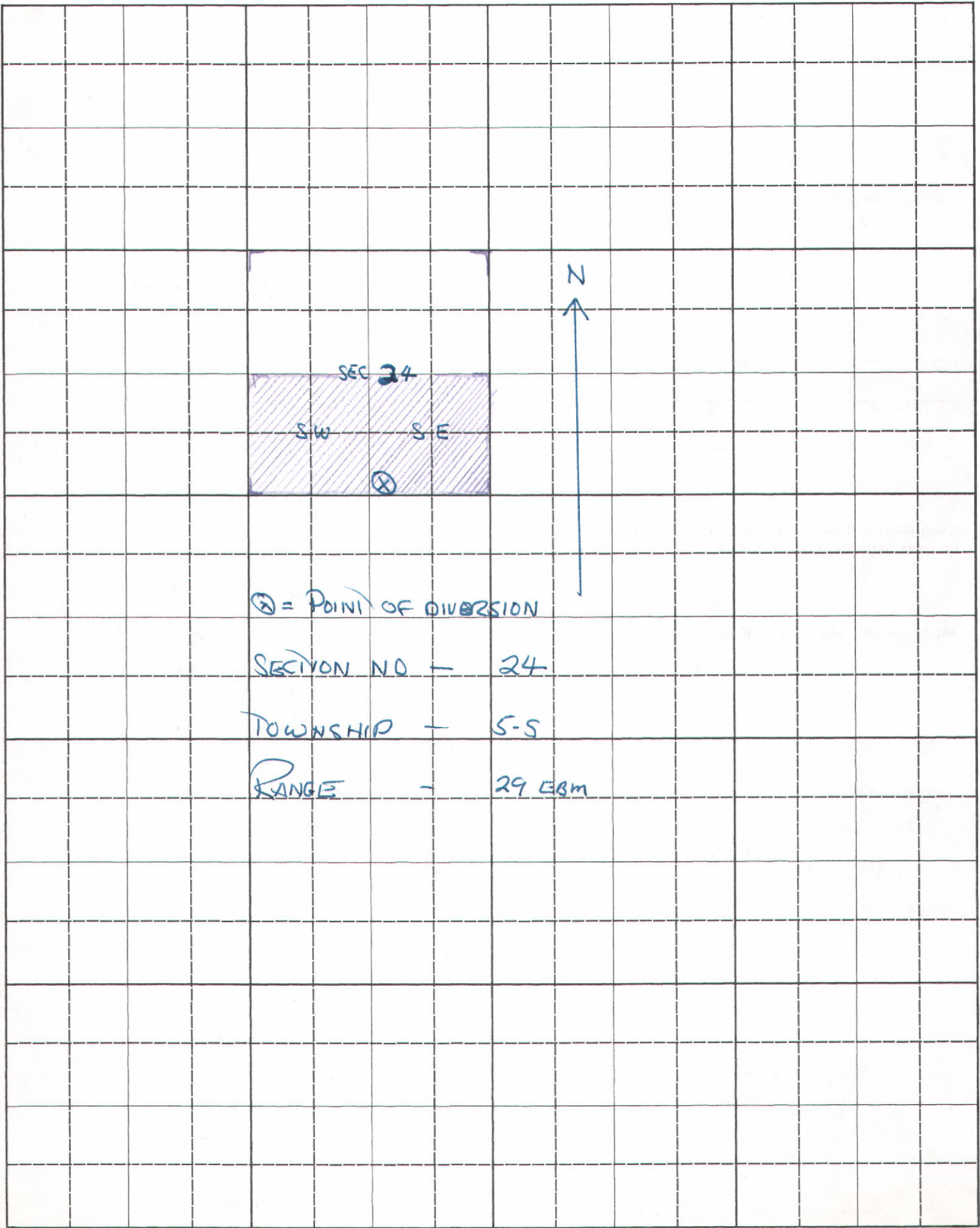


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



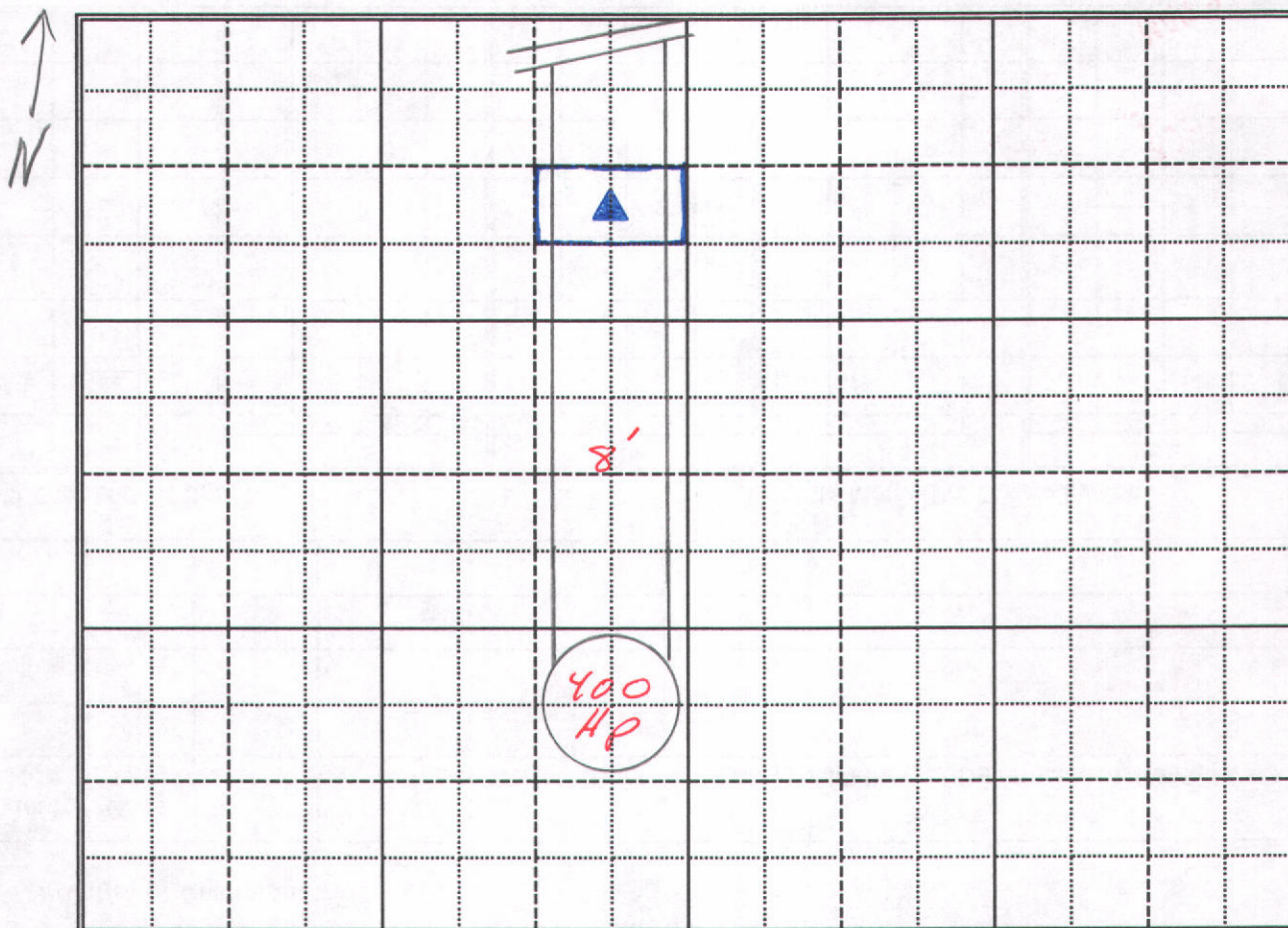
Scale: 2 inches equal 1 mile.

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

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

Proposed Project

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	400	UC283041	Berkley	12" discharge

*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
pressure gage	Fluid	ashcroft			100 psi	
well Probe	single wire	olympic	500		500'	

2. Measurements: operating pressure 60 psi (according to Bob Knudsen)
dynamic pumping depth 300'

MAR 27 1995

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POINT OF DIVERSION

35-7833

MAR 27 1995

35-07833

R29E
T6S

POINT OF DIVERSION

R29E R30E

R30E

35-7833

35-7833

3631
16

Lot 4

Lot 3

Lot 2

Lot 1

Lot 5

Lot 6

Lot 7

16
127

65
78

2306

1995

35-7833



35-7833

MAR 27 1995

April 23, 1984

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

Gentlemen:

Re: Permit No. 35-7833

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7833 has lapsed. This office did not receive either an acceptable notice that you have completed the project (proof of beneficial use) by the date required on your permit or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated November 30, 1983.

Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

A statement of beneficial use postcard and a request for extension of time form are again enclosed for your use. Please note that a fee of \$15.00 must accompany an extension of time request and that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation.

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rf

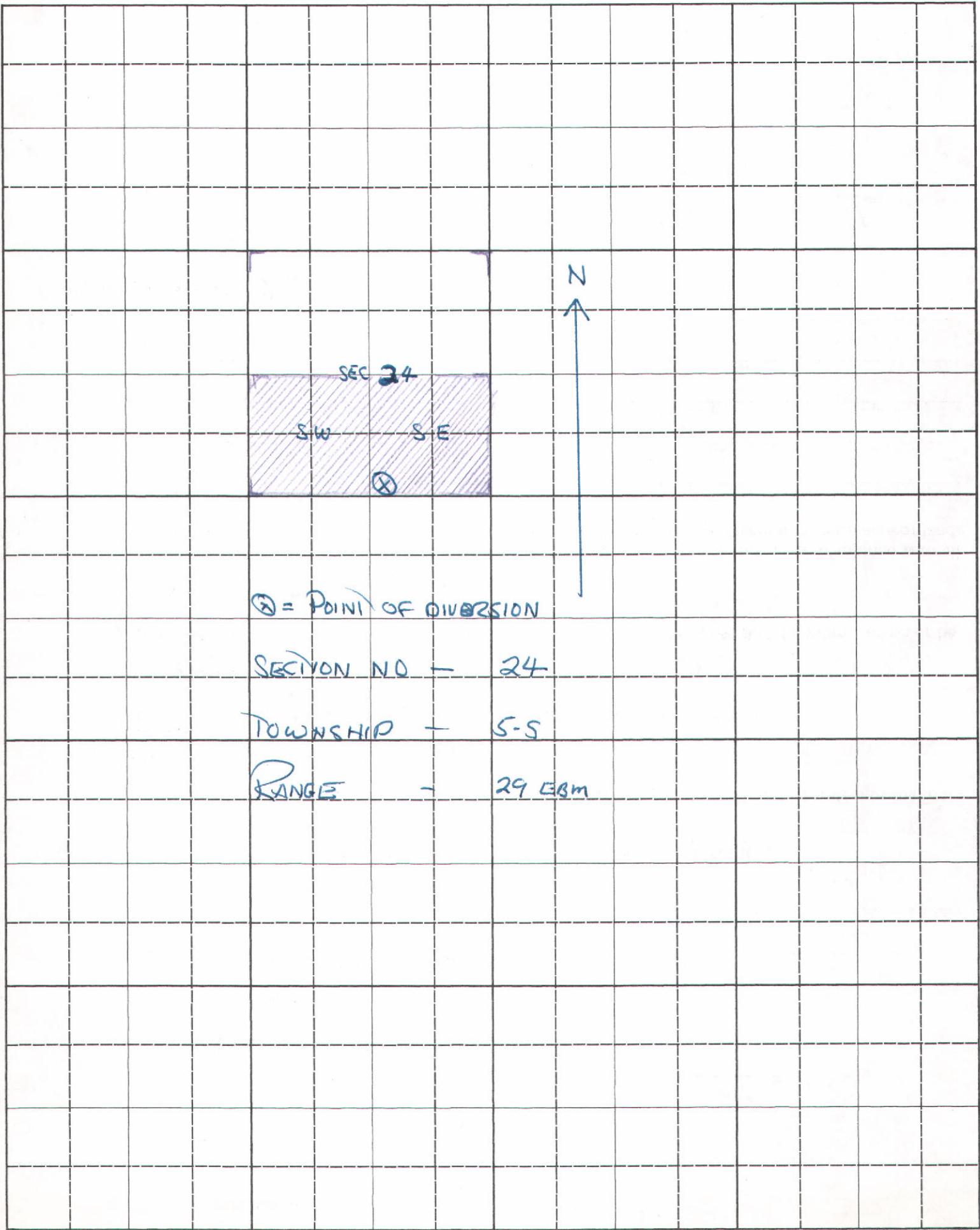
CERTIFICATION OF MAILING

I hereby certify that on 4-23-1984
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individuals named above.

Peter Fleck

MICROFILMED

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



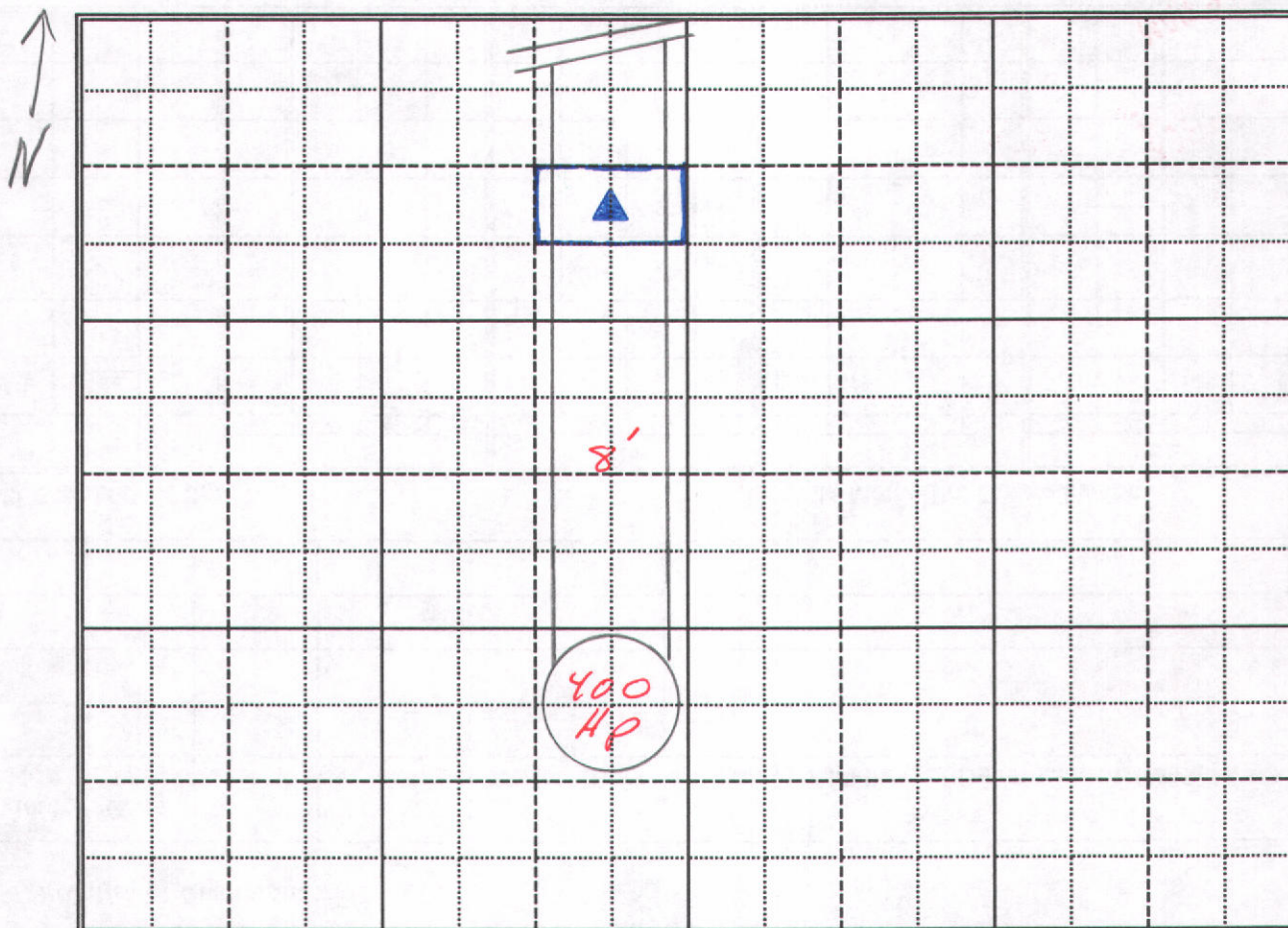
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J. W. Vanderford, Inc.
(Applicant)
Margaret O'Hare, Sec.

Proposed Project

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____ 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
	GE	400	UC283041	Berkley	12" discharge

*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
pressure gage	Fluid	ashcroft			100 psi	
well Probe	single wire	olympic	500		500'	

2. Measurements: operating pressure 60 psi (according to Bob Knudsen)
dynamic pumping depth 300'

MAR 27 1995

31

R30E

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6
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POINT OF DIVERSION

35-7833

MAR 27 1995

35-7833



35-7833

MAR 27 1995

April 23, 1984

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

Gentlemen:

Re: Permit No. 35-7833

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Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

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L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rf

CERTIFICATION OF MAILING

I hereby certify that on 4-23-1984
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individuals named above.

Peter Fleck

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07833

Priority: May 7, 1979

Maximum Diversion Rate: 4.57 CFS
Maximum Diversion Volume: 1264.0 AF

This is to certify, that KNUDSEN POOR FARMS INC
2700 W 2100 S

ABERDEEN 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 August 10, 1992. An examination indicates
that the works have a diversion capacity of 4.570 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.57 CFS	1264.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SWSW), Sec. 6, Township 06S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
06S	30E	6	NESW 40	Lot 6(NWSW)	40	Lot 7(SWSW)	39	
			SESW 39	NESE	40	NWSE	40	
			SWSE 39	SESE	39			316

Total number of acres irrigated: 316

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right 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. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

MAR 27 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

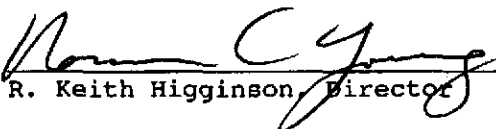
WATER RIGHT NO. 35-07833

CONDITIONS/REMARKS:

8. 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 24TH day of MARCH, 1995.

Acting for


R. Keith Higginson, Director



MAR 27 1995

RECEIVED

AUG 10 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 225.00
Date 8-10-92
Receipt No. 0023180
Receipt by [Signature]

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. 35-07833 Telephone No. 208-397-4300
2. Name(s) of Permit Holder(s): Knudsen Poor Farms, Inc.
3. Mailing Address: 2700 West 2100 South Aberdeen, ID 83210
4. Source of Water: well

If **GROUNDWATER**, Well Driller's Name: Ken Vollmer Well Drilling Date Drilled: 1986
1987?

OPTIONAL:

Pump horsepower: 400 Pressure (psi): 70 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 cfs OR acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 225.00 (See License Fee Schedule on back of Instruction Sheet)

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

Bob Knudsen, Jr.

208-397-4300

Name

Telephone No.

2700 West 2100 South
Aberdeen, ID 83210

Address

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

Knudsen Poor Farms, Inc. by

[Signature]
Signature (and title, if on behalf of a company or organization)

AUG 20 1992

8-6-92

Date

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

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

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

FINDINGS OF FACT

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

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

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

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

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

RECORDED

MAR 05 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

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MAR 05 1980

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

MAR 05 1990

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

7. The development proposed by Permit No. 35-7833 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. 35-7833 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

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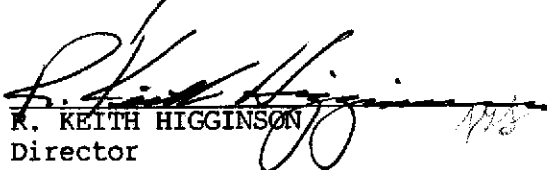
MEMORANDUM DECISION & ORDER (Permit No. 35-7833)- Made 4 May 05 1980

ORDER

It is, therefore, hereby ORDERED that Permit No. 35-7833 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. 35-7833 are incorporated into and made part of this order.

Dated this 21ST day of FEBRUARY, 1990.


R. KEITH HIGGINSON
Director

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 1/27/89
Receipt # 0005320

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. 35-07833

Name(s) of Permit Holder: Shawdon Park Farms, Inc.

Post Office Address: 3122 W - 2100 S

Shawdon, Idaho 83420 Telephone No. (208) 397-1343

Date Proof is Due: 1 Feb 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".)

(1) Well, completed in 1986 (2) \$10,000 spent
on Main Line (3) 200,000 was spent on Cuckoo
Refrigerator Motor (4) 50,000 has been
spent on foot printing. Costing \$ 375,000

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

Application for Amendment has been filed for
(A) Sweet Fork (B) Idaho Power & Trust water
(I need to move the permit 2mi South)

Permit holder(s) request an extension to 1 Feb 1994 (1 yr. minimum) [Signature] (Signature)*

FEE: \$15.00

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

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 05 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 21st day of February, 1990.

[Signature]
Chief, Water Allocation Bureau

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

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

APPROVED
4343

Comes now Knudsen Poor Farms Inc Phone 397-4921
of (address) 3122 W. 2100 S., Aberdeen, 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. 35-7833, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 SW 1/4, Section 6, Township 6S, Range 30E, B.M.,
County of Bingham. Other points of diversion: _____

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

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

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	30E	6									40	40	40	40	40	40	40	40	320

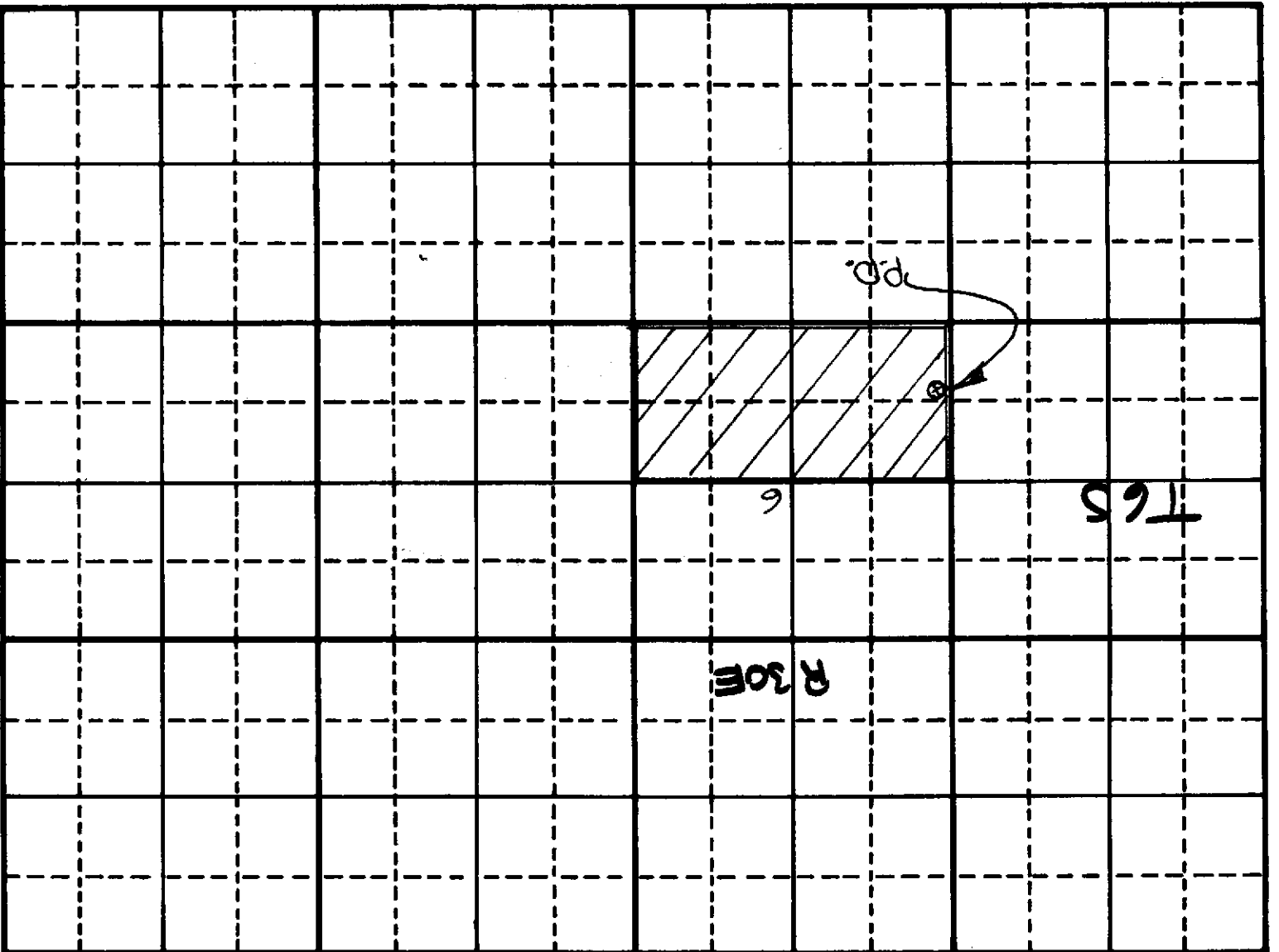
Total number of acres to be irrigated = 320

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

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MAR 05 1990

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



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

Signed at Idaho Falls, this 27 day of May, 1988
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Fee = \$20.00 # EC000289 Received by HWS Date 5-27-88
Publication prepared by ds Date 5-27-88 Published in Power County Press & Morning News
Publication dates 6-1 + 6-8-88 ne-um 6-29+7-2-88

ACTION OF THE DEPARTMENT OF WATER RESOURCES
I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above Application for Amendment provided the conditions set forth in
Permit No. 35-7833 are met.

Witness my hand this 21st day of February, 1990
Chief, Water Alloc. Bureau
MAR 05 1990

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WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-7833	J. W. Vanderford, Inc.	6.4 cfs
Full Assignment	35-7833	Charles M. Behrend	6.4 cfs
Full Assignment	35-7833	Knudsen Poor Farms Inc.	6.4 cfs

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MAR 05 1990

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Charles M. Behrend, hereby assigns Knudson Poor Farms Inc.
of 3122 W. 2100 S. Aberdeen, ID 83210
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 35-7833
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)

RECEIVED

JUN 20 1988

Department of Water Resources

Made this 1st day of June, 19 88.

Charles M. Behrend, Permit Holder

President

ATTEST:

Secretary

State of Idaho)

County of Bingham)

ss.

On this 1st day of June, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Notary Public residing at

Aberdeen, Idaho

My commission expires:

December 8, 1992

MICROFILMED

MAR 05 1990

RECEIVED

JUN 2 1988

Department of Water Resources
Eastern District Office

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JUL 7 1984

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

JUN 28 1984

Department of Water Resources
Eastern District Office

Department of Water Resources
I, J. W. Vanderford Inc., hereby assign to Charles M. Behrend

of Rt. #1 Box 114 Aberdeen, Idaho 83210
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7833
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 26 th day of June, 19 84.

J. W. Vanderford Inc.
J. W. Vanderford PRES.
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Bingham) ss.

On this 26th day of June, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Darwin M. Ford
Notary Public residing at
Aberdeen, Idaho

My commission expires:
10-27-84

For Office Use Only
Fee Received <u>15.00</u>
Date <u>5-14-84</u>
Receipt # <u>33541</u>

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

MAY 16 1984

Department of Water Resources

J.W. Vanderford of 500 S. Edgehill Drive, Providence
(Name) (Address)

State of Utah, 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. 35-7833.

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

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

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

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

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

John Vanderford
(Signature)*

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to February 1, 1989.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to May 7, 1979, pursuant to Section 42-218a, Idaho Code. The Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect public interest.

Dated this 15th day of June, 1984.

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant J. W. Vanderford, Inc., an Idaho Corp Phone 232-5911
Post office address P. O. Box 967, Pocatello, Idaho 83201

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 5 South
Range 29 E. B.M. Power County, additional points of diversion if any: - - -

4. Water will be used for the following purposes:

Amount 6.4 for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

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

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: - - $\frac{1}{4}$ of - - $\frac{1}{4}$ of Section - - Township - -
Range - - B.M.

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

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

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

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

RECORDED

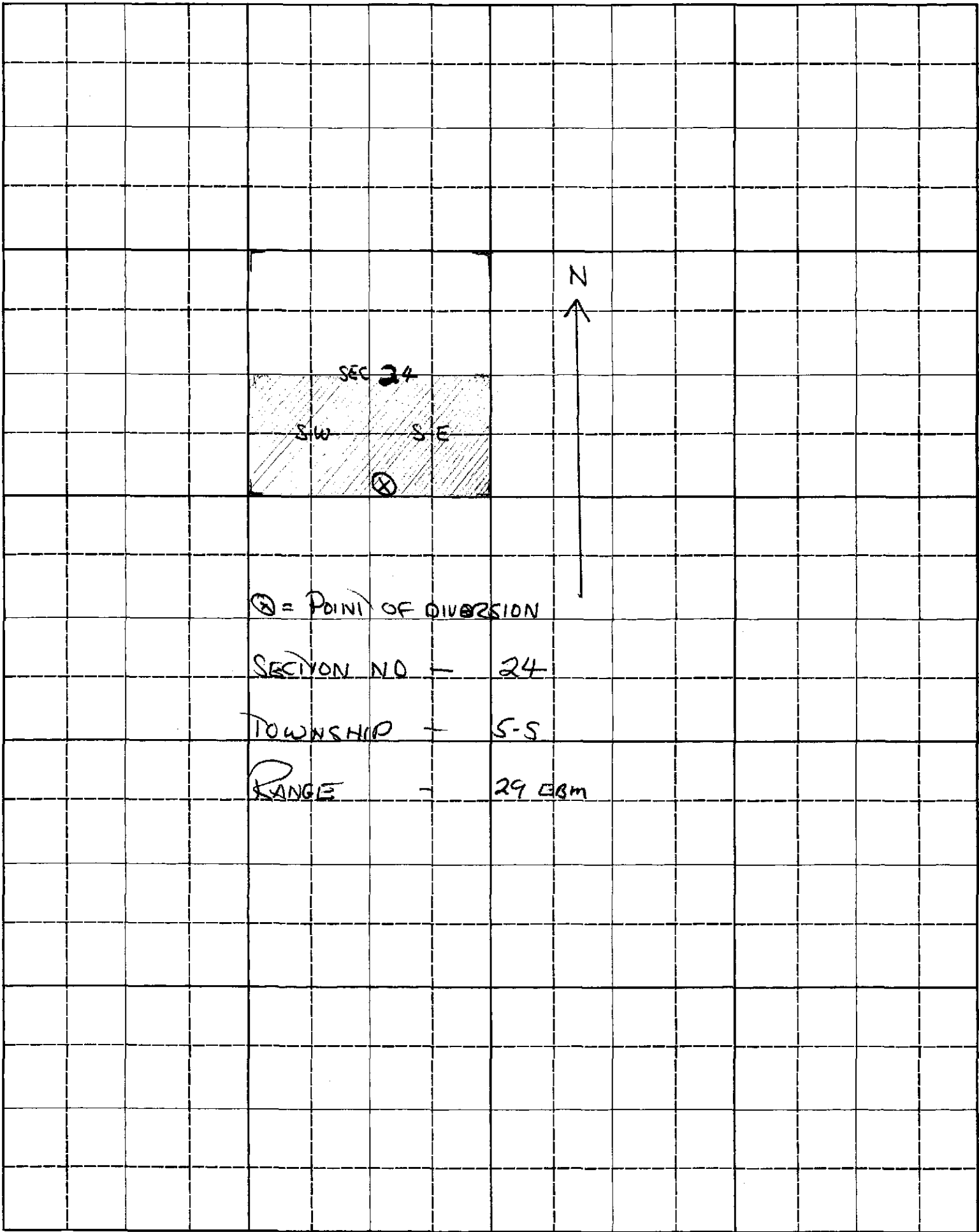
[illegible]

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

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

10. Remarks

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



Scale: 2 inches equal 1 mile.

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

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

Proposed Priority 1-22-79

Received by _____ dh Date 1-22-79 Time 1:30 p.m.
Preliminary check by AKC Fee \$ 95.00 92-145
Received by _____ dh Date 1-22-79 #19839
Publication prepared by _____ dh Date 1-26-79
Published in _____ Power Co. Press
Publication dates FEB 1 & 8, 1979
Publication approved 92 Date 2-13-79
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by BMC 25

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. 35-7833, 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 _____ February 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 23 day of February, 19 79.

Chief, Operations Bureau

A. Allen Saylor



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 24, 1995

KNUDSEN POOR FARMS INC
2700 W 2100 S
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-07833

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

MAR 27 1995

MEMORANDUM

TO: File 35-07833 / Knudsen Poor Farms, Inc.
FROM: Brenda Chapman
DATE: March 17, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

F. FLOW CALCULATIONS

The recommended rate has been reduced based on an adjustment to the theoretical calculation. According to the recently located Well Driller's Report, the static water level on this well is 386'; therefore, the pumping level in the formula has been increased to 400'. See the attached Report.

$$\frac{8.8 \times .7 \times 400 \text{ hp}}{400' + (2.31 \times 60 \text{ psi})} = 4.57 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-01 to 10-31	4.57	1264.0

See item F.

MAR 27 1995

LICENSE REVIEW CHECKLIST



PERMIT NO. 35-7833 DATE Aug 15, '94

3/17/95

NAME	Yes ☐ No ☒	Or Address Change?
PRIORITY DATE	Yes ☒ No ☐	Advance? <u>YES</u> Advanced to: <u>5-7-79</u>
ON EXT OF TIME REQUEST		Order to reinstate needed? <u>NO</u>
SOURCE	Yes ☐ No ☒	Incorrect fee for rate recommended? <u>NO</u>
		Changes or just clarification of originally intended source? <u>NO</u>
		Notice of Intent to Void necessary? <u>NO</u>
POINT OF DIV	Yes ☐ No ☒	Amendment needed? <u>NO</u>
		Overlaps? <u>NO</u>
PLACE OF USE	Yes ☒ No ☐	Amendment needed? <u>NO</u>
		Overlaps? <u>Permit 35-08883</u>
DIV RATE	Yes ☐ No ☒	Measurement Q = <u>316 acres x .02 = 6.32</u> Theoretical Q = <u>5.63</u> 4.57
$400 \times 8.8 \times .7$		$4.57 \div 316 = .014 \text{ cfs per acre}$
$400' \times (2.31 \times 60) = 4.57 \text{ cfs}$		Capacity: <u>5.63</u> Combined rates exceed capacity
		Permit/fee limits: <u>6.40</u> Allowable: <u>5.63</u> 4.57
ANNUAL VOLUME	Yes ☐ No ☒	Season of use: <u>4-1 to 10-31</u>
		Calculations: <u>316 x 4 = 1264</u>
		Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u> </u>
		Combined volumes exceed capacity/allowable <u> </u>
USES	Yes ☐ No ☒	Change in Nature of Use or additional uses? <u>NO</u>
		Amendment necessary? <u>NO</u>
REMARKS	Yes ☐ No ☒	Multiple p/d(s) in $\frac{1}{4}$ $\frac{1}{4}$? <u>NO</u>
		Other <u>NO</u>
CONDITIONS	Yes ☐ No ☒	Measuring/Locking Devices <u>NO</u>
		Watermaster control - District <u>NO</u>
		Irrigation Overlap <u>NO</u>
		Water Quality <u>NO</u>
		Other <u>KEEP TRUST CONDITIONS per mem DEC 6</u>
		<u>Order 2/21/95</u>
COMMENTS: <u>REDUCE ACRES and rate to capacity.</u>		

RECOMMENDED

Irrigation

CFS

5.63
4.57

VOLUME

1264

LICENSE

ADJUSTMENT MEMO NEEDED YES

1ST AMENDMENT LETTER

FINAL AMENDMENT LETTER

TOTALS

3/17/95

M E M O R A N D U M

DATE: March 14, 1995

TO: Files 27-07075 and 35-07833

FROM: Shelley W. Keen *SWK*

RE: Application for Amendment of Permit

=====

Today Dick Johnson, an Idaho real estate broker, visited me to discuss the status of permit 35-07833. Apparently there is a party interested in purchasing the property from Bob Knudsen. I explained to Mr. Johnson that the license for 35-07833 has been drafted but not signed. It has not been signed because we are waiting for Mr. Knudsen to withdraw or otherwise address his application to amend permit 27-07075 to put it on the land covered by 35-07833. Mr. Johnson said he would converse with Mr. Knudsen to try to get the matter resolved.

Mr. Johnson also supplied me with a photocopy of a well log given to him by Vollmer Well Drilling. The well log appears to correspond to the well developed as the point of diversion for 35-07833. It shows a 720' well drilled for Knudsen Poor Farms at SWSW, Sec. 6, T6S, R30E. This well log has not previously been filed with the department. I gave a copy to Ground Water Protection for their records, and I am placing one in the file for 35-07833.

3/24/95

Application for amendment of 27-07075 has been withdrawn.

SWK

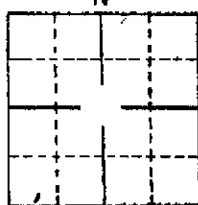
MAR 27 1995

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WELL DRILLER'S REPORT

MAR 13 1995 State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources

1. WELL OWNER Name <u>Knudsen Pool Farms</u> Address <u>Abbeleen Tr. 83210</u> Owner's Permit No. <u>35-07-833</u>	7. WATER LEVEL Static water level <u>386'</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____																																																																																																																								
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																					
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table><tr><th>Hole Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes</th><th>No</th></tr><tr><td>20"</td><td>0</td><td>1'</td><td>DIRT</td><td> </td><td> </td></tr><tr><td>20"</td><td>1</td><td>18'</td><td>LAUA</td><td> </td><td> </td></tr><tr><td>18"</td><td>18'</td><td>36'</td><td>SOLID LAUA</td><td> </td><td> </td></tr><tr><td> </td><td>36'</td><td>61'</td><td>BROKEN LAUA</td><td> </td><td> </td></tr><tr><td> </td><td>61'</td><td>68'</td><td>RED DSH</td><td> </td><td> </td></tr><tr><td> </td><td>68'</td><td>94'</td><td>GRAY LAUA</td><td> </td><td> </td></tr><tr><td> </td><td>94'</td><td>128'</td><td>SAND, BROKEN LAUA</td><td> </td><td> </td></tr><tr><td> </td><td>128'</td><td>216'</td><td>SOLID LAUA BLACK</td><td> </td><td> </td></tr><tr><td> </td><td>216'</td><td>243'</td><td>BROKEN FRACTURED LAUA</td><td> </td><td> </td></tr><tr><td> </td><td>243'</td><td>328'</td><td>SOLID LAUA GRAY TO BLACK</td><td> </td><td> </td></tr><tr><td> </td><td>328'</td><td>342'</td><td>CINDERS COARSE "CANDIED"</td><td> </td><td> </td></tr><tr><td> </td><td>342'</td><td>413'</td><td>SOLID LAUA</td><td> </td><td> </td></tr><tr><td>18"</td><td>413'</td><td>425'</td><td>CINDERS "CASAL" WITH</td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td>PARF LAYER 25'</td><td> </td><td> </td></tr><tr><td>14"</td><td>425'</td><td>515'</td><td>BROKEN LAUA</td><td> </td><td> </td></tr><tr><td>16"</td><td>515'</td><td>607'</td><td>SOLID LAUA</td><td> </td><td> </td></tr><tr><td>16"</td><td>607'</td><td>624'</td><td>SAND SET 14" LINER</td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td>33' 592 TO 624</td><td> </td><td> </td></tr><tr><td>14"</td><td>624'</td><td>720'</td><td>SAND, BROKEN LAUA</td><td> </td><td> </td></tr></table>	Hole Diam.	Depth From	To	Material	Water Yes	No	20"	0	1'	DIRT			20"	1	18'	LAUA			18"	18'	36'	SOLID LAUA				36'	61'	BROKEN LAUA				61'	68'	RED DSH				68'	94'	GRAY LAUA				94'	128'	SAND, BROKEN LAUA				128'	216'	SOLID LAUA BLACK				216'	243'	BROKEN FRACTURED LAUA				243'	328'	SOLID LAUA GRAY TO BLACK				328'	342'	CINDERS COARSE "CANDIED"				342'	413'	SOLID LAUA			18"	413'	425'	CINDERS "CASAL" WITH						PARF LAYER 25'			14"	425'	515'	BROKEN LAUA			16"	515'	607'	SOLID LAUA			16"	607'	624'	SAND SET 14" LINER						33' 592 TO 624			14"	624'	720'	SAND, BROKEN LAUA		
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____																																																																																																																									
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____ <table><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr><tr><td>12.50 inches</td><td>19" inches</td><td>1 feet</td><td>18' feet</td></tr><tr><td>12.50 inches</td><td>16" inches</td><td>400' feet</td><td>429' feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch Size of perforation <u>1/4</u> inches by <u>4</u> inches <table><tr><th>Number</th><th>From</th><th>To</th></tr><tr><td>200 perforations</td><td>400' feet</td><td>429' feet</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name <u>H/A</u> Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18'</u> Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>2" ACCESS</u>	Thickness	Diameter	From	To	12.50 inches	19" inches	1 feet	18' feet	12.50 inches	16" inches	400' feet	429' feet									Number	From	To	200 perforations	400' feet	429' feet							10. Work started <u>05/18/88</u> finished <u>07/18/88</u>																																																																																								
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Bingham</u> <u>SW 1/4 SW 1/4 Sec. 6</u>, T. <u>6</u> N. S. R. <u>30 E.</u>	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Vollmer Well Drilling</u> Firm No. <u>393</u> Address <u>407 E. CUSTER</u> Date _____ Signed by (Firm Official) <u>Ronald Hallen</u> and (Operator) <u>Ronald Hallen</u>																																																																																																																								

M E M O R A N D U M

DATE: January 31, 1995

TO: Files 35-07833 and 27-07075

FROM: Shelley W. Keen *SWK*

RE: Conversation with Dick Johnson

=====

Yesterday Mr. Dick Johnson called to inquire about the status of 35-07833. I explained to him that I am waiting for Bob Knudsen to withdraw his Application for Amendment of Permit 27-07075 before I process 35-07833. Mr. Johnson said he would see Mr. Knudsen today and remind him that he should contact me.

RECEIVED
MAR 27 1995

MEMORANDUM

DATE: October 6, 1994

TO: Files

FROM: Shelley W. Keen *SWK*

RE: Permit 35-07833 and Permit ~~27~~-07075A

Today I explained to Bob Knudsen that IDWR would like to clear up the outstanding Application for Amendment of a Permit on 27-07075A before licensing 35-07833. The Application for Amendment proposed moving a portion of 27-07075A (tentatively renumbered 35-08883) onto the same land to which 35-07833 will become appurtenant. I asked Mr. Knudsen to send IDWR a letter withdrawing the Application for Amendment.

Mr. Knudsen asked for some additional time to look into his files on these water rights. He is currently harvesting potatoes and, therefore, is preoccupied for a couple of weeks.

I recommend looking at these files again in 30 days.

RECEIVED
MAR 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 31 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-7833

1. Owner: Knudsen Poor Farms Inc. Phone No. 397-4921

Current Address: 3122 W. 2100 S. Aberdeen, Id. 83210

2. Accompanied by: Bob Knudsen EXAM DATE: 6-16-93

Address: Same Phone No. Same

Relationship to Permit Holder: owner

3. Source: ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N.A. - Permit 35-08883 (SE 1/4)

2. Other water rights with the same point of diversion: N.A.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	7		SW	SW	6	6 S	30 E	Bingham	USGS Quad map

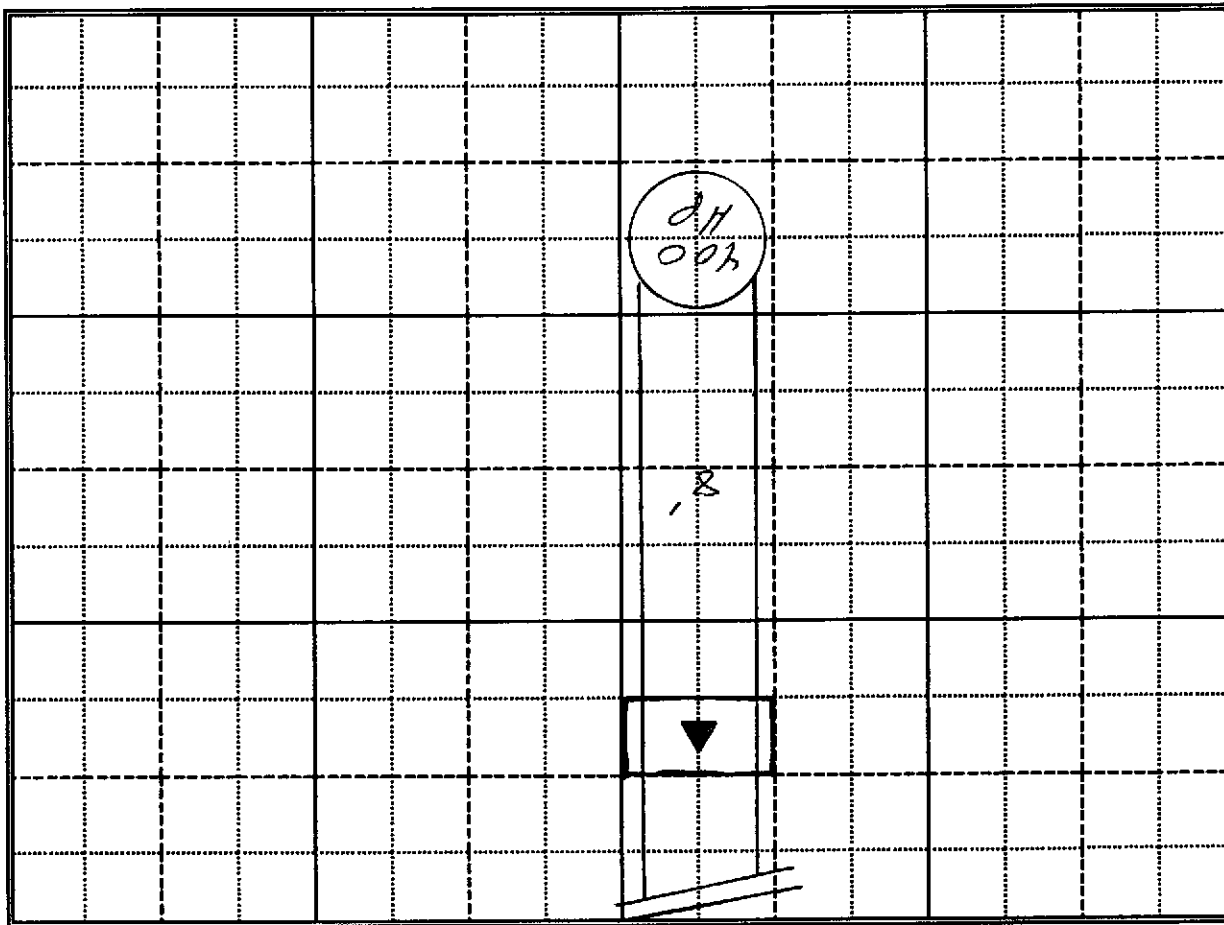
2. Place(s) of Use:

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	
6 S	30 E	6									40	40	39	39	40	40	39	39	316 156

MAR 27 1995

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



Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of _____
 _____ point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached of _____
 _____ (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
	GE	400	UC283041	Beckley	12" discharge

*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
pressure gage	Fluid ashycroft				100 psi	
Well Probe	Single wire	Olympic	500		50'	

2. Measurements: operating pressure 60 psi. according to Bob Knudsen dynamic pumping depth 300'

2021/11/17 10:38

E. NARRATIVE/REMARKS/COMMENTS

400 Hp pump to 12" underground mainline
supplying water to $\frac{1}{2}$ mile linear
move system, and 2 $\frac{1}{4}$ mile Handlines
irrigating edge of field next to road.

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

PERMIT TO DRILL
MAR 27 1995

F. FLOW CALCULATIONS

Measured Method:

$$Q = (400)(8.814)(.7) + (60)(2.308) = 2526.9 \text{ gpm}$$

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 156 \text{ ac} \times 4.0 \text{ ft} = 624 \text{ ft}^3$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.63 \text{ cfs} \times 214 \text{ d} \times 1.9835 = 2389.8 \text{ ft}^3$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 624 \text{ ft}^3$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Irrigation

From 4-1

To 10-31

Rate of Diversion 3.12-5.63

Q (cfs)

Annual Volume V (afa)

624 afa

1264

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

None

Add P.U. as reflected above

Other

I. AUTHENTICATION

Field Examiner's Name

Gregg Buss

Date

6-16-73

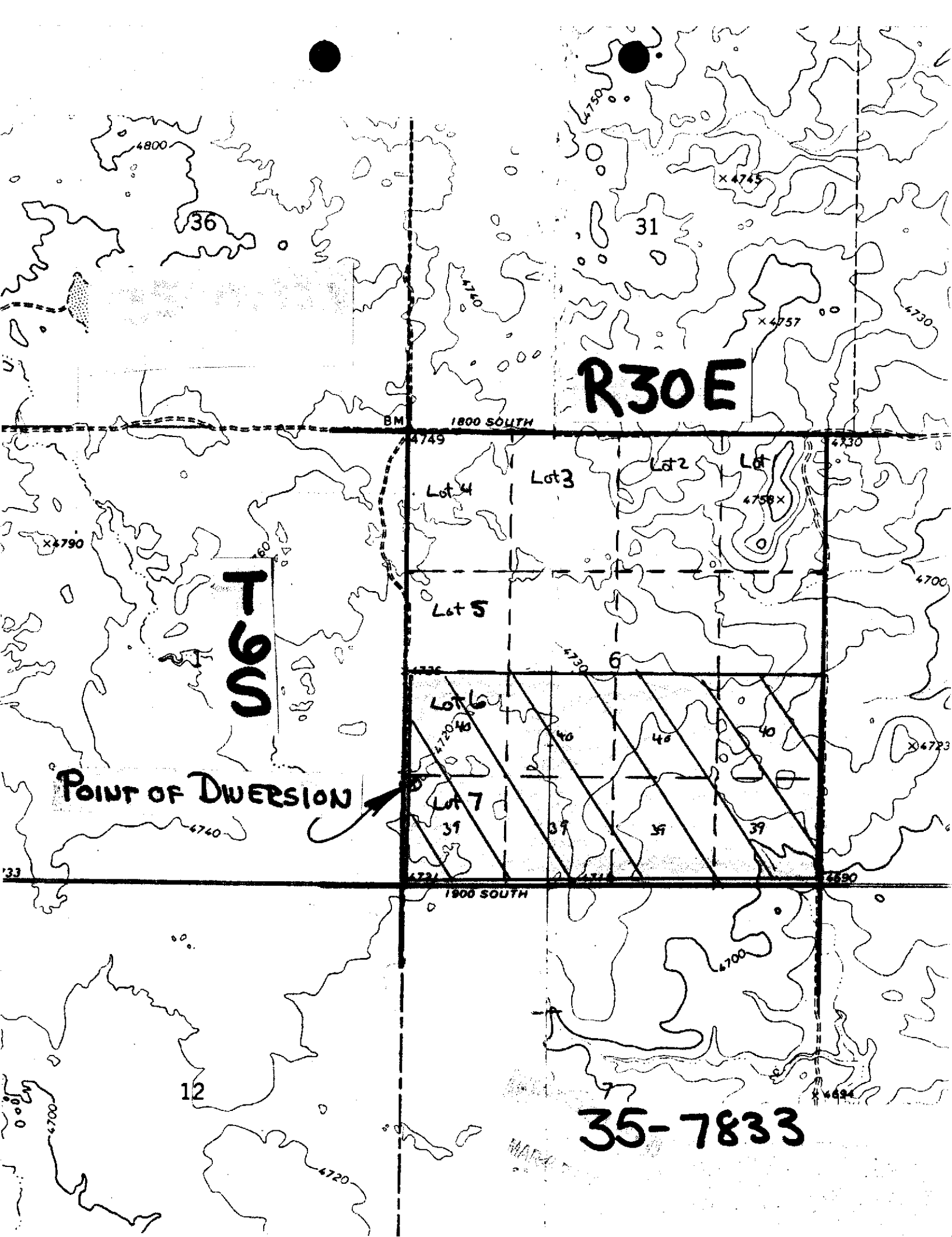
Reviewer

Date 11-13-93

SEAL

MAR 27 1995

* See attached adjustment explanation. PG



R30E

T6S

Point of Diversion

35-7833

1800 SOUTH

1900 SOUTH

Lot 4

Lot 3

Lot 2

Lot 1

Lot 5

Lot 6

Lot 7

36

31

12

39

39

39

39

40

40

40

4800

x 4745

x 4757

x 4790

x 4758

x 4723

BM

4749

4730

4736

4730

4721

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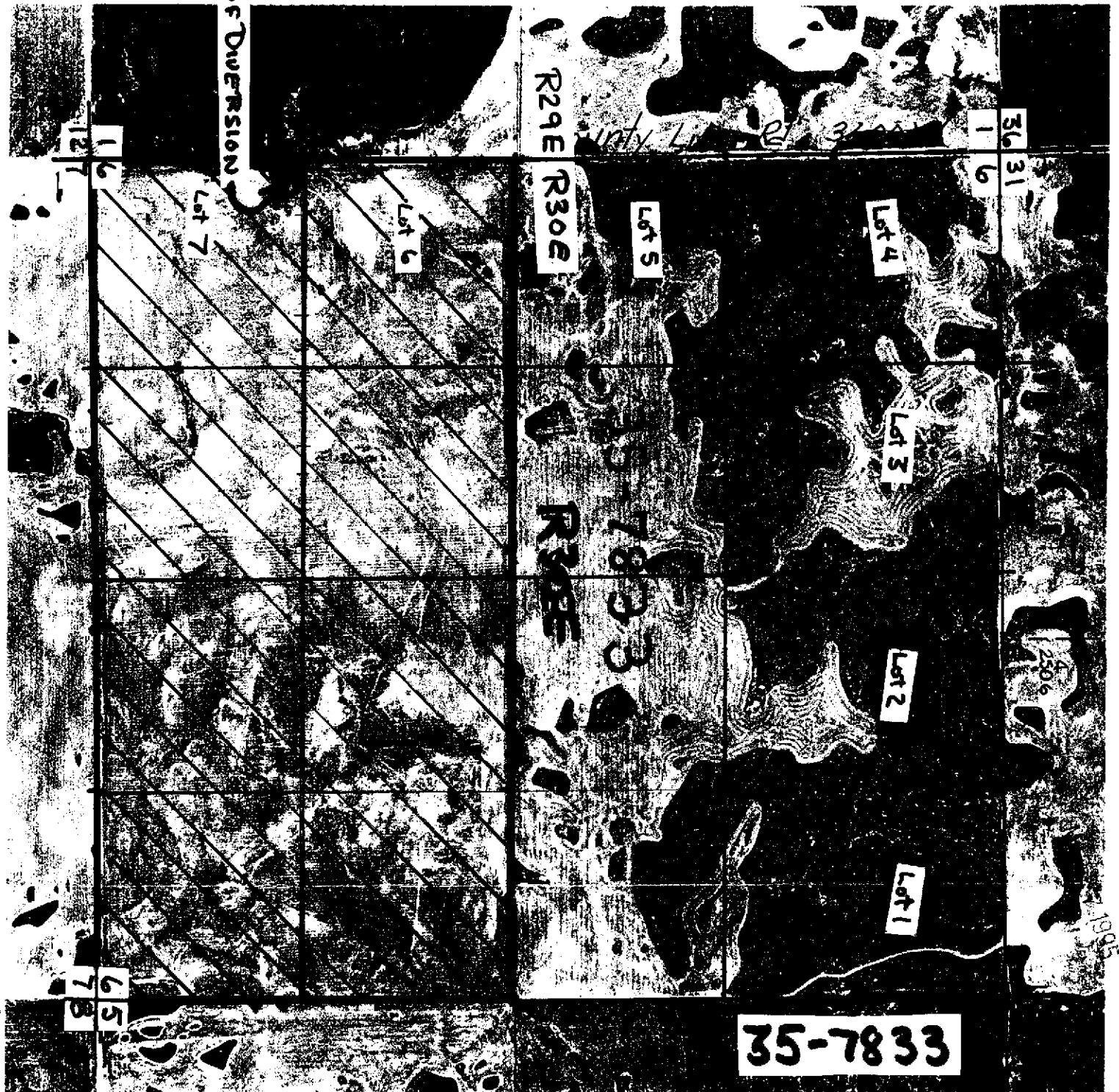
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4690

35-07833

R29E
T6S

POINT OF DIVERSION



35-7833

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

OPEN WELL Yes [] No ☒

Drilling Permit # _____

Water Right # 35-7833

Well Location: 1/4, SW 1/4, SW 1/4, Lot _____, Sec. 6, Twp 6S, Rge 30E

Owner: Knudsen Poor Farms Inc. Phone # 397-4921

Address: 3122 W. 2100S City Abandon State Id. Zip 83210

Well Driller: _____ State License # _____

Is Driller Licensed? Yes [] No [] Is Driller on Site? Yes [] No []

Is a Copy of Drilling Permit on Site? Yes [] No ☒

WELL INFORMATION: Completion Date of Well: _____

Casing Size? _____ inches. Water Tight Cap? Yes [] No []

Casing >12" above ground? Yes [] No []

Evidence of well seal? Yes [] No [] Visual? Yes [] No []

Auger to a depth of? _____ feet. Access Port? Yes [] No []

Static Water Level? 300 feet. Water Temperature? _____ degrees.

Cascading Water? Yes [] No [] Flowing through casing? Yes [] No []

Flowing Artesian? Yes [] No [] Flowing around annulus? Yes [] No []

Pressure Gage? Yes [] No [] Pressure? _____ psi.

Are there obvious construction problems that may be a safety hazard, a source of contamination or waste of water? Yes [] No []

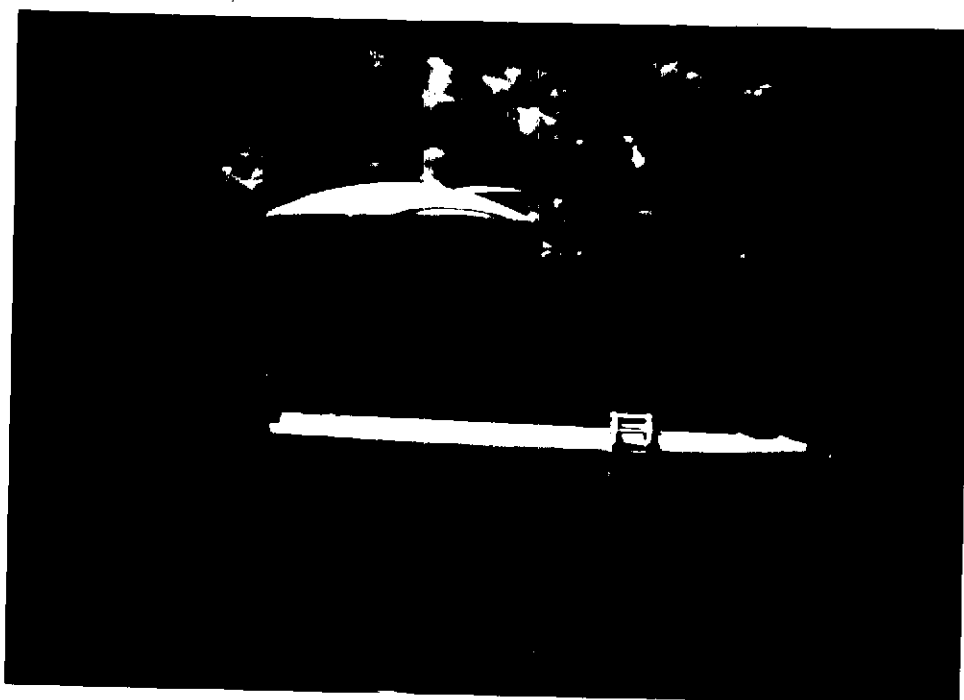
Notes or Diagrams:

Gary Buss
DEPARTMENT OF WATER RESOURCES AGENT

35-7833-93
DATE OF INSPECTION

MAR 27 1995

35-7833



35-7833

MAR 27 1995

August 14, 1992

KNUDSEN POOR FARMS INC.
2700 W 2100 S
ABERDEEN ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-07833

Dear Permit Holder:

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

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

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

AUG 20 1992

July 31, 1992

KNUDSEN POOR FARMS INC.
3122 W. 2100 S.
ABERDEEN ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-07833

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.

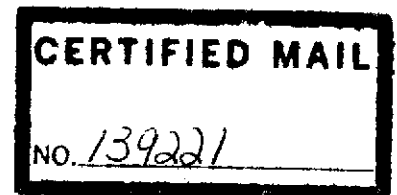
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



RECEIVED

AUG 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1990

RE: Permit No. 35-7833

Knudsen Poor Farms Inc.
3122 W. 2100 S.
Aberdeen, ID 83210

Dear Permit Holder(s):

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 35-7833. 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 your approved Application for Amendment submitted in connection with this permit.

A copy of the approved extension of time request is enclosed. 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

MicroFILMED

MAR 05 1990

August 16, 1988

Gordon Toeves
P.O. Box 359
American Falls, ID 83211

RE: PERMIT 35-7833 - APPLICATION FOR AMENDMENT

Dear Mr. Toeves:

This letter is in response to our telephone conversation of August 15, 1988 and your request for a letter describing the status of the above referenced application for amendment.

A review of the water right file shows that the permit was assigned by Charles M. Behrend to Knudsen Poor Farms, Inc. (permit holder) on June 1, 1988. The permit holder also has filed an amendment to change the point of diversion and place of use of the water.

It is the department's understanding that diversion and beneficial use of water under this permit has not occurred prior to July 1, 1985. If this is the case, diversion and use of water under the original permit or under an amended version of the permit must be evaluated under the terms of Section 42-203D, Idaho Code. The purpose of the review is to determine compliance with the public interest provisions of Section 42-203C, Idaho Code. Enclosed is a copy of those code sections for your information.

As I described to you in our phone conversation, the department has drafted a policy and implementation plan for processing the backlog of water right filings in the Swan Falls area. The intent of the department is to conduct public information meetings this fall in connection with the policy and plan and to have the policy and plan in place and operational before the next irrigation season. Until the department completes and issues this plan, however, the the application for amendment will be held together with the other backlogged permits which must also be reviewed.

I want to specifically call your attention to the difference between a "transfer" in connection with a developed water right (license or decree) and an "amendment" in connection with an undeveloped permit. The difference is that the department can presently take action on an application for transfer but not on an amendment in connection with an undeveloped permit.

RECEIVED

MAR 05 1990

Gordon Toeves

2

August 16, 1988

The intent of the department is to proceed with processing of the backlog of applications and to reprocess permits in a time frame to provide answers such as raised in connection with the above referenced application for amendment.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Encl: 2.

c: E. Region

RECEIVED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

July 13, 1988

The Morning News
P.O. Box 70
Blackfoot, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 August 8, 1988.

Respectfully submitted,

Deena Green
Office Secretary

Enclosure

MICROFILMED

MAR 05 1990

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Application for Permit No. 35-7833 assigned to Knudsen Poor Farms, Inc., Aberdeen, Idaho, was filed for the diversion of 6.4 cfs of water from a ground-water source with the point of diversion within SW1/4SE1/4, Sec. 24, T. 5S, R. 29E, B.M., Power County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the S1/2, Sec. 24, T. 5S, R. 29E, B.M.

The applicant now proposes to amend Permit No. 35-7833, changing the point of diversion to the SW1/4SW1/4, Sec. 6, T. 6S, R. 30E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the S1/2, Sec. 6, T. 6S, R. 30E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before August 8, 1988.

R. Keith Higginson

Director

Published in The Morning News on July 21 and 28, 1988

MICROFILMED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 20, 1988

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

RE: Application No. 35-7833

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on June 2 and 9, 1988.

Your cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Deena Green".

Deena Green
Office Secretary

RECEIVED
MAR 05 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

Erma Crompton being first duly
sworn on oath, states:

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

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

two successive weekly issues thereof,
the date of the first publication being the

29th day of 19 88
and the date of last publication being the

6th day of 19 88

(Signed)
Subscribed and sworn to before me this

14th day of 19 88

(SEAL)

Notary Public, residing at
American Falls, Idaho

My commission expires the

8th day of June 19 93

RECEIVED
JUL 5 1988

Department of Water Resources
Eastern District Office

Amending
water permit

Published in The Power County Press
June 29 and July 6, 1988.

Notice is hereby given that Application for Permit No. 35-7833 assigned to Knudsen Power Farms, Inc., Aberdeen, Idaho, was filed for the diversion of 6.4 cfs of water from a ground water source with the point of diversion within SW 1/4 SE 1/4, Sec. 24, T. 5S, R. 29E, B.M., Power County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the SW 1/4, Sec. 24, T. 5S, R. 29E, B.M.

The applicant now proposes to amend Permit No. 35-7833, changing the point of diversion to the SW 1/4 SW 1/4, Sec. 6, T. 6S, R. 30E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the SW 1/4, Sec. 6, T. 6S, R. 30E, B.M.

Any protest to the proposed amendment of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before July 18, 1988.

R. Keith Hingston
Director

MICROFILMED

MAR 05 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

Erma Crompton
being first duly
sworn on oath, states:

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

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for one successive weekly issues thereof,
the date of the first publication being the

1st day of June 19 88
and the date of last publication being the

1st day of June 19 88

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

23rd day of June 19 88

(SEAL)

Edna Craig
Notary Public, residing at
American Falls, Idaho

My commission expires the

23rd day of June 19 88

JUN 24 1988

RECEIVED

Department of Water Resources
Eastern District Office

Amending
water permit

Published in The Power County Press
June 1 and 8, 1988.

Notice is hereby given that Applicant
for Permit No. 35-7833 assigned
to Knudsen Poor Farms, Inc., Aber-
deen, Idaho, was filed for the diver-
sion of 6.4 cfs of water from a ground-
water source with the point of diver-
sion within SW 1/4 SE 1/4, Sec. 24, T. 5S,
R. 29E, B.M., Power County; to be
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tion of 320 acres within the S 1/4, Sec.
24, T. 5S, R. 29E, B.M.

The applicant now proposes to
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the point of diversion to the
SW 1/4 SW 1/4, Sec. 6, T. 6S, R. 30E,
B.M., Bingham County; to be used
from Apr. 1 to Nov. 1 for irrigation of
320 acres within the S 1/4, Sec. 6, T. 6S,
R. 30E, B.M.

Any protest to the proposed amend-
ing of the application must be filed
with the Idaho Department of Water
Resources, 150 Shoup, Suite 15, Idaho
Falls, Idaho, 83402, on or before June
20, 1988.

R. Keith Higginson

Director

This is no
good; was only
run for one
week.

MAR 05 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 20, 1988

The Power County Press
P.O. Box 547
American Falls, Idaho 83211

RE: Application No. 35-7833

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on June 2 and 9, 1988.

Your cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Deena Green".

Deena Green
Office Secretary

RECEIVED

MAR 05 1990

OK - dg
7-20-88



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 1, 1988

Knudsen Poor Farms, Inc.
3122 West 2100 South
Aberdeen, Idaho 83210

RE: Application for Amendment of a Permit No. 35-7833

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of the above application. Please refer to the above number in all further correspondence.

This office is currently in the process of advertising the application in the Power County Press & Morning News. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

MICROFILMED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

May 27, 1988

The Power County Press
P.O. Box 547
American Falls, ID 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. 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 June 20, 1988.

Respectfully submitted,

Deena Green
Office Secretary

Enclosure

MICROFILMED

MAR 05 1990

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Application for Permit No. 35-7833 assigned to Knudsen Poor Farms, Inc., Aberdeen, Idaho, was filed for the diversion of 6.4 cfs of water from a ground-water source with the point of diversion within SW1/4SE1/4, Sec. 24, T. 5S, R. 29E, B.M., Power County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the S1/2, Sec. 24, T. 5S, R. 29E, B.M.

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Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 20, 1988.

R. Keith Higginson

Director

Published in The Power County Press on June 2 and 9, 1988

MICROFILMED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

May 27, 1988

The Morning News
P.O. Box 70
Blackfoot, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 June 20, 1988.

Respectfully submitted,

A handwritten signature in cursive script that reads "Deena Green".

Deena Green
Office Secretary

Enclosure

MICROFILMED

MAY 05 1980

RECEIVED

AUG 3 1988

Department of Water Resources
Eastern District Office

DEPT. OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF PROPOSED
AMENDING OF WATER PERMIT**

NOTICE is hereby given that Application for Permit No. 35-7833 assigned to Knudsen Poor Farms, Inc., Aberdeen, Idaho, was filed for the diversion of 6.4 cfs of water from a groundwater source with the point of diversion within SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 5S, R. 29E, B.M., Power County; to be used from April 1 to November 1 for irrigation of 320 acres within the S $\frac{1}{2}$, Sec. 24, T. 5S, R. 29E, B.M.

The applicant now proposes to amend Permit No. 35-7833, changing the point of diversion to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 30E, B.M., Bingham County; to be used from April 1 to November 1, for irrigation of 320 acres within the S $\frac{1}{2}$, Sec. 6, T. 6S, R. 30E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before August 8, 1988.

R. KEITH HIGGINSON
Director

(59)
Pub.: 7/21, 28

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

I, Mihhael Bell do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions Laws of Idaho of 1933, approved March 11, 1933,
and duly designated, pursuant to law, a particular day of
the week as the day on which legal notices required by
law or by the order of any Court of competent jurisdiction
within the State of Idaho shall be published to-wit: thurs.
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 or said
newspaper two consecutive weeks

the first publication having been made on the
21st day of July, 19 88.

and the last publication having been made on the
28th day of July, 19 88;
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

Mihhael Bell

Subscribed and sworn to before me this 29th
day of July, 19 88

Ray Raper
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires November 10, 1988

Affidavit Processing Fee....\$5.00

MICROFILMED

MAR 03 1980

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Application for Permit No. 35-7833 assigned to Knudsen Poor Farms, Inc., Aberdeen, Idaho, was filed for the diversion of 6.4 cfs of water from a ground-water source with the point of diversion within SW1/4SE1/4, Sec. 24, T. 5S, R. 29E, B.M., Power County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the S1/2, Sec. 24, T. 5S, R. 29E, B.M.

The applicant now proposes to amend Permit No. 35-7833, changing the point of diversion to the SW1/4SW/14, Sec. 6, T. 6S, R. 30E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for irrigation of 320 acres within the S1/2, Sec. 6, T. 6S, R. 30E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 20, 1988.

R. Keith Higginson

Director

Published in The Morning News on June 2 and 9, 1988

MICROFILMED

MAR 05 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED

MAY 08 1989

Department of Water Resources

PERMIT NO. 35-7833

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

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

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

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

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

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

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 320

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

[Signature]
FOR
Hudson Pool Farms
35-7833

Date

25 April 89

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MAR 05 1990

OVER

To Whom it May Concern: . . .

This permit (35-7833) has been transferred to another piece of land, It has been advertised.

Call Skip Jones in Idaho Falls.

The work that has been done to the land is this.

(A) Well has been worked over.

(B) Land has had a lot of Rock removed.

(C) One mile of Main Line has been installed (\$100,000)

(D) Linear Irrigation System (Automatic) (\$80,000)

I know you can see I have put a lot of money in this project

MICROFILMED

MAR 05 1990

Bob Truett

DEPT. OF WATER RESOURCES
State Office
1301 North Orchard St.
Boise, Idaho 83720
(208) 327-7900

**NOTICE OF EXISTING
WATER RIGHT PERMIT**
Presently recorded as follows:

35-07833
KNUDSEN POOR FARMS, Inc.
3122 W. 2100 S.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: SWSW, Sec. 6, T. 06S, R.
30E.
Use: IRRIGATION (6.400 CFS).
Total Diversion: (6.400 CFS).
Priority: 5/07/1979.
In: T06S, R30E, S06, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

Permits not developed by July 1, 1985, are
being reprocessed in compliance with Section
42-203D, Idaho Code. Protests against the
continuance of permits must be filed with the
Director, Dept. of Water Resources,
Statehouse Mall, Boise, Idaho, 83720, on or
before FEBRUARY 5, 1990. Protests must be
based on the public interest criteria of Section
42-203C, Idaho Code, only.

R. KEITH HIGGINSON
Director

(643)
Pub.: 1/18, 25

MICROFILMED

MAR 05 1990

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

18th day of January, 19 90;

and the last publication having been made on the
25th day of January, 19 90;

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

On this 31 day of January, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

Kaye Rayburn
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing fee..... \$5.00

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

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

JANUARY 9, 1990

The Morning News
Box 70
Blackfoot, ID 83221

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 5, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

MAR 05 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-07833 ✓

KNUDSEN POOR FARMS INC. ✓
3122 W. 2100 S. ✓
ABERDEEN, ID 83210 ✓

Source: GROUNDWATER ✓

Diversion Pt: SWSW ✓ Sec 6 ✓ T 06S ✓ R 30E ✓

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

Priority: 5/07/1979 ✓

In: T06S ✓ R30E ✓ S06 ✓	NESW ✓ NESE ✓	NWSW ✓ NWSE ✓	SWSW ✓ SWSE ✓	SESW ✓ SESE ✓
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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 FEBRUARY 5, 1990. Protests must be based on the public interest criteria of Section 42-203C, Idaho Code, only.

R. KEITH HIGGINSON, Director

Published 1/18/1990 & 1/25/1990

RECORDED

MAR 05 1990

FROM

Tim Luke

DATE

4/14/89

TO

Mr. Knudsen Jr.

SUBJECT

BoB,

I would normally send this letter out after receiving the readvertisement fee. However, based on our conversation today, I mentioned I would go ahead & send this along so that you could submit all the requested info. at one time.



SIGNATURE

MICROFILMED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 14, 1989

RE: Permit No. 35-7833

Knudsen Poor Farms Inc.
3122 W. 2100 S.
Aberdeen, ID 83210

NOTICE OF INFORMATION REQUIRED BY WATER APPROPRIATION RULE 4,5.

Dear Permit Holder:

The Department acknowledges receipt of the Trust Water Information Questionnaire and appropriate re-advertising fee for the above referenced permit. On behalf of the Department, I wish to thank you for your cooperation in providing the requested fee and information.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5. if the undeveloped portion of the permit exceeds 200 acres.

The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your permit. The project includes more than 200 acres and is therefore subject to the additional information requirements of Rule 4,5.

I wish to call your attention to the specific requirements under Rule 4,5. (copy enclosed). In particular, you must submit the information outlined in Rules 4,5,3,6,1. through 4,5,3,6,7. Note that Rule 4,5,3,6,4. is not applicable to your permit.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed will be cause for the Department to advance the priority of the permit by the number of days that the information submittal is late. The

MICROFILMED

MAR 25 1990

Page 2

Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing.

Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

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

Tim Luke
Sr. Water Resource Agent

MICROFILMED

MAR 05 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 35-7833

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. (copy to be submitted to [REDACTED])

Microfilm

MAR 05 1990

Page 2

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

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

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

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

MAR 05 1990

February 3, 1989

Knudsen Poor Farms, Inc.
3122 W. 2100 S.
Aberdeen, ID 83210

RE: PERMIT 35-7833 - REQUEST FOR EXTENSION OF TIME

Gentlemen:

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. Since the permit is within the Swan Falls trust water area and has been named in Ada County Civil Case No. 81375 and not dismissed, the department will hold the request without action until the permit is reprocessed in compliance with the provisions of section 42-203D, Idaho Code.

The issuance of an order on March 25, 1988 by the Federal Energy Regulatory Commission (order effective May 24, 1988) made the Swan Falls Agreement effective. As a result of the order, the department is determining which permits can be reprocessed in a given year up to the 20,000 acres per year limitation.

When development under the permit can be authorized beyond the extent of development existing on July 1, 1985, the department will consider the request for extension of time and will advise you accordingly of our action.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Region

MICROFILMED
MAR 05 1990

KNUDSEN POOR FARMS INC.
3122 W. 2100 S.
ABERDEEN, ID 83210

November 30, 1988

138760

PROOF DUE NOTICE

RE: PERMIT NO. 35-07833

Dear Permit Holder:

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAR 03 1990

August 16, 1988

Gordon Toeves
P.O. Box 359
American Falls, ID 83211

RE: PERMIT 35-7833 - APPLICATION FOR AMENDMENT

Dear Mr. Toeves:

This letter is in response to our telephone conversation of August 15, 1988 and your request for a letter describing the status of the above referenced application for amendment.

A review of the water right file shows that the permit was assigned by Charles M. Behrend to Knudsen Poor Farms, Inc. (permit holder) on June 1, 1988. The permit holder also has filed an amendment to change the point of diversion and place of use of the water.

It is the department's understanding that diversion and beneficial use of water under this permit has not occurred prior to July 1, 1985. If this is the case, diversion and use of water under the original permit or under an amended version of the permit must be evaluated under the terms of Section 42-203D, Idaho Code. The purpose of the review is to determine compliance with the public interest provisions of Section 42-203C, Idaho Code. Enclosed is a copy of those code sections for your information.

As I described to you in our phone conversation, the department has drafted a policy and implementation plan for processing the backlog of water right filings in the Swan Falls area. The intent of the department is to conduct public information meetings this fall in connection with the policy and plan and to have the policy and plan in place and operational before the next irrigation season. Until the department completes and issues this plan, however, the the application for amendment will be held together with the other backlogged permits which must also be reviewed.

I want to specifically call your attention to the difference between a "transfer" in connection with a developed water right (license or decree) and an "amendment" in connection with an undeveloped permit. The difference is that the department can presently take action on an application for transfer but not on an amendment in connection with an undeveloped permit.

MICROFILMED

MAR 05 1990

Gordon Toeves

2

August 16, 1988

The intent of the department is to proceed with processing of the backlog of applications and to reprocess permits in a time frame to provide answers such as raised in connection with the above referenced application for amendment.

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

Sincerely,

L. GLEN SAXTON Chief, Operations Bureau

Encl: 2

c: E. Region

RECEIVED
MAR 05 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 14, 1988

RE: Water Right No. 35-7833

Knudsen Poor Farms Inc.
3122 W. 2100 S.
Aberdeen, ID 83210

Dear Sirs:

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

Please be advised that since this water right is still in the permit stage, further requirements may be required of the permit holder to finalize the water right into a license. The Department will subsequently notify you of these requirements.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

MAR 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

MAR 05 1990



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 17, 1984

RE: Permit Nos. 35-7831/7832/7833/7839

Charles M. Behrend
Rt. 1, Box 114
Aberdeen, ID 83210

Dear Mr. Behrend:

Our office is in receipt of Assignment of Permits for the above referenced water rights.

Enclosed for your records are copies of the permits. You should be aware of the requirements necessary for developing the permits into licensed water rights. Also note the special requirements listed on the fourth pages of each permit.

You should also be aware that these permits have been impacted by the Swan Falls litigation. Since this litigation is still pending, there are inherent risks in making expenditures toward developing water uses.

Enclosed for your information is a copy of correspondence sent to the previous permit owner in reference to an approval of requests for extensions of time which further discusses the Swan Falls litigation.

If you have any questions on this matter, please let us know.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

17 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."

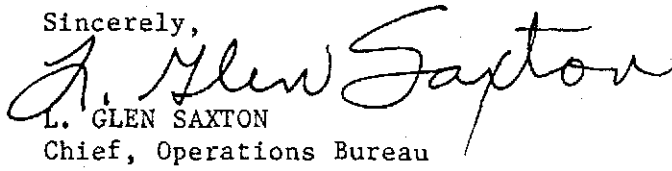
These conditions may be necessary due to statutory or regulatory changes occurring after the date of the extension and before the date that beneficial use is made. However, if conditions are added to your permits, you will be given an opportunity to object to the additional conditions. The department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

LGS:rf

Enclosures

cc: Dean Funk

MICROFILMED

35-7833

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

PAUL B. ENNIS
(1918-1982)

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

May 29, 1984

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

RECEIVED
MAY 30 1984

[HAND CARRIED]

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

Department of Water Resources

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

Gentlemen:

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

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

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

RECEIVED

HAWLEY TROXELL ENNIS & HAWLEY

Department of Water Resources
May 29, 1984
Page 2

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

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

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

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

Thank you for your usual consideration.

Yours truly,


Thomas A. Miller

TAM:b
Enclosures

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

RECEIVED
MAY 31 1984
DEPT. OF WATER RESOURCES

35-7833

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

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

Idaho Water Resources Board:
Boise, Idaho

RECEIVED
MAY 30 1984

Dear Sirs:

Department of Water Resources

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

Hal W Walker

District Manager
American Falls

MICROFILMED

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.

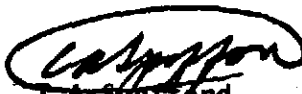
RECEIVED
FEB 10 1984

- (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. Spottford

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

MICROFILMED

May 17, 1984

Re: Permit No. 35-7833

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

Gentlemen:

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

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

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

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: Regional Office

April 23, 1984

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

Gentlemen:

Re: Permit No. 35-7833

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7833 has lapsed. This office did not receive either an acceptable notice that you have completed the project (proof of beneficial use) by the date required on your permit or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated November 30, 1983.

Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

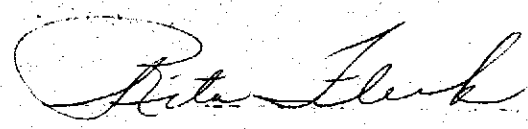
A statement of beneficial use postcard and a request for extension of time form are again enclosed for your use. Please note that a fee of \$15.00 must accompany an extension of time request and that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation.

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rf

4-23-1984



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138212

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

PROOF DUE NOTICE

NOVEMBER 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7833 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES



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

February 27, 1979

Re: Permit No.'s 35-7831, 35-7832, & 35-7833

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 conditions 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 a specific protest 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

Enc: 3

DRT:lr

*access port
letters sent 8/9/79
Patty Byington*

MICROFILMED

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

s.s.

FEB 12 1979

Phyllis Ringe

Department of Water Resources
being first duly sworn Eastern District Office

on oath, states:

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

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

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 1st day of February, 1979

the date of last publication being the

8th day of February, 1979

(Signed)

Subscribed and sworn to before me this

9th day of Feb., 1979

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

[Handwritten signature]

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.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-2833-

J. W. VANDERFORD, INC.

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

Source: GROUNDWATER

Date Filed: 01/22/1979

Amount: 6.40 CFS

Diversion Point: SWSE Sec 24 T 05S R 29E, POWER Co.

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

Place of Use: NESH NNSW SWSW SESW NESE NWSE SWSE ~~Sec 24 T 05S R 29E~~ SESE
Sec 24 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.

MICROFILMED