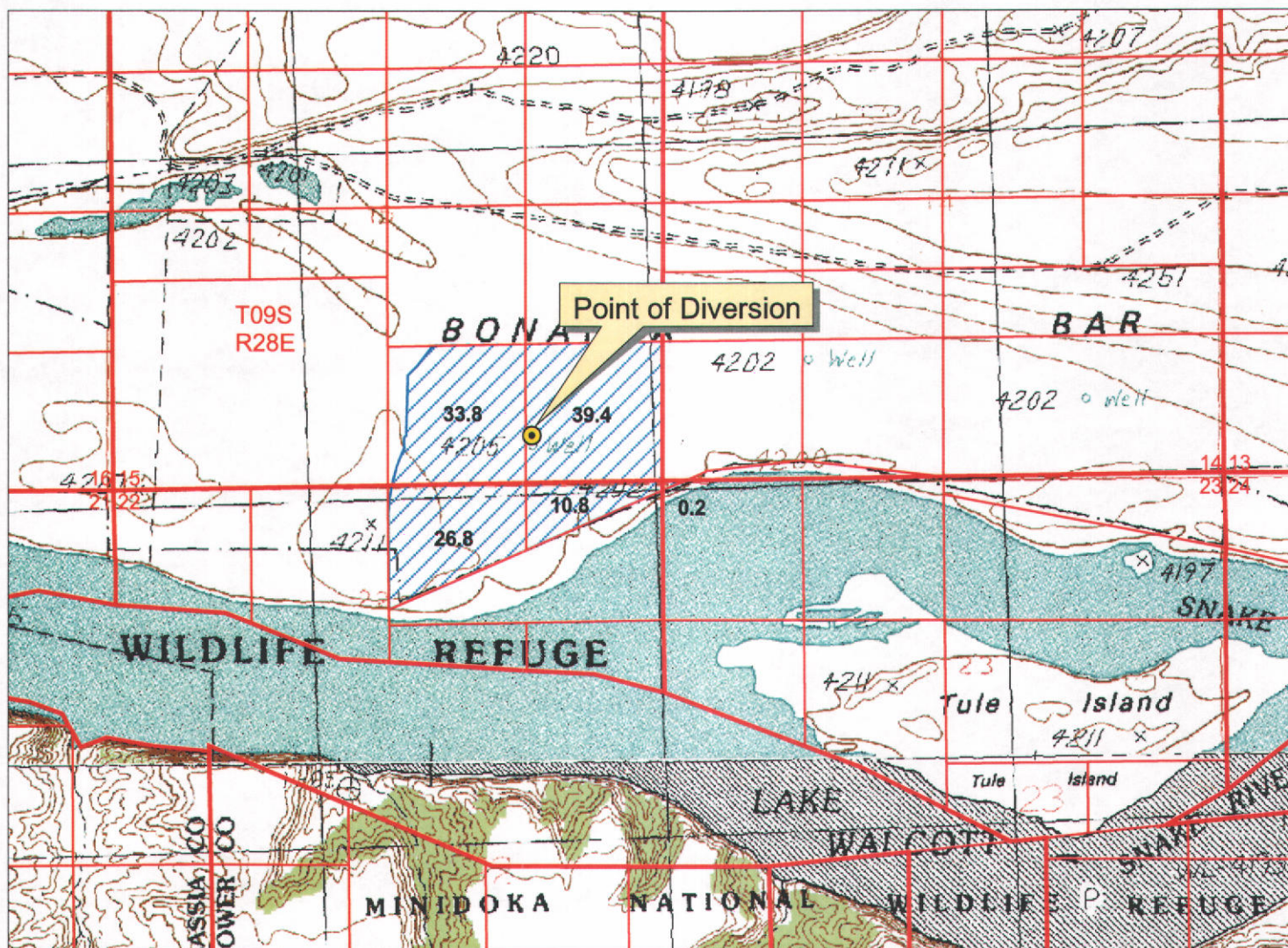


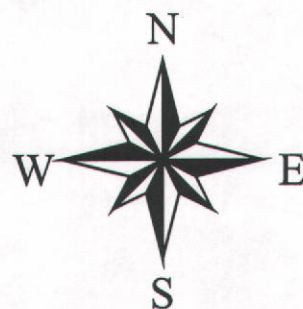


Sections 15, 22 and 23, Township 09 South, Range 28 East

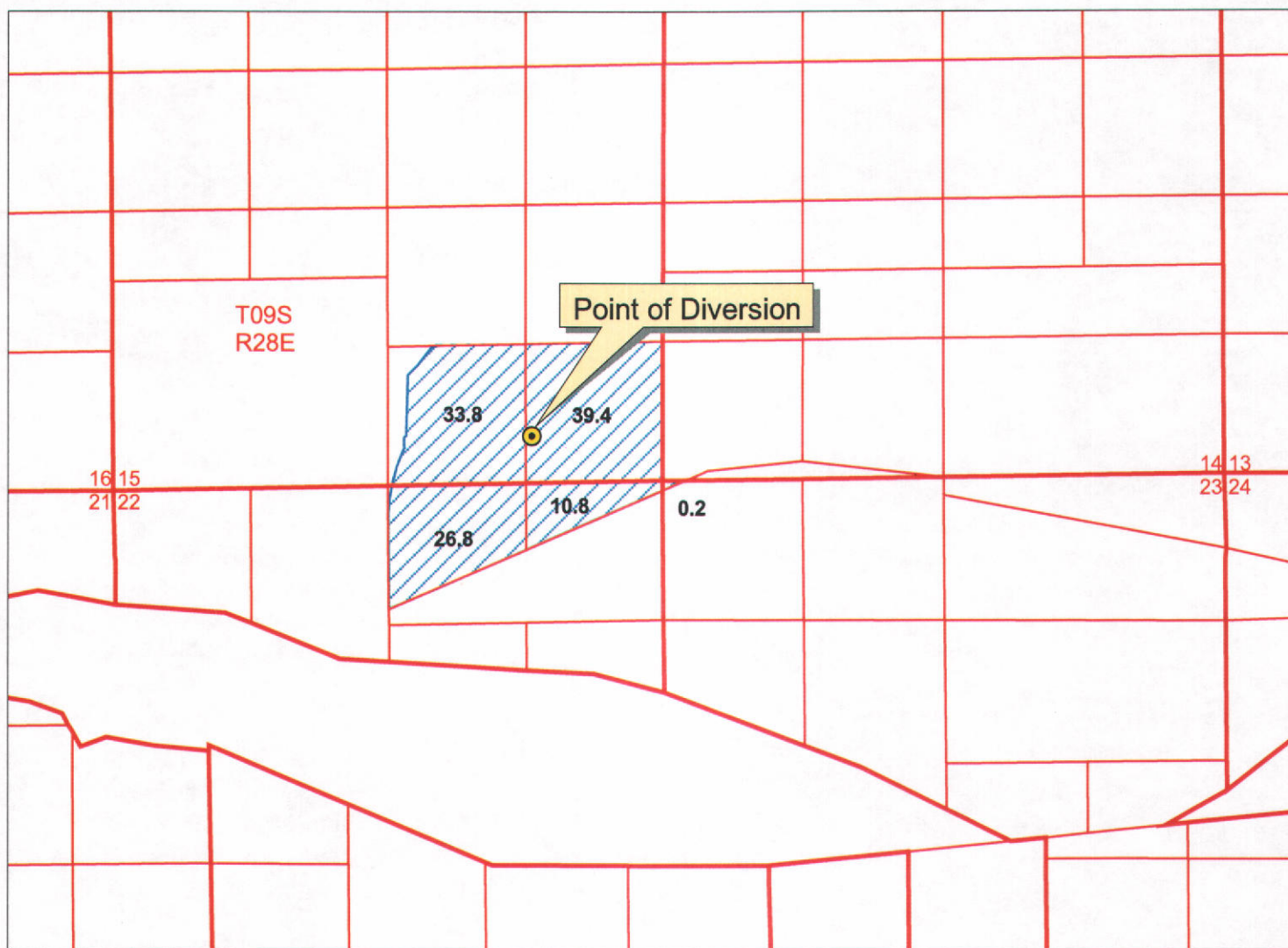
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MICROFILMED

MAY 19 2000



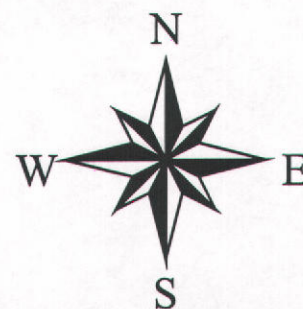
Transfer T5649 -- Cavaness



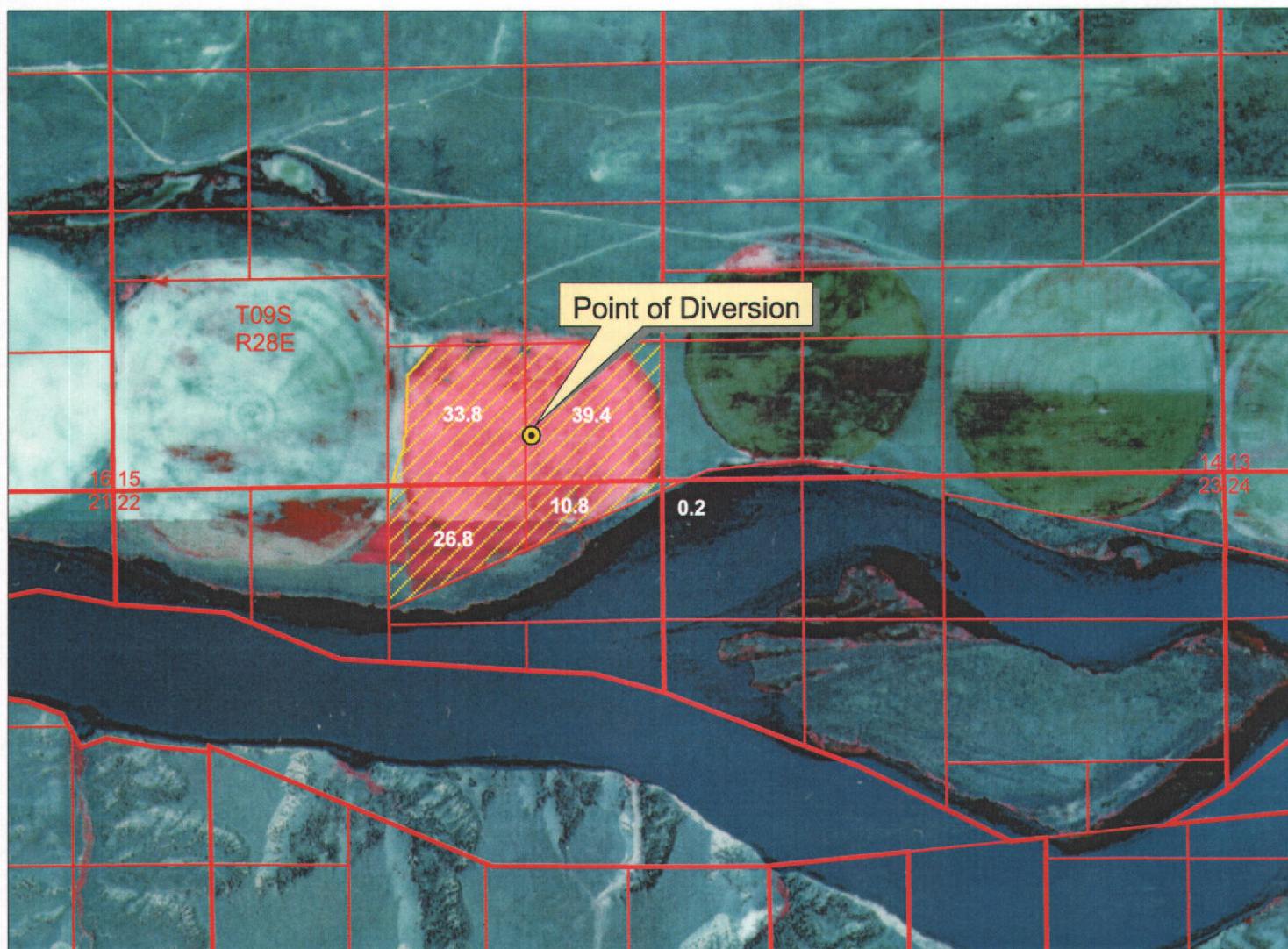
Sections 15, 22 and 23, Township 09 South, Range 28 East

0.5 0 0.5 1 Miles

MICROFILMED
MAY 19 2000



Transfer T5649 -- Cavaness

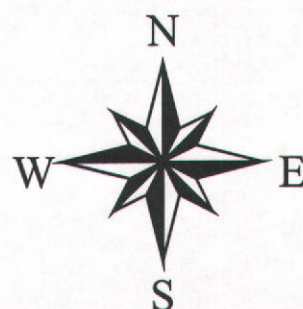


Sections 15, 22 and 23, Township 09 South, Range 28 East

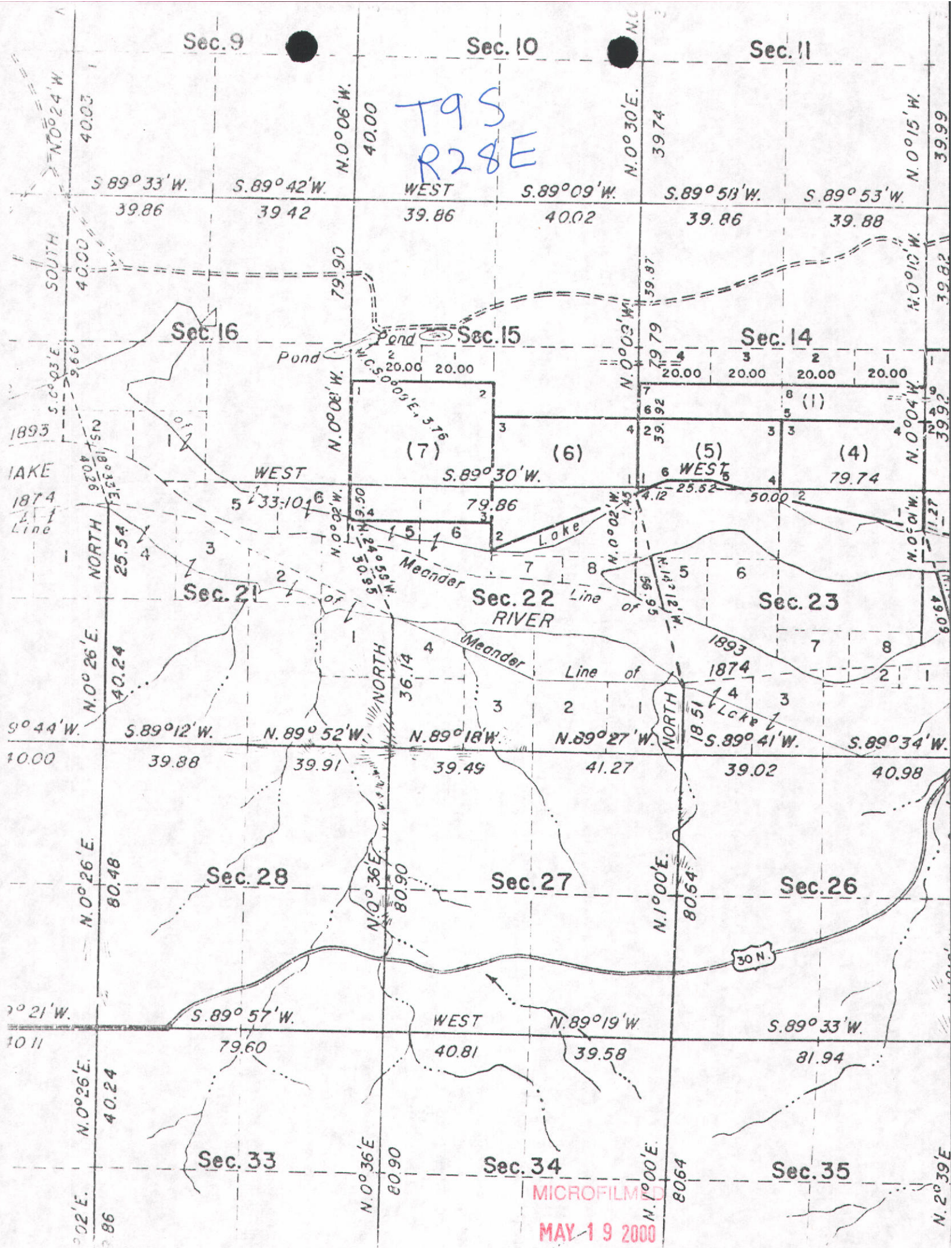
0.5 0 0.5 1 Miles

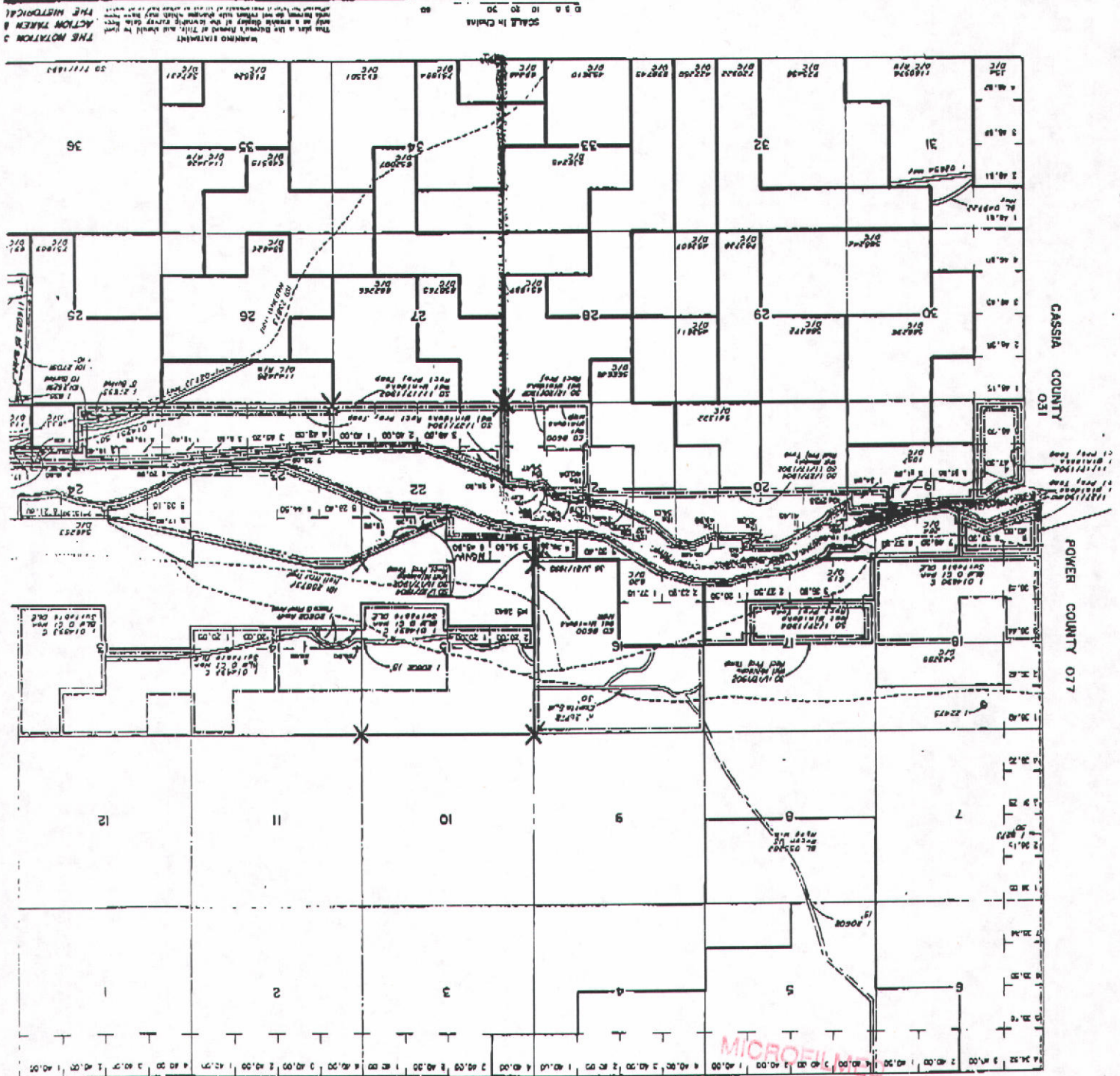
MICROFILMED

MAY 19 2000



Transfer T5649 -- Cavaness





MAY 19 2000

BURLLEY DISTRICT SEC 3

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

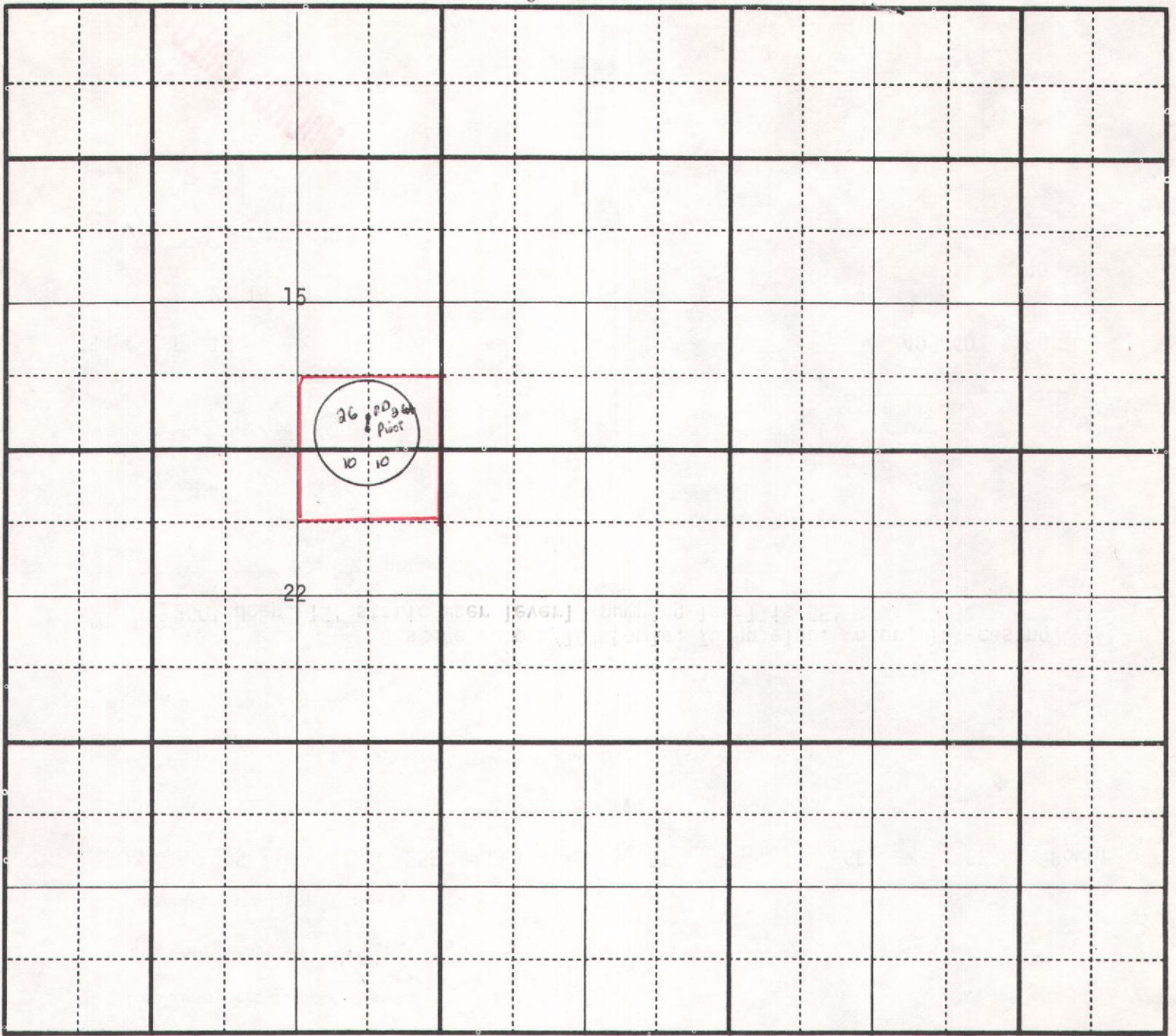
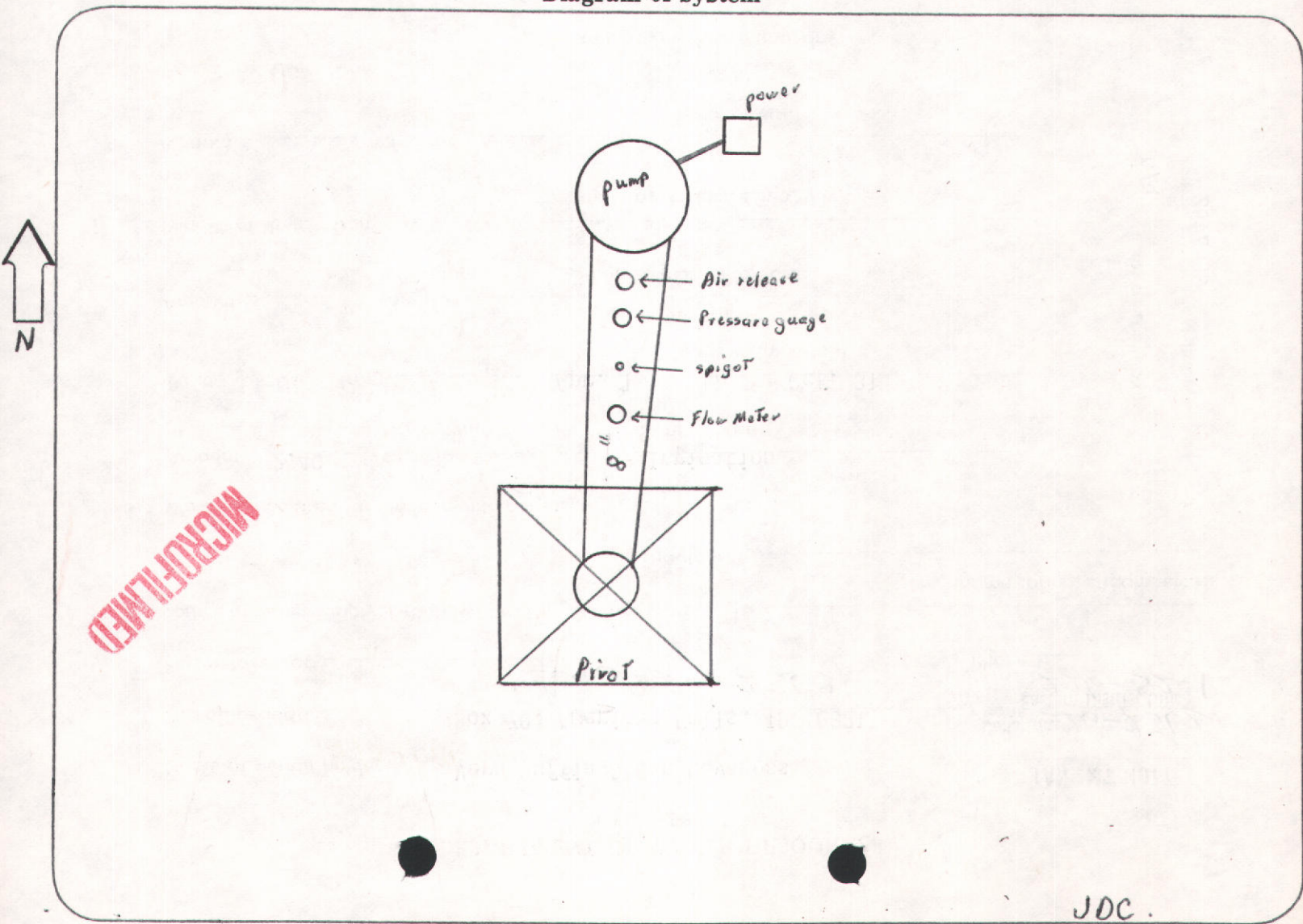


Diagram of System



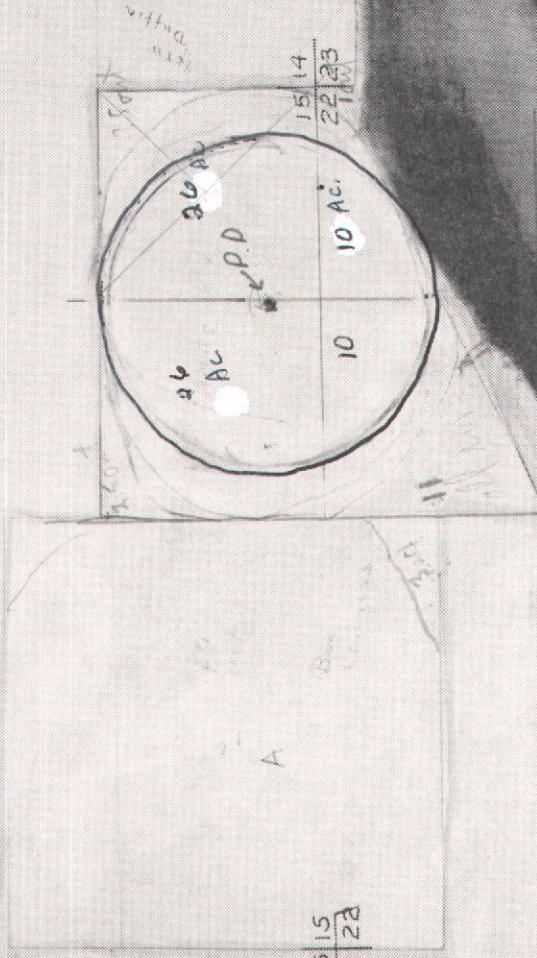
R-28 EBM

1703

7

35-749a

3-2



14 13
23 24

16 15
21 22

23 24
26 25

21 22
28 27

MICROFILMED

B-789

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
35-07492	DUFFIN, VERN	C	03/18/1975	L/	GROUNDWATER	IRR	WR
X35-07492	CAVANESS, BEN	C	03/18/1975	L/	GROUNDWATER	IRR	WR

35-07492	CAVANESS, BEN	C	03/18/1975	L/	GROUNDWATER	IRR	AJ
A35-07492	CAVANESS, BEN	C	03/18/1975	L/	GROUNDWATER	IRR	AJ

WR 19 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5649
WATER RIGHT NO(S). 35-07492/35-12790

This is to certify that: **BEN CAVANESS**
895 FILLMORE
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07492 :			
IRRIGATION	04/01 to 10/31	1.44 CFS	288.0 AF
Priority: 03/18/1975			
Right No. 35-12790 :			
IRRIGATION	04/01 to 10/31	0.51 CFS	156.0 AF
Priority: 05/25/1979			
	TOTAL:	1.44 CFS	444.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SWSESE , Sec. 15, Township 09S, Range 28E
POWER 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>
09S	28E	15	SWSE 33.8	SESE 39.4		73.2
		22	NENE 10.8	NWNE 26.8		37.6
		23	NWNW 0.2			0.2
Total number of acres irrigated:						111.0

CONDITIONS OF APPROVAL AND REMARKS

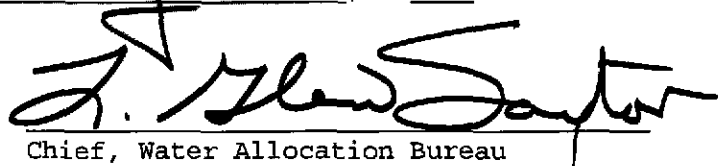
1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5649
WATER RIGHT NO(S). 35-07492/35-12790

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. Rights 35-07492 and 35-12790 are diverted through the point of diversion described above.
6. Right 35-07492 is limited to the irrigation of 72 acres within place of use described above in a single irrigation season.
7. Approval of Transfer 5649 does not confirm Claimed Right 35-12790.
8. Right 35-12790 is an enlargement of Right 35-07492 pursuant to Section 42-1426, Idaho Code.
9. Rights 35-07492 and 35-12790 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 af at the field headgate for irrigation of the lands above.
10. Right 35-12790 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. Rights 35-07492 and 35-12790 when combined shall not exceed a total diversion rate of 1.44 cfs and the irrigation of 111 acres.

Dated this 4th day of May, 2000.


Chief, Water Allocation Bureau

MAY 13 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5649

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Amended

Name of Applicant Ben Cavaness Phone (208) 226-5201Post Office address 895 Fillmore American Falls, ID 83211

RECEIVED

A. PURPOSE OF TRANSFER

MAR 15 2000

Department of Water Resources

- 1 ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I'm changing sprinkler systems to eliminate a corner catcher. This will slightly rearrange acres under pivot. Three acres of BCM trespass will be eliminated in the N1/2 Sec 15 (1 acre) and NW 1/4 Sec 15 (2 acres) T9S R28E.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-07492</u>	<u>3/18/1975</u>	<u>1.44 cfs</u>	<u>Irrig</u>	<u>4/01</u> to <u>10/31</u>
<u>35-12790</u>	<u>5/25/1979</u>	<u>0.51 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 1.44 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	<u>SW</u>	<u>SE</u>	<u>SE</u>	<u>15</u>	<u>9S</u>	<u>28E</u>	<u>Power</u>	

5. Lands irrigated or place of use.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>9S</u>	<u>28E</u>	<u>15</u>															<u>33.8</u>	<u>39.4</u>	<u>73.2</u>
		<u>22</u>		<u>10.8</u>	<u>26.8</u>														<u>27.6</u>
		<u>23</u>						<u>0.2</u>											<u>0.2</u>

MICROFILMED

MAR 14 2000

Total Acres 111

PART 1

6 General Information:

- a Description of diversion system Well, pump + wiper pivot
- b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No _____ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes
- c Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Not irrigated - BLM
- d Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

RECEIVED

1991 JUL 10

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-12790

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.51 CFS

FILED BY EMC 10 MAR 2000SOURCE

GROUNDWATER

Priority: 05/25/1979

LOCATION OF POINT(S) OF DIVERSION:SWSESE, Sec. 15, Township 09S, Range 28E
POWER CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																						
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	28E	15	:									:									:									:							:	
09S	28E	22	:	14		22						:	02								:									:	01	02					:	41.0
																												TOTAL ACRES	111.0									

CONDITIONS/REMARKS:

- THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

REC'D BY [illegible]
MAR 10 2000

Claim No. 35-12790

CONDITIONS/REMARKS:

3. USE OF THIS RIGHT WITH RIGHT NO. 35-07492 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 444 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-07492 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07492 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. RIGHT NO. 35-07492 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
7. THIS RIGHT IS FOR AN ENLARGEMENT OF 39 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Describe any other water rights used for the same purpose as described above:

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

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2

TRANS NO. 5649

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-07492

STAGE: LICENSE

EMC 10 MAR 2000

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	1.44 CFS

SOURCE

GROUNDWATER

Priority: 03/18/1975

LOCATION OF POINT(S) OF DIVERSION: SWSESE , Sec. 15, Township 09S, Range 28E
POWER County

PLACE OF USE:

IRRIGATION																										
				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----		
09S	28E	15	:					:					:					:			33	37	:	70.0		
09S	28E	22	:	14		22		:	02				:					:	01	02			:	41.0		
																						TOTAL ACRES		111.0		

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Claim No. 35-07492

CONDITIONS/REMARKS:

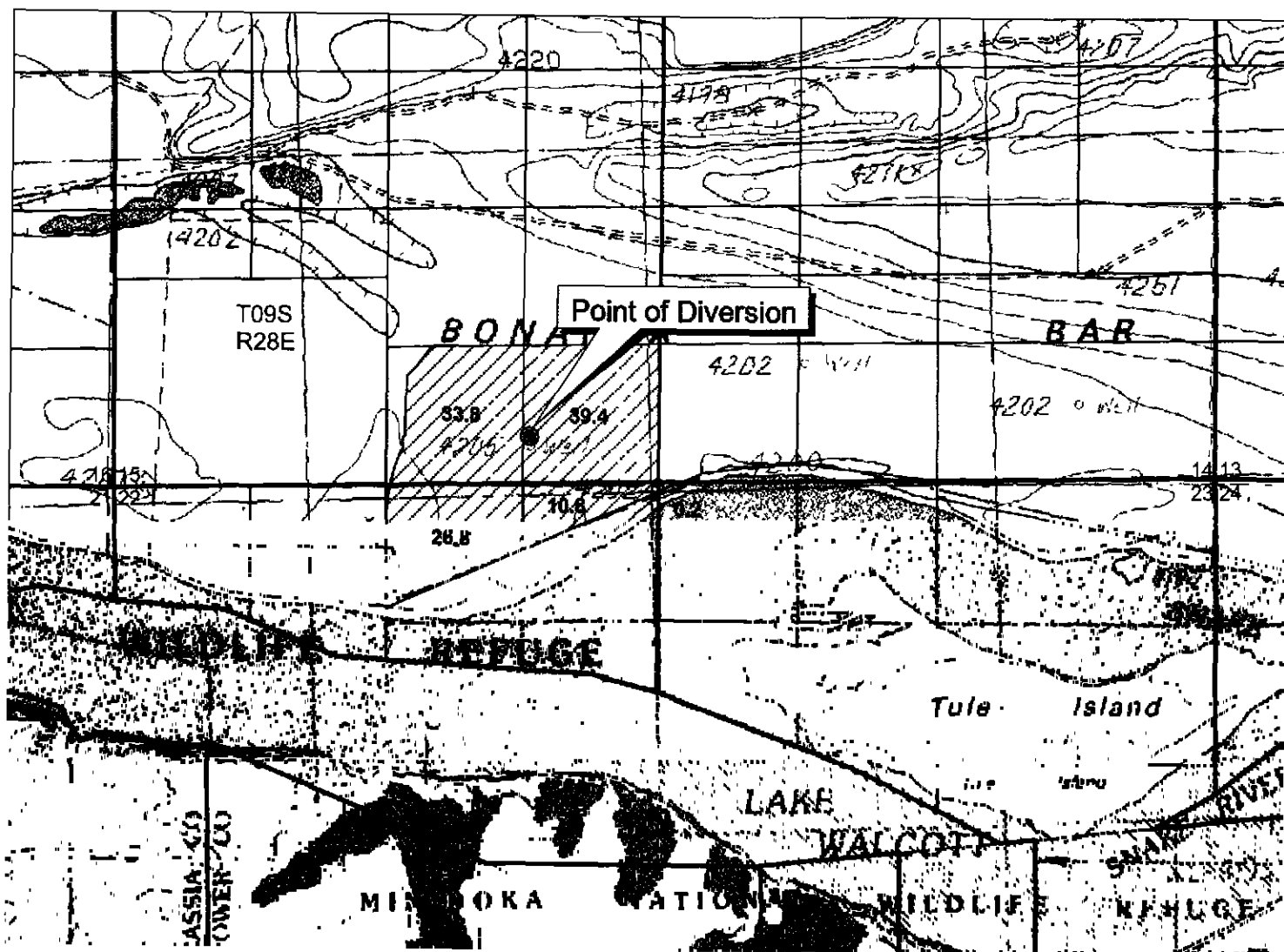
3. USE OF THIS RIGHT WITH RIGHT NO. 35-12790 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 444 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-12790 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. RIGHT NO. 35-12790 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. RIGHT NO. 35-12790 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Describe any other water rights used for the same purpose as described above:

See 35-12790To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

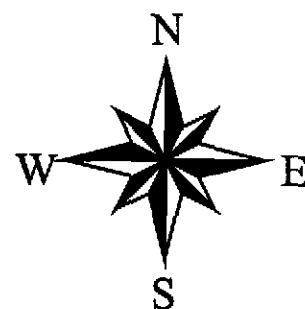
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

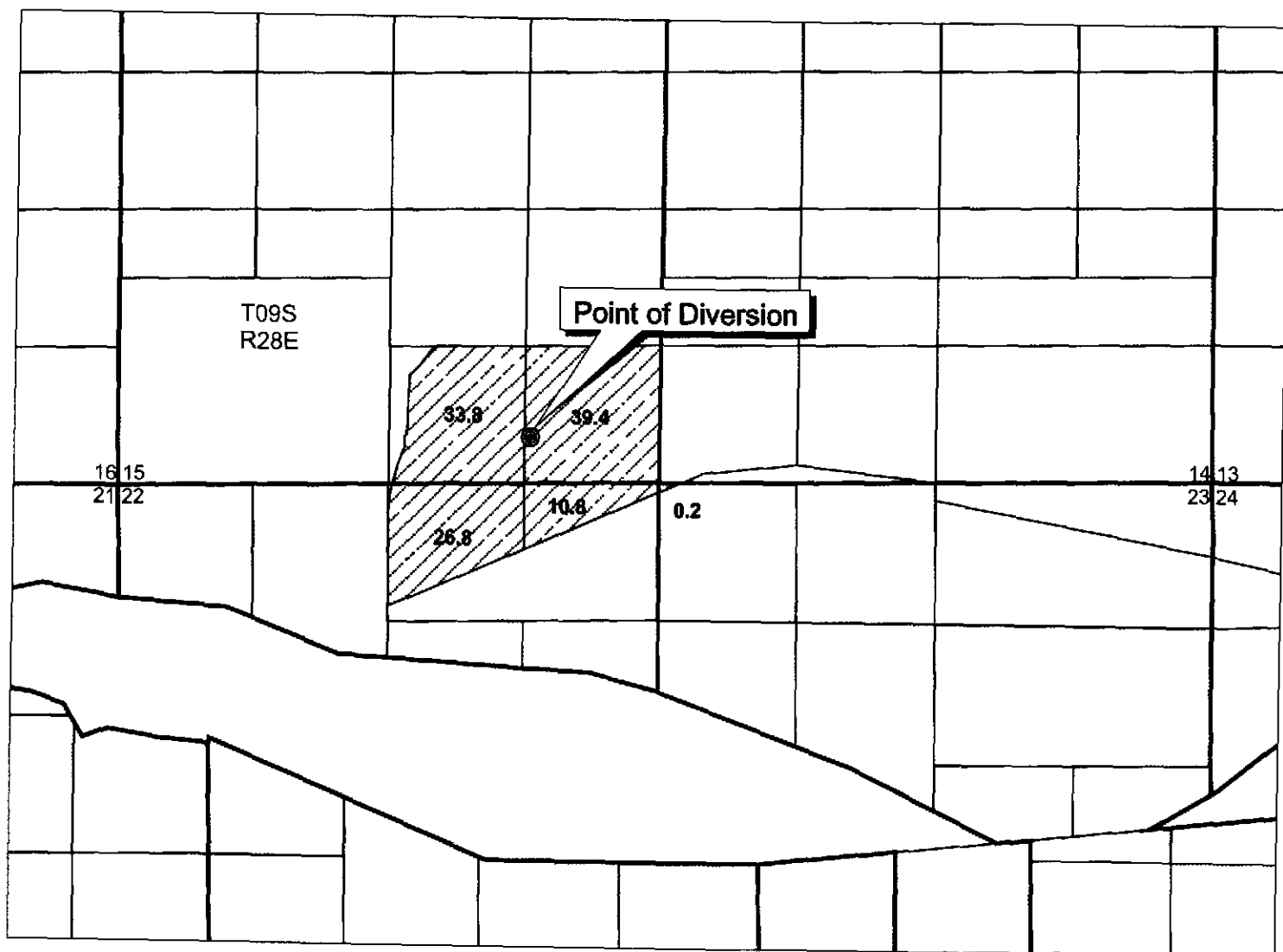


Sections 15, 22 and 23, Township 09 South, Range 28 East

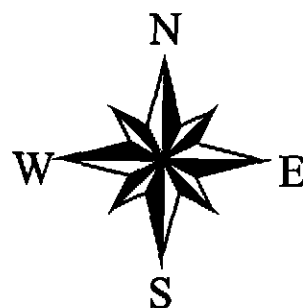
0.5 0 0.5 1 Miles



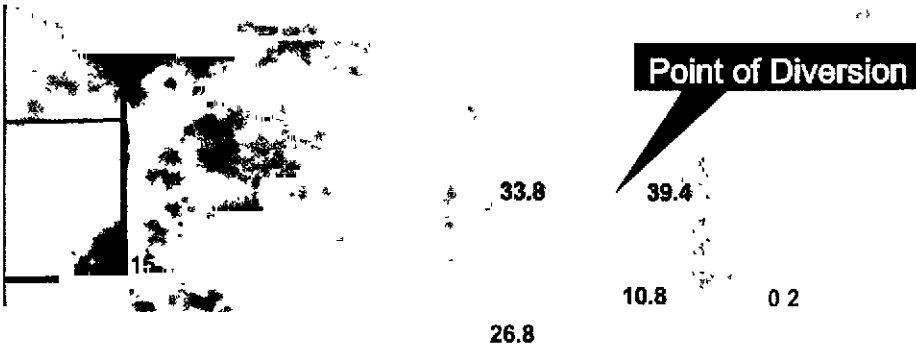
Transfer T5649 -- Cavaness



Sections 15, 22 and 23, Township 09 South, Range 28 East

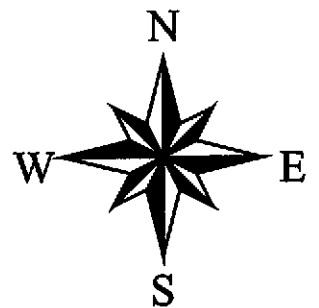


Transfer T5649 -- Cavaness



Sections 15, 22 and 23, Township 09 South, Range 28 East

0.5 0 0.5 1 Miles



Transfer T5649 -- Cavaness

PART 3

B. CHANGES IN NATURE OF USE

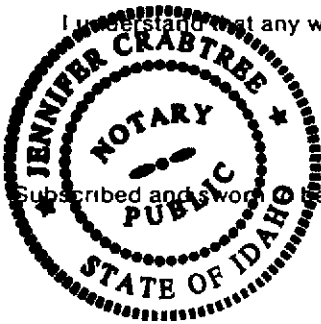
1	<u>New Nature of Use</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

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

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

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

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



Ben Carmones
(Signature of Applicant)

4th

(Signature of Applicant)

day of January

2000

Jennifer Crabtree
(Notary Public)

My commission expires 9-23-03

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 2 attachments

Received by HWT Date 1-4-2000

Protest filed by _____

Prelim. check by _____ Fee \$100~~00~~

Receipted by HWT #E025536 Date 1-4-2000

Published in Power County Press

Copies of protest forwarded by _____

Pub. dates Feb 9 & 16, 2000

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd _____

by [Signature]

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RPD1455-00 A
113,876

BILL# 5572 CODE AREA 13-00 L

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	113,876
TAX 801.15	TAX 801.15	TAX 1,602.30		
LATE	LATE	LATE		
INT	INT	INT		
COST	COST	COST		
TOT	TOT	TOT	TOT ACS	119.420

CAVANESE BEN ET-UX
895 FILMORE
AMERICAN FALLS ID 83211

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003209819	365.52
SCHOOL #381	.006186695	704.52
COUNTY HWY	.002122958	241.74
AF LIBRARY	.000316433	36.02
HOSPITAL DIST	.002036220	231.88
AMBULANCE DIST	.000198690	22.62
AMOUNT DUE	.014070815	1,602.30

S15 T9S R28E
NORTH 119.42 AC. OF PARCEL #
3B, (PART OF TN-8)

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

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

PAID
DEC 16 1999
1st half ch 675%
M. Henry

100% PAYMENT

T 5649

ATTACHMENT L OF 2

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

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

COPY
1999
5572

CAVANESE, BEN ET-UX

AMOUNT DUE 801.15

POWER COUNTY
RPD1455-00 A
13-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2000

DATE PAID CHECK #
PAID BY CASH

★ ★ ★ COLLECTION OF TAXES ★ ★ ★

NOTE: A 2% LATE CHARGE IS CHARGED ON LATE PAYMENTS MADE BETWEEN DECEMBER 21 AND DECEMBER 31. BEGINNING JANUARY 1, INTEREST ON THE DELINQUENT TAX AND LATE CHARGE IS CALCULATED AT THE RATE OF 1% PER MONTH ON THE DELINQUENT TAX AND LATE CHARGE.

Payment of a tax delinquency

When a tax becomes delinquent payments are posted to the roll and applied to costs, interest, late charge and delinquent tax in the proportion each bears to the total amount due

See IDAHO CODE 63-1002

Filing of material by mail Date effective.

A post office cancellation is considered the filing date A postage meter is not an acceptable post office cancellation mark

See IDAHO CODE 63-217

Effect of failure to receive notice.

If you do not receive a tax notice on property, this does not excuse the late charge and interest for non-payment

See IDAHO CODE 63-902(9)

REAL PROPERTY

All taxes extended on the property roll are payable on or before December 20 The taxes may be paid in two equal halves If the first half is not paid on or before December 20, that half becomes delinquent and a 2% late charge must be added Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year If the first half tax has been paid in part, late charge and interest are calculated on the remaining first half tax If the second half is not paid on or before June 20, that half becomes delinquent and a 2% late charge must be added Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of that year If the second half tax has been paid in part, late charge and interest are calculated on the remaining tax

All taxes extended on subsequent or missed property rolls are payable within thirty (30) days of the billing date and become delinquent if unpaid thirty (30) days after the bills are mailed See IDAHO CODE 63-903

PERSONAL PROPERTY or MANUFACTURED HOUSING

See IDAHO CODE 63-904(2)

All taxes shown on personal property and manufactured housing are due and payable on demand If no demand is made, the taxes may be paid in two equal halves The first half is due and payable on or before December 20, and the second half is due and payable on or before June 20 of the following year If the first half is not paid on or before December 20, that half becomes delinquent and the **entire tax becomes due and payable**. A 2% late charge must be added to the delinquent half Interest is calculated at the rate of 1% per month beginning January 1 of the following year on the delinquent half and late charge If the first half was paid in part, late charge and interest are calculated on the unpaid portion of the first half If the second half is not paid on or before June 20, that half becomes delinquent and a 2% late charge must be added Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of that year If the second half has been paid in part, late charge and interest are calculated on the remaining tax

The county tax collector may issue a demand for payment on any personal or manufactured housing tax which becomes due and payable on the demand date If the tax is not paid, it becomes delinquent the day following the demand date

When any part of a tax becomes delinquent, a **warrant of distraint is issued** to the county sheriff for its collection

Before the tax becomes delinquent, the board of county commissioners may grant up to a four month extension to pay the tax, late charge and interest A warrant of distraint is not issued until the extended time expires There are **no extensions given on the second half**

See IDAHO CODE 63-201(13), 63-904, and 63-1013

TRANSIENT PERSONAL PROPERTY

Taxes on transient personal property are due in full on demand If no demand is made, the taxes are due and payable on or before December 20 If the tax is not paid on or before December 20 or the demand date, the full tax becomes delinquent and a 2% late charge must be added Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year If the tax has been paid in part, late charge and interest are calculated on the remaining tax

When any part of a tax becomes delinquent, a **warrant of distraint is issued** to the county sheriff for its collection

See IDAHO CODE 63-201(24), 63-313, and 63-904(5)

OCCUPANCY TAX

Occupancy tax is due and payable according to the same schedule as manufactured housing, or real property, whichever is applicable

See IDAHO CODE 63-317, 63-602Z, and 63-903

When any part of the tax becomes delinquent, the tax may be collected in the same manner as tax is collected for manufactured homes or real property, whichever is applicable

Total tax due shown on this statement may not be deductible for Internal Revenue Service (IRS) purposes Please check with an accountant

Levy Sheets Available

Market Value Legend

L = Land I = Improvements P = Personal Property HM = Homeowner
MVE = Market Value Exemption

★ ★ ★ MONTHLY PAYMENTS ACCEPTED ★ ★ ★

Any portion of a property tax may be paid at any time However, to avoid delinquency, total payment must be made in full by the due date Partial payment of any tax will not invalidate any collection process as defined by Idaho Code 63-903

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

1999 TAX BILL/RECEIPT
BILL# 5574 CODE AREA 13-00 L

PARCEL NUMBER
RPD1456-00 A
74,138

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	74,138
TAX 521.57	TAX 521.57	TAX 1,043.14		
LATE	LATE	LATE		
INT	INT	INT		
COST	COST	COST		
TOT	TOT	TOT	TOT ACS	80.000

CAVANESS BEN ET-UX
895 FILMORE
AMERICAN FALLS ID 83211

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003209819	237.96
SCHOOL #381	.006186695	458.66
COUNTY HWY	.002122958	157.38
AF LIBRARY	.000316433	23.46
HOSPITAL DIST	.002036220	150.96
AMBULANCE DIST	.000198690	14.72
AMOUNT DUE	.014070815	1,043.14

S15 T9S R28E
NORTH 80 AC. OF PARCEL # 2B.
(PART OF TN-6)

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

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

MAILED
MAY 13 1999

75649

ATTACHMENT 2 OF 2

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

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

COPY
1999
5574

CAVANESS, BEN ET-UX



2ND HALF

AMOUNT DUE 521.57

POWER COUNTY
RPD1456-00 A
13-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2000

DATE PAID
PAID BY

CHECK #
CASH

NOTE: A 2% LATE CHARGE IS CHARGED ON LATE PAYMENTS MADE BETWEEN DECEMBER 21 AND DECEMBER 31. BEGINNING JANUARY 1, INTEREST ON THE DELINQUENT TAX AND LATE CHARGE IS CALCULATED AT THE RATE OF 1% PER MONTH ON THE DELINQUENT TAX AND LATE CHARGE

Payment of a tax delinquency.

When a tax becomes delinquent, payments are posted to the roll and applied to costs, interest, late charge and delinquent tax in the proportion each bears to the total amount due

See IDAHO CODE 63-1002

Filing of material by mail. Date effective.

A post office cancellation is considered the filing date. A postage meter is not an acceptable post office cancellation mark

See IDAHO CODE 63-217

Effect of failure to receive notice

If you do not receive a tax notice on property, this does not excuse the late charge and interest for non-payment

See IDAHO CODE 63-902(9)

REAL PROPERTY

All taxes extended on the property roll are payable on or before December 20. The taxes may be paid in two equal halves. If the first half is not paid on or before December 20, that half becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year. If the first half tax has been paid in part, late charge and interest are calculated on the remaining first half tax. If the second half is not paid on or before June 20, that half becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of that year. If the second half tax has been paid in part, late charge and interest are calculated on the remaining tax.

All taxes extended on subsequent or missed property rolls are payable within thirty (30) days of the billing date and become delinquent if unpaid thirty (30) days after the bills are mailed. See IDAHO CODE 63-903

PERSONAL PROPERTY or MANUFACTURED HOUSING

See IDAHO CODE 63-904(2)

All taxes shown on personal property and manufactured housing are due and payable on demand. If no demand is made, the taxes may be paid in two equal halves. The first half is due and payable on or before December 20, and the second half is due and payable on or before June 20 of the following year. If the first half is not paid on or before December 20, that half becomes delinquent and the **entire tax becomes due and payable**. A 2% late charge must be added to the delinquent half. Interest is calculated at the rate of 1% per month beginning January 1 of the following year on the delinquent half and late charge. If the first half was paid in part, late charge and interest are calculated on the unpaid portion of the first half. If the second half is not paid on or before June 20, that half becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of that year. If the second half has been paid in part, late charge and interest are calculated on the remaining tax.

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Levy Sheets Available

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7492 Priority March 18, 1975 Amount 1.44 cfs

THIS IS TO CERTIFY, that Vern Duffin
of Aberdeen, Idaho, has complied with the terms and conditions of Permit
No. 35-7492 issued pursuant to Application for Permit dated March 18, 1975,
and has submitted proof to the Department of Water Resources on January 20, 1977,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 1.48 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows.

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>October 31</u>	at <u>1.44</u> cfs and	<u>252.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 1.44 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
252.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Twp.
9S, Rge. 28E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	28E	15															26	26	52
		22	10	10															20

Total number of acres irrigated 72

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
September, 19 81.

Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
~~App. for Permit~~	~~35-7492~~	~~Ben Cavaness & Vern Duffin~~	~~2.4~~
Assignment	35-7492	Vern Duffin	2.4

APPROVED

State of Idaho
Department of Water Resources

RECEIVED

APR 2 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

I, we BEN CAVANESS, and / LINDA CAVANESS, hereby assign to Vern Duffin
of Route 1, Aberdeen, Idaho 83210
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 35-7492
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 1st day of September, 1980.

BEN CAVANESS
Permit Holder

LINDA CAVANESS
Spouse of Permit Holder

State of Idaho)
County of Power) ss.

On this 1st day of September, 1980, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Marlene Henry
Notary Public residing at
American Falls, Idaho

My commission expires:
Life

RECEIVED

MAR 31 1981

Department of Water Resources
Eastern District Office

ASSIGNED TO:
Vern Duffin
Route #1
Aberdeen, Idaho 83210
March 31, 1981

Identification No. 35 7492
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Vern Duffin & Ben Cavaness
post office address % P.O. Box 70 American Falls, Idaho
- 2 Source of water supply ground water which is a tributary of N/A
- 3 a Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15 Township 9 S
Range 28 E B.M. Power County; additional points of diversion if any: _____

b If water is not consumed, it will be discharged into N/A at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
Amount 2.4 cfs for irrigation purpose from April 1 to October 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated.
a 2.4 cfs cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc. 100 hp elec motor
w/Johnston pump w/14" bowls

b Height of storage dam N/A feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo Day) (Mo Day)
c Proposed well diameter is 16 inches, proposed depth of well is 60 feet SWL-35'
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years
b Estimated construction cost is \$ 48,000.00
- 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 _____ hp 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]

c Describe any other water rights used for the same purposes as described above. None

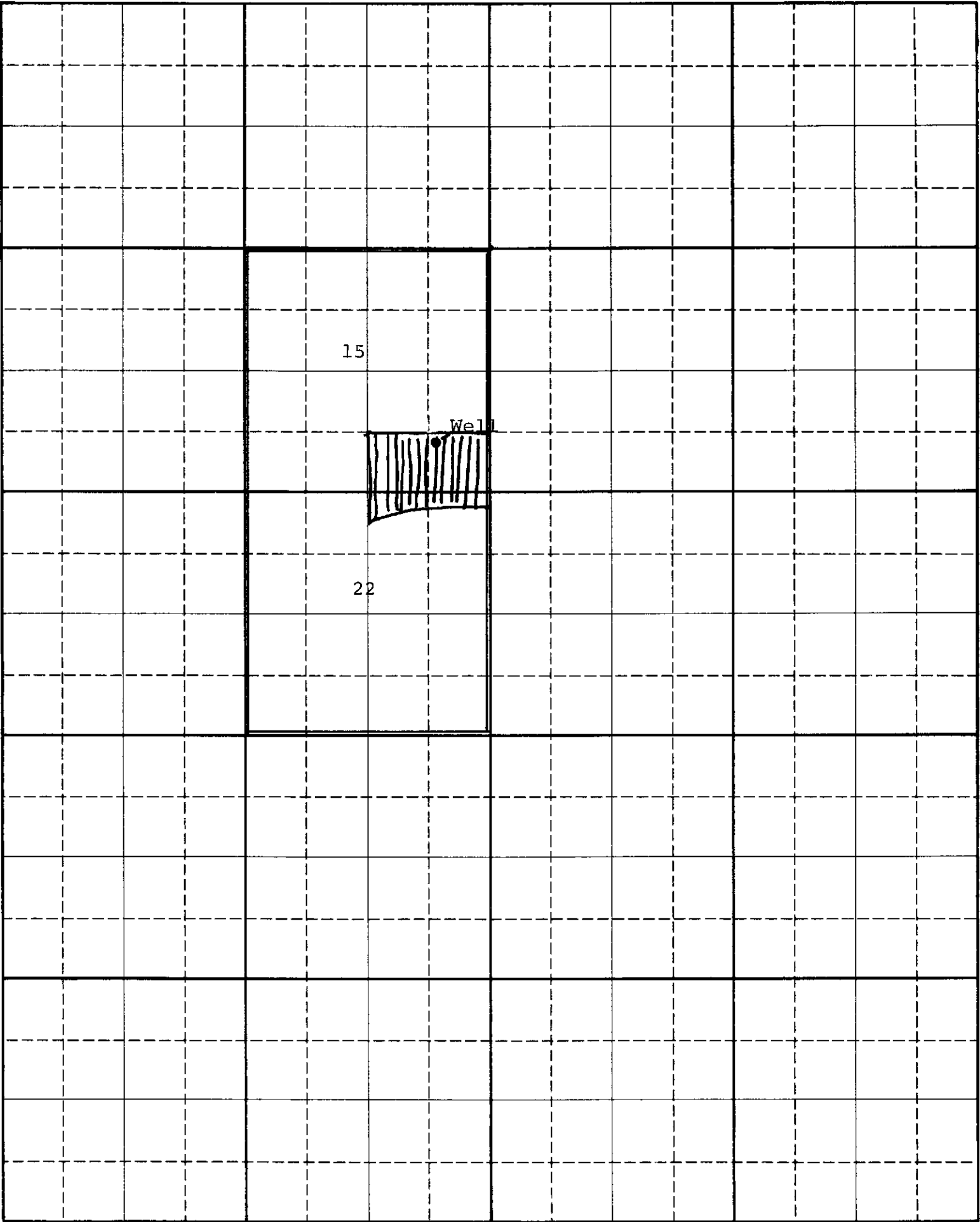
b. Who owns the land to be irrigated or place of use _____

[illegible]

option to purchase from above named-applicant will purchase
subject property prior to May 15, 1975

117

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.

[Signature]
(Applicant)
[Signature] (Witness)

Received by W.B. Date 3-18-75 Time 11:35 AM
Preliminary check by W.B. Fee \$ 45.00
Received by MB Date 3-18-75 # 4148
Publication prepared by MB Date 3-21-75
Published in State County News
Publication dates 3/27 + 4/3/75
Publication approved W.B. Date 4-29-75
Priority reduced to _____ Reason _____
Protests filed by. _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by W.B.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 35-7492, 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 July 1, 19 77.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons _____

Witness my hand this 26 day of June 19 75.

Director

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } S.S.

DEPARTMENT OF LAND
Economic Development

.....Phyllis Pinge..... being first duly sworn
on oath, states:

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

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

newspaper and not in any supplement thereof for 2
successive weekly issues thereof, the date of the first publica-
tion being the 27th day of March, 1975
the date of last publication being the

3rd day of April, 1975

(Signed) Phyllis Pinge

Subscribed and sworn to before me this

5 day of April, 1975

Phyllis Pinge
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) day of, 19

Notary Public
Idaho
April 15 1975

Legal Notice

Published in the Power Coun-
ty Press, American Falls, Ida-
ho on March 27 and April 3,
1975.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Vern Duffin & Ben Cavaness,
American Falls, Idaho have on
3-18-75 submitted Application
No. 35-7492 for a permit to
appropriate 2.4 cubic feet per
second of water from a
ground-water source by means
of well and pump within the
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 9S, R.
28E, B.M., Power County; to
be used from Apr. 1 to Oct. 31
for the irrigation of 120 acres
within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 15,
N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22, T. 9S, R.
28E, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or be-
fore April 14, 1975.

R. KEITH HIGGINSON
Director



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

May 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211

RE: TRANSFER OF WATER RIGHTS 35-07492/35-12790 (Transfer 5649)

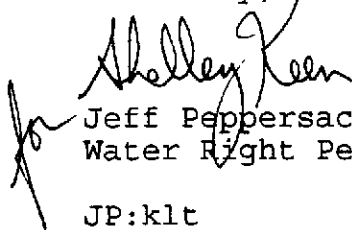
Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5649). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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

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

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

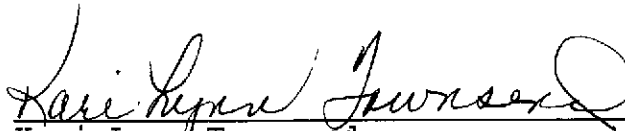
MAILED
MAY 11 2000

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of **May, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 35-07492/35-12790 (Transfer 5649)

**BEN CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211**


Kari Lynn Townsend
Secretary

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate:

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names))
(Signature)

ORAL ARGUMENT

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

FINAL ORDER

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

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

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 04/28/00
Time: 10:10:25

Water Right Number: T35-07492

Comment Date: 4/ 1/2000 User ID: SKEEN

Subject: Transfer 5649

Transfer review and data entry by S. Keen on 4/1/2000. The
transfer changes the place of use for right 35-07492 and 35-12790
to remove three acres of trespass on BLM land in the NESE of
S22 (1 acre) and NWSE of S22 (2 acres), T9S, R28E, B. M.

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

Reviewed by Shelley Keen

SRBA

SUBCASE SUMMARY REPORT 35-07492

[Return to SRBA Home Page](#)

SRBA
04-03-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 35-07492 FILE#: 01781
CLAIMANT: CAVANESS, BEN
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,
ISSUES: SOURCE OF WATER
QUANTITY OF WATER USED
CONSUMPTIVE USE
WATER RIGHT RECOMMENDATION

****** PARTIES INVOLVED ******

BEN CAVANESS	C ATTY: JEFFREY C. FEREDAY
TWIN FALLS CANAL COMPANY	O ATTY: NORMAN M. SEMANKO
STATE OF IDAHO	R ATTY: PETER J. AMPE
NORTH SIDE CANAL COMPANY L	O ATTY: NORMAN M. SEMANKO

****** ROA ENTRIES ******

06-02-1999	OBJ 01 F/B TWIN FALLS CANAL COMPANY	RB	10-04-1999	0001
06-02-1999	OBJ 02 F/B NORTH SIDE CANAL COMPANY LTD			0002
08-10-1999	RESPONSE TO OBJ 0001 F/B STATE OF IDAHO			0001
08-10-1999	RESPONSE TO OBJ 0002 F/B STATE OF IDAHO			0001
08-30-1999	ORDER CONSOLIDATING ISSUES CONCERNING CANAL COMPANY OBJECTIONS (BASIN 35- PARTS 2 & 3) AND ORDER DESIGNATING LEAD SUBCASE AS 35-07200 SEE FILE #35-379		08-30-1999	
02-23-2000	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		02-23-2000	
02-23-2000	NCAP - AMENDED DIRECTOR'S REPORT FILED CHANGE OF ADDRESS			
02-25-2000	NOTICE OF ADMINISTRATIVE PROCEEDING-TRANS POU	AZ	02-16-2001	

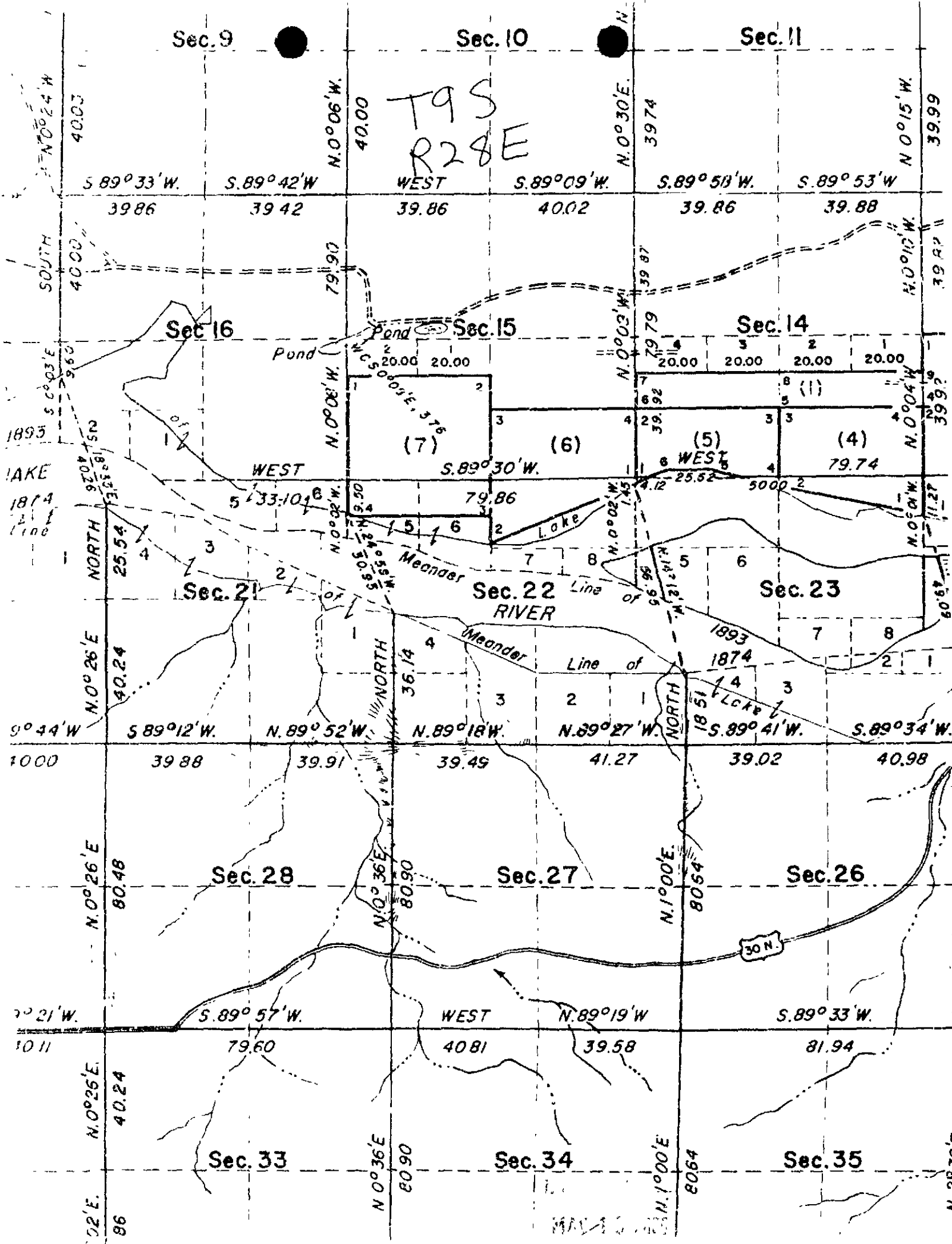
[Return to SRBA Home Page](#)

Sec. 9

Sec. 10

Sec. 11

T9S
R28E





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250 (SRWR) (934)

April 28, 2000

Pam Skaggs
Idaho State Office
Idaho Department of Water Resources
State of Idaho
1301 N. Orchard St.
P.O. Box 83720
Boise, Idaho 83720-0098

**RE: Snake River Basin Adjudication (SRBA) Claims
35-07492 Ben Cavaness**

Dear Ms. Skaggs:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Ben Cavaness, wishes to transfer water under right 35-07492 from the federal public property to land which Cavaness owns as private property. The federal public property legal descriptions are as follows:

T09S R28E S22	NESE	1.0 acre
	NWSE	<u>2.0 acres</u>
		3.0 acres TOTAL to be transferred off of public land.

While reviewing the Director's Report recommendation for this claim against the BLM's Master Title Plat (attached), I noticed that the Place of Use (POU) in S22 NENW is a "lot" and so should actually be described as Lot 6 (NENW).

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

Cavaness Transfer

REDISCOVER YOUR PUBLIC LANDS

100-200001121
MAY 13 2000

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3828 or at the address provided above.

Sincerely,



Gary A. Madenford
Water Rights Team Leader

cc:

Larry A. Brown, Dept. of Justice, ENRD
Susan Hamlin, Attorney for IDWR
CACI, Boise

Cavaness Transfer

REDISCOVER YOUR PUBLIC LANDS

MAY 15 2000

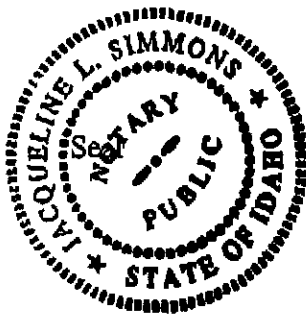
STATE OF IDAHO)

) ss:

COUNTY OF ADA)

On this 28th day of April, 2000, personally came before me, a notary public in and for said County and State, the within-named GARY A. MADENFORD, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Jacqueline L. Simmons

Notary public in and for the

State of Idaho,

County of Ada

Residing at Boise, Idaho

My commission expires: 4-7-2005

Cavaness Transfer

REDISCOVER YOUR PUBLIC LANDS

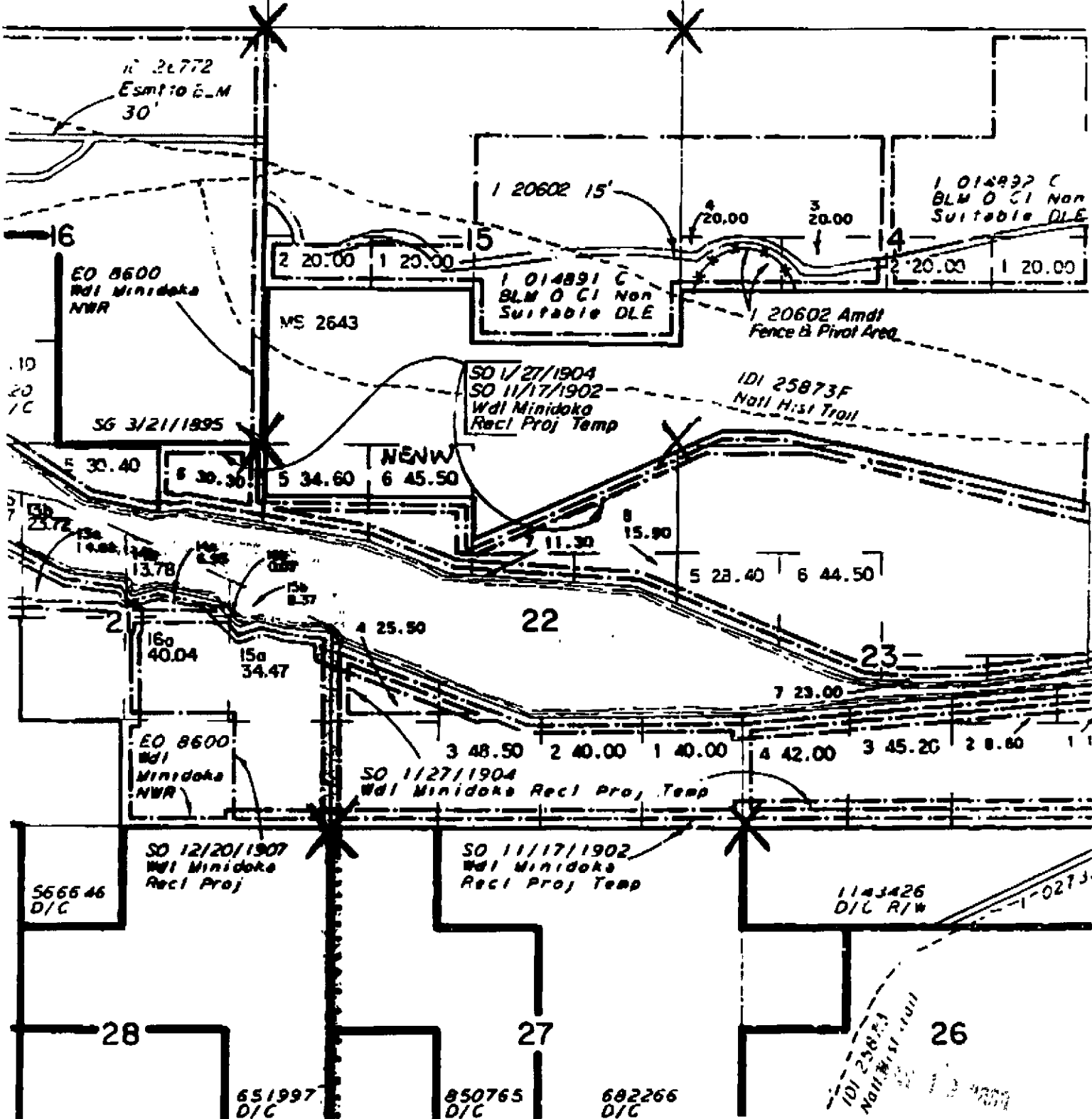
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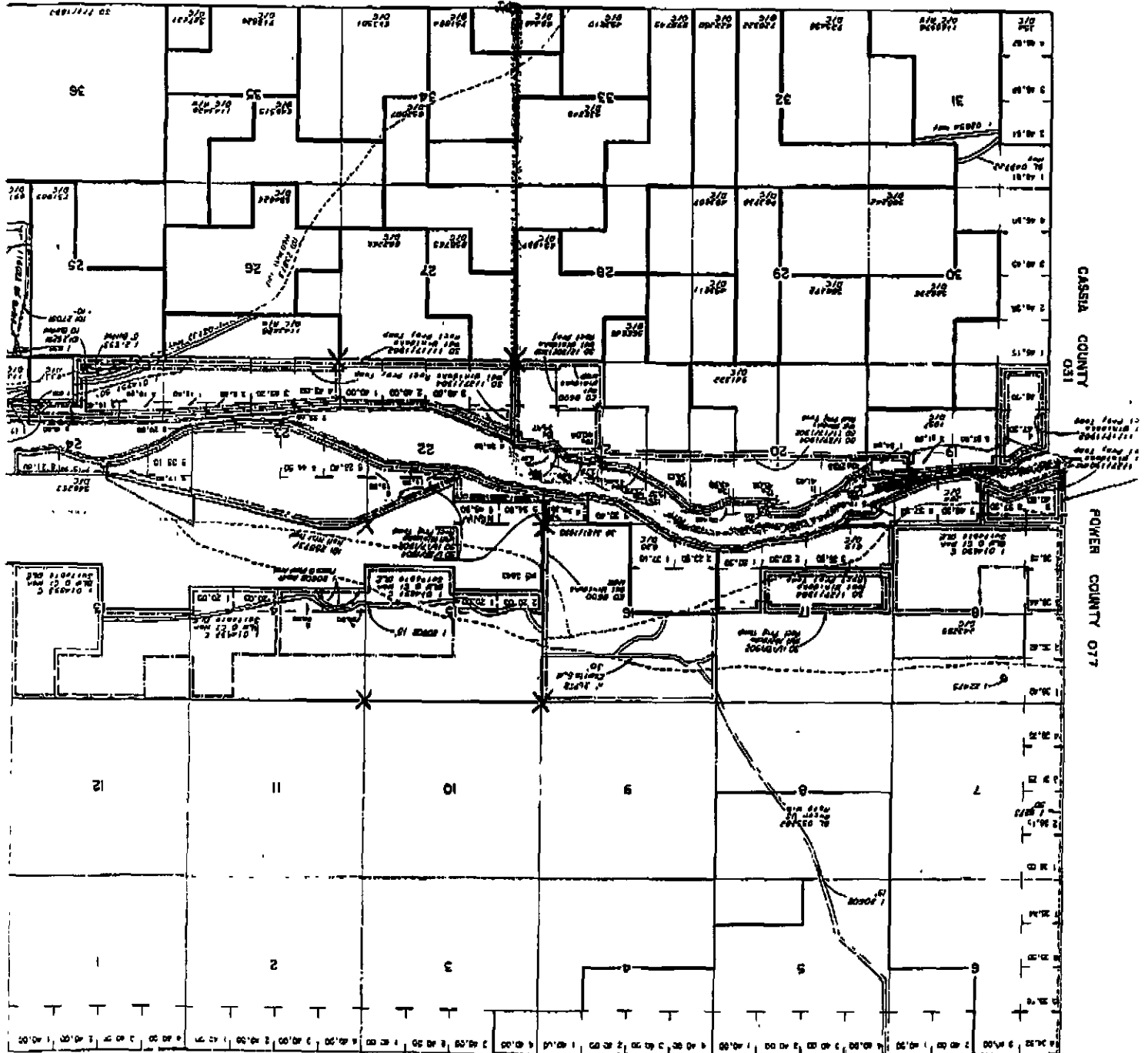
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T09S R28E



THE NOTION 3
ACTION THREE 8
THE HISTORICAL



BURLY DISTRICT SEC 3

75649

RECEIVED
APR 03 2000
Department of Water Resources
Eastern Region

RECEIVED
APR 11 2000
DEPARTMENT OF WATER RESOURCES

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 28th day of February 2000 and the date of the last publication being the 1st day of March 2000.

Signed

Brett Crompton

State of Idaho

County of Power

On this 1st day of March in the year of 2000, before me, a Notary Public, personally appeared Brett Crompton, 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 executed the same.

Holly Morris
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: January 21, 2003

Water right change for Ben Cavaness

Published in The Power County Press
Feb. 23, March 1, 2000.
AMENDED NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. T5649

Notice is hereby given that Ben Cavaness, 895 Fillmore, American Falls ID 83211, has applied to the Department of Water Resources to change the place of use of a groundwater source. The rights sought to be changed are evidenced by SRBA Recommendations and recorded as follows.

SRBA Recommendation No.: 35-12790
Source: Groundwater
Amount: 0.51 cfs
Priority: 05/25/1979
SRBA Recommendation No.: 35-07492
Source: Groundwater
Amount: 1.44 cfs
Priority: 03/18/1975
Point(s) of Diversion: SWSESE SEC 15
T09S R28E, POWER COUNTY

The water is used for irrigation of 111 acres within SEC 15 and 22 T09S R28E, B.M.

TO BE CHANGED AS FOLLOWS:

Applicant is just re-arranging his acres to better fit his pivot and actual place of use, and to remove 3 acres of BLM trespass. He will still irrigate 111 acres in the S1/2SW1/4 SEC 15 and N1/2NE1/4 of SEC 22 T09S R28E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before March 13, 2000. The protestant must also send a copy of the protest to the applicant.

L. KARL J. DREHER, Director

MEMORANDUM

DATE: April 3, 2000

TO: File 35-07492

FROM: Kari Lynn Townsend

RE: Phone Conversation

At Shelley Keen's request, I phoned the Power County Assessor's office and spoke with Elma. She verified that Ben Cavaness is the owner of the land at

T09S, R28E, S22, NENE (10.8 acres) and NWNE (26.8 acres)

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 04/01/00
Time: 15:56:27

Water Right Number: T35-07492

Comment Date: 4/ 1/2000 User ID: SKEEN

Subject: Transfer 5649_____

Transfer review and data entry by S. Keen on 4/1/2000. The_____ transfer changes the place of use for right 35-07492 and 35-12790 to remove three acres of trespass on BLM land in the NESE of_____ S22 (1 acre) and NWSE of S22 (2 acres), T9S, R28E, B. M._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

STATE OF IDAHO
RECEIVED DEPARTMENT OF WATER RESOURCES
MAR 15 2000 TRANSFER ANALYSIS SHEET

1-19-2000
T5649

Department of Water Resources
INITIAL REVIEW BY: [Signature]

1. Right number 35-07492
35-12790 Applicant CAVARESS
2. Type of right: ☒ Decree ☒ License ☐ Claim ☒ SRMA Recommendation
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. Requested
 - h. ☒ Check for expansion in use of right. Comments NONE - *Need BLM Letter
*Need Holder letter
*Need Sec. 22
*Need Amended Fee
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☐ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By [Signature] Date 2/8/2000

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 9th day of February 2000 and the date of the last publication being the 16th day of February 2000.

Signed

Brett Crompton

State of Idaho

County of Power

On this 16th day of February in the year of 2000, before me, a Notary Public, personally appeared Brett Crompton, 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 executed the same.

Jelly Morris

Notary Public for Idaho
Residing at American Falls, Idaho

My commission expires: January 21, 2003

Water right change for Ben Cavaness

Published in The Power County Press
Feb. 9, 16, 2000.

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T3649

Notice is hereby given that Ben Cavaness, 895 Fillmore, American Falls, ID 83211, has applied to the Department of Water Resources to change the place of use of a groundwater source. The rights sought to be changed are evidenced by SRBA Recommendations and recorded as follows.

SRBA Recommendation No. 35-12790
Source Groundwater

Amount: 0.51 cfs

Priority 05/25/1979

SRBA Recommendation No. 35-07492

Source Groundwater

Amount: 1.44 cfs

Priority 03/18/1975

Point(s) of Diversion: SWSESE SEC 15
T09S R28E, POWER COUNTY

The water is used for irrigation of 111
acres within SEC 15 and 22 T09S R28E,
B.M.

TO BE CHANGED AS FOLLOWS:

Applicant is just re-arranging his
acres to better fit his pivot and actual
place of use. He will still irrigate 111
acres in the SE 1/4 SEC 15 and NE 1/4
NW 1/4 of SEC 22 T09S R28E.

Any protests against approval of the
proposed change must be filed with the
Idaho Department of Water Resources,
900 N. Skyline Dr., Idaho Falls, ID
83402, together with a protest fee of \$25
on or before February 29, 2000. The
protestant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

Benlin Farm

Ben Cavaness
Linda Cavaness

895 Fillmore
American Falls, ID 83211

February 21, 2000

Dear Harold:

Enclosed is a farm account check to cover the cost of readjusting transfer # 5649. The revised map you sent me looks fine.

Thanks for all your help

Sincerely,

Ben Cavaness

Receipt # E025619

PAID 11/14/00



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 17, 2000

POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

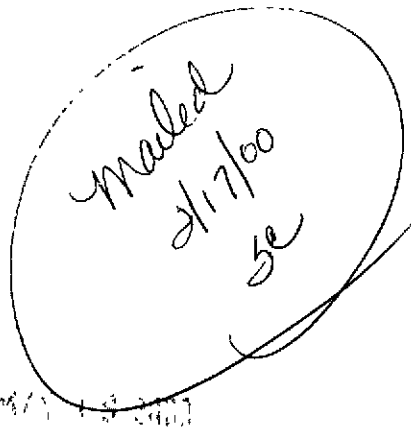
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before March 13, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



**AMENDED NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5649**

Notice is hereby given that Ben Cavaness, 895 Fillmore, American Falls ID 83211, has applied to the Department of Water Resources to change the place of use of a groundwater source. The rights sought to be changed are evidenced by SRBA Recommendations and recorded as follows:

SRBA Recommendation No.:	35-12790	Source: Groundwater
Amount:	0.51 cfs	Priority: 05/25/1979
SRBA Recommendation No.:	35-07492	Source: Groundwater
Amount:	1.44 cfs	Priority: 03/18/1975
Point(s) of Diversion: SWSESE SEC 15 T09S R28E, POWER COUNTY		

The water is used for irrigation of 111 acres within SEC 15 and 22 T09S R28E, B.M.

TO BE CHANGED AS FOLLOWS:

Applicant is just re-arranging his acres to better fit his pivot and actual place of use, and to remove 3 acres of BLM trespass. He will still irrigate 111 acres in the S ½ SW ¼ SEC 15 and N ½ NE ¼ of SEC 22 T09S R28E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before March 13, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Power County Press on February 23 and March 1, 2000.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 2000

POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 29, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

*Maded
2/3/00
bc*

403 1 3 000

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5649**

Notice is hereby given that Ben Cavaness, 895 Fillmore, American Falls ID 83211, has applied to the Department of Water Resources to change the place of use of a groundwater source. The rights sought to be changed are evidenced by SRBA Recommendations and recorded as follows:

SRBA Recommendation No.:	35-12790	Source: Groundwater
Amount:	0.51 cfs	Priority: 05/25/1979
SRBA Recommendation No.:	35-07492	Source: Groundwater
Amount:	1.44 cfs	Priority: 03/18/1975
Point(s) of Diversion: SWSESE SEC 15 T09S R28E, POWER COUNTY		

The water is used for irrigation of 111 acres within SEC 15 and 22 T09S R28E, B.M.

TO BE CHANGED AS FOLLOWS:

Applicant is just re-arranging his acres to better fit his pivot and actual place of use. He will still irrigate 111 acres in the SE ¼ SEC 15 and NE ¼ NW ¼ of SEC 22 T09S R28E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 29, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Power County Press on February 9 and 16, 2000.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 2000

BEN CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211

RE: Application for Transfer #5649

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on February 9 and 16, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc



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, 1981

RE: Permit No. 35-7492

Vern Duffin
Route #1
Aberdeen, ID 83200

Dear Mr. Duffin:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 10, 1981

RE: Permit No. 35-7492

Vern Duffin
Route #1
Aberdeen, ID 83210

Dear Mr. Duffin:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7492, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.44 cfs Source: a groundwater source

The maximum quantity diverted shall not exceed 252.0 acre feet per year.

Point(s) of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Twp. 9S, Rge. 28E, Power County

Beneficial use: Irrigation of 72 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$,
Sec. 22; Twp. 9S, Rge. 28E

Priority date established: March 18, 1975

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

MICROFILMED

REC-1

1. Name of permit holder Vern Duffin & Ben Cavaness JAN 27 1977

Post office address Box 70, American Falls, ID 83211 Phone 208-256-2562

Person to contact Officer L. L. L. L. Phone 777 777 777

120

NOT RECORDED

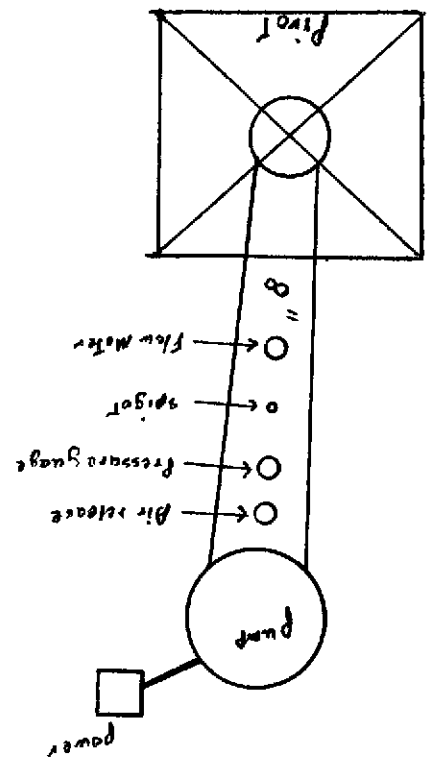
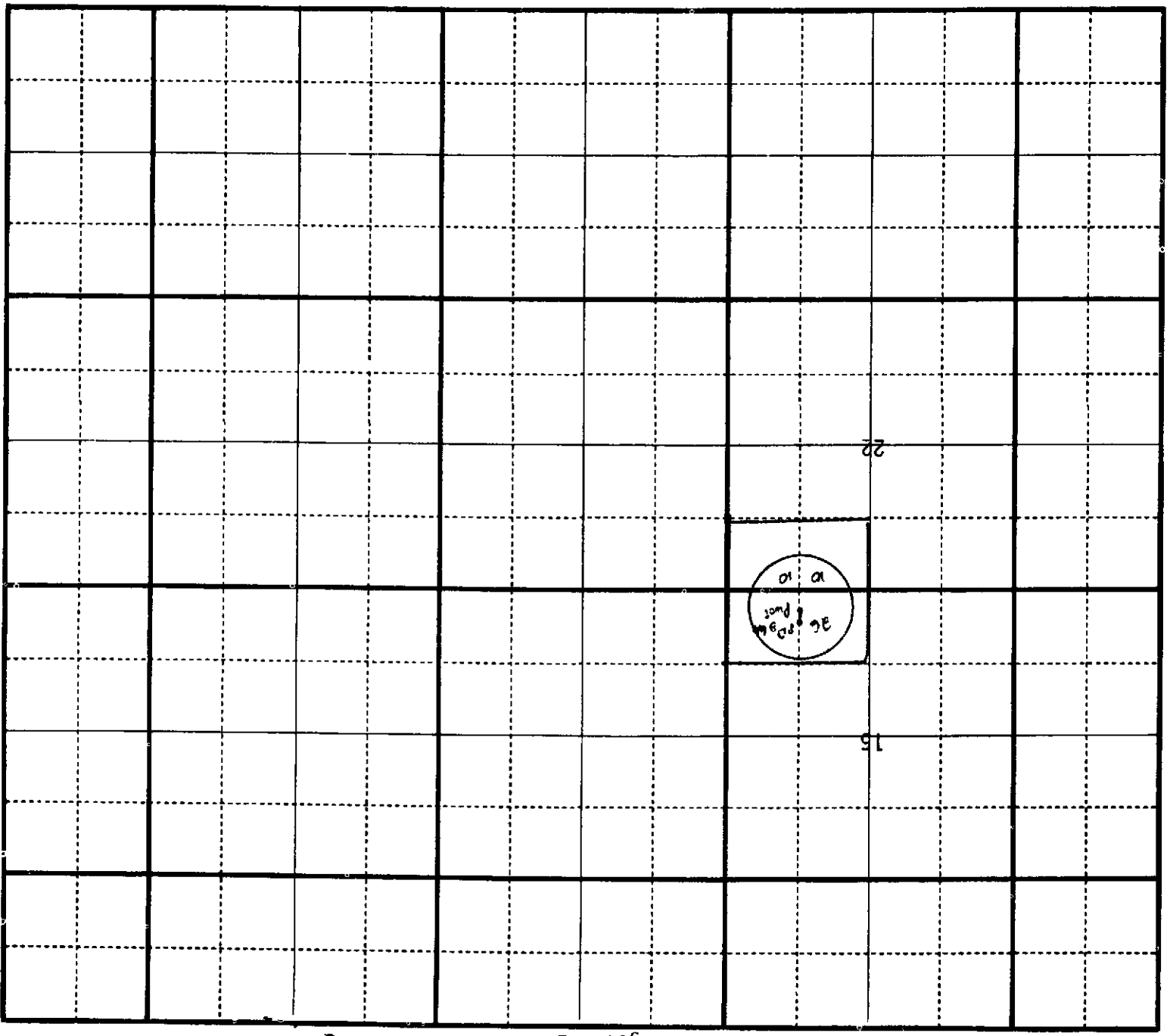


Diagram of System



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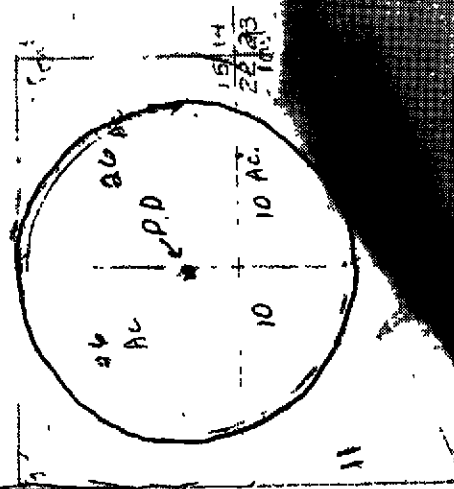
R-28 EBM

1/03

7

35-7498

3-2



1413
2324

1615
2128

2324
2625

B-789



MICROFILMED

DATE OF EXAM 5/24/79

ACREAGE

Found 72 Ac ☒
Recommended 72 Ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = 1.44 c.f.s. V = 252 AF/Ann. from April 1 to Oct 31
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1.48 cfs Method of measurement Flow Meter

Total Q recommended 1.44 cfs Meter No. 73-8-523 Type McCrometer Condition Std

Total V recommended 252 AF/Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other ☒ None

MEASUREMENT CALCULATION:

0.1 Ac Ft in 295 ac = 435.6 ÷ 295 = 1.48 cfs x 6.3 gpm
Allow .02 cfs/Ac 72 ac x .02 = 1.44 cfs
V = 72 Ac x 3.5 AF/Ac = 252 AF/Ann. 1.44 cfs x 1.9835 cfs AF/My x 813 days = 608.4 AF/Ann.

SYSTEM DESCRIPTION:

Handwater is diverted by a 1/2" E. Induction motor 75 hp. In # K2J1022377 w/a vertical turbine pump. In # 7625059 tanks irrigated by an 8" tower pivot 6-120' 2100' with a center of 70' 1000' post.

REMARKS:

System shown and described by Allen Duffin.

No conflicting g.w. rights

Examiner's Signature John D. Carson Date 3/12/80

Checked by Anthony R. Kozlowski Date 4-4-80

Approved by [Signature] Date 8/28/81

No Overlapping rights

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 17, 1981

Mr. Vern Duffin

Route #1

Aberdeen, Idaho 83210

Permit #35-7492

Dear Mr. Duffin:

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

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

A handwritten signature in cursive script, reading "Jim Johnson", is written above the typed name.

JIM JOHNSON

Water Distribution Supervisor

JJ:mr

Enclosure

APR 20 1981

Cavaness, Beebe and Glarborg

BEN CAVANESS
MARK BEEBE
JAMES GLARBORG

ATTORNEYS-AT-LAW
P.O. Box 70
American Falls, Idaho 83211

APR 3 1981
Telephone
(208) 226-2562
Department of Water Resources

March 30, 1981

Idaho Dept. of Water Resources
Eastern Idaho District Office
150 Shoup Ave.
Idaho Falls, Idaho 83401

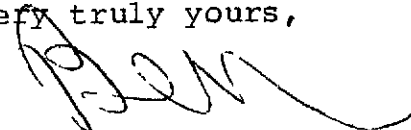
Re: Permits No. 35-7492, 35-7740, 35-7616, 35-7491

Gentlemen:

Enclosed for your processing are the above referenced
Assignments of Permit.

If you have any questions, please contact me.

Very truly yours,


Ben Cavaness

BC:mh

Encl.

RECEIVED

RECEIVED

MAR 31 1981

Department of Water Resources
Eastern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 23, 1977

Lawrence H. Duffin
1202 Overland Ave., Box 188
Burley, Idaho 83318

Dear Mr. Duffin:

Your February 10 letter raised the question of the well drilled by Vern Duffin and Ben Cavaness on the north side of Lake Walcott actually taking water from the lake.

Your letter was referred to our groundwater hydrology section but they have no specific information on the groundwater movement in that area. They did suggest, however, that the United States Bureau of Reclamation has been involved in test drilling in that general area.

We regret that we do not have the specific information that you requested.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

RECEIVED
FEB 24 1977

January 26, 1977

Re: Permit No. 35-7492

Vern Duffin & Ben Cavaness
Box 70
Ameridan Falls, Idaho 83211

Gentlemen:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

133-10000-10

Identification No. _____

Permit No. 35-7492

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 15 1975

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder VERN DUFFIN & BON CAVANESS
b) Post Office Address P.O. Box 70 AMERICAN FALLS IDAHO 83211
2. Permit Number 35-7492
3. Date of Priority that you are prepared to establish 3/19/75
4. a) Source from which water was appropriated GROUNDWATER
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 15
Township 9S, Range 28E, Boise Meridian, Other points of diversion: NORTH
5. a) The amount of water and use to which the water has been applied:
Amount 2.4 cfs for IRRIGATION purposes from APRIL 1 to NOVEMBER 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By APPLICANT, who took into account - size of pump bowls, pressure rate & CONSULTING FLOWMETER
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
b) Describe the agreement or understanding by which you take water from the works:
N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 1" well casing - depth of well of 280' - static level 15' - Pumping level 65' - 75hp elec motor (GE)
b) Describe the type and size of measuring device which you have installed at your point of diversion:
McCrometer
c) Give well driller's name and address and the date the well was completed:
PAUL VOLLMER & SONS
P.O. Box B
Aberdeen, Idaho 83210
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
N/A

Examined: 6/17/75

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
95	28E	15														40	40		80
95	28E	22	14	25															39

Total number of acres irrigated 119

10. Remarks: _____

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

1/19/97
(Date)

Ben Caranick
(Signature)

State of Idaho)
County of Power) ss.

On this 19th day of JANUARY, 1997, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Montene Herring
Notary Public residing at American Falls
Idaho

My commission expires 5-17-99

Schau and Cavaness

ATTORNEYS-AT-LAW
P. O. Box 38
American Falls, Idaho
83211

RECEIVED

JAN 20 1977

Department of Water Resources

TO Bobby D. FLEENOT
Idaho Dept of Water Resources
STATE HOUSE
Boise, Idaho 83720

SUBJECT Permits # 35-7491-7492

DATE 1/19/77

MESSAGE

DEAR Bobby;

ENCLOSED ARE THE ORIGINAL PROOF OF APPLICATIONS TO BENEFICIAL USE THAT I HAVE PREPARED WITH REGARD TO THE ABOVE REFERENCED PERMIT APPLICATIONS. PLEASE REVIEW & COMPLETE PROCESSING IF ALL IS IN ORDER.

SINCERELY

Bew Cavaness

REPLY

DATE

RECEIVED
JAN 20 1977
DEPT. OF WATER RESOURCES
BOISE, IDAHO

June 30, 1975

Re: Permit No. 35-7492 & 35-7491

Vern Duffin & Ben Cavaness
P. O. Box 70
American Falls, ID 83311

Gentlemen:

Enclosed is a copy of your approved Application for Permit No ³⁵⁻⁷⁴⁹¹35-7492 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

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

- (1) RDC 3/18/75 In form to receipt YES
- (2) " " Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management
- (3) " " _____
Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
☒ Request Information from Applicant
- (4) " " ☒ " COPY OF PURCHASE AGREEMENT
In form for advertising
- (5) " " Platted on Map No. _____
- (6) " " NA Located within Water District No. _____
- (7) " " Critical groundwater area: yes _____ no ☒
- (8) " " Groundwater levels:

Declining, ☒ Stable, _____ Increasing
(comment) WIRTH 27 +1-1+2
1862-1-3
- (9) _____ Other rights on the same place of use
- (10) _____ Comments: NO PLATS OF
95 29E ON FILE
see 95 28E 844
- (11) MB 4-9-75 Affidavit of Publication received (date) April 9
- (12) MB 4-14-75 Final date for protests April 14, 1975
Protests received: yes _____ no x
- (13) RDC 4/17/75 All requested information received from agencies or
applicant: yes _____ no ☒
- (14) " " Action recommended:
☒ Approve _____ Deny
- 3/18/75 Proposed Priority
- _____
Reason for Reduction
- ☒ Measuring device required
- ☒ See attached sheet for other conditions of
approval
- _____
No special conditions for approval

(15) District E By RDC Date 6/17/75

RECEIVED

Copy

April 15, 1975

RE: Application for Permit No. 35-7491
" " " No. 35-7492

Mr. Vern Duffin
Mr. Ben Cavaness
P.O. Box 70
American Falls, ID 83211

Gentlemen:

We have completed preliminary processing of the above referenced applications and no protests have been received. However, before final action can be taken, it will be necessary for you to furnish this office with a copy of your purchase agreement covering the property described in the applications.

If you have any further questions, please contact this office.

Very truly yours,

LOREN O. HOLMES
Assistant to the
District Engineer

LOH:mb

↑ Disregard
per BDF
JSS

MICROFILMED

March 21, 1975

RE: Application for Permit No. 35-7491 Duffin & Cavaness
" " " No. 35-7492 " "

Power County Press
174 Idaho St.
American Falls, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 4-9-75 by MB

RDC:MB

Enc: Legal Notices (2)

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Vern Duffin & Ben Cavaness,

American Falls, Idaho

have ~~XXXX~~ on 3-18-75 submitted Application No. 35-7492

for a permit to appropriate 2.4 cubic feet per second ~~acre-feet per annum~~

of water from a ground-water source

by means of well and pump

within the SE~~1~~SE~~2~~, Sec. 15, T. 9S, R. 28E, B.M., Power County;

to be used from Apr. 1 to Oct. 31

for the irrigation of 120 acres

within the $S\frac{1}{2}SE\frac{1}{4}$, Sec. 15, $N\frac{1}{2}NE\frac{1}{4}$, Sec. 22, T. 9S, R. 28E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____ April 14, 1975 .

R. KEITH HIGGINSON

Director

Published in the Power County Press, American Falls, Idaho

on **March 27** and **April 3, 1975**

RECEIVED

March 20, 1975

C
RE: Application for Permit No. 35-7491 & No. 35-7492

Mr. Vern Duffin
Mr. Ben Cavaness
P.O. Box 70
American Falls, ID 83211

C
Gentlemen:

P
Attached herewith are departmental receipts No. 4148 in the amount of \$45.00 and receipt No. 4149 in the amount of \$95.00 for the above referenced applications.

In Item 9a and 9b you have indicated that you do not own the property at this time. Therefore, we must receive a copy of the purchase agreement to complete the file.

V
If you have any questions, please contact us.

Very truly yours,

LOREN O. HOLMES
Assistant to the
District Engineer

LOH:MB

Attachments

MICROFILMED

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

Schou, Cavaness and Beebe

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

RECEIVED
MAR 18 1975

TELEPHONE (208)
226-2562 or
226-2563

March 17, 1975

Department of Water Resources
Eastern District Office

Appropriation Examiner
Idaho Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

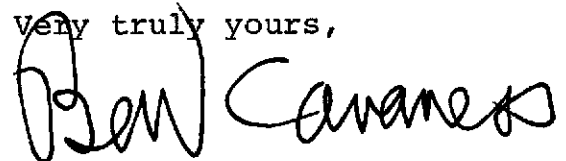
Re: Vern Duffin & Ben Cavaness Water Applications

Dear Sir:

Enclosed is the original of the Application for Permit for certain lands lying in Township 9 S. Range 29 E.B.M. Power County, Idaho. Also enclosed are checks payable to the Department of Water Administration to cover the requisite filing fees. Please review the enclosed and if you find the same to be in proper order, negotiate the checks and assign the applications a filing number.

If in reviewing the enclosed application you find that you will require the signature of either Walt or Henry Schodde, please return the enclosed applications to me and I will secure their signatures. Mr Duffin and I presently hold an option to purchase all of the property contained within the enclosed applications plus approximately 800 acres more of which we entered into pending our finding water on the above described premises. We have found adequate supplies of water and will exercise our option to purchase on the 15th day of April, 1975. Within thirty days of the 15th of April, a Real Estate Agreement will be entered into whereby we will purchase all of the property in question. If you find you will need further information or copies of any of the applicable contracts, please advise and we will make prompt remittance of them.

Very truly yours,



Ben Cavaness

BC:mh
Encl.

RECORDED