate secured by our mortgage (FCS #41637-441) to develop other acres for irrigation. The proposed transfer is to be effective after the irrigation season, so that water can continue to be diverted from its present location to irrigate the crops to be grown on our present security.

Because the proposed point of diversion will be off our secured real estate, FCS will require a satisfactory security interest in the property to where the water rights will be transferred. If the development project cannot be realized, it is also our understanding that the water rights would revert to their present points of diversion.

With the foregoing stipulations set forth, Northwest Farm Credit Services, FLCA consents to the transfer of the water rights detailed above.

If you have any questions regarding this letter, or with any other aspect of your loan with us, please contact me at our office in American Falls.

Sincerely,

Russ Taylor
Sr. Credit Officer

T 68927
ATTACHMENT 1 OF 4

STATE of IDAHO)
)ss.
County of Power)

On this 6th day of February, 2001, before me personally appeared Russell W. Taylor, known to me to be the authorized agent of Northwest Farm Credit Services, FLCA that executed the within instrument and acknowledged to me that such corporation executed the same as its free act and deed, and stated on oath that he was authorized to execute said instrument.

SUE KNITTEL NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Pocatello
My commission expires January 11, 2006

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY
Northwest Farm Credit Services, Agricultural Credit Association
MICROFILMED
APR 14 2001
WR0631NP
DATE: 02/06/01
TIME: 10:46:38
PAGE: 1

AKE CHECK PAYABLE TO:
'OWER COUNTY TAX COLLECTOR
:OURTHOUSE 543 ,BANNOCK
.MBRICAN FALLS
:DAHO 83211

2000 TAX BILL/RECEIPT

BILL# 3399 CODE AREA 13-00

PARCEL NUMBER
RP00026-00 A

	1ST HALF DUE	2ND HALF DUE	FULL DUE		
TAX	648.36	TAX 648.36	TAX 1,296.72	L	89,760
LATE		LATE	LATE		
INT		INT	INT		
COST		COST	COST	MAC	17.00
TOT		TOT	TOT	TOT ACS	303.00
				TOT MV	89,760

BEHREND PAUL W ET-AL
2706 W 1800 S
ABERDEEN ID 83210

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003217055	288.7
SCHOOL #381	.006601180	592.5
COUNTY HWY	.002116245	189.9
AF LIBRARY	.000316833	28.4
HOSPITAL DIST	.001996536	179.2
AMBULANCE DIST	.000199138	17.8
AMOUNT DUE	.014446987	1,296.7

S12 T5S R29E
S2

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

LEVY SHEETS ARE AVAILABLE IN TREASURER'S OFFICE
RECEIPT GIVEN SUBJECT TO CLEARANCE OF YOUR CHECK

MICROFILMED

T 68937
ATTACHMENT 2 OF 4

MAKE CHECK PAYABLE TO:
POWER COUNTY TAX COLLECTOR
COURTHOUSE 543 BANNOCK
AMERICAN FALLS
IDAHO 83211

2000 TAX BILL/RECEIPT

BILL# 3397 CODE AREA 13-00 L

PARCEL NUMBER
RP00024-00 A
54,778

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	54,778
TAX	395.68	TAX	395.68	TAX	791.36		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	320.000

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003217055	176.22
SCHOOL #381	.006601180	361.60
COUNTY HWY	.002116245	115.92
AF LIBRARY	.000316833	17.36
HOSPITAL DIST	.001996536	109.36
AMBULANCE DIST	.000199138	10.90
AMOUNT DUE	.014446987	791.36

BEHREND PAUL W ET-AL
2706 W 1800 S
ABERDEEN ID 83210

S11 T5S R29E
S2

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

LEVY SHEETS ARE AVAILABLE IN TREASURER'S OFFICE
RECEIPT GIVEN SUBJECT TO CLEARANCE OF YOUR CHECK

T 68927
ATTACHMENT 3 OF 4

MAKE CHECK PAYABLE TO:
POWER COUNTY TAX COLLECTOR
COURTHOUSE 543 BANNOCK
AMERICAN FALLS
IDAHO 83211

2000 TAX BILL/RECEIPT

BILL# 3400 CODE AREA 13-00

PARCEL NUMBER
RP0002T-00 A
L 156,903

TOT MV 156,903

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	1,133.37	TAX	1,133.37	TAX	2,266.74
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

HAC 10.000
TOT ACS 630.000

BEHREND PAUL W ET-AL
2706 W 1800 S
ABBRDEEN ID 83210

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003217055	504.7
SCHOOL #381	.006601180	1,035.7
COUNTY HWY	.002116245	332.0
AF LIBRARY	.000316833	49.7
HOSPITAL DIST	.001996536	313.2
AMBULANCE DIST	.000199138	31.2
AMOUNT DUE	.01'4446987	2,266.1

S13 T5S R29E
ALL SEC

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★MONTHLY PAYMENTS ARE ACCEPTED★ ★ ★
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

LEVY SHEETS ARE AVAILABLE IN TREASURER'S OFFICE
RECEIPT GIVEN SUBJECT TO CLEARANCE OF YOUR CHECK

ATTACHMENT 4 OF 4
T 68907

MEMORANDUM

Date: February 06, 2003

To: Transfer 68927

From: dcarlson

Re: transfer evaluation

This transfer proposes move the POU and POD for two water rights.
One of which is a split and move. An existing well will be used.

Authority to File:
Applicant provided the tax notices for the new and old POU and is the water right holder.

Water Right Validity:
The water right licenses were issued in the 1994 and 1997.
Forfeiture does not appear to be an issue.

Injury to Other Water Rights:
No injury issues identified. POU/POD changed. ESPA analysis completed. POD changes from one cell to an adjacent cell with less than 5% change in any of the four reaches.

Enlargement of Use:
There is no evidence of enlargement of use.

Local Public Interest:
No issues identified

Beneficial Use / Conservation of Water Resources:
No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

The application was advertised. No protests.

MICROFILMED
APR 14 2003

1-8-03

TRANSFER REVIEW SHEET

Trans # 68927 13303, 13304 Date Reviewed 2/6/2003

Right No(s).* 35-7835 35-7834 _____ _____ _____ _____ _____

Split? ~~X~~Y ~~X~~N XY _N _Y _N _Y _N _Y _N _Y _N _Y _N

AREA OF CONCERN: No/Yes ESPA

PURPOSE OF TRANSFER FOR EACH RIGHT:
Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? X Y ___ N (resolve with S.O.)
Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U yes **Lien Holder Release** yes

GROUNDWATER:
DRILLING PERMIT
All wells - 046
DP upgrade req'd __Y __N (contact GW)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)

WITHIN ESPA - 113-114-116 (mitigation)
- 115 (meas. Device)

SURFACE WATER:
WD - R05 (WD# 120) WM comments rec'd ___
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
>0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME _____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

USES:
STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:
POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN – 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:
T07 - 1 yr to develop
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 – Combined totals of multiple rts
X49 - measure p/'d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd rts that are subject to SRBA:
T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)

T20 – use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS _____

COMMENTS _____
Database files updated DC **Approval form printed** _____ **Shape files created** DC
Special Mailing Instructions (cc's, etc) _____
Final database update after approval _____ ***Comment to WR No(s).** _____

2-15-01
T68927

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

RECEIVED
APR 19 2001
Department of Water Resources

INITIAL REVIEW BY: HWJ

1. Right number 35-07854 35-07855 Applicant Behrend

2. Type of right: [ ] Decree [ ] License [ ] Claim [X] SRBA Recommendation

3. Purpose of transfer: [X] Change point of diversion [ ] Add diversion point(s)
[X] Change place of use [ ] Other _____

4. Check:
   a. [✓] Source [✓] Priority [✓] Amount [✓] Purpose [✓] Period of use
   b. [✓] Description of original point of diversion.
   c. [✓] Description of original place of use.

5. Amount of land &/or water transferred:
   a. [✓] All of right.
   b. [✓] Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. Map for remainder of right? [✓] Yes [ ] No
   d. [✓] Check description of point(s) of diversion.
   e. [✓] Check description of place of use
   f. [✓] Check map (shows p.d. and p.u. after transfer).
   g. [✓] Check for correct signature, notarization, and fee.
   h. [✓] Check proof of ownership of right &/or land from which water is transferred. ok
   i. [✓] Check for expansion in use of right. Comments _____
   j. [✓] Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) _____
   k. [✓] Is use within a Watermaster District? [ ] Yes [✓] No
      If yes, what district? _____

Need Lien holder ok letter, also!

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Reviewed by Adjudication Staff? [ ] Yes [ ] No
3. Is transfer published correctly? [✓] Yes [ ] No
4. Protest received? [ ] Yes [✓] No

RECOMMENDED ACTION

1. [✓] Approve
2. [ ] Deny
3. Conditions* _____
4. By RDC Date 4/13/01

WITHDRAWN
3-26-2003
Database Updates Complete 4-8-03 QB

*All uses within Watermaster District require special conditions

68927

RECEIVED
MAR 2 7 2001
Department of Water Resources
Eastern Region

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
TIMOTHY J. STOVER
AMY D. CHESTNUT
TRAVIS L. THOMPSON

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

March 26, 2001

Ron Carlson
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls ID 83402

Re: Behrend – Transfer Nos. 68900 and 68927

Dear Ron:

On behalf of Twin Falls Canal Company (TFCC) and North Side Canal Company (NSCC) which own the prior right to the natural flows of the Snake River below Blackfoot, we note with some concern the above proposed transfers which would relocate the points of diversion of the rights in closer proximity to the river.

However, recognizing the responsibility of the Department under Shokal to make an independent investigation of each proposal and your duty to protect other water right holders from injury in such circumstances, we have concluded that a protest of this transfer would be unnecessary.

While we believe that moving diversions closer to the river will reduce river flow, presumably the Applicant has the burden of proof to show that there are "no such impacts". The ESPA Model, if utilized as part of this evaluation, should confirm this result.

Please send us copies of your written analysis, conclusions and orders when this process has been concluded.

Thank you.

Respectfully,

John A. Rosholt

JOHN A. ROSHOLT,
Attorney for Twin Falls Canal Company
and North Side Canal Company

JAR/jl
cc: Vince Alberdi
Ted Diehl
Paul W. Behrend
(\jll\jar\letters\carlson2)

MICROFILMED
APR 1 0 2001

DEPT. OF WATER RESOURCES
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 68927

PAUL W. BEHREND, DEBRA J. BEHREND, GREG KNITTEL, JENNECCA KNITTEL, KRISTIN R. BEHREND and NICHOLAS P. BEHREND, 2706 W. 1800 S., ABERDEEN, IDAHO, 83210, has filed Application No. 68927 to change the point of diversion and to change the place of use for the following water rights within BINGHAM County:

Right No. 35-7834
Priority: 6/19/80
Source: GROUND WATER
Use: IRRIGATION (309 acres)
4.49 CFS 1,236.0 AFA
Total Amount: 4.49 CFS 1,236.0 AFA
Point(s) of Diversion: SESE, S12, T05S, R29E.

Right No. 35-7835
Priority: 2/24/79
Source: GROUND WATER
Use: IRRIGATION (237 acres) 4.73 CFS 948.0 AFA
Total Amount: 4.73 CFS 948.0 AFA
Point(s) of Diversion: SESE, S11, T05S, R29E
Place of Use: S12, T05S, R29E; S11, T05S, R29E.
The purpose of the transfer is to change a portion of the above rights as follows:
The applicants are re-arranging 240 acres of these rights to irrigate 2 pivots in the N1/2 Sec. 4, T06S, R30E. The well is in the NWNE, Sec. 3, T06S, R30E.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho 83402, together with a protest fee of $25.00 for each application on or before March 26, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(4969)
Pub.: 3/8, 15

MICROFILMED
APR 1 4 2003

RECEIVED
MAR 1 9 2001
Department of Water Resources
Eastern Region

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)
ss
State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive Weeks the first publication having been made on the 8th day of March 2001, and the last publication having been made on the 15th day of March 2001; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham

On this 15th day of March in the year of 2001, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same.

MARGENE SITZMAN NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee $5.00

Memorandum

TO: HAROLD JONES March 15, 2001

FROM: KEITH C. WILSON

RE: Transfer #68900
Transfer #68927 Paul Behrend (221-0341)

1435 hrs. Paul Behrend called requesting that these transfers be placed on hold for 60 days. The reasoning offered was that Simplot is not sure if at this time they are willing to pursue putting in a mainline, so they had requested Mr. Behrend to have the transfers put on hold.

Paul Behrend expressed concern about the potential of protests that may be received.

Paul Behrend wanted to fax a letter requesting that the transfers be placed on a 60 day hold. I informed Mr. Behrend that he could fax a letter requesting the hold on the transfers but we would need the original signed copy. I told Mr. Behrend that I was unsure whether or not the transfers could be placed on hold at this stage of the game. The transfers were to be advertised March 8, and March 15, 2001, with last date of protest being 26 March 2001.

Mr. Behrend indicated that he would fax a letter within a few minutes.

1635 hrs. Mr. Vic Conrad [(208) 389-7359], Simplot, called asking about the request to hold the processing of the transfers. Mr. Conrad wanted to know if the transfers could be placed on hold and would doing so extend the protest period beyond the March 26, 2001, deadline. He was concerned that protestants would be "left out in the cold" if they did not protest by the deadline.

After talking with Mr. Conrad I checked the fax for any correspondence from Paul Behrend. At this time there is no fax on the machine.

Could you contact Paul Behrend (221-0341) & Vic Conrad [(208) 389-7359], and let them know what can be done at this stage of the game.

Keith C. Wilson
Senior Resource Agent

MICROFILMED
APR 1 9 2003

3-15-01

To Dept. WATER Resources
Idaho Falls

208-525-7177

FROM Paul Behrend

Attn. Harold Jones

We would like to put on hold the Application to transfer the water Rights involved in transfer # 68900 for a period of 60 days. We may not be able to use the water on the ground we were transferring it to. We should know in 60 days but there is no need to have objections filed on the transfer if it does not happen

Paul Behrend

221-0341

Concerns water
License #'s

35-07834
35-07835
35-07632B
35-10948
35-07834

MICROFILMED
APR 14 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 1, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Paul W Behrend, Debra J Behrend, Jennecca Knittel,
Kristin R Behrend, Nicholas P Behrend and Greg Knittel
2706 W 1800 S
Aberdeen ID 83210

RE: Applications for Transfer #68927

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on March 8 and 15, 2001. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
APR 1 4 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

February 28, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

RE: Legal Ad

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before March 26, 2001. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

mailed 3/28/01 SC

MICROFILMED
APR 1 4 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 68927

PAUL W BEHREND, DEBRA J BEHREND, GREG KNITTEL, JENNECCA KNITTEL, KRISTIN R BEHREND, and NICHOLAS P BEHREND, 2706 W 1800 S ABERDEEN ID 83210, has filed Application No. 68927 to change the point of diversion and to change the place of use for the following water rights within BINGHAM County:

Right No. 35-7834

Priority 6/19/80

Source GROUND WATER

Use	IRRIGATION (309 acres)	4.49 CFS	1,236.0 AFA
Total Amount		4.49 CFS	1,236.0 AFA

Point(s) of Diversion SESE S12 T05S R29E

Right No. 35-7835

Priority 2/24/79

Source GROUND WATER

Use	IRRIGATION (237 acres)	4.73 CFS	948.0 AFA
Total Amount		4.73 CFS	948.0 AFA

Point(s) of Diversion SESE S11 T05S R29E

Place of Use S12 T05S R29E
S11 T05S R29E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicants are re-arranging 240 acres of these rights to irrigate 2 pivots in the N 1/2 SEC 4 T06S R30E. The well is in the NWNE SEC 3 T06S R30E.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of $25.00 for each application on or before March 26, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on March 8 and 15, 2001

APR 14 2003

MEMORANDUM

TO: **FILE** 35-7834

FROM: **VAULT**

RE: **TRANSFER #** 68900

DATE: 3-23-01

= =

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within:

FILE # 35-07632B

MICROFI...
APR 1 4 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PAUL & DEBRA J BEHREND
NICHOLAS P & KRISTIN R BEHREND
GREG & JENNECCA KNITTEL
2706 W 1800 S
ABERDEEN ID 83210

RE: Water Rights 35-07834 & 35-07835

Dear Water Right Holder(s):

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

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

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

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
NOV 10 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

May 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHESTER WAHLEN
2624 W 1000 S
STERLING ID 83210

RE: WATER RIGHT NO. 35-07834

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be [redacted]ed within twenty-eight (2[redacted] days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **7th** day of **May, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 35-07834

CHESTER WAHLEN
2624 W 1000 S
STERLING ID 83210

Kari Lynn Townsend
Secretary

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

April 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHESTER WAHLEN
2624 W 1000 S
STERLING ID 83210

RE: WATER RIGHT NO. 35-07834

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the $50.00 filing fee within 14 days.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-09834 DATE 3/24/97 REVIEWER: *SHARLA*

	Change	OK	
NAME	__	✓	Address Change No
SOURCE	__	✓	Is change clarification of originally intended source? __ If not, prepare Notice of Intent to Void __
POINT OF DIV	✓	__	Amendment required Yes
PLACE OF USE	__	✓	Amendment required No

Does map agree with written description? __ yes __ no

OVERLAPS __ P/D __ P/U

RATE OF DIV

Permitted Rate	6.4 cfs	
Fee limit	7.0 cfs	$250.00
Measured	4.49 cfs	
Theoretical	4.53 cfs	@ 67 psi and 525' lift

Recommended Total Div Rate 4.49 cfs

ANNUAL VOLUME/ NATURE OF USES		Use	Volume Calculation
__	✓	Drs.	309 X 4.0 = af
			1236.0 af
			af
			af
		SUBTOTAL	1236.0 af

Flow rate 4.49 cfs X 214 days X 1.983 = 1902.5 af

Total volume recommended 1236.0 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS _____

CONDITIONS __ Watermaster Control WD# ____
2 GW Measurement/Measuring Device
31 Overlap
__ Use-specific conditions R55, R56

Advancement of Priority Date Required __ yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo 1

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

Form 238-1V
3/96

RECEIVED
MAR 0 4 1997

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp____ Rge____ Sec____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

1a. DRILLING PERMIT NO. 35 - 94 - E. 114 - 000
Other IDWR No. 35-07834

2. OWNER:
Name Chester Wahlen
Address _____
City Sterling State Id. Zip 83210

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S — X

Twp. 5 North ☐ or South ■
Rge. 29 East ■ or West ☐
Sec. 12, ____ 10 acres 1/4 SE 40 acres 1/4 SE 160 acres 1/4
Gov't Lot ____ County Bingham
Lat: : : Long: : :
Address of Well Site _____
_____ City _____
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonit	0	20'	5 Sacks	Auerbore

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
18"	+1	20'	.250	Steel	☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
475' ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
_____ Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
18	0	4'	Soil		X
	4	15'	Lava Block.		X
	15	25	Lava Red.		X
	25	75	Lava Block.		X
	75	160	Lava Gray. Hard.		X
	160	210	Lava Red.		X
	210	245	Lava Gray.		X
	245	280	Lava Red.		X
	280	330	Lava. Red & Block.		X
	330	355	Lava. Gray.		X
	355	360	Clay Brown		X
	360	370	Lava Clay		X
	370	390	Lava Red.		X
	390	440	Lava Block.		X
	440	450	Lava Gray.		X
	450	480	Lava. Broken Block.		X
	450	510	Lava Block.	X	
	510	520	Lava Broken	X	
	520	535	Lava Solid	X	
	535	555	Lava Broken	X	
	555	560	Lava Solid.	X	
	560	575	Lava Broken & Cinders	X	

RECEIVED
MAR 12 1997
Department of Water Resources

Completed Depth _____ (Measurable)
Date: Started Oct 1-94 Completed Nov 5-94

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

Firm Name Gary Vollmer & Sons Firm No. 403
Firm Official Gary Vollmer Date Feb 25-97
and
Supervisor or Operator Gary Vollmer Date Feb 25-97
(Signature if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 35-07834

1. Owner: CHESTER WAHLEN Phone No. (208) 328-2283

Current Address: 2624 W 1000 S, ABERDEEN, IDAHO 83210

2. Accompanied by: OWNER EXAM DATE: 7/22/96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUND WATER 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: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

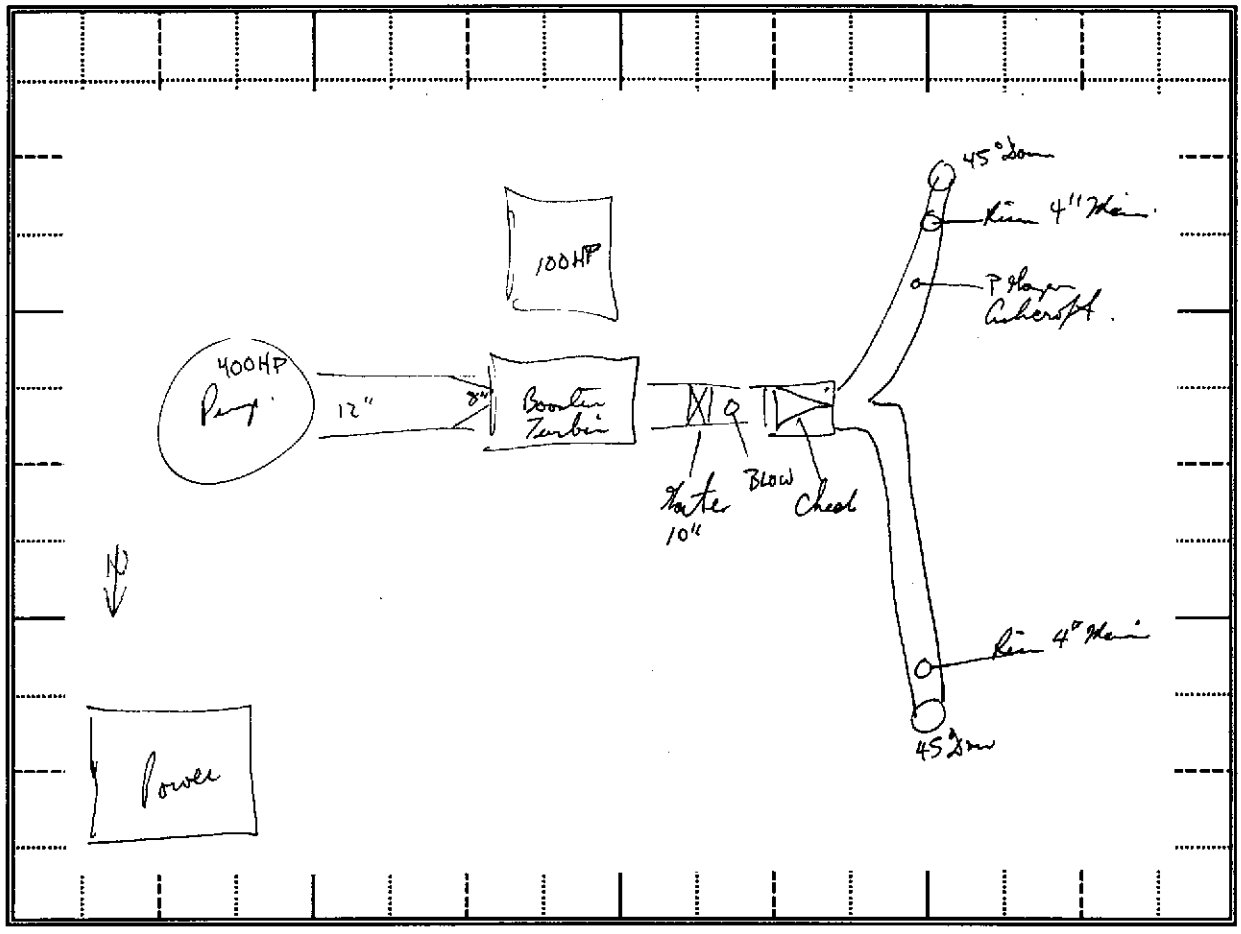
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SE	12	05S	29E	POWER	ON SITE BY D.S.

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	
05S	29E	12													39	33	39	39	150
		13	39	40	40	40													159
																			309

RECEIVED
MAY 20 1997

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	U.S. MOTOR	400	2530/AN11W243R0.9K-1		12"
BOOSTER	TECO ELECT	100	LE7443100017	AURORA	10" 9.5-23

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PSI	0-160	ASHCROFT				

2. **Measurements:** _____

E. NARRATIVE/REMARKS/COMMENTS

THIS SYSTEM IS FOR THE IRRIGATION OF 309 ACRES. SYSTEM CONSISTS OF A 400 HP MAIN PUMP AND A 100 HP BOOSTER PUMP. STATIC WATER IS ABOUT ± 525' DEEP. SYSTEM PRESSURE IS 67 PSI AT TIME OF TESTING.
TWO 8 TOWER CIRCLE PIVOTS (TOTAL 1300' WITH END GUNS) AND PORTABLE HAND LINES ARE SUPPLIED BY THIS SINGLE POINT OF DIVERSION.

SYSTEM ALSO RUNS (2) HAND LINES 16 BIRDS EACH ~~AND~~ AT THE SAME TIME AS PIVOTS.

Have conditions of permit approval been met? ✓ yes ___ no

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method:

Polysonic = 4.49 c/s

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 309(4.0) = 1236

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 4.49(214)1.9835) = 1906

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 1236

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4-1	10-31	4.49	1236
		Totals:	4.49 cfs	1236 AFA

2. Recommended Amendments

✓ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

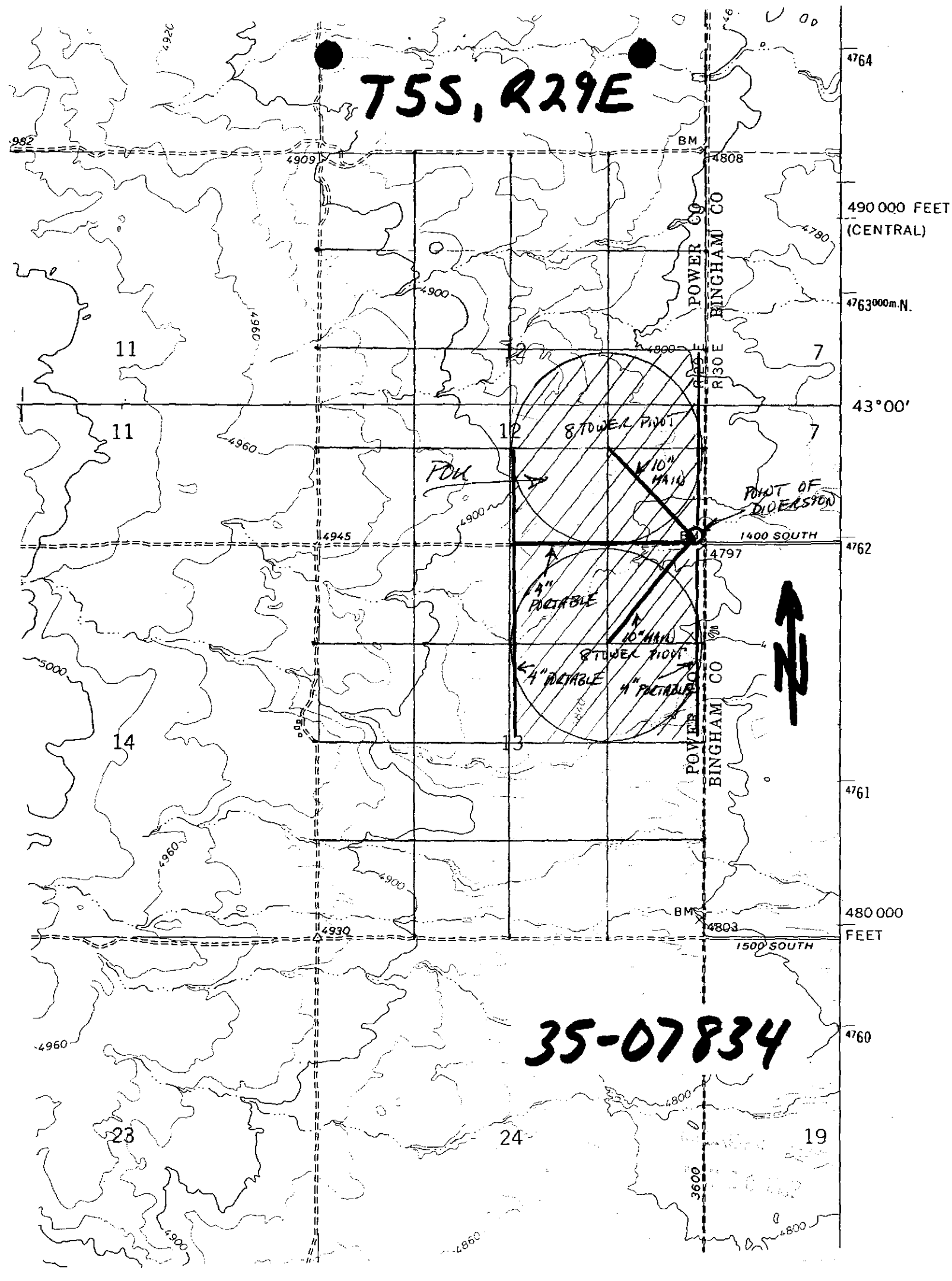
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name DONALD SIMPKINS Date 12/16/96

Reviewer Greg Taylor Date 12-16-96

SEAL


T5S, R29E
BM
4808
4909
4764
490 000 FEET
(CENTRAL)
POWER CO
BINGHAM CO
4780
4900
4763 000m.N.
11
12
7
R30E
43°00'
8 TOWER PIVOT
10" MAIN
POU
POINT OF DIVERSION
1400 SOUTH
4945
4797
4762
4" PORTABLE
10" MAIN
8 TOWER PIVOT
4" PORTABLE
4" PORTABLE
14
13
4761
5000
4960
4930
BM
4803
480 000
FEET
1500 SOUTH
35-07834
4760
23
24
19
3600

T 5 S

R 29 E.

33

39

39

39

40

40

40

P. D.

4" PORTABLE MAINLINE

PLACE OF USE

35-07834

35-07834 South Left.

MODE SELECT
INPUT

OUTER DIAMETER
10.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1370 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? V

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.566 IN V

MODE SELECT
T0 CHECK

0363.6 MMSEC
100.05 % T0

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-22 15:2200 *R
+002.40 % AI2

MODE SELECT
T0 CHECK

0363.6 MMSEC
100.05 % T0

07-22 15:3200 *R
+ 1.111E 3GPM 2.48 cfs

4.47 cfs

35-07834 North Right

MODE SELECT
INPUT

OUTER DIAMETER
10.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1060 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? V

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.516 IN V

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-22 15:0300
+002.40 % AI2

MODE SELECT
T0 CHECK

0365.5 MMSEC
099.94 % T0

07-22 15:0500 *R
+833.991E 0GPM

07-22 15:0600 *R
+893.958E 0GPM 1.99 cfs

35-07834

SONIC TAPES
35-07834
Chester Wahlen

CHESTER WAHLEN

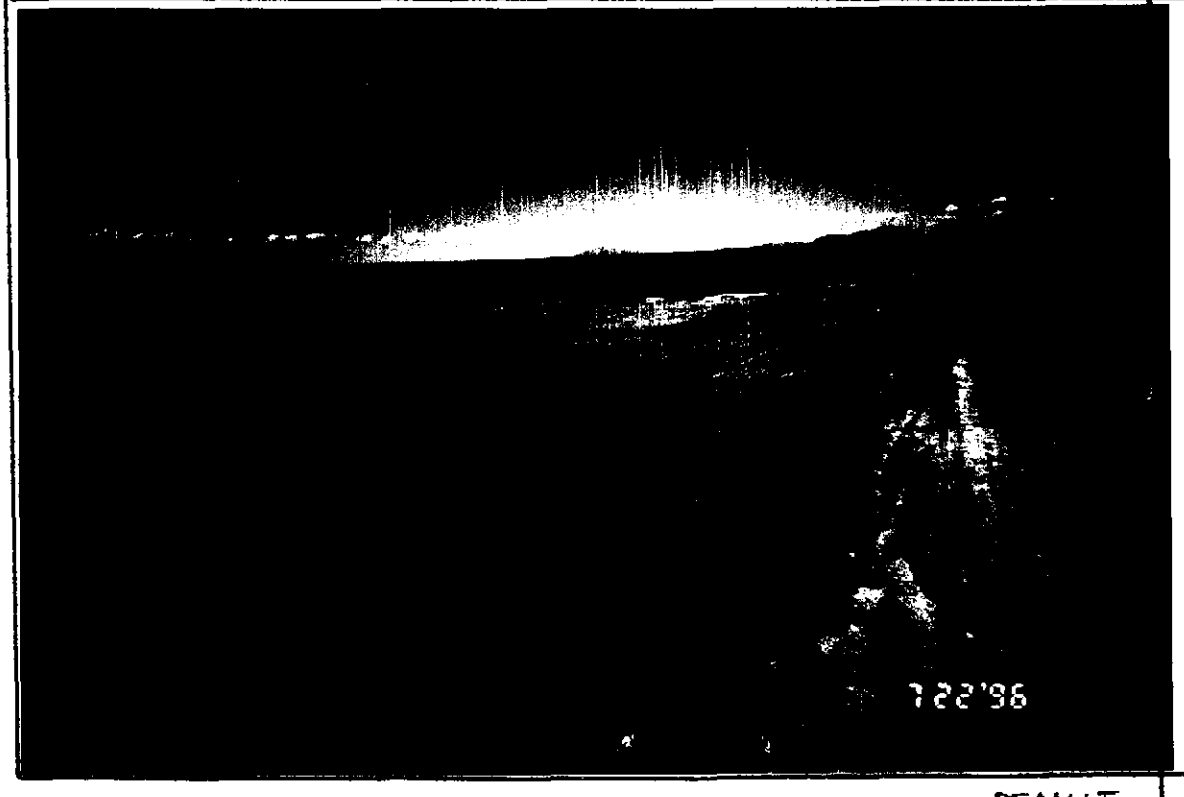
IRRIGATION

5 of 5



SOUTH WEST CORNER

VIEW SOUTH



NORTH EAST CORNER

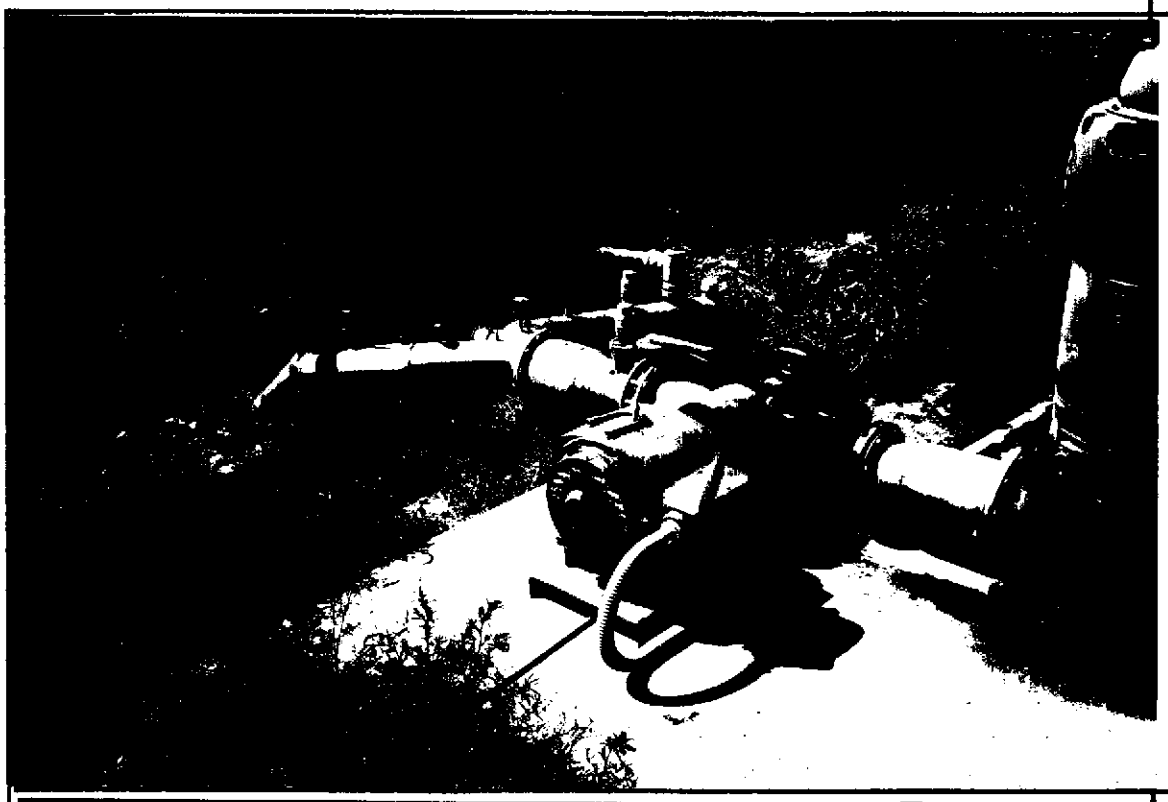
IRRIGATED BY HAND LINES.

PERMIT NUMBER 35-07834

CHESTER WAHLEN

IRRIGATION

4/5



400 HP PUMP
100 HP BOOSTER



SOUTH EAST CORNER

IRRIGATED BY HAND LINES

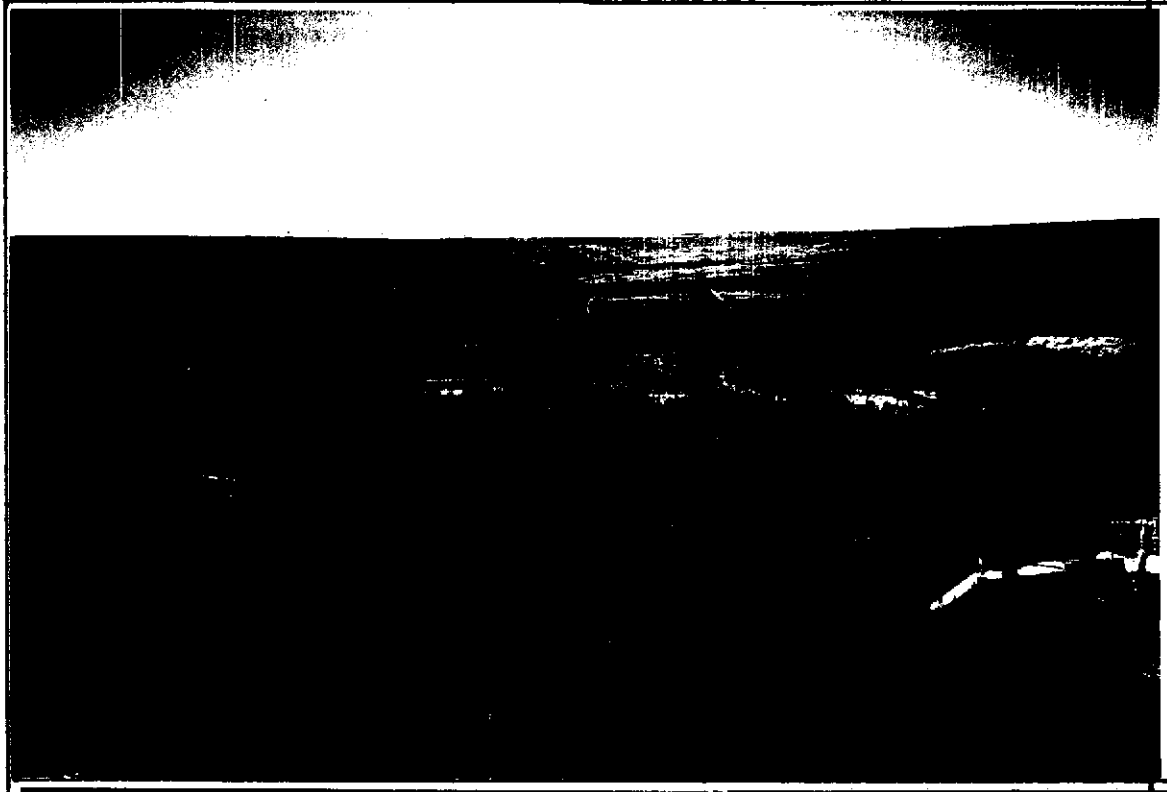
PERMIT NUMBER

35-07834

CHESTER WAHLEN

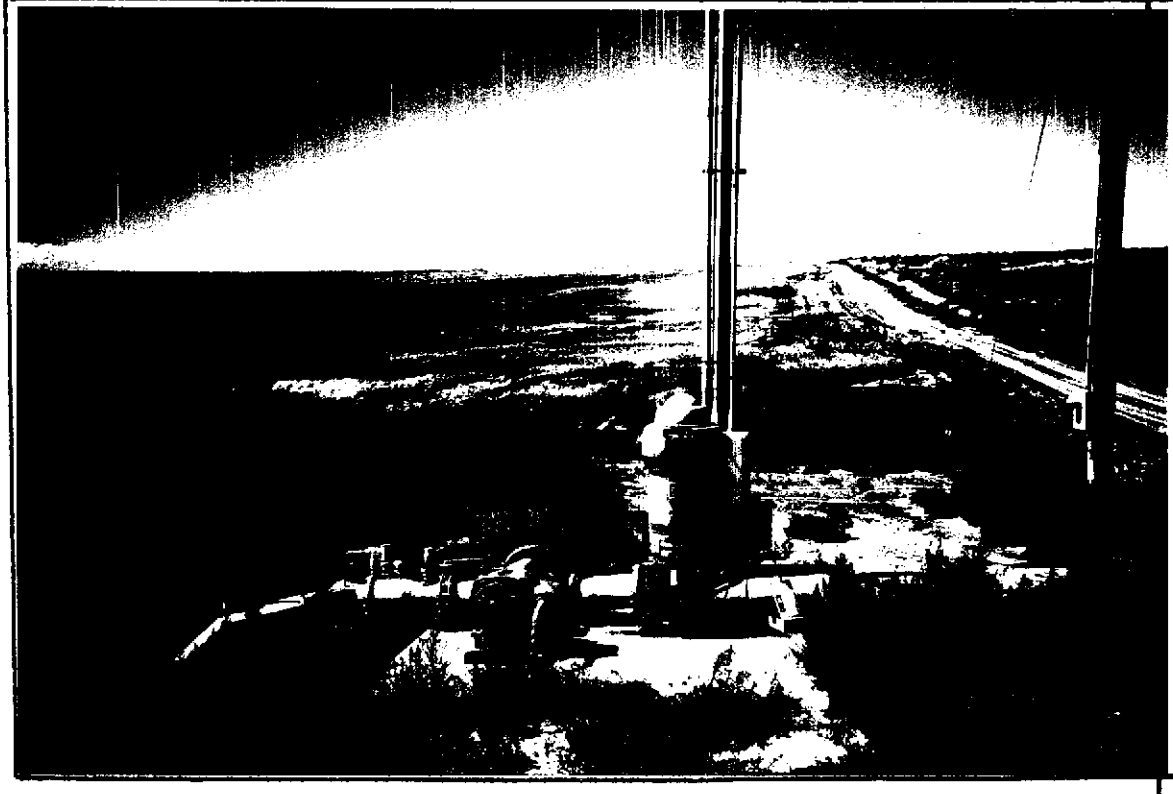
IRRIGATION

3 of 5



NORTH PIVOT

← PUMP



VIEW NORTH

NORTH PIVOT

PUMP & BOOSTER

PERMIT NUMBER

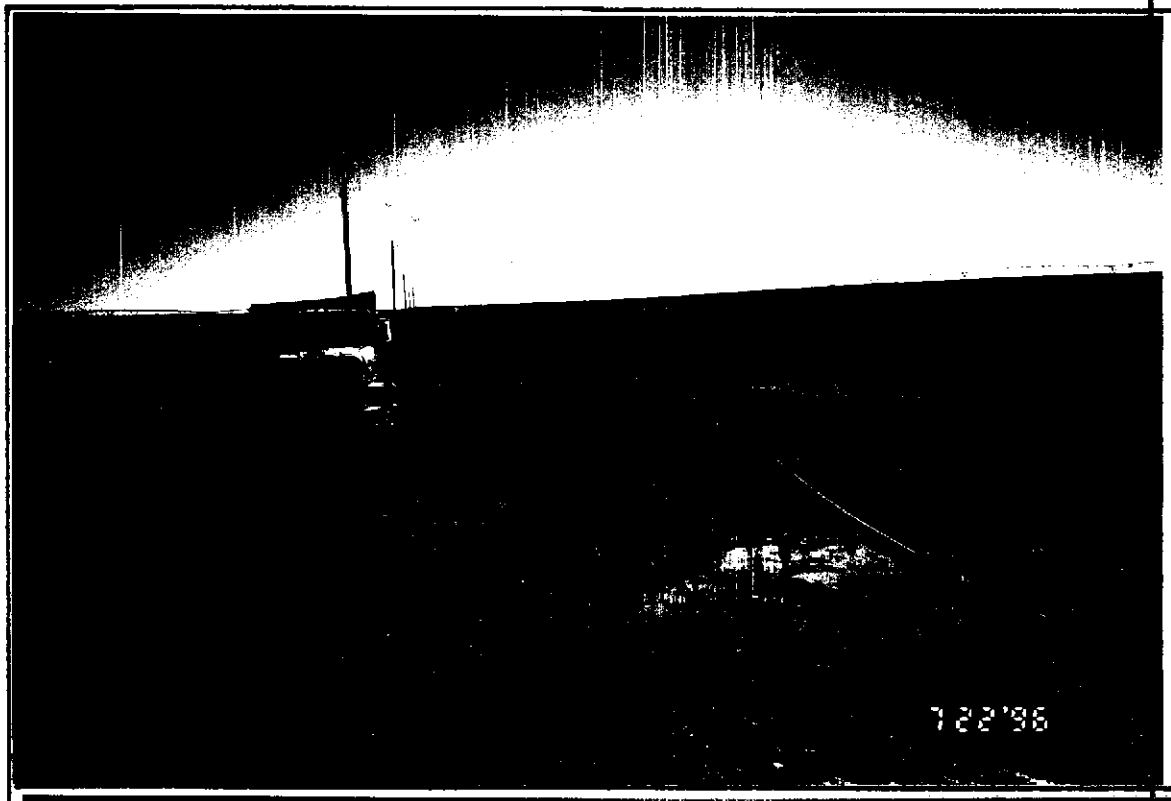
35-07834

NEXT 6 PICTURES VIEWED LEFT TO RIGHT

CHESTER WAHLEN

IRRIGATION

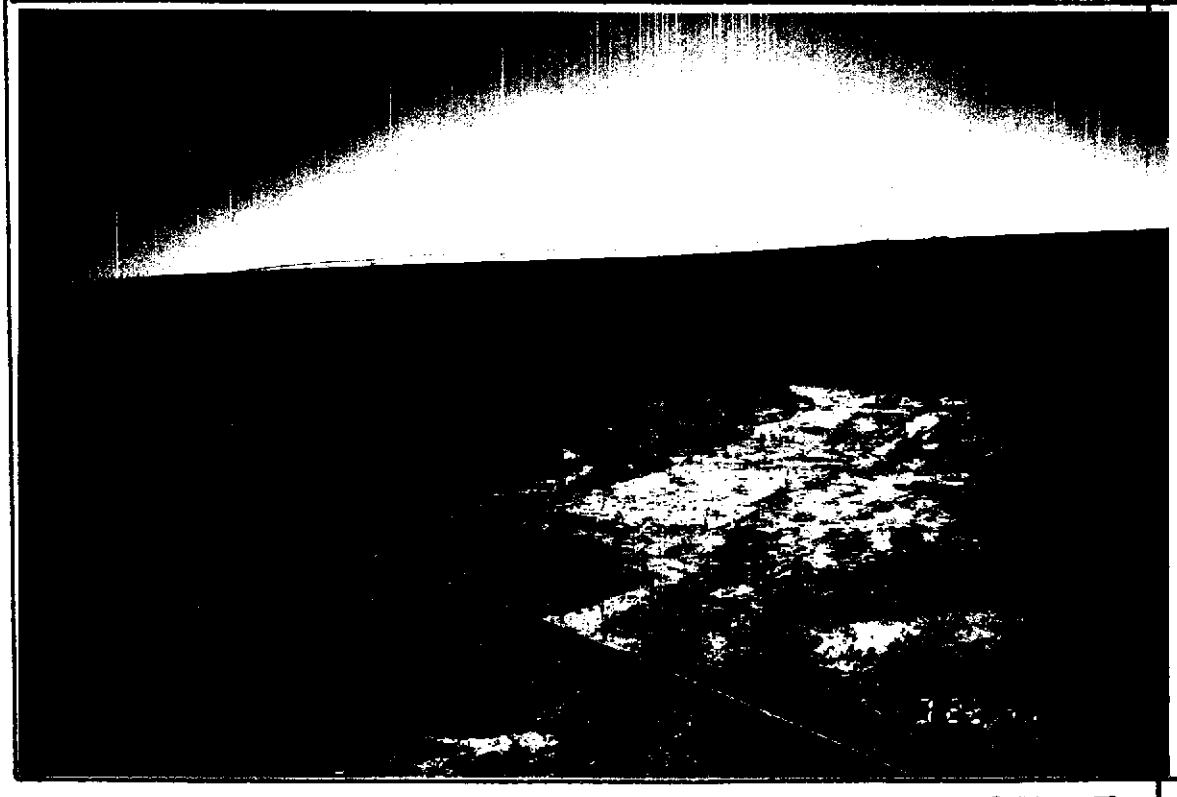
1 of 5



VIEW SOUTH

POW SOUTH PIVOT

← HAND LINES



PIVOT POINT SOUTH

PERMIT NUMBER 35-07834

CHESTER WAHLEN

IRRIGATION

2 of 5



VIEW SOUTH WEST

SOUTH PIVOT + HAND LINES



CENTER ROAD BETWEEN SECTIONS

← 4" MAIN LINE HEADS WEST

PERMIT NUMBER

35-07834

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horseposer = 400 + 100

Eff = Efficiency = ,7 (Usually 70%)

Lift: (Static Level + Assumed Drawdown)

Static Water Level = 525 ft.

Assumed Drawdown = + 25 ft. * BELIEVE TO BE MORE

Lift = 550

OR

Measured Dynamic Water Level = _____ ft.

psi = Opperating Pressure = 67 psi

$Q_{cfs} = [\ 500_{Hp} \times 8.814 \times ,70_{eff}\ ] \div [\ 550_{Lift} + (\ 67_{psi} \times 2.308)$

$Q_{cfs} = [\ 3789.536\ ] \div [\ 704.636\ ]$

$Q_{cfs} =$ 5.378 **cfs**

↑

500 x 8.814 x .70

3084.9

35-07834

COPY

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Telefax: (208) 523-9518

Attorneys for Plaintiff

RECEIVED
APR 2 2 1996
Department of Water Resources

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

CHESTER WAHLEN, Plaintiff, vs. IDAHO STATE DEPARTMENT OF WATER RESOURCES, Defendant.	Case No. CV-96-204 NOTICE OF VOLUNTARY DISMISSAL

Comes now the Plaintiff in the above entitled matter and hereby voluntarily dismisses the above entitled matter pursuant to the provisions of Idaho Rules of Civil Procedure Rule 41(a)(1).

DATED this 19th day of April, 1996.

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

APR 29 1996

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 19th day of April, 1996.

DOCUMENT SERVED: NOTICE OF VOLUNTARY DISMISSAL

ATTORNEYS SERVED:

Phillip J. Rassier (MAIL)
Deputy Attorney General
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\KWF\2349\WHLN.NOT.sjw

APR 22 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 11, 1996

RE: In the matter of Permit No. 35-07834 in the name of Chester Wahlen

Dear Interested Party:

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

APR 29 1996

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

RECEIVED
SEP 29 1996

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

APR 29 1996

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-07834 Reviewed by [illegible] Date 3-5-97

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

TYPES OF USE

Irr.

SOURCE OF WATER

_____ Surface water source

✓ Ground water source
yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 35-94-E-0114-000
200 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
250 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	2-26-96	57 ✓
Date proof due	10-01-94	- 274
No. of days late		= 148
Priority Date	1-22-79	+ 22
New Priority Date	6-19-80	170

365-274 = 91 + 57 = 148

148+365

OK

DEFICIENCIES OR ACTION ITEMS

Late Reinstate + advance priority to June 19, 1980.
Proof acceptable

DATA ENTRY

New Address _____ Proof Made 2-26-96

COPY

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Telefax: (208) 523-9518

Attorneys for

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

CHESTER WAHLEN, Plaintiff, vs. IDAHO STATE DEPARTMENT OF WATER RESOURCES, Defendant.	Case No. CV-96-304 SUMMONS

NOTICE:

YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN TWENTY (20) DAYS. READ THE INFORMATION BELOW.

TO: DEFENDANT IDAHO STATE DEPARTMENT OF WATER RESOURCES

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court within twenty (20) days after service

APR 29 1996

of this Summons on you. If you fail to respond, the court may enter judgment against you as demanded by plaintiff in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.

2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.

3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.

4. Proof of mailing or delivery of a copy of your response to plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the clerk of the above named court.

DATED this 1st day of March, 1996.

CLERK OF THE DISTRICT COURT

By: _____
Deputy

G:\WPDATA\KWF\2349\WHLN.SUM:sjw

APR 29 1996

COPY

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Telefax: (208) 523-9518

Attorneys for

CASE NO. _____
FILED
JUDIE HAMPTON
CLERK OF THE DISTRICT COURT
BY _____ DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

CHESTER WAHLEN, Plaintiff, vs. IDAHO STATE DEPARTMENT OF WATER RESOURCES, Defendant.	Case No. CV-96-304 COMPLAINT Fee Category: G Fee: $65.00

For cause of action against the above named Defendant, Plaintiff alleges as follows:

I.

Plaintiff is a resident of the State of Idaho and the County of Bingham. His current mailing address is 2624 West 1000 South, Sterling, Idaho 83210.

RECEIVED
APR 29 1996

II.

Defendant is an administrative agency of the State of Idaho and an executive department of the state government of said state having the duties and responsibilities set forth in Title 42 of the Idaho Code.

III.

Plaintiff agreed to purchase real property situate in Bingham County, Idaho, consisting of the Southeast ¼ of Section 12 and the Northeast ¼ of Section 13, all in Township 5 South, Range 29 East of the Boise Meridian, some 320 acres of land, from Margaret O'Haire and G&M Farms, an Idaho general partnership, Gary Funk and Michael Funk, general partners, on April 4, 1994. The sale was closed and Plaintiff took title to said real property on May 16, 1994. Included in the purchase was a water right permit, No. 35-07834, which was also assigned to Plaintiff in May of 1994.

IV.

At the time of Plaintiff's acquisition of said real property and water right permit, No. 35-07834, water had not yet been diverted or applied to beneficial use pursuant to the permit. Said permit was for appropriation of a groundwater right which contemplated the drilling of a well and installation of a sprinkler irrigation system for irrigation of the 320 acres. No well had yet been drilled at the time of purchase and Plaintiff began the process of acquiring a pump, motor and other equipment and hiring the services of a well driller upon taking title to the property. As soon as it became apparent to Plaintiff that the well could not be completed and the water applied to beneficial use before October 1, 1994, the date by which

APR 2 8 1936

proof of beneficial use was due under said permit to appropriate a groundwater right, Plaintiff applied for an extension of time in which to complete the necessary work. Said request for extension of time appears to have been filed on June 28, 1994, and to have been denied by Defendant on July 29, 1994.

V.

Because the land without a water right would have an extremely limited value, Plaintiff contacted officials of IDWR and was advised he could still proceed to develop the water right. He had been able to arrange for the services of a well driller, and on September 29 ~~30~~, 1994, he applied for and was granted a drilling permit, No. 35-94-E-114. Plaintiff also continued to arrange for the purchase of necessary equipment, including pumps, motors, electrical panel, two pivot sprinkler systems, and all the attendant equipment and parts. The drilling of the well was begun October 1, 1994, and completed on November 5, 1994. The land was also prepared for planting crops during the fall of 1994. Installation of equipment was halted by weather conditions during the winter of 1994-1995, but was completed in time for the irrigation season of 1995. The irrigation system was then used and crops were grown during the summer of 1995. Pursuant to the granting of the permit to drill the well and the advice from department personnel that he could develop the water right, Plaintiff has expended in excess of $280,000.00 in capital costs.

VI.

In November of 1995, Plaintiff received a letter from Defendant referring to Permit No. 35-07834 as lapsed, and advising Plaintiff that he is not authorized to continue irrigation

APR 29 1996

of his land under water right No. 35-07834. Plaintiff has submitted proof of beneficial use on a form provided by Defendant, and did, before the date set for such proof of beneficial use also request an extension of time in which to file such proof. Defendant has never provided the "notice of lapsing" required by Idaho Code §42-218a., and Plaintiff has shown reasonable cause for reinstating said permit.

VII.

Plaintiff has no plain speedy or adequate remedy in the ordinary course of law and is therefore entitled to (1) a writ of mandamus under the provisions of Title 7, Chapter 3, Idaho Code requiring Defendant to comply with the provisions of Idaho Code §42-218a. by reinstating said permit and accepting proof of beneficial use from Plaintiff, and (2) a writ of prohibition under Title 7, Chapter 4, Idaho Code, prohibiting Defendant from issuing a cease and desist order, or in any manner attempting to prohibit Plaintiff from diverting water and properly irrigating Plaintiff's lands above described.

WHEREFORE, Plaintiff prays the judgment, order and decree of this court as follows:

1. Declaring, pursuant to the provisions of Title 10, Chapter 12, Idaho Code, the rights of Plaintiff under Permit No. 35-07834 and Idaho Code, §42-218a.

2. For a writ of mandamus requiring Defendant to comply with the provisions of said Idaho Code §42-218a. by reinstating permit No. 35-07834 and accepting proof of beneficial use from the Plaintiff.

APR 2 9 1996

3. For a writ of prohibition against the Defendant prohibiting Defendant from issuing a cease and desist order, or in any manner attempting to prohibit Plaintiff from diverting water and properly irrigating the land of Plaintiff above described.

4. For such other and further relief as the court may deem just and equitable.

DATED this 28th day of February, 1996.

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\KWF\2349\WHLN.CMP:sjw

APR 29 1996

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

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

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

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

February 23, 1996

RECEIVED
FEB 2 6 1996
Department of Water Resources

Mr. L. Glen Saxton
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Permit No. 35-07834 - Chester Wahlen

Dear Mr. Saxton:

We are enclosing with this letter a Proof of Beneficial Use form signed by Mr. Wahlen on the above numbered permit together with a check in the amount of $250.00 for the required fee. We do understand how adamant you are about this permit having lapsed; however, Mr. Wahlen did proceed with perfect legal authority to drill the well and complete the installation of his irrigation system with full knowledge of the department and at a cost to him of in excess of a quarter of a million dollars. He believes he has no alternative but to take the position that under Idaho Code §42-218(a) the 60 days does not begin to run until after a "notice of lapsing" has been issued by the department. We do not believe the letter, of which you have furnished us a copy, dated July 29, 1994, can constitute a "notice of lapsing" under the statute because the statute contemplates that is an act that occurs after lapsing.

After having reviewed the facts in this matter, we are persuaded that a very strong argument can be made on behalf of Mr. Wahlen that he did make a showing of reasonable cause or can do so for reinstatement of the permit, given the circumstances of his acquisition of the property and the permit and his personal diligence in completing what he was authorized to do.

We hope the department will be able to find a way to resolve this matter in favor of Mr. Wahlen's need to continue using the well he was authorized to drill.

Very truly yours,

Kent W. Foster

APR 2 9 1996

Enclosure
G:\WPDATA\KWF\2349\IDWR0223.LTR:sjw

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 19, 1996

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
P.O. Box 50130
Idaho Falls, ID 83405

RE: LAPSED PERMIT NO. 35-07834 - CHESTER WAHLEN

Dear Mr. Foster:

I have reviewed your letter dated January 11, 1996, in connection with the above referenced letter. Enclosed is a copy of my July 29, 1994 letter to Chester Wahlen (Wahlen) which in addition to forwarding a copy of a denied request for extension of time, provided notice that the permit would lapse on October 1, 1994.

At the time our Idaho Falls office issued Drilling Permit No. 35-94-E-114 to Wahlen, the department **also** questioned Wahlen at length how he could accomplish diversion and application of water to beneficial use within the next sixty (60 days) i.e. by December 1, 1994. Since, however, Wahlen insisted that the department issue a drilling permit and since the permit was in good standing on September 30, 1994, the department issued the drilling permit.

With respect to procedures for contesting the lapsed permit, I guess you would need to follow applicable procedures in the Administrative Procedures Act or Rules of Procedure.

If I can provide additional information, please feel free to contact me.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - E. Region
Harold Jones

RECEIVED
APR 20 1996

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

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

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

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

RECEIVED
JAN 16 1996
Department of Water Resources

January 11, 1996

Mr. Glen L. Saxton
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Permit No. 35-07834

Dear Mr. Saxton:

We are in receipt of your letter regarding the above matter. We appreciate the copies of relevant documents which you enclosed. We wonder if, in addition to the other documents, the file contains a copy of the "Notice of Lapsing" sent out when the permit lapsed. If so, could you provide us with a copy of that document as well?

We are puzzled why the department would issue a drilling permit on a permit that would lapse the following day, especially when that day was October 1. Even if Mr. Wahlen had been advised that within 60 days after October 1, "water had to be diverted and applied to a beneficial use", we wonder how that might have been accomplished.

We probably also need your assistance to know what might be correct procedurally. Your letter has the sound of a final decision, but perhaps the matter has not yet risen to the level of a contested matter. We assume we will need to pursue the right procedures to complete whatever other administrative review might be proper before presenting the matter to the court.

We will look forward to hearing from you further as soon as it is convenient. Thank you for your kind attention to this matter.

Very truly yours,

Kent W. Foster

APR 29 1996

pc. Harold Jones
Chester Wahlen

G:\WPDATA\KWF\2349\IDWR0111.LTR:sjw

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 3, 1996

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
P.O. Box 50130
Idaho Falls, ID 83405

RE: LAPSED PERMIT NO. 35-07834 - CHESTER WAHLEN

Dear Mr. Foster:

Your letter dated December 27, 1995, to Julie Yarbrough in connection with the above referenced lapsed permit has been forwarded to me for response.

I have reviewed the department's microfilm file of this lapsed permit, since the original file has been filmed and destroyed. The file shows the following:

- On July 28, 1994, the department denied a Request for Extension of Time (extension request) which had been submitted to the department by Chester Wahlen (Wahlen) on June 28, 1994. (Copy enclosed).

- On July 29, 1994, I sent a copy of the denied extension request to Wahlen together with a transmittal letter advising that on October 1, 1994, the permit would lapse and would be of no further force nor effect. I further advised Wahlen that the present moratorium in the area prevented the department from issuing a new permit. (Copy enclosed).

- There is no additional correspondence in the matter.

On September 30, 1994, Wahlen sought a drilling permit from our regional office in Idaho Falls. Our regional office issued a drilling permit after again advising Wahlen that the permit would lapse the next day (on October 1, 1994), and that in order to be reinstated within the next sixty (60) days as provided in Section 42-218a.1., Idaho Code, water had to be diverted and applied to a beneficial use within that time frame. From that point on, the department heard nothing further from Wahlen regarding the lapsed permit.

It appears that Section 42-218a.2., Idaho Code, which

APR 29 1996

provides for late-late reinstatements is not available to Wahlen, since the present facts do not show that beneficial use of water occurred during the authorized development period which was from the date of permit issuance to October 1, 1994.

Unless Wahlen has some other valid water right to divert water from the newly constructed well, he was not authorized to divert water in 1995 and is not authorized to divert water in future years. As you know, Section 42-352, Idaho Code, specifies the penalties for unauthorized diversion and use of water. By copy of this letter to our Idaho Falls office, I am requesting that they keep track of this matter including field checking in the spring of 1996 and issuing a cease and desist order if Mr. Wahlen is proceeding to divert water and by that time has not provided evidence of an authorizing water right.

If this office can provide you additional information or if you have other questions, please feel free to contact me or our Idaho Falls office.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: IDWR - E. Region
Harold Jones
Chester Wahlen

APR 29 1996

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

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

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

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

RECEIVED
DEC 2 9 1995
Department of Water Resources

December 27, 1995

Julie Yarborough
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Chester Wahlen - Permit No. 35-07834

Dear Julie:

Mr. Chester Wahlen of Sterling, Idaho has contacted us regarding water right permit no. 35-07834. He believes he is to supply evidence of his expenditures and so we are enclosing those items. However, it does not appear to us that he has a complete set of the documents relating to this permit, and we will appreciate anything you can do to fill in gaps that may be apparent from our letter.

It appears that Mr. Wahlen purchased the farm land from Margaret O'Haire and G&M Farms in April of 1994. Three water rights permits, including no. 35-7834, were assigned to him in May of 1994, when he received title to the land. We have a letter from Mr. Jim Johnson, dated July 15, 1994, acknowledging receipt of the assignment.

Next, we have a copy of a request by Mr. Wahlen for an extension of time in which to submit beneficial use, requesting a four year extension. It has been signed by Mr. Wahlen, but our copy discloses no action by the department.

Next, we have a copy of a drilling permit, no. 35-94-E-114, issued to Mr. Wahlen on September 30, 1994, together with a receipt for $200. That is followed by a well drillers report of Gary Vollmer & Sons, dated December 9, 1994, showing that the well was started October 1, 1994, and completed November 5, 1994.

APR 29 1996

The copies of documents enclosed with this letter include the following:

1. Invoice from Elmer Funk, Jr., dated April 12, 1994, for purchase by Mr. Wahlen of a 500 hp motor and pump and a 150 hp booster pump for the sum of $35,000, which we understand to have been used for the well drilled under this permit.

2. Estimate, purchase orders and payment statement from Mountain Ag, Inc., dated October 11, 12 and 13, 1994, regarding purchase of two pivots and related equipment.

3. Invoice from Gary Vollmer & Sons for drilling, dated November 17, 1994, for $37,815.

4. Invoice and billing from Mountain Ag, Inc., dated June 30, 1995, for pivot systems and attendant facilities and equipment as installed, for $207,612.

As we understand it, Mr. Wahlen proceeded as far as was possible last fall. The well was drilled, and the land prepared before the weather prohibited further work. Then he had to complete the installation of the irrigation system as soon as the weather would allow last spring. The system was used and crops grown during the summer of 1995.

When you have had an opportunity to review this letter and the enclosures, would you please let us know what additional information may be required. Thank you for your kind attention to this matter.

Very truly yours,

Kent W. Foster

Enclosure
G:\WPDATA\KWF\2349\JYAR1227.LTR:sjw

DEC 29 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 15, 1994

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,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

APR 29 1996

REMIT TO

MOUNTAIN AG, INC.

P.O. Box 905
Blackfoot, Idaho 83221-0905
(208) 785-6500

"Specialized Agriculture and Irrigation Equipment"

WAHLEN, CHET

2624 W 1000 S
STERLING ID 83210

2232

$_____
AMOUNT ENCLOSED

DATE	REFERENCE	DESCRIPTION	CHARGES	CREDITS
		PREVIOUS BALANCE		207,612.00CR
06/30/95	B 0055	S E PIVOT MAINLINE	17,095.40	
06/30/95	B 0063	REPAIR BREAK	396.25	
06/30/95	B 0064	ZIMMATIC PIVOTS	185,622.00	



TOTAL BALANCE DUE 4,498.35CR

HAVE A GREAT DAY!

CURRENT MONTH	PAST DUE				TOTAL OUTSTANDING FINANCE CHARGE
	30 DAYS	60 DAYS	90 DAYS	120 DAYS	
4,498.35-	.00	.00	.00	.00	.00

TERMS: 30 Days Net. Payment due on the 10th of each month.
FINANCE CHARGE 1.5% PERMONTH, 18% PER ANNUM on all past due accounts.

RECEIVED
APR 29 1996

Form 235-1 (2/94)

Drilling Permit No. 35-94-E-114
Water Right Permit No. 35-7834
Injection Permit No. _____

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

COPY

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. **Applicant (please print):** Chester Wahlen

2. **Mailing Address:** 2634 W 1000 S

City & State Sterling, Ida. Zip Code 83210 Telephone 208-328-2383

[ ] Well Owner [ ] Well Operator [ ] Contractor or Other, specify _____

3. **Proposed Well Location:** Twp. 5S, Rge. 29E, Sec. 12, SW 1/4 SE 1/4

Gov't Lot No. _____ County Power

Street Address of Well Site _____ City _____
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. **Proposed Use of Well:**

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

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

NON-DOMESTIC: [X] Irrigation [ ] Municipal [ ] Industrial
[ ] Stock (Over 1,000 Head) [ ] Test [ ] Other _____ (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. **Well Construction Information:**

A. [X] New well [ ] Modify [ ] Replace

B. Proposed Casing Diameter 20" Proposed Maximum Depth 400'

C. Anticipated bottom hole temperature:
[X] 85°F or less (Cold Water Well) [ ] 85°F to 212°F (Low Temp. Geo. Well) [ ] 212° F. or more (Geothermal Well)

APR 29 1996

6. **Construction Start Date:** 9-30-94

7. **Anticipated Well Driller:** Gary Villines Drilling Driller's Lic. No. _____
NOTE: The actual well driller must be identified prior to drilling.

8. **Applicant's Signature** Chester Wahlen Date Sept 30, 1994

Title _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved. Date 9/30/94.

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

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. 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 of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
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° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

Dennis W Dunn — Signature of Authorized Department Representative

Sr Water Resource Agent — Title

Receipt No. E022348 Receipted by DMS Fee $.200 Date 9/30/94

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date APR 20 1996

This extension expires: _____

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: [illegible]

Date: [illegible]
Time: [illegible]

Received
From: [illegible]

Type of Payment	Program Acct	Amount
DRILLING PERMIT 30-94E-114	63116	229.21.505

Total

CHECK 8051

Region: EASTERN Signature: Dennis M Dunn

Form 238-7
1/94

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

1. DRILLING PERMIT NO. 35-14-E-114
Other IDWR No.

2. OWNER:
Name Chet Walden
Address
City Aberdeen State Id. Zip 83210

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 6 North ☐ or South ☒
Rge. 29 East ☒ or West ☐
Sec. 12, 1/4 SE 1/4 SE 1/4
Gov't Lot ____ County Bingham

Address of Well Site
City Aberdeen
(Give at least name of road + Distance to Road or Landmark)

Lt. ____ Blk. ____ Sub. Name

4. PROPOSED USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	19'	3 sack	

Was drive shoe used? Y ☐ N ☒
Was drive shoe seal tested? Y ☐ N ☐ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
12"	-	24'			☒	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe ____ Length of Tailpipe

9. PERFORATIONS/SCREENS
☐ Perforations Method
☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
480 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices:

11. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. ____ Bottom hole temp.
Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
12"	0	4'	Soil.		
	4	14	Black Lava		
	14	25	Red Lava.		
	25	75	Lava. Red.		
	75	100	Lava Hard Gray.		
	100	240	Lava Red.		
	240	300	Lava Gray		
	300	330	Lava Red		
	330	340	Lava R.d.		
	330	355	Lava Gray.		
	355	360	Clay Bottom		
	360	370	Lava Gray		
	370	390	Lava Red		
	390	410	Lava Black		
	410	450	Lava Gray. Hard.		
	450	480	Lava Soft. Black.		
	480	510	Lava. Black.		
	510	540	Lava. Pulv.		
	540	555	Lava. Red.		
	555	570	Water. Lava		
	570	575	Lava Red.		
	575	577	Lava Soft. Water Hard		

APR 29 1996

Completed Depth 577' (Measurable)
Date: Started Oct 1 94 Completed Nov 5 94

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

Firm Name Harry Williams Sons. Firm No. 403
Firm Official Harry Williams Date Nov 5 94
and
Supervisor or Operator Harry Williams Date Nov 5 94
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

COPY

5422

Elmer Funk Jr.
2990 West - 200 South
Aberdeen, Idaho 83210

CUSTOMER'S ORDER NO.	DEPT.	DATE
		4-12-94

NAME: Chester Wahlen

ADDRESS: Sterling, Idaho 83210

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RTRD	PAID OUT

QUAN		DESCRIPTION	PRICE	AMOUNT
	1			
1	2	500 HP Yaskawa Motor		39000 —
	3	w/ Worthington pump, bowls		
	4	& approx 600' Column.		
	5			
1	6	150 HP Cornell Booster Pump		5000 00
	7			
	8	< Less - credit for balance owed		
	9	to Pleasant Valley Potato by		5500 00
	10	C&M Farms >		
	11			
	12			
	13			
	14	Balance Due		29,500 00
	15			
	16			
	17			
	18			

REC'D BY X Chester Wahlen 4-18-94

REDIFORM
5L320/01320

KEEP THIS SLIP
FOR REFERENCE

APR 29 '94

ESTIMATE & AGREEMENT

IRRIGATION ENGINEERING
PUMPS, MAINLINES
& SPRINKLERS

MOUNTAIN AG., INC.

P.O. BOX 905
HIGHWAY 39 WEST
BLACKFOOT, IDAHO 83221
PHONE (208) 785-6500

P.O. BOX 51258
4440 S. YELLOWSTONE
IDAHO FALLS, IDAHO 83405
PHONE (208) 522-3703

LOCKWOOD CENTER PIVOTS
POTATO, BEET, DRY
EDIBLE BEAN EQUIPMENT

No 006259

TO: Chester Wilkie

DATE: 10 Oct 94

COMPLETION DATE:

BID: WE HEREBY PROPOSE TO FURNISH MATERIAL AND LABOR TO COMPLETE THE WORK OUTLINED HEREIN FOR THE SUM OF:

DOLLARS $

PAYMENT TO BE MADE AS FOLLOWS:

WE HEREBY SUBMIT SPECIFICATIONS AND BID FOR:

QUANTITY	STOCK NUMBER OR DESCRIPTION	AMOUNT
2	1300' Zimmatic Pivot .114 9 x 24 Tires 16 5/8	40950 00
	Pipe 40' End Boom + Auto Restart	
	Low Temperature Shut Off - 32-100 End	
	Gun w/ 200 GPM SP Rotator - Regulator	
	Drops First 1/2 w/ Extended Rad - Wye Stop	
	Switch Setup Power Pak Wire Marking	
	With Power Back of Towers	2900 00
3800'	10" 125 PSI PVC Installed	1350 00
3800'	Quad 2 Wire Installed	3420 00
3800'	PVC Couplers	140 00
4	10" Starter Couplers	144 00
4	10" Socket Caps	20 00
1	Pressure Relief Valve	34 00
4	Thrust Block	200 00
2	30 Amp Disconnect	60 00
2	Electrical Tie In	700 00
2	Mainline Tie In	1200 00
2	6" Electric Valve	1800 00
		10,347 00
	Pull & Reset Pump #350/Ft In & Out + Rig	
	Work on Bowls to Match Applications	

Sub Total
Trade-in
Cash Paid With Order
Sales Tax
Balance

1. Describe Trade-in, if any.
2. If Seller is to deliver or install material and circumstances are encountered which increase such costs, these additional costs will be added to the balance due and be paid by Purchaser. Seller is granted permission to clear terrain to install material and will backfill any digging, but will not be required to restore trees, grass or other cover to the backfill.
3. ( ) Seller ( ) Purchaser shall install the material. The same shall be delivered by Seller to Purchaser at _____ and be installed and remain on the following real property. (Use legal desc. e. g. SE ¼, NE ¼, Sec 8 Inp. 3 N, R 42 EBM) _____
4. Balance Payable; ( ) in cash payable on or before _____ 19__
( ) term purchase agreement payable in _____ consecutive (monthly, annual) installments commencing _____ on Seller's standard purchase money security agreement, on such financing terms as the parties agree, but the SPECIAL TERMS AND CONDITIONS on the reverse side hereof shall nevertheless continue in full effect between the parties and this agreement shall be incorporated into and be a part of such purchase money security agreement. In case of inconsistencies between this instrument and such purchase money security agreement this instrument shall control.
5. **Any price increases between Seller and its suppliers on any materials, machine, hire or labor listed herein, which occur between the date hereof and date of delivery to Purchaser will be passed on to and paid by Purchaser. This order shall not be binding on Seller until accepted and signed by a duly authorized agent of Seller and this order may be modified or rescinded only by a writing signed by both parties or their duly authorized agents.**
6. In case of change in quantity of materials or services installed or furnished, arithmetic error, unit prices extended will determine total cost. Any past due sums shall bear a **FINANCE CHARGE of 1½% PER MONTH** on unpaid balance (equal to **18% ANNUAL PERCENTAGE RATE**) from their due date until paid.
7. Purchaser agrees that title and risk of loss to materials sold hereunder pass to Purchaser at Seller's (or common carrier's) place of business immediately upon identification of the material to the agreement and prior to delivery to, or installation at Purchaser's premises, and confirms that the material will be used by him directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming.
8. **Purchaser warrants the trade-in to be free of all liens and encumbrances; that he has read this Estimate and Agreement in its entirety, both front and back pages and attachments, if any, has received a true completed copy hereof; that his signature hereon makes this a firm offer on his part to purchase the material; that if this offer is accepted by Seller by signature hereon, by delivery of all or any part of the material or otherwise, he has read, understands and agrees to all of the terms and conditions hereof, including but not limited to the SPECIAL TERMS AND CONDITIONS on the reverse side and item 5 above, and that all terms and blanks were filled in prior to signing this order.**

NOTICE: SEE OTHER SIDE FOR IMPORTANT INFORMATION. ALL OF THE TERMS, CONDITIONS AND PROVISIONS ON THE REVERSE SIDE FORM A PART HEREOF.

MOUNTAIN AG., INC.

Dated this 11 day of Oct 19 94

By: Joel Tuyler

Its: _____

Chester Wilkie
Purchaser.

_____
Residence.

This estimate void after _____ days from date unless accepted by Purchaser's Signature.

MODERN PRINTING, INC., BLACKFOOT, IDAHO

ZIMMATIC PIVOT SYSTEM CONTRACT (STANDARD OUTLET SPACING)

ORDER FOR M.C.

Dealer Mountain Ag Inc

SHIPMENT WILL BE MADE AT THE OPTION OF LINDSAY WHEN AVAILABLE

Z 86740

Sold To Chester Wahlen

Ship To

Address

Address Same

City Rhoadsen State ID Zip 83

City State Zip

	6 5/8	6 5/8	6 5/8	10 3/8	6 3/8	6 3/8	6 5/8	6 5/8		
	157	157	157	157	157	157	157	157		
										5 9/16
										44

TOTAL LENGTH INCLUDING OVERHANG

SPRINKLER SPACING
☐ Variable ☐ Fixed ☐ Spray
GPM 1100 PSI 65

	01-2403-2	10" Pivot, Heavy Duty			01-2402-4	Standard, 10"			01-2958-5	10 X 20 Retread
	01-2014-7	8" Pivot, Heavy Duty			01-2056-8	Standard, 8"			01-1689-7	11 x 24.5 Retread
	01-2008-9	6-5/8" Pivot, Std.		7	01-2055-0	Standard, 6-5/8"			01-1690-5	11.2 x 24 New
1	01-2010-5	6-5/8" Pivot, Heavy Duty			01-2054-3	Standard, 5-9/16"			01-2959-3	11.2 x 38 New w/ Tube
	01-2004-8	5-9/16" Pivot, Std.			01-2401-6	Reduction 10" to 8"		8	01-1691-3	14.9 x 24 New
	01-2110-3	5-9/16" Pivot, Heavy Duty			01-2058-4	Reduction 8" to 6-5/8"				
	01-2710-0	8" Mobile			01-2057-6	Reduction 6-5/8" to 5-9/16"				
	01-2712-6	6-5/8" Mobile		1	01-2283-8	Last Tower				
	01-2713-4	5-9/16" Mobile							01-2253-1	Module, Spray
	01-2711-8	Agri Tow			01-2960-1	11 Ft., 5-9/16"			49-0762-4	Flush Out Kit
					01-2279-6	22 Ft., 5-9/16"		1	1-2390-1	SR
1	01-2969-0	Std. 10 W. TGS			01-2475-0	33 Ft., 5-9/16"				
	01-3039-3	Std. 10" 11 W. TGS		1	01-2280-4	44 Ft., 5-9/16"			1-2838-6	
				7	01-3171-4	55 Ft., 5-9/16"			1-2737-3	
	01-3111-0	AIMS 10 W.			01-2281-2	66 Ft., 5-9/16"				
	01-3112-8	AIMS 10" 10 W.			01-2282-0	66 Ft., 5-9/16"				
	01-3179-7	AIMS 10 W. 3 Wheel Mobile								
								8	01-2018-6	Solid T.S.
1	01-1649-1	Pkg., 8",8-5/8",5-9/16" Non-Tow			01-2180-6	113' 14 AWG			01-2020-4	Swivel T.S.
	01-2795-1	Pkg., 10" Non-Tow			01-2179-8	135' 14 AWG			01-1833-1	Low Profile, Swivel
	01-2071-7	Pkg., Tow, Heavy Duty		*	01-2178-0	157' 14 AWG			01-1965-1	Hi-Clearance, Solid
	01-2374-5	Pkg., Agri Tow			01-2174-9	160' 14 AWG			01-3096-3	Hi-Clearance, Swivel
	01-2493-3	Pkg., Concrete A/T			01-2177-2	179' 14 AWG			01-3097-1	Hi-Clearance, Swivel
	01-3151-6	Pkg., Skid Non-Tow			01-2171-5	201' 14 AWG				
					01-1861-2	113' 12 AWG				
1	01-2553-4	Auto S.D. w/Rev.			01-1862-0	135' 12 AWG				
	01-2560-9	Auto S.D. any Twr w/Rev.			01-1863-8	157' 12 AWG		2	01-1348-8	Lindsay 43 R.S.
1	01-2554-2	Auto Restart			01-1868-7	160' 12 AWG			01-1700-2	Lindsay 86 R.S.
1	01-2555-9	Low Temp.			01-1864-6	179' 12 AWG				
	01-2552-6	Twr. Check			01-1865-3	201' 12 AWG		8	01-1234-2	Non-Towable
	01-2556-7	Twr. Check, 17 Twr.			01-1851-3	113' 10 AWG			01-1235-9	Towable
	01-2557-5	Auto S.D. w/Rev. 10"			01-1852-1	135' 10 AWG				
	01-2561-7	Auto End Gun Agri Tow		B	01-1853-9	157' 10 AWG				
	01-3152-4	End Tower Light			01-1858-8	160' 10 AWG				
1	01-3155-7	Pivot Light			01-1854-7	179' 10 AWG				Corner Span
					01-1855-4	201' 10 AWG				Wire, Guide
	01-2595-5	10", 113' Solid, 15%								Wheel Assy Reinf.
	01-2596-3	10", 135' Solid, 15%			01-2819-9	Std. 10" All				C.S. Valve Pkg
	01-2217-6	8", 113' Solid, 15%		6	01-2167-3	Std. - No. of Spans Less 2				C.S. Spray Drop
	01-2219-2	8", 113' Swivel, 30%		1	01-2166-1	Next-To-Last - Order 1				
	01-2050-1	8", 135' Solid, 15%		1	01-2169-9	Last Tower - Order 1				
	01-2052-7	8", 135' Swivel, 30%								
	01-2221-8	8", 157' Solid, 15%					01-2891-8	Package Pivot Brace		
	01-2037-6	6-5/8", 113' Swivel, 30%					01-3105-2	Joint P.E. 6-5/8" w/outlet		
	01-2036-0	6-5/8", 113' Solid, 15%					01-3106-0	Joint P.E. 5-9/16" w/outlet		
	01-2038-6	6-5/8", 135' Solid, 15%					01-3110-2	4 Wheel Cart, 10 x 20 Recap		
	01-2039-4	6-5/8", 135' Swivel, 30%					01-3133-4	4 Wheel Cart, 11 x 24.5 Recap Galv.		
B	01-2044-4	6-5/8", 157' Solid, 15%					01-3139-1	4 Wheel Cart, 11.2 x 24 New Galv.		
	01-2046-9	6-5/8", 179' Solid, 15%					01-3140-9	4 Wheel Cart, 15" Imp.		
	01-2048-5	6-5/8", 201' Solid, 12%				8	1-2671-4	Drop Spreader		
	01-2022-0	5-9/16", 113' Solid, 15%				1	1-2674-8	Drop Spray		
	01-2024-6	5-9/16", 135' Solid, 15%								
	01-2025-3	5-9/16", 135' Swivel, 30%								
	01-2030-3	5-9/16", 157' Solid, 15%								
	01-2032-9	5-9/16", 179' Solid, 15%								

Purchaser has arranged financing as follows:
☐ Cash ☒ Other (Specify below)
Loan

The undersigned purchaser agrees with Lindsay Manufacturing Company and Dealer/Seller to be bound by the Warranty and Terms and Conditions on the reverse side hereof, and that Dealer/Seller is not an agent or representative of Lindsay.

Purchaser Chester Wahlen Date 10/12/94

Seller NFA, Inc Date 10/13/94

ZP 9/94

ZIMMATIC PIVOT SYSTEM CONTRACT (STANDARD OUTLET SPACING)

ORDER FORM NO. Z 86960

SHIPMENT WILL BE MADE AT THE OPTION OF LINDSAY WHEN AVAILABLE

Dealer Modesto Ag Inc

Sold To Chester Wahlen

Address

City Riverdale State Id Zip

Ship To

Address Same

City State Zip

SPRINKLER SPACING 25 PSI regulator
☐ Variable ☐ Fixed ☐ Spray
GPM 1100 PSI 65

Tower	1	2	3	4	5	6	7	8	9	Total
	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8	6 5/8		
	157	157	157	157	157	157	157	157		
										5 9/16
										44

TOTAL LENGTH INCLUDING OVERHANG

OUTLET SPACING STD OUTLETS

Qty	Order No.	Description
	01-2403-2	10" Pivot, Heavy Duty
	01-2014-7	8" Pivot, Heavy Duty
	01-2008-9	6" Pivot, Std.
1	01-2010-5	6-5/8" Pivot, Heavy Duty
	01-2004-8	5-9/16" Pivot, Std.
	01-2110-3	5-9/16" Pivot, Heavy Duty
	01-2710-0	8" Mobile
	01-2712-6	6-5/8" Mobile
	01-2713-4	5-9/16" Mobile
	01-2711-8	10" Mobile
1	01-2989-0	Std. 10W. TGS
	01-3039-3	Std. 10 11 W. TGS
	01-3111-0	Std. 10 W.
	01-3112-8	Std. 10 10 W.
	01-3134-2	Std. 10 W. 3 Wheel Mobile
1	01-1649-1	Elec. 8",6-5/8",5-9/16" Non-Tow
	01-2795-6	Elec. 10" Non-Tow
	01-2071-7	Elec. Tow, Heavy Duty
	01-2374-5	Elec. Agri Tow
	01-2493-3	Elec. Concrete AIT
	01-3151-9	Elec. Skid Non-Tow
1	01-2553-1	Elec. S.D. w/Rev.
	01-2560-6	Elec. S.D. Twr w/Rev.
1	01-2554-9	Elec. Check
	01-2555-6	Elec. Twr.
	01-2552-3	Elec. Check
	01-2556-4	Elec. Check, 17 Twr.
	01-2557-2	Elec S.D. w/Rev. 10"
	01-2561-4	Elec End Gun Agri Tow
	01-3152-7	End Tower Light
1	01-3156-8	Pivot Light
	01-2595-3	8", 113' Solid, 15%
	01-2596-1	8", 135' Solid, 15%
	01-2217-8	8", 113' Solid, 15%
	01-2219-2	8", 113' Swivel, 30%
	01-2056-1	8", 135 Solid, 15%
	01-2052-7	8", 135' Swivel, 30%
	01-2221-8	8", 157' Solid, 15%
	01-2037-9	6-5/8", 113' Swivel, 30%
	01-2036-1	6-5/8", 113' Solid, 15%
	01-2038-7	6-5/8", 135' Solid, 15%
	01-2039-5	6-5/8", 135' Swivel, 30%
8	01-2044-1	6-5/8", 157' Solid, 15%
	01-2046-9	6-5/8", 179' Solid, 15%
	01-2048-5	6-5/8", 201' Solid, 12%
	01-2022-0	5-9/16", 113' Solid, 15%
	01-2024-8	5-9/16", 135' Solid, 15%
	01-2025-5	5-9/16", 135' Swivel, 30%
	01-2030-5	5-9/16", 157' Solid, 15%
	01-2032-1	5-9/16", 179' Solid, 15%

Qty	Order No.	Description
	01-2402-4	Standard, 10"
	01-2056-8	Standard, 8"
	01-2055-0	Standard, 6-5/8"
	01-2054-3	Standard, 5-9/16"
	01-2401-6	Reduction 10" to 8"
	01-2058-4	Reduction 8" to 6-5/8"
	01-2057-6	Reduction 6-5/8" to 5-9/16"
1	01-2283-8	Last, Tower
	01-2960-1	11 Ft., 5-9/16"
	01-2279-6	22 Ft., 5-9/16"
	01-2475-0	33 Ft., 5-9/16"
1	01-2280-4	44 Ft., 5-9/16"
	01-3171-4	55 Ft., 5-9/16"
	01-2281-2	66 Ft., 5-9/16"
	01-2282-0	88 Ft., 5-9/16"
	01-2160-6	113' 14 AWG
	01-2179-8	135' 14 AWG
	01-2178-0	157' 14 AWG
	01-2174-9	160' 14 AWG
	01-2177-2	179' 14 AWG
	01-2171-5	201' 14 AWG
	01-1861-2	113' 12 AWG
	01-1862-0	135' 12 AWG
	01-1863-8	157' 12 AWG
	01-1868-7	160' 12 AWG
	01-1864-6	179' 12 AWG
	01-1865-3	201' 12 AWG
	01-1851-3	113' 10 AWG
	01-1852-1	135' 10 AWG
8	01-1853-9	157' 10 AWG
	01-1858-8	160' 10 AWG
	01-1854-7	179' 10 AWG
	01-1855-4	201' 10 AWG
	01-2819-9	Std. 10" All
6	01-2167-3	Std. - No. of Spans Less 2
1	01-2168-1	Next-To-Last - Order 4
1	01-2169-9	Last Tower - Order 1

Qty	Order No.	Description
	01-2958-5	10 X 20 Retread
	01-1689-7	11 x 24.5 Retread
	01-1690-5	11.2 x 24 New
	01-2959-3	11.2 x 38 New w/ Tube
8	01-1691-3	14.9 x 24 New
	01-2253-1	Module, Spray, All, OH
	10-0762-4	Flush Out Kit
1	1-2390-1	SR-100 w/22x BP
1300	1-2830-6	Rotator
1300	1-2797-3	Reg 25 PSI
8	01-2018-8	Solid T.S.
	01-2020-4	Swivel T.S.
	01-1833-1	Low Profile, Swivel
	01-1965-1	Hi-Clearance, Swivel 6-5/8"
	01-3096-3	Hi-Clearance, Swivel 8"
	01-3097-1	Hi-Clearance, Swivel, 10"
8	01-1349-6	Lindsay 43 R.P.M.
	01-1700-2	Lindsay 86 R.P.M.
8	01-1234-2	Non-Towable
	01-1235-9	Towable
		Corner Span
		Wire, Guide
		Wheel Assy Reinf.
		C.S. Valve Pkg
		C.S. Spray Drop

Qty	Order No.	Description
	01-2891-8	Package Pivot Brace
	01-3105-2	Joint P.E. 6-5/8" w/outlet
	01-3106-0	Joint P.E. 5-9/16" w/outlet
	01-3110-2	4 Wheel Cart, 10 x 20 Recap Galv.
	01-3133-4	4 Wheel Cart, 11 x 24.5 Recap Galv.
	01-3139-1	4 Wheel Cart, 11.2 x 24 New Galv.
	01-3140-9	4 Wheel Cart, 15" Imp.
8	1-2671-4	Drop
1	1-2674-8	Drop

APR 29 1996

Purchaser has arranged financing as follows:
☐ Cash ☒ Other (Specify below)

The undersigned purchaser agrees with Lindsay Manufacturing Company and Dealer/Seller to be bound by the Warranty and Terms and Conditions on the reverse side hereof, and that Dealer/Seller is not an agent or representative of Lindsay.

Purchaser Chester Wahlen Date 10/12/94

Seller Modesto Ag Inc Russ Stewart - Jack Date 10/13/94

ZP 9/94

CUSTOMER COPY

*Subject to adjustment as herein provided.

GARY VOLLMER & SONS
Rt. 1, Box 67
AMERICAN FALLS, IDAHO 83211

(208) 226-5770

INVOICE

No. 0137

TO Chet Wahlen

INVOICE DATE	SALESMAN
Nov 17-94	Gary

SHIP TO

QUANTITY	DESCRIPTION		
575'	18" well.	65¢/ft.	373.75
20'	18" casing	22½/ft.	4.50
			15.00
	advanced.		500
	Balance		
	Received 11-17-94		15.00
	Balance		

TERMS: Accounts are due on the 10th of the month following purchase date and become past due 30 days after date of purchase. Past due accounts will be charged 1½% INTEREST PER MONTH (18% ANNUAL RATE). Title to the above listed merchandise shall remain with the seller until paid for. Purchaser agrees to pay all reasonable attorney fees & collection costs if seller deems it necessary to force collection of this account.

I certify that the property which I have here purchased will be used by me for the following purposes. ☐ Directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming or to repair equipment used primarily as described above.

PURCHASER _____

Thank You

MOUNTAIN AG., INC.
P.O. BOX 905 • 494 W. HIGHWAY 39
BLACKFOOT, IDAHO 83221-0905
(208) 785-6500

— ZIMMATIC — LINDSAY — LOGAN —

P.O. BOX 51258 • 4440 S. YELLOWSTONE HWY.
IDAHO FALLS, IDAHO 83405-1258
(208) 522-3703

988 N. HIGHWAY 33
REXBURG, ID 83440
(208) 356-7573

PAGE_____ OF_____

MODEL NO.	SERIAL NO.	INVOICE DATE	DUE DATE	SALES ORDER NO.
		30 June 95	Lease	

SOLD TO: Chet Wahlen
2624 W 1000 S
Sterling Idaho 83210

SHIP TO: 2232

F.O.B. POINT	PPD.	COLL.	SHIPPED VIA:	ROA	CASH	CHARGE	CREDIT	CUST. P.O. NO.	SALESMAN	DATE SHIP
				☐	☐	☒	☐		Jack	

ITEM NO.	QTY. ORD.	PART NO.	UOM	DESCRIPTION	QTY. SHP.	LIST PRICE	TOTAL PRICE
	2	1300' 8 Tower Pivots					$19,000.00
		Serial # 51735 & 51747					
	3200	10" .125	PSI				$18,560.00
	3200	Quad 2	Wire				$2,880.00
	3200	1½" PVC	for Wire				$960.00
	4	10" Steel Coupler					$144.00
	4	10" Goose neck					$320.00
	1	10" Champion Valve					$347.00
	4	Thrust Blocks					$200.00
	2	30 amp Disconnect					$700.00
	2	Electrical Tie In					$680.00
	2	Mainline Tie In					$1,800.00
	2	6" Electric Valve					$760.00
	2	Press Shut Down					$340.00
	1	400 HP Prime Pump 2300GPM@545					$51,750.00
	1	100 HP Split Case Booster					$8244.00
	1	400 HP Panel					$4,800.00
	1	100HP Panel					$2,850.00
	1	Tie In w/	Valve & Pour Pad				$2,800.00
	1	Wiring 500 HP	& 3rd Motor ?				$6587.00
		Start up					

TRADE IN DESCRIPTION	TRADE IN ALLOW.	
I certify that the property I have purchased will be used exclusively for farming purposes. SIGNATURE_____	DISCOUNT	
NO RETURNS AFTER 30 DAYS. 15% HANDLING CHARGE ON ALL RETURNED MERCHANDISE. NO RETURNS ON SPECIAL-ORDER PARTS. **A FINANCE CHARGE of 1 1/2% per month (A.P.R. 18%)** will be made on all accounts over 30 days past due. In the event this account is placed for collection, the customer agrees to pay all costs of collection including a reasonable attorney's fee.	FREIGHT	
	SALES TAX	
INVOICE NO. Nº B 0064 / RECEIVED BY: APR 29 1995	TOTAL	$185,122.00

MODERN PRINTING, INC., Blackfoot, ID, (208) 785-0650

MOUNTAIN AG., INC.

— ZIMMATIC — LINDSAY — LOGAN —

P.O. BOX 905 • 494 W. HIGHWAY 39
BLACKFOOT, IDAHO 83221-0905
(208) 785-6500

P.O. BOX 51258 • 4440 S. YELLOWSTONE HWY.
IDAHO FALLS, IDAHO 83405-1258
(208) 522-3703

988 N. HIGHWAY 33
REXBURG, ID 83440
(208) 356-7573

PAGE_____ OF_____

MODEL NO.	SERIAL NO.	INVOICE DATE	DUE DATE	SALES ORDER NO.
		30 June 95		

SOLD TO: Chet Wahlen 2232

SHIP TO: 30 East Pivot mainline

F.O.B. POINT	PPD.	COLL.	SHIPPED VIA:	ROA	CASH	CHARGE	CREDIT	CUST. P.O. NO.	SALESMAN	DATE SHIP
				☐	☐	☒	☐		Jack	

ITEM NO.	QTY. ORD.	PART NO.	UOM	DESCRIPTION	QTY. SHP.	LIST PRICE	TOTAL PRICE
	2020'	10" 125 RSI		PVC Installed			11352.40
		additional To Trench Mainline					600.00
	2020	*2 Quad Wire Installed					1818.00
	2020	1½" PVC Conduit Over Wire					606.00
	3	10" Starter Coupler					72.00
	2	10" Gooseneck					160.00
	1	6" Electric Valve					900.00
	1	Mainline Tie In					340.00
	1	Chemigation Valve					347.00
	4	Thrust Blocks					200.00
	2	Electrical Tie In					700.00
		* Additional cost for mainline					
		To go around Rock Areas					
					APR 29 1996		

TRADE IN DESCRIPTION	TRADE IN ALLOW.	
I certify that the property I have purchased will be used exclusively for farming purposes. SIGNATURE_____	DISCOUNT	
NO RETURNS AFTER 30 DAYS. 15% HANDLING CHARGE ON ALL RETURNED MERCHANDISE. NO RETURNS ON SPECIAL ORDER PARTS. A FINANCE CHARGE of 1 1/2% per month (A.P.R. 18%) will be made on all accounts over 30 days past due. In the event this account is placed for collection, the customer agrees to pay all costs of collection including a reasonable attorney's fee.	FREIGHT	
	SALES TAX	
INVOICE NO. № B 0055 / RECEIVED BY:	TOTAL	17,095.40

MODERN PRINTING, INC., Blackfoot, ID, (208) 785-0550

MOUNTAIN AG., INC.

P.O. BOX 905 • 494 W. HIGHWAY 39
BLACKFOOT, IDAHO 83221-0905
(208) 785-6500

— ZIMMATIC — LINDSAY — LOGAN —

P.O. BOX 51258 • 4440 S. YELLOWSTONE HWY.
IDAHO FALLS, IDAHO 83405-1258
(208) 522-3703

988 N. HIGHWAY 33
REXBURG, ID 83440
(208) 356-7573

PAGE _____ OF _____

MODEL NO.	SERIAL NO.	INVOICE DATE	DUE DATE	SALES ORDER NO.
		30 June 95		

SOLD TO: Chet Wahlen

SHIP TO: 2237

F.O.B. POINT	PPD.	COLL.	SHIPPED VIA:	ROA	CASH	CHARGE	CREDIT	CUST. P.O. NO.	SALESMAN	DATE SHIP
				☐	☐	☒	☐		Russ	

ITEM NO.	QTY. ORD.	PART NO.	UOM	DESCRIPTION	QTY. SHP.	LIST PRICE	TOTAL PRICE
	1	Repair Mainline Back					[redacted]
	2	Repair Sleeves					136.00
	20'	10" 125					100.35
	4	Hrs		Labor			160.00

APR 9 1996

TRADE IN DESCRIPTION	TRADE IN ALLOW.	
I certify that the property I have purchased will be used exclusively for farming purposes. SIGNATURE _____	DISCOUNT	
NO RETURNS AFTER 30 DAYS. 15% HANDLING CHARGE ON ALL RETURNED MERCHANDISE. NO RETURNS ON SPECIAL ORDER PARTS. **A FINANCE CHARGE of 1 1/2% per month (A.P.R. 18%)** will be made on all accounts over 30 days past due. In the event this account is placed for collection, the customer agrees to pay all costs of collection including a reasonable attorney's fee.	FREIGHT	
	SALES TAX	
INVOICE NO. № B 0063 / RECEIVED BY:	TOTAL	396.35

MODERN PRINTING, INC., Blackfoot, ID, (208) 785-0550

NOTICE

This file has been REPRODUCED from MICROFICHE because:

For Reinstatement

Person Recreating File

Mar. 05, 1996
Date

I certify that file No. 35-07834

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

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

L Curtis
Reviewer

12/14/94
Date

WR580BNP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

12/14/94 08:53:12
Page 1

Water Right Number - 35-07834 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
WAHLEN	CHESTER	1 - 2624 W 1000 S 2 - 3 - City- STERLING State- ID Zip- 83210 Phone - 208-328-2283
*** O - ORIGINAL OWNER ***		
JW VANDERFORD INC		1 - 2 - 3 - City- State- ID Zip- Phone - 208-000-0000

Priority Date	Region	Stage	Status
01/22/1979	15 EASTERN	P - PERMIT	

Source	Tributary
GROUNDWATER	

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
05S	29E	12	SW SE			(77) POWER			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	6.400	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
6.400		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	29E	12	NE SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	12	NW SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	12	SW SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	12	SE SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	13	NE NE		40.0	01	IRRIGATION	(77) POWER
05S	29E	13	NW NE		40.0	01	IRRIGATION	(77) POWER
05S	29E	13	SW NE		40.0	01	IRRIGATION	(77) POWER
05S	29E	13	SE NE		40.0	01	IRRIGATION	(77) POWER

Total Acres: 320.0

Diversion Means - WELL, PUMPS & SPRINKLER SYSTEM

Non-Irrigation Use -

Other Rights for Same Use -

Water right number - 35-07834 Prefix Translation: WATER RIGHT

Remarks

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

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

001 - A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
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.

Decree Plaintiff | Decree Defendant | Decree Date - 00/00/0000

Comments

Date: 10/01/1992 User Id: ANDREGG Subject: Extension of Time Received
Extension of Time Received
Date: 07/05/1994 User Id: ANDREGG Subject: Extension of Time Received
Extension of Time Received
Date: 10/06/1994 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Audit Fields - 09/22/87 05/21/88 CONVERT 07/13/89 CURTIS 12/26/89 CURTIS 02/07/90 CURTIS 10/01/92 COMMENTS 10/02/92 GUSTAFSO 12/12/92 POST-STD 12/14/92 APSTRPHE 07/05/94 COMMENTS 07/07/94 CZIMMERM 10/04/94 COMMENTS

Water Rights Dates and Flags Area

Proof Due Date	- 10/01/1994	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 03/01/1979	Protested Date	- 00/00/0000	Swan Falls	- Y
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/2_/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

July 29, 1994

Chester Wahlen
2624 W 1000 S
Sterling, ID 83210

RE: Permit No. 35-07834

Dear Permit Holder:

Enclosed is a copy of the denied request for extension of time which you submitted to the department in connection with the above referenced permit. Since the department has granted three (3) previous extensions and no work has been completed, the department could not grant this extension. Please be advised that on October 1, 1994, the permit will lapse and will be of no further force nor effect

Idaho is under a mandatory permit procedure to develop a water right. If you intend to develop a water right in the future, it is necessary that you file a new application and start the process over. You should be aware, however, that the proposed use is located within a designated moratorium area where the department presently is not processing or approving new permits. The filing of an application in the area, however, would establish a priority for future processing if the moratorium is lifted allowing the department to consider the issuance of new permits.

Please feel free to contact any of our regional offices if you wish assistance in completion of the new application.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

C: IDWR - Regional Office

MEMORANDUM

To: File 35-07834

From: L. Glen Saxton

RE: EXTENSION REQUEST - PERMIT NO. 35-07834

Date: July 26, 1994

The above referenced permit has recently been assigned to Chester Wahlen who has requested a four (4) year extension of time in which to submit proof of beneficial use.

A review of the file shows that the permit was issued on March 1, 1979. The department has extended the proof due date twice due to the Swan Falls matter and once for due diligence.

The department should deny the latest (4th) request for extension of time since the department has no authority to extend the proof due date again.

STATE OF IDAHO)
) ss.
County of Ada)

On this 10th day of May, 1994, before me, JEAN WASSERMAN, a Notary Public in and for said State, personally appeared MARGARET O'HAIRE, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

JEAN WASSERMAN NOTARY PUBLIC STATE OF IDAHO

Jean Wasserman
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 2/17/97

STATE OF IDAHO)
) ss.
County of Bannock)

On this 16TH day of May, 1994, before me _____, a notary public in and for said state, personally appeared GARY FUNK, known or identified to me to be one of the partners of the partnership of G&M FARMS, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

Notary Public for Idaho
Residing at AMERICAN FALLS, IDAHO
My commission expires: 1-14-98

STATE OF IDAHO)
) ss.
County of Bannock)

On this 16TH day of May, 1994, before me ____, a notary public in and for said state, personally appeared MICHAEL FUNK, known or identified to me to be one of the partners of the partnership of G&M FARMS, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

Notary Public for Idaho
Residing at AMERICAN FALLS, IDAHO
My commission expires: 1-14-98

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 15, 1994

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,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

WR0749WP
No. 35-07834

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	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CHESTER WAHLEN 2624 W 1000 S STERLING ID 83210 (208) 328-2283	01/22/1979	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 S12 SWSE POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
05S	29E	12													40	40	40	40	160.0
05S	29E	13	40	40	40	40													160.0
																	TOTAL ACRES		320.0

Pou County: POWER

Conditions of Approval:
001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
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: 01/22/1979
Proof Due Date: 10/01/1996 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: 07/05/1994 User-ID: ANDREGG Subject: Extension of Time Received
Extension of Time Received

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

State of Idano
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. 35-07834

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

July 31, 1992

MARGARET O HAIRE
8756 CLOVIS DR.
BOISE ID 83709

PROOF DUE NOTICE

RE: PERMIT NO. 35-07834

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

CERTIFIED MAIL
NO. 139222

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.

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. 35-7834

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. 35-7834. 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

S T A T E O F I D A H O
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.

MICROFILMED
FEB 1 4 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-07834

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

Source: GROUNDWATER

Diversion 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

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

RECEIVED

FEB 14 1990

1985 [illegible] DATA per Norman Wright.

INTER-DEPARTMENT MEMO — 1

FROM Tim

DATE

TO File

SUBJECT

Sec 13

S 1/2 N 1/2

E S 1/2 Orig

N 1/2 N 1/2 ORIG orig.

SE 1/4 of 12 orig

All of 12 is orig.

FILMED

FEB 14 1990

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
AUG 11 1989
Department of Water Resources

PERMIT NO. 35-7834

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

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

1. Did irrigation occur on the lands identified under your permit prior to July 1, 1985? Yes X No_____

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

Aerial photographs taken prior to July 1, 1985, located in area ASCS offices, are best forms of evidence. Photos submitted to the the Department must be accompanied by a signed statement from an ASCS representative which verifies the photo date and that the lands were irrigated prior to July 1, 1985. If ASCS does not have photos for the land and/or time in question, you must have the ASCS provide the Department with a statement that photos are not available 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 O'Hair Date 8-11-89

RECEIVED
AUG 14 1989

PERMIT # 35-7834

POINT OF DIVERSION:

This permit would have to be moved to a diversion point located directly south 3/4 miles from its current position in order to make further expansion in this area feasible. Current location of diversion point is SW1/4 SE1/4 Section 12; The proposed new location would be SW1/4 SE1/4 Section 13. By transferring this diversion point we could save a substantial amount in power line construction costs.

PROPOSED DEVELOPMENT AND USE:

Our development plans for this permit include the purchase of two 1980' center pivot irrigation systems. Two sets of figures are listed below; depicting both new and used equipment costs. Figures include installation costs.

DESCRIPTION:	NEW	USED
2) 1980' Valley Pivots	132,000	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

Permit number 35-7834 would be next in line for development during 1990.

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 more than that.

CROPS TO BE GROWN:

Wheat and Potatoes, others if possible.

FILMED
FEB 14 1990

RECEIVED
AUG 23 1989
Department of Water Resources

TO: IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE MAIL
BOISE, IDAHO 83720

ATTN: MR. TIM LUKE - Water Allocation/Trust Water

DATE: August 10, 1989

RE: Water Permit Extension for Margaret O'Haire and G&M Farms

Dear Mr. Luke;

The purpose of this letter is to convey to the Department of Water Resources our interest and committment in completing development under the following permits: 35-7834, 35-7835, 35-7836 & 35-7838. Permit number 35-7835 has already been developed and in use since 1985. Due to extreme problems and malfunctions of the type of linear irrigation system we purchased that year, and to the loss of crop income as a result, we were forced into litigation with the manufacturer of this system. We faced a severe economic slump, which we have finally managed to work out of just this last year. We have every intention of proceeding with the development and usage of the remaining permits. Following this letter is a development proposal to illustrate our long range plan. I am sending you these documents via FAX due to the time factor. I am also sending you a duplicate copy of these documents via first class mail. I'm not exactly clear as to whether you still require the $20.00 readvertisement fee, as we did develop permit # 35-7835 prior to July 1, 1985. Please advise me on this matter and we will take care of it immediately. We hope you will consider our request for extension and thank you for your cooperation.

Sincerely,

MARGARET O'HAIRE

G&M FARMS
GARY FUNK - PARTNER

FEB 14 1990

PERMIT # 35-7834

POINT OF DIVERSION:

This permit would have to be moved to a diversion point located directly south 3/4 miles from its current position in order to make further expansion in this area feasible. Current location of diversion point is SW1/4 SE1/4 Section 12; The proposed new location would be SW1/4 SE1/4 Section 13. By transferring this diversion point we could save a substantial amount in power line construction costs.

PROPOSED DEVELOPMENT AND USE:

Our development plans for this permit include the purchase of two 1980' center pivot irrigation systems. Two sets of figures are listed below; depicting both new and used equipment costs. Figures include installation costs.

DESCRIPTION:	NEW	USED
2) 1980' Valley Pivots	132,000	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

Permit number 35-7834 would be next in line for development during 1990.

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 more than that.

CROPS TO BE GROWN:

Wheat and Potatoes, others if possible.

MICROFILMED
FEB 14

RECEIVED
AUG 11 1989
Department of Water Resources

To: Mr. Tim Luke

From: Gary Funk 397-4870

RE: Water Permit Extensions / Margaret O'Haire

of Documents to follow 1

Mr. Luke,

I am sending over the FAX a "report of acreage" form from ASC. The aerial maps will be included in the package sent by mail.

MICROFILMED
FEB 14 1990

ASCS-578
(02-02-84)

REPORT OF ACREAGE

USDA-ASCS

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE OF

FARM NO. | NAME AND ADDRESS | FARM LAND | CROP LAND

A
G & M Farms
Aberdeen, SD 83210

3600 | 1781.2

OPERATOR

OWNER

PROGRAM YEAR [redacted] 1985 1985

OTHER

OTHER INTERESTED PRODUCERS

KEY	NAME AND ADDRESS (A)	OTHER FARMS (B)	ASSIGNMENT CROP (C)	ASSIGNMENT JOB (D)
3				
4	New farm 1985			
6				
6	Gary & Mike Funk			
7				

FEB 14 1985

AUG 11 '89 10:54

SECTION I - FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY 1/4	1/2					KEY	SHARE	DISPOSITION	GROSS ACRES	DEDUCTIONS IDENT./MEAS.	DEDUCTIONS ACRES	NET ACRES	INT. & RT
1	2	3	4	5	6	7	8	9				8	9	10	11	12
T-2	A	Irr-Sp Wheat	Wht 52.6	Wht			Pot									
	B	Irr-Sp Potatoes					183.5									
	B'	Sp-Co Wheat	13.7													
H-3	A	NW-SE-SE Wheat		291.1												
	B	" "		313.3												
H-2	A	Sp-Co-SE Wheat	309.9													
	B	" "	139.4													
	C	" "	144.1	144.1												
I-2	C	" "	81.2	81.2												
		13. TOTAL OPERATOR REPORT	588.8	885.7												
		14. TOTAL DETERMINED ACREAGE	1601.7	1928			307.7									

A. OPERATOR'S SIGNATURE — DATE: X

B. OPERATOR'S SIGNATURE — DATE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE — DATE

FUNK FARMS

P. 02

First AFFILIATE OF MOORE FINANCIAL GROUP

FINANCIAL STATEMENT AGRICULTURAL & LIVESTOCK

To _____ OFFICE, THE IDAHO FIRST NATIONAL BANK, _____, IDAHO

Name CAH FARMS Address 2990W - 2000S Aberdeen, Idaho 83210

For the purpose of obtaining credit from you from time to time I herewith submit the following as a true and correct statement of my financial condition on 5-25, 19 89

ASSETS	AMOUNT	LIABILITIES	AMOUNT
CURRENT		**CURRENT** (Payable within one year)	
CASH ON HAND		NOTES PAYABLE TO THIS BANK (Schedule D)	
CASH IN - IDAHO FIRST NATIONAL BANK		NOTES PAYABLE TO OTHERS (Schedule D) O'Haire	26,000
CASH IN - OTHER BANKS		DUE TO RELATIVES (Schedule D)	
		ACCOUNTS PAYABLE	
LOANS RECEIVABLE (Schedule C)			
ACCOUNTS RECEIVABLE, GOOD (Schedule C)			
FARM PRODUCTS ON HAND FOR SALE			
Safflower contract 9-89 300,000lbs. @ 13.5¢ per	40,500		
MARKET LIVESTOCK (Schedule B-1)		INTERMEDIATE TERM DEBT DUE THIS BANK THIS YEAR (C 60)	
FEED AND SEED ON HAND		INTERMEDIATE TERM DEBT DUE OTHERS THIS YEAR (C 60)	
		CAPITAL LEASES DUE THIS YEAR (C 60)	
		INCOME TAXES	
INVESTED IN GROWING CROPS		INTEREST	
		Payments on Real Estate, Due in one year PRINCIPAL	
		INTEREST	
PUBLICLY TRADED SECURITIES (Schedule C)		REAL ESTATE TAXES	2,000
OTHER CURRENT ASSETS (Schedule C)*		OTHER (Schedule D)	
TOTAL CURRENT ASSETS	40,500	**TOTAL CURRENT LIABILITIES**	28,000
INTERMEDIATE		INTERMEDIATE (One to 10 years, less current portion)	
LIVESTOCK, BASE HERD (Schedule B-2)		DUE BANK ON LIVESTOCK (C 60)	
MACHINERY AND EQUIPMENT (Attach Schedule) (Including Lease Purchases)		DUE OTHERS ON LIVESTOCK (C 60)	
AUTOMOBILE AND TRUCKS (Attach Schedule)		VEHICLES AND EQUIPMENT (C 60)	
CASH VALUE LIFE INSURANCE		CAPITAL LEASES PAYABLE (C 60)	
INTERMEDIATE OTHER (Schedule C)		OTHER NOTES PAYABLE (Schedule D) Bing. Cty.	40,000
		LOANS AGAINST LIFE INSURANCE POLICIES	
TOTAL INTERMEDIATE ASSETS		**TOTAL INTERMEDIATE LIABILITIES**	40,000
FIXED		FIXED (Long-term - over 10 years, less current portion)	160,000
REAL ESTATE (Schedule A)	1,271,400	PAYMENTS ON REAL ESTATE	
INTEREST IN PARTNERSHIPS, ETC. (Schedule C)		OTHER LONG-TERM DEBT (Schedule D)	
SECURITIES NOT PUBLICLY TRADED (Schedule C)			
FIXED OTHER (Schedule C)		**TOTAL LONG-TERM DEBT**	160,000
		TOTAL LIABILITIES	228,000
TOTAL FIXED ASSETS	1,271,400	**NET WORTH**	1,083,900
TOTAL ASSETS	1,311,900	**TOTAL LIABILITIES & NET WORTH**	1,311,900
THIS SECTION MUST BE COMPLETED		THIS SECTION MUST BE COMPLETED	

HAVE YOU ANY ASSETS* OR LIABILITIES NOT LISTED ON THIS FINANCIAL STATEMENT? ☐ YES ☐ NO
IF YES, EXPLAIN AND STATE WHY NOT INCLUDED

LIABILITY AS ENDORSER OR GUARANTOR FOR OTHERS $ EXPLAIN

HAVE YOU ANY JUDGEMENTS OR SUITS FILED AGAINST YOU? ☐ YES ☐ NO
IF YES, GIVE DETAILS

MICROFILMED

FEB 14 1990

HAVE YOU EVER FILED A PETITION IN BANKRUPTCY OR APPROVED A WAGE EARNER PLAN FOR YOURSELF? ☐ YES ☐ NO
IF YES EXPLAIN

LIFE INSURANCE ASSIGNED $ PAYABLE TO

DO YOU WISH CREDIT LIFE AND A & H INSURANCE ☐ YES ☐ NO AMOUNT OF INSURANCE ON BUILDINGS $ FEED $ MACHINERY $ OTHER $

LEASE ACRES OF LAND FROM ANNUAL RENTAL $

LEASE ACRES OF LAND FROM ANNUAL RENTAL $

ARE YOU ANY PARTNERS IN BUSINESS? ☐ YES ☐ NO I AM YEARS OLD, AND HAVE RESIDED AT MY PRESENT LOCATION FOR

☐ MARRIED ☐ UNMARRIED ☐ SEPARATED AND HAVE DEPENDENTS CUSTOMER OF I.F.N.B. SINCE

ARE YOU ESTABLISHED AS TRUST? ☐ YES ☐ NO (YES AND I AM EXECUTOR OR TRUSTEE OF YOUR ESTATE)

ANY CHILD SUPPORT OR SEPARATE MAINTENANCE NEED NOT BE REVEALED UNLESS APPLICANT WISHES SUCH INCOME TO BE CONSIDERED IN DETERMINING CREDIT WORTHINESS

COUNTY	ACRES	COST	MARKET VALUE	MORTGAGE	PAYMENT	DUE DATE	MORTGAGE HOLDER
Power	160	dry	70,000	0			0
Power	960	Irr.	768,000				
"	2300	dry	460,000	186,000	26,000	10-1	Margaret O'Blaire
"	340	undeveloped	3,400				
TOTAL			1,301,400	186,000	26,000		

dule B-1 DESCRIPTION OF MARKET LIVESTOCK OWNED

KIND	NUMBER	AGE OR WEIGHT	BREED	VALUE EACH	TOTAL VALUE	
						LIVESTOCK BRAND
TOTAL						

dule B-2 DESCRIPTION OF BREEDING LIVESTOCK

KIND	NUMBER	AGE OR WEIGHT	BREED	VALUE EACH	TOTAL VALUE	
TOTAL						

dule C LOANS RECEIVABLE, ACCOUNTS RECEIVABLE, STOCKS & BONDS, OTHERS*

dule D NOTES, CONTRACTS AND ACCOUNTS PAYABLE

DUE TO (NAME)	DATE INCURRED	BALANCE ORIGINAL	BALANCE PRESENT	PAYMENT TERMS	DUE DATE	DESCRIPTION OF COLLATERAL IF ANY
...shua County			40,000	10,000 yr.	2-90	3rd mortgage on 480 acres
TOTAL			40,000			

dule E RECONCILEMENT OF NET WORTH

...orth on date of last statement (_____)	$
Add: (a) Net Profit	$
(b) Real Estate revaluation (explain reason)	$
(c) Other adjustments (explain reason)	$
Total (1) (a + b + c)	$
Deduct: (d) Adjustments (explain reason)	$
(e) Other items (explain reason)	$
(2) (1) - (d)	$
(Line II - Line III) (Current net worth)	$

EXPLANATIONS

MICROFILMED
FEB 14 1990

...no judgements outstanding, or settlement pending, against the applicant in any Court of ... of the United States of America; nor are there any unrecorded deeds, mortgages, con... attachments or claims at law against it or the above property, except as set forth in the ...tatement.

...certify that the foregoing statement and schedules have been read by the undersigned ...ing and that the information disclosed is true to the best of m... our knowledge and

APPLICANT'S SIGNATURE Doug Funk - Partner

APPLICANT'S SIGNATURE

THE FOREGOING STATEMENT IS A COPY OF THE ORIGINAL IN THE CREDIT FILES OF THIS BRANCH

*CHILD SUPPORT OR SEPARATE MAINTENANCE NEED NOT BE REVEALED UNLESS APPLICANT WISHES SUCH INCOME TO BE CONSIDERED IN DETERMINING CREDIT WORTHINESS.

NAME OF APPLICANT #35-7 34

Form No. 0

12

40 40

40 40

40 40

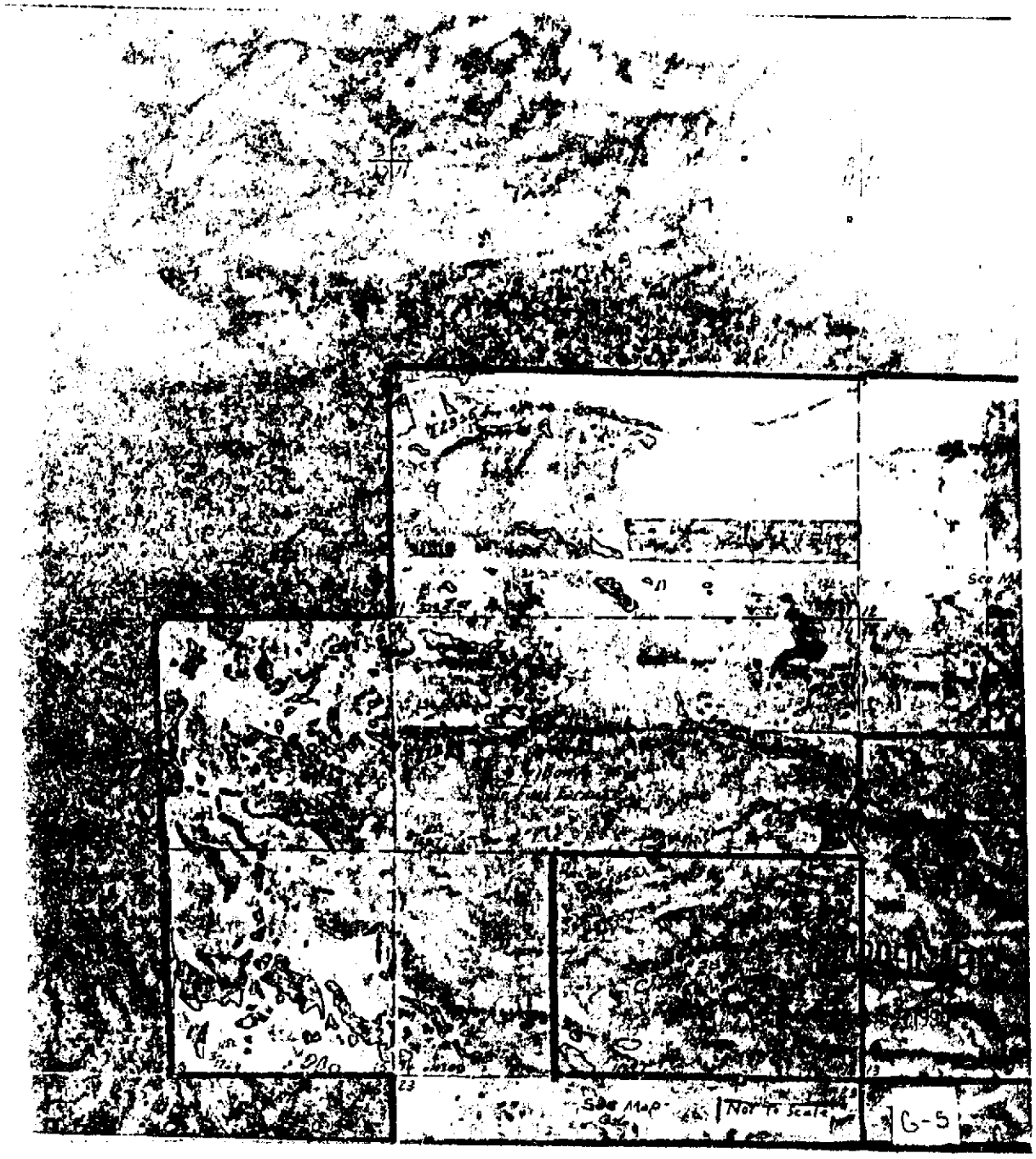
40 40

13

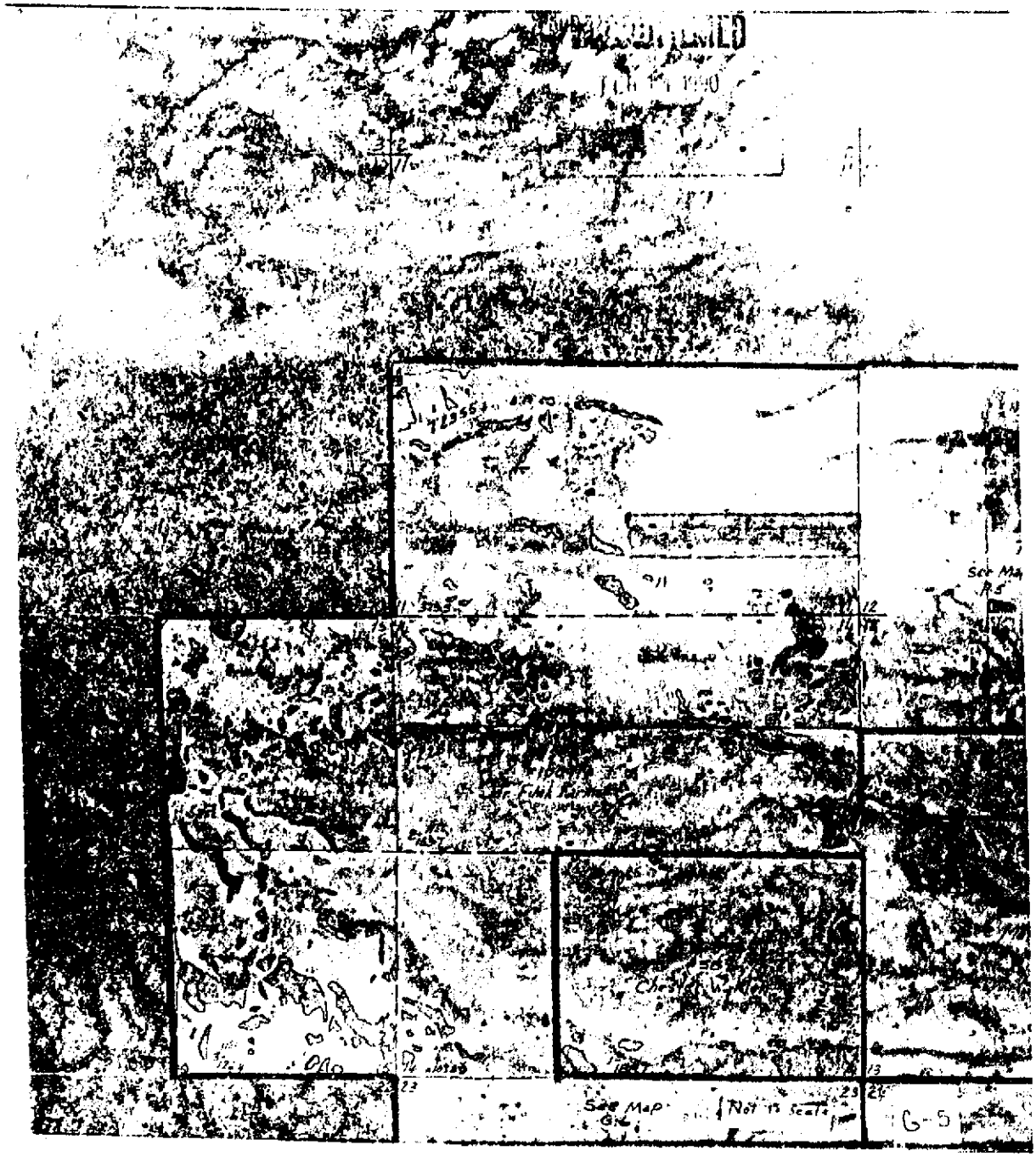
#256-71- SHOWS 40 1984
IRRIGATION USE

RECEIVED
FEB 14 1990

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


Site Map
Not to Scale
G-5


11-5
Not To Scale


See Map
Not to scale
G-5


H-5
Not to Scale

SECTION I - FARM FIELD REPORT (Continued) (Grey Area for County Office Use Only)

TRACT NO. 1	FIELD NO. 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY: Irr Wht	Dry Wht			Total			KEY 5	SH. ARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS: IDENT.	MEAS	NET ACRES 11	INIT. & DATE 12
T1134	D	Potatoes					134.2										
I-3	A	Wht		90.0													
	B	"		15.8													
	C	"		1.6													

DB 6-12-86

SKETCHES OR REMARKS

LAND DESIGNATED FOR ACR ACREAGE MEETS CROPPING REQUIREMENT OR OTHER ELIGIBILITY REQUIREMENTS AS APPLICABLE.

NO NEW LAND HAS BEEN BROKEN OUT OR CONVERTED AND PLANTED TO AN AGRICULTU COMMODITY SINCE DECEMBER 23,1985, ON THIS FARM OR ANY OTHER FARM IN WHICH I HAVE AN INTERERT.

U.S. GOVERNMENT PRINTING OFFICE: 1984-446-157

Form Approved - OMB No. 0560-0004

ASCS-578 (02-02-84) **REPORT OF ACREAGE** USDA-ASCS

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE ___ OF ___

KEY 1 — FARM NO. A — NAME AND ADDRESS: G & M farms, Aberdeen, ID 83210 — FARM LAND 3600 — CROP LAND 1781.2

KEY 2 — PROGRAM YEAR [redacted] 1985 — OTHER 162

OPERATOR

OWNER

OTHER INTERESTED PRODUCERS			ASSIGNMENT	
KEY	NAME AND ADDRESS A	OTHER FARMS B	CROP C	JOB D
3				
4	New farm 1985			
5				
6	Gary & Mike Funk			
7				

SECTION I - FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY #1	#2	#3	#4	#5	#6	KEY	SHARE	DISPOSITION	GROSS ACRES	DEDUCTIONS IDENT./MEAS.	DEDUCTIONS ACRES	NET ACRES	INIT. & DATE
1	2	3														
2	A	Irr-Sp. Wheat	Wht 50.6	Wht				Pot.								
	B	cr-Irr- Potatoes						183.5								
	B	cc-Sp. Wheat	137													
H-3	A	NIR-SF-62 Wheat		291.7												
	B	" "		343.3												
H-2	A	Sp-cc-62 Wheat	302.9													
	B	" "	139.4													
	B	" "	Wht	144.1												
J2		" "	81.2	81.2												
			581.2	885.7												
13. TOTAL OPERATOR REPORT			1603.7	1228.8				367.7								
14. TOTAL DETERMINED ACREAGE																

A. OPERATOR'S SIGNATURE — DATE — B. OPERATOR'S SIGNATURE — DATE

X — X

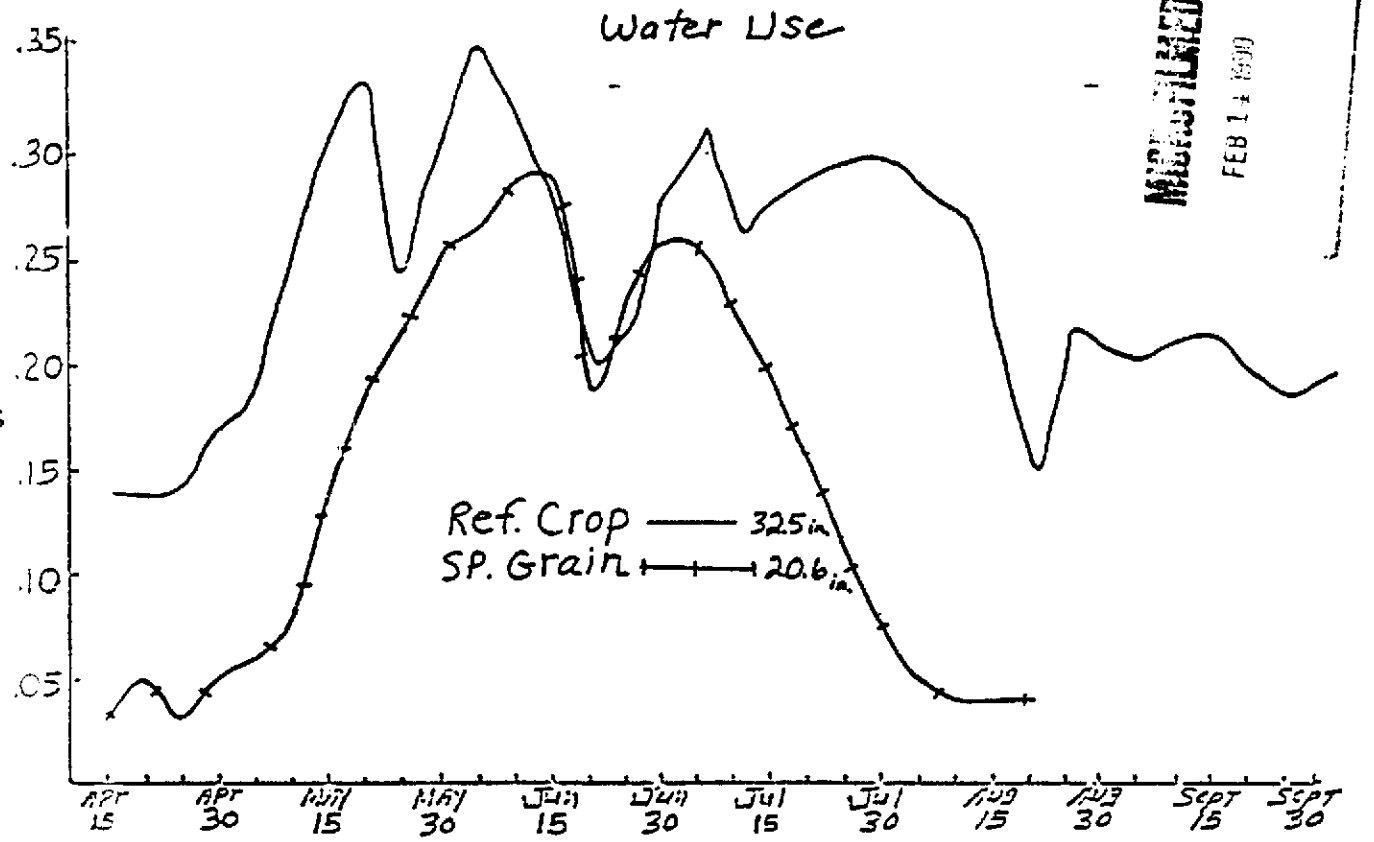
SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE — DATE

FILMED FEB 14 1990

MICROFILMED
FEB 1 1 1999



IRRIGATION DATES FOR MEAN CONSUMPTIVE USE REQUIREMENTS
*** POTATOES *** APRIL 25 PLANT Univ.Idaho.Kimberly

IRR. DATE	DAYS SINCE LAST IRR.	AMOUNT (IN.)
5 / 19		.9
6 / 5	17 DAYS	1.2
6 / 12	7 DAYS	1.2
6 / 19	7 DAYS	1.6
6 / 25	6 DAYS	1.6
7 / 3	8 DAYS	1.9
7 / 10	7 DAYS	1.9
7 / 18	8 DAYS	2.2
7 / 26	8 DAYS	2.2
8 / 4	9 DAYS	2.2
8 / 13	9 DAYS	2.2
8 / 23	10 DAYS	2.2
9 / 4	12 DAYS	2.2

TOTAL NO. IRRIGATIONS = 13 TOTAL REQ. = 23.2

THE SEASONAL IRRIGATION REQUIREMENT IS REDUCED BY A PORTION OF THE ALLOWABLE DEPLETION NEAR THE SEASON END. THIS SCHEDULE ASSUMES THAT FIELDS BEGIN SEASON AT FIELD CAPACITY. (0.7 - 2.0 FOOT ROOTZONE).

IRRIGATION DATES FOR MEAN CONSUMPTIVE USE REQUIREMENTS
*** WINTER GRAIN *** 2/15 GREENUP Univ.Idaho.Kimberly

IRR. DATE	DAYS SINCE LAST IRR.	AMOUNT (IN.)
4 / 12		1.6
4 / 27	15 DAYS	2.3
5 / 11	14 DAYS	3.0
5 / 27	16 DAYS	3.8
6 / 13	17 DAYS	4.6
6 / 30	17 DAYS	5.3

TOTAL NO. IRRIGATIONS = 6 TOTAL REQ. = 20.5

THE SEASONAL IRRIGATION REQUIREMENT IS REDUCED BY A PORTION OF THE ALLOWABLE DEPLETION NEAR THE SEASON END. THIS SCHEDULE ASSUMES THAT FIELDS BEGIN SEASON AT FIELD CAPACITY. (1.0 - 4.5 FOOT ROOTZONE).

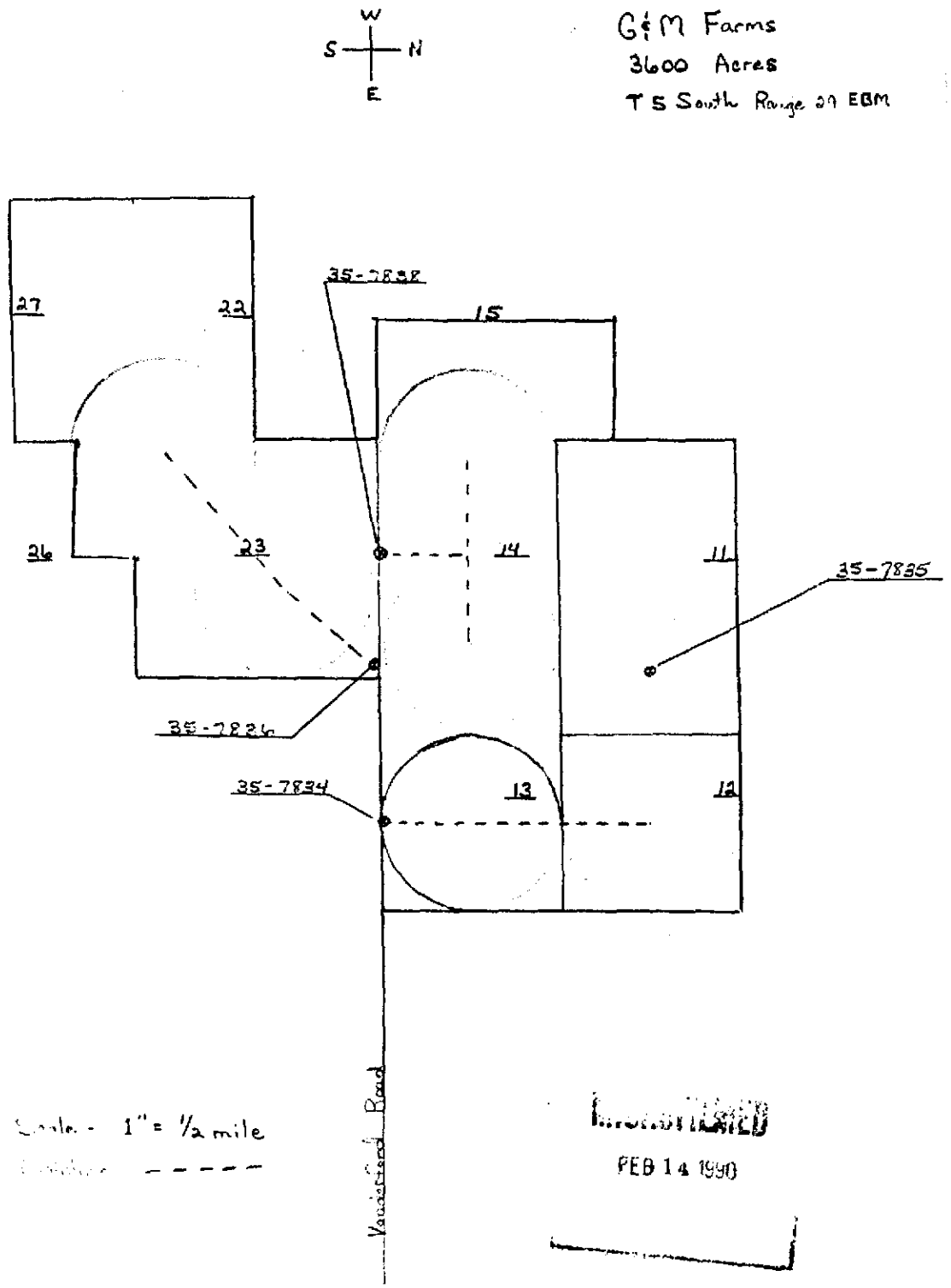
IRRIGATION DATES FOR MEAN CONSUMPTIVE USE REQUIREMENTS
*** SPRING GRAIN *** 4/1 PLANT Univ.Idaho.Kimberly

IRR. DATE	DAYS SINCE LAST IRR.	AMOUNT (IN.)
5 / 9		1.8
5 / 24	15 DAYS	2.5
6 / 6	13 DAYS	3.2
6 / 20	14 DAYS	3.8
7 / 4	14 DAYS	4.2
7 / 18	14 DAYS	4.2

TOTAL NO. IRRIGATIONS = 6 TOTAL REQ. = 19.6

RECEIVED
FEB 1 [illegible]

THE SEASONAL IRRIGATION REQUIREMENT IS REDUCED BY A PORTION OF THE ALLOWABLE DEPLETION NEAR THE SEASON END. THIS SCHEDULE ASSUMES THAT FIELDS BEGIN SEASON AT FIELD CAPACITY. (0.5 - 3.5 FOOT ROOTZONE).


W
S
N
E
G&M Farms
3600 Acres
T 5 South Range 21 EBM
27
22
35-7838
15
26
23
14
11
35-7835
35-7836
35-7834
13
12
Vanderhoof Road
Scale - 1" = ½ mile
FEB 14 1990

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

State of Idaho
DEPARTMENT OF WATER RESOURCES (208) 327-7900
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [redacted]

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 6, 1989

RE: PERMIT NO. 36-7834

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 requesting additional information as required by Water Appropriation Rule 4.5. [illegible] COPY [illegible]

[illegible] 14 1990

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

FEB 14

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ROBERT J. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. McCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GODOSON
CARL W. HARPER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD O. SMITH
JOHN F. HURTZ, JR.
ROBERT S. ERICKSON
NICHOLAS G. MILLER
BRENT F. LLOYD

JOHN McGOWN, JR.
ALBERT P. BARKER
DON A. OLOWINSKI
JOHN T. HAWLEY, JR.
RONALD E. BUSH
STEVEN W. BERENTER
CATHY R. SILAK
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL M. STODDARD
JOSEPH P. LANGFIELD
SUSAN O. MINER
KEVIN J. BEATON
PATRICK V. COLLINS
CHRIS F. ODE
DAVID A. CHARNER
BRAD P. MILLER
STEVEN R. ORMISTON
MICHAEL R. CORAN
BART J. PATTERSON*
STEVEN D. ERDAHL

*ADMITTED TO PRACTICE IN ARIZONA ONLY

FIRST INTERSTATE CENTER
SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

TELECOPIER
(208) 342-3829

PAUL B. ENNIS
(1918-1982)

POCATELLO OFFICE
128 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-0848

TELECOPIER
(208) 233-1304

APR 03 1989

Department of Water Resources

March 31, 1989

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

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

Ladies and Gentlemen:

Rita I. Fleck, by her letter dated February 28, 1989, provided me with copies of the Requests for Extension of Time filed by G & M Farms, an Idaho general partnership, with respect to Permits Nos. 35-7834, 35-7836 and 35-7838. G & M Farms had filed the Requests with the misunderstanding that it now was the holder of those permits. In fact, Margaret O'Haire continues to be the holder of those three (3) permits. By an agreement dated July 19, 1984, she agreed to sell to G & M Farms the real property to which those permits relate, and to transfer those permits to G & M Farms upon the completion of its payment to her of the purchase price for the real property. That transaction is the reason that G & M Farms described the work that it has completed toward development of those water rights.

On behalf of Margaret O'Haire, I hereby confirm that she agrees with the information set out in those three Requests and that she desires and authorizes the Department to grant those three requests.

In response to another portion of Ms. Fleck's letter,

MICROFILMED

FEB 14 1990

I am requesting that Gary Funk, one of the partners comprising G & M Farms, provide the Department directly with detailed information regarding the length and nature of the litigation to which G & M Farms referred in its Requests. I am enclosing a copy of my letter of today to Mr. Funk.

Finally, I wish to confirm on behalf of Margaret O'Haire that she desires to continue to be the Permit Holder with respect to the three permits that are the subjects of the Requests and this letter, until such time as the amount owed to her for the purchase of the related real property has been paid in full.

I shall continue to be available at your convenience if I may answer any further questions concerning those three Requests.

Very truly yours,

Carl W. Harder

CWH/slc
Enclosure
cc. Margaret O'Haire
Gary Funk
James B. Green, Esq.
File 895-6

FEB 14 1990

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN C. HAWLEY, P.A.
THOMAS A. MILLER
H. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT
P. CRAIG STORY
MERLYN W. CLARK
RICHARD F. GODDSON
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. ARZEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH
JOHN F. KURTZ, JR.
ROBERT S. ERICKSON
NICHOLAS G. MILLER
BRENT T. LLOYD

JOHN MCDOWN, JR.
ALBERT P. BARKER
DON A. OLOWINSKI
JOHN T. HAWLEY, JR.
RONALD E. BUSH
STEVEN W. BERENTER
CATHY R. SILAK
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL H. STODDARD
JOSEPH P. LANGFIELD
SUSAN D. HINER
KEVIN J. BEATON
PATRICK V. COLLINS
CHRIS F. ODE
DAVID A. CHANNER
BRAD P. MILLER
STEVEN R. ORMISTON
MICHAEL R. COBAN
GARY J. PATTERSON*
STEVEN D. ERDAHL

*ADMITTED TO PRACTICE IN ARIZONA ONLY

FIRST INTERSTATE CENTER
SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

TELECOPIER
(208) 342-3829

PAUL B. ENNIS
(1916-1982)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-0345

TELECOPIER
(208) 233-1304

March 31, 1989

Gary Funk
G & M Farms
2990W-2000S
Aberdeen, Idaho 83210

RECEIVED
APR 03 1989
Department of Water Resources

Re: O'Haire--G & M Farms
Water Permits

Dear Gary:

Rita I. Fleck of the Idaho Department of Water Resources has referred to me the three (3) Requests for Extension of Time that you have filed with respect to Permit Nos. 35-7834, 35-7836 and 35-7838. As you will recall, Margaret O'Haire remains the Permit Holder for the permits that you are purchasing pursuant to the Contract of Sale dated July 19, 1984; she will remain the holder of those permits until the amount due pursuant to the Promissory Note dated the same date has been paid in full. That continued role as the holder of the permits is designed for security purposes, and we have made it clear from the outset that, as the holder of the permits, Margaret O'Haire will join in all actions that you desire with respect to those permits as long as they do not impair her security. Consequently, I have written a letter on her behalf in which she joins in your request for those extensions and in which she authorizes the Department to grant those requests.

You did not request that Permit No. 35-7835 be extended until March 1, 1994. Consequently, she today has sent to the Department a Request for the extension of that Permit as well. I am curious why you did not desire to have

MICROFILMED
FEB 14 1990

that Permit extended as well. This firm has paid the $15 fee for the Request with respect to Permit No. 35-7835, and I ask to be reimbursed for that fee.

With respect to the three (3) Requests that you did file as well as the fourth request that Margaret O'Haire is filing today, the Department requires that it be provided with detailed information regarding the length and nature of the litigation between G & M Farms and Lindsay Manufacturing, to which you referred in your three Requests. Please refer to the third paragraph of Ms. Fleck's letter, a copy of which is enclosed. When I spoke with her, she explained that the reason for the request for additional information regarding the litigation is that the Department was concerned that the litigation might involve the water rights themselves. My rudimentary understanding is that any such litigation between G & M Farms and Lindsay Manufacturing relates to matters other than the ownership of water permits. Consequently, on behalf of Margaret O'Haire, I ask that you please prepare or have your attorney prepare a detailed explanation of the length and nature of the litigation and send it directly to the Department, with a copy to me. Please also make sure that the Department is aware that the explanation should be included in the Department's review of the Requests for all four (4) Permits.

I thank you in advance for your prompt and full attention to this request of the Department.

Very truly yours,

Carl W. Harder

CWH/slc
cc. Margaret O'Haire
James B. Green, Esq.
Department of Water Resources
File 895-6

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

DATE 1/6/89

FROM Jodi

TO file #35-7834

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

Margaret O'Haire
No address as property owner

~~Phone took~~ address:
M. O'Haire
8756 Clovis
Boise, ID 83709

MICROFILMED
FEB 14 1990

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

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RETURN TO SENDER:
( ) MOVED LEFT NO ORDER
(X) EXPIRED ORDER
( ) UNKNOWN/UNDELIVERABLE
( ) NO SUCH #/STREET/INSUFFICIENT

RECEIVED
JAN 04 1989
Department of Water Resources

MICROFILMED
FEB 14 1989

expired order 12/92

139823

December 31, 1988
138823

MARGARET O HAIRE
7407 MC MULLEN
BOISE, ID 83709

PROOF DUE NOTICE

RE: PERMIT NO. 35-07834

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 compeleted 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 into doubt, an 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

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

Affidavit of Publication

JAN. 1990

State of Idaho

County of Power

Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:

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

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

(Signed) Erma Crompton

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 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.

FEB 2 1990

Brett Crompton
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

Diversion 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

Diversion 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

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 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

Diversion 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

Diversion 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
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

R30E S19 NENE NWNE SWNE SENE
NENW NWNW SWNW SE
NESW NWSW SWSW SESW
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

INTER-DEPARTMENT MEMO — 1

FROM Jodi

DATE 2/28/89

TO file # 35-7834

SUBJECT Please send copy of all correspondence to:

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

MICROFILMED
FEB 14 1990

Margaret O'Haire
Current Address:
8756 Clovis
Boise, ID 83709

SIGNATURE

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

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

ate 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

Permit No. 35-7834

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 extension of 6-15-84
6. Affidavit of Residency required? NO

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

Date: 7-23-84

Employee: K. Walker

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.
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GODDSON, 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 McDOWELL, JR.
ALBERT P. BARKER
JOHN T. HAWLEY, JR.
DON A. OLOWINSKI
J. CHARLES HEPWORTH
NICHOLAS G. MILLER
RONALD E. BUSH

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

PAUL B. ENNIS
(1918-1982)

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

July 12, 1984

JUL 1984

Department of Water Resources

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

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

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-7834	J. W. Vanderford, Inc.	6.4 cfs
Full Assignment	35-7834	Margaret O'Haire	6.4 cfs

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, J. W. VANDERFORD, INC., an Idaho corporation, hereby assign to MARGARET O'HAIRE, a single person

of 7407 McMullen, Boise, Idaho, 83709
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7834 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)
) ss.
County of Idaho)

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.

Karen M Kaye
Notary Public residing at
Garden Idaho

seal

My commission expires:
Dec 6 1989

JUL 1984

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

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

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 53-7124

Y Date received stamp

Y Fee received and receipted

Y Name on request same as on permit

Y Address same as on permit

Y Proof due date within six months of due date

Y Signature same as permit

__ Source of water the same

Y Permit holder named in Swan Falls lawsuit

Y Proceed diligently

Y Is delay caused by litigation:

Date lit. completed _____ _____

Date lit. began _____ _____

Period of delay _____ _____

New proof due date _____

ACTION: Hold pending litigation until a date

6-6-84 Approve based on litigation

N Does the permit need reinstated:

Extension received _____ _____

Proof due date _____ _____

Days late _____ _____

Priority date _____ _____

Adjusted priority date _____ _____

1 Is there commencement of works?

___ Cover letter

___ Coding sheet

___ Rolodex card updated and refiled

Reviewed by _____ Date: 6-6-1984

ROBERT L. 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.
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDEE
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 HERWORTH
NICHOLAS G. MILLER
RONALD E. BUSH

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

PAUL B. ENNIS
(1916-1967)

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

May 29, 1984

RECEIVED
MAY 30 1984
Department of Water Resources

[HAND CARRIED]

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

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.

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

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.

(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 2½ 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 (½) 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 Stafford

TAS:jar
Enclosure

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

_____

SNAKE RIVER
HYDRO POWER

IDAHO POWER COMPANY

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

RECEIVED
MAY 30 1984
Department of Water Resources

Idaho Water Resources Board:
Boise, Idaho

Dear Sirs:

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

Hal W Walker
Hal W Walker
District Manager
American Falls

S:..e 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

March 6, 1984

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

Gentlemen:

Re: Permit Nos. 35-7834, 35-7835, 35-7837, 35-7838 and 35-7839

This office received the requests for extension of time which you submitted in connection with the above-referenced permits. Since the extension requests indicate that development of a water right under the permits has not been started and since the proposed uses of water are hydraulically upstream of the Swan Falls Dam on the Snake River, the Department will delay action on the requests 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 Comany to generate power at Swan Falls and at other dams along the Snake River.

Due to these concerns, the Department will hold your requests 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

L. GLEN SAXTON
Chief, Operations Bureau

cc: Regional Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

138286

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

PROOF DUE NOTICE

DECEMBER 31, 1993

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7834 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1994. (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/RECEIPTS MANAGER

ENCLOSURES

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,
35-7837, 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

DRT:lr

cc: Boards

35-7934

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. N/A 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:

NO Idaho Health Department
Idaho Fish & Game Dept.
Bureau of Land Management
NO U.S.F.S.
Dept. of Lands
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 /
Priority Date 1/22/79

Water Quality #16 NO
Water Quality #10 /
intrastate ___ interstate ___

Meas. Dev. or Sc. Meas. Yes
Totalizing meter NO
Supplemental ___
Right-of-Way Cond. ___
Watermaster Cond. ___
Wtr. Dist No. ___
Meas. Dev. Cond. for apps within a Water Dist. /

Jmi
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 billing to this office before FEBRUARY 19, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

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:

35-7834

J. W. VANDERFORD, INC.

P. O. BOX 967, POCATELLO, ID 83201

Source: GROUNDWATER

Priority Date: 01/22/1979

Amount: 6.40 CFS

Diversion Point: SWSE Sec 12 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 13 T 05S R 29E NESE NWSE SWSE SESE Sec 12 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.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date
(1)	RP	1/22/79
(2)		
(3)		
(4)	RP	1/22/79
(5)		
(6)		
(7)		
(8)		
(9)	RP	1/22/79
(10)		
(11)		
(12)	dh	2-26-79
(13)	KJC	2/22/79
(14)	//	//

Application No. 35 U-NOARGO

___ 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

In form to receipt

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

In form for advertising

Platted on Map No. 35 I6S R29E

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

Critical groundwater area: yes ___ no ✓

Groundwater levels:

___ Declining, ✓ Stable, ___ Increasing

(comment) ___

Other rights on the same place of use NONE

Comments: ___

Affidavit of Publication received (date) ___

Final date for protests FEB. 1-8, 1979
Protests received: yes ___ no X

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

Action recommended:

✓ Approve ___ Deny

___ Proposed Priority

___ Reason for Reduction ___

✓ Measuring ~~device~~ access required

___ See attached sheet for other conditions of approval

___ No special conditions for approval

RECEIVED
SEP 26 1979
Department of Water Resources

(15) District 2 By KJC Date 2/22/79

Affidavit of Publication

RECEIVED
FEB 12 1979
Department of Water Resources
Eastern District Office

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

Phyllis Ringe being first duly sworn 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 publication being the 1st day of February, 19 79

the date of last publication being the

8th day of February, 19 79

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

9th day of Feb., 19 79

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) ..... day of ....., 19 .....

Legal Notice

Published in The Power County Press February 1 and 8, 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:

35-7831
J.W. Vanderford, Inc.
P.O. Box 967, Pocatello, ID 83201
Source: Groundwater
Date Filed: 01/22/1979
Amount: 6.40 CFS
Diversion Point: SWNE Sec 25 T 05S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 25 T 05S R 29E for 320 Acres
Diversion Means: Well, pumps & sprinkler system

35-7832
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 25 T 05S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec. 25 T 05S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system

35-7833
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 24 T 05S R 29E, Power Co.
Use: Irrigation (6.40 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec. 24 T 05S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system

35-7834
J.W. Vanderford, Inc.
P.O. Box 967, Pocatello, ID 83201
Source: Groundwater
Priority Date: 01/22/1979
Amount: 6.40 CFS
Diversion Point: SWSE Sec 12 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 13 T 05S R 29E NESE NWSE SWSE SESE Sec 12 T 05S R 29E for 320 acres
Diversion Means: Well, pumps & sprinkler system