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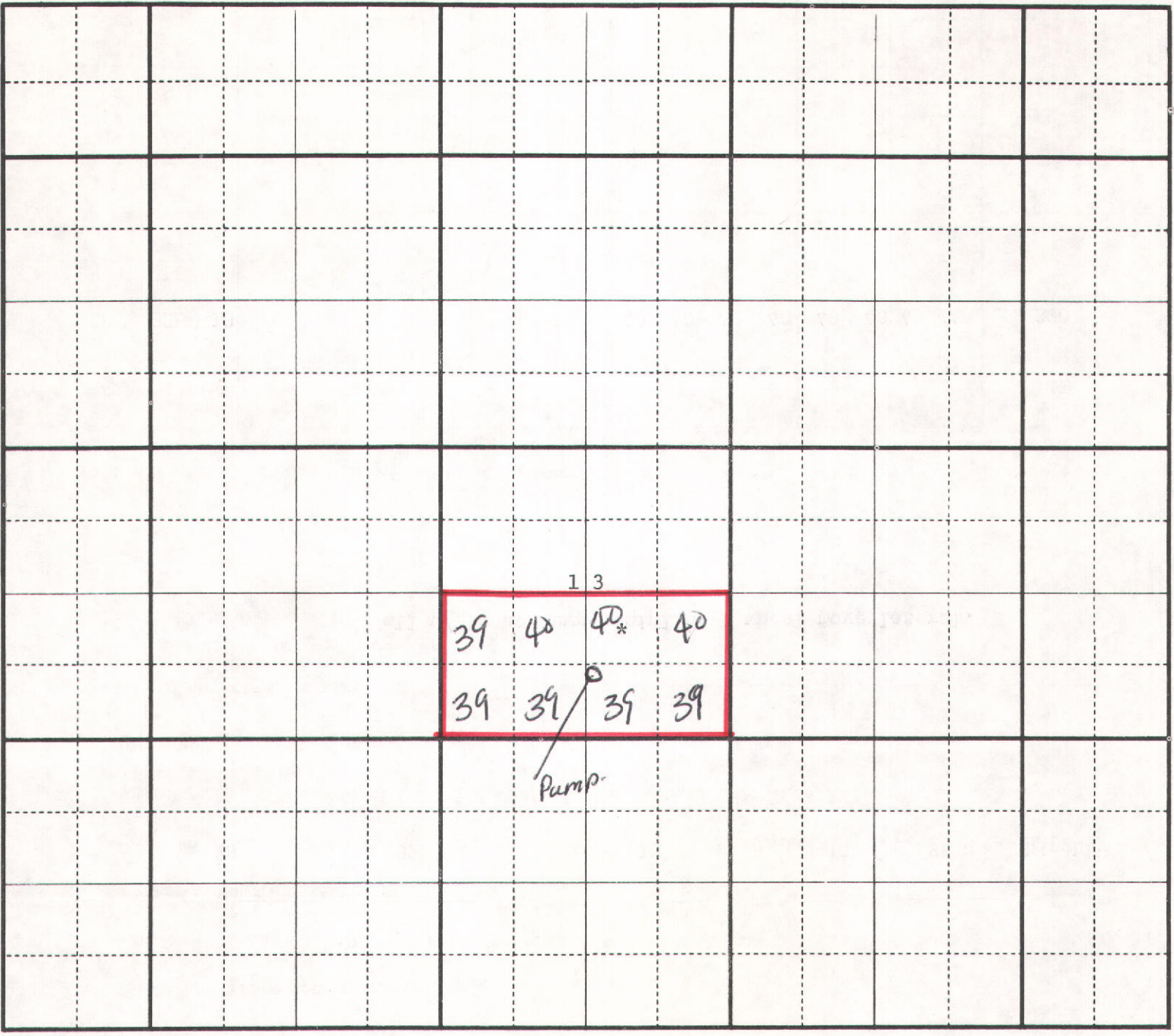
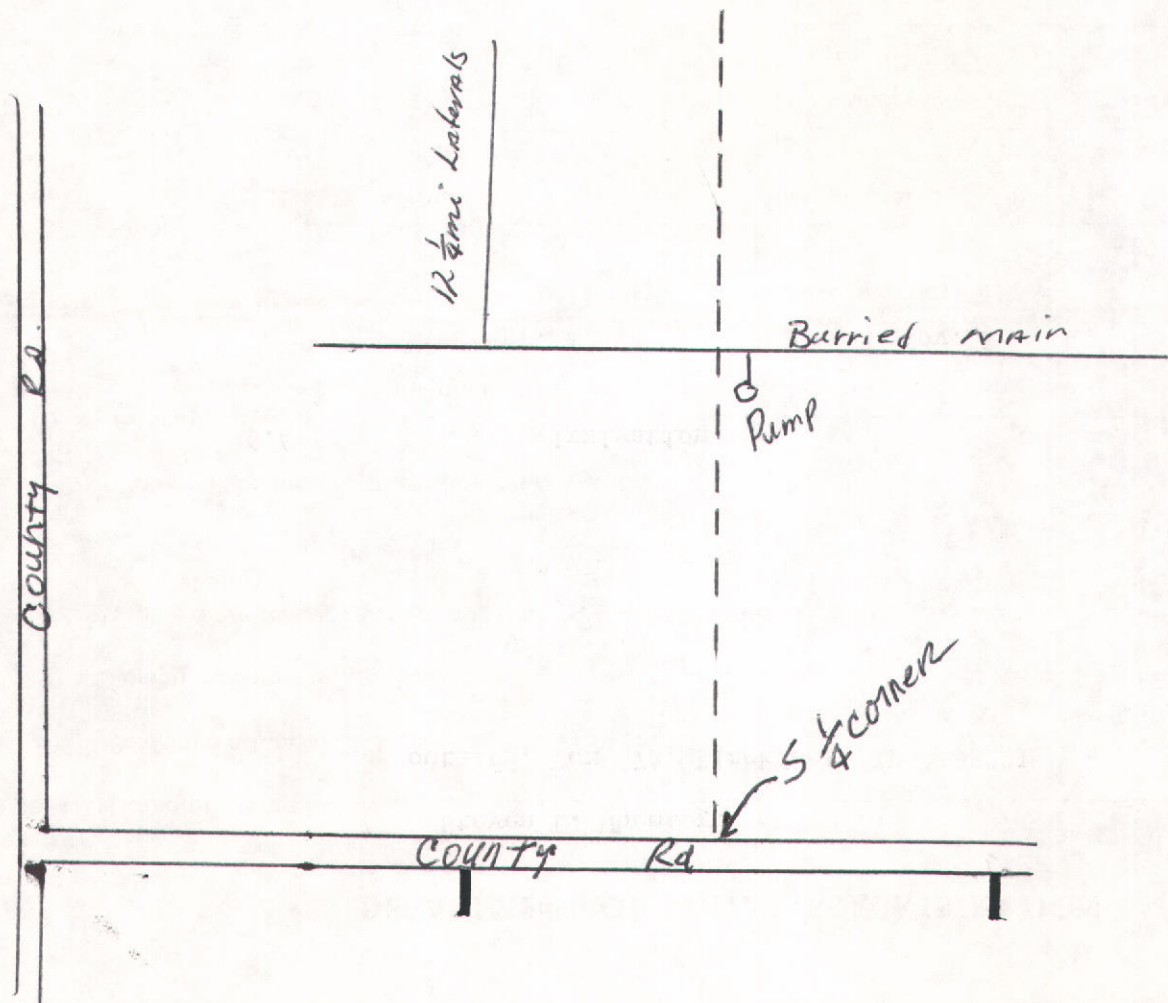


Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7436 Priority August 7, 1974 Amount 4.90 cfs

THIS IS TO CERTIFY, that STEVEN L. WHEELER
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7436 issued pursuant to Application for Permit dated August 7, 1974,
and has submitted proof to the Department of Water Resources on March 21, 1975,
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 4.90 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>November 1</u>	at <u>4.90</u> cfs and	<u>1103 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 4.90 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
1103 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 2S,
Rge. 32E, B. M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2S	32E	13									40	39	39	39	40	40	39	39	315

Total number of acres irrigated 315

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 27 day of
February, 19 79.

Deputy Director

EX-100-100-100

Identification No. 35 7436
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Steven L. Wheeler
post office address Route #5, Box 67A, Blackfoot, Idaho PH: 684-4182
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13 Township 2S
Range 32E B.M. Bingham County; additional points of diversion if any: _____
See Remarks
- b. If water is not consumed, it will be discharged into _____ 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 6.4 for Irrig. purpose from Apr. 1 to Nov. 1 (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. 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 with 250 h.p. pump
mainline and wheel move lateral
- b. Height of storage dam _____ 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 20 inches; proposed depth of well is 230 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 120,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(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: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
2S	32E	13									40	40	40	40	40	40	40	40
TOTALS																	320	

Total number of acres to be irrigated 320

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

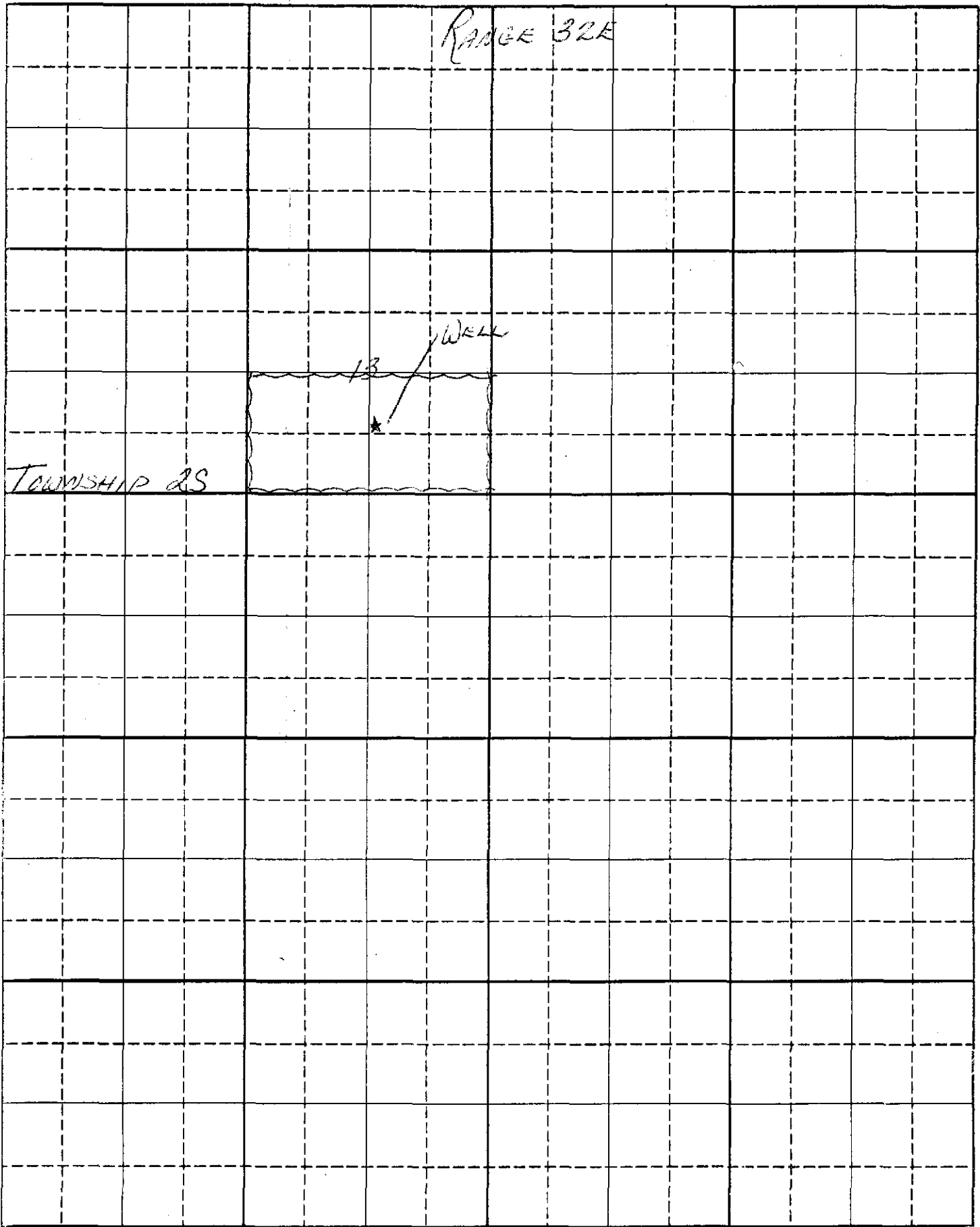
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks Point of diversion is to be as close to the center of the S1/2 of Sec. 13 as possible; ie a point common to NE1/4SW1/4, NW1/4SE1/4, SE1/4SW1/4, SW1/4SE1/4, Sec. 13.

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.

Steven L. Wheeler
(Applicant)

11-3-2011

Proposed priority: 8/7/1974

Received by MB Date 8-7-74 Time 3:50 PM
Preliminary check by RC Fee \$ 85.00
Received by MB Date 8-7-74 # 13009
Publication prepared by MB Date 8-8-74
Published in The Blackfoot Press
Publication dates Aug. 15 - 22, 1974
Publication approved MB Date 8/26/74
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by: _____
Hearing held by _____ Date _____
Recommended for approval denial by RC MB

Resources

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. 35-7436, 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 September 1, 19 79.

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 13 day of September, 19 74.

Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>JF</u>	<u>8/9/74</u>	Application No. <u>35-7436</u> <u>Heeler</u>
(2)			☒ 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
(3)	<u>JF</u> <u>JF</u>	<u>8/9</u> "	In form to receipt <u>yes</u> Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>JF</u>	"	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>JF</u>	<u>8/9</u>	In form for advertising <u>yes</u>
(6)			Located within Water District No. <u>N/A</u>
(7)	<u>JF</u>	"	Critical groundwater area: yes ☐ no ☒
(8)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) <u>no data available for close obs wells</u> ☐ Increasing (comment) _____
(9)	<u>JF</u>	"	Comments: <u>Plats show no conflicting G.W. rights</u>
(10)	<u>MB</u>	<u>8/26/74</u>	Affidavit of Publication received (date) <u>Aug 26, 1974</u>
(11)	<u>MB</u>	<u>9/3/74</u>	Final date for protests <u>September 3, 1974</u> Protests received: yes ☐ no ☒
(12)	"	"	Date and Place of hearing <u>N A</u> Decision reached at hearing <u>N A</u>
(13)	<u>RDC</u>	<u>8/3/74</u>	All requested information received from agencies or applicant yes ☐ no ☐
(14)	<u>11</u>	<u>11</u>	Action recommended: ☒ Approve Priority <u>8/7/74</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>E</u>	By <u>RDC</u>	Date <u>9/3/74</u>

MICROFILMED

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

)
) ss.
)

I, David Mark Brown do solemnly
swear that I am the Publisher

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

Friday issue of said newspaper consecutive
weeks, the first publication having been made on
the 15th day of August, 19 74...

and the last publication having been made on the
22nd day of August, 19 74; that said

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

David Mark Brown
Subscribed and sworn to before me this 23rd
day of August, 19 74.....

Patricia H. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Steven L. Wheeler, Route No. 5, Box 67A, Blackfoot, Idaho, has on 8-7-74, submitted Application No. 35-7436 for a permit to appropriate 6.4 cubic feet per second of water from a ground-water source by means of well and pump within the NW1/4SE1/4, Sec. 13, T. 2S, R. 32E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres within the S1/2, Sec. 13, T. 2S, R. 32E, 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 September 3, 1974.

R. KEITH HIGGINSON
Director
(3949)

Pub.: 8-15, 22

29
ob

NOT RECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 28, 1979

RE: Permit No. 35-7436

Steven L. Wheeler
Route 5, Box 67A
Blackfoot, ID 83221

Dear Mr. Wheeler:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 6, 1979

Re: Permit No. 35-7436

Steven L. Wheeler
Route #5, Box 67 A
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

A representative of this Department made an examination of the works covered by your Permit No. 35-7436 on July 14, 1975, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.90 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1103 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 2S, Rge. 32E, B. M.

Beneficial use: Irrigation of 315 acres within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13,
Twp. 2S, Rge. 32E, B. M.

Priority date established: August 7, 1974

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,

JAN GROVER
Water Rights Supervisor

JG/kw

RECORDED
INDEXED

PROFIVE ID

154 4 15

Phone _____
 Demand Line: _____
 Phone: _____

Phone: 1-800-451-7243

(name spring, stream, etc.)

RECEIVED

APR 8 1975

**Department of Water Resources
Eastern District Office**

Permit No. 35-7436

Examination for b/u

Other uses:

Max Rate of Diversion 6.4 cubic feet per second and annual volume _____ AF/Annum.

Township 2S N/S, Range 32E E/W, B.M., Section 13, Subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$, Bingham
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions:

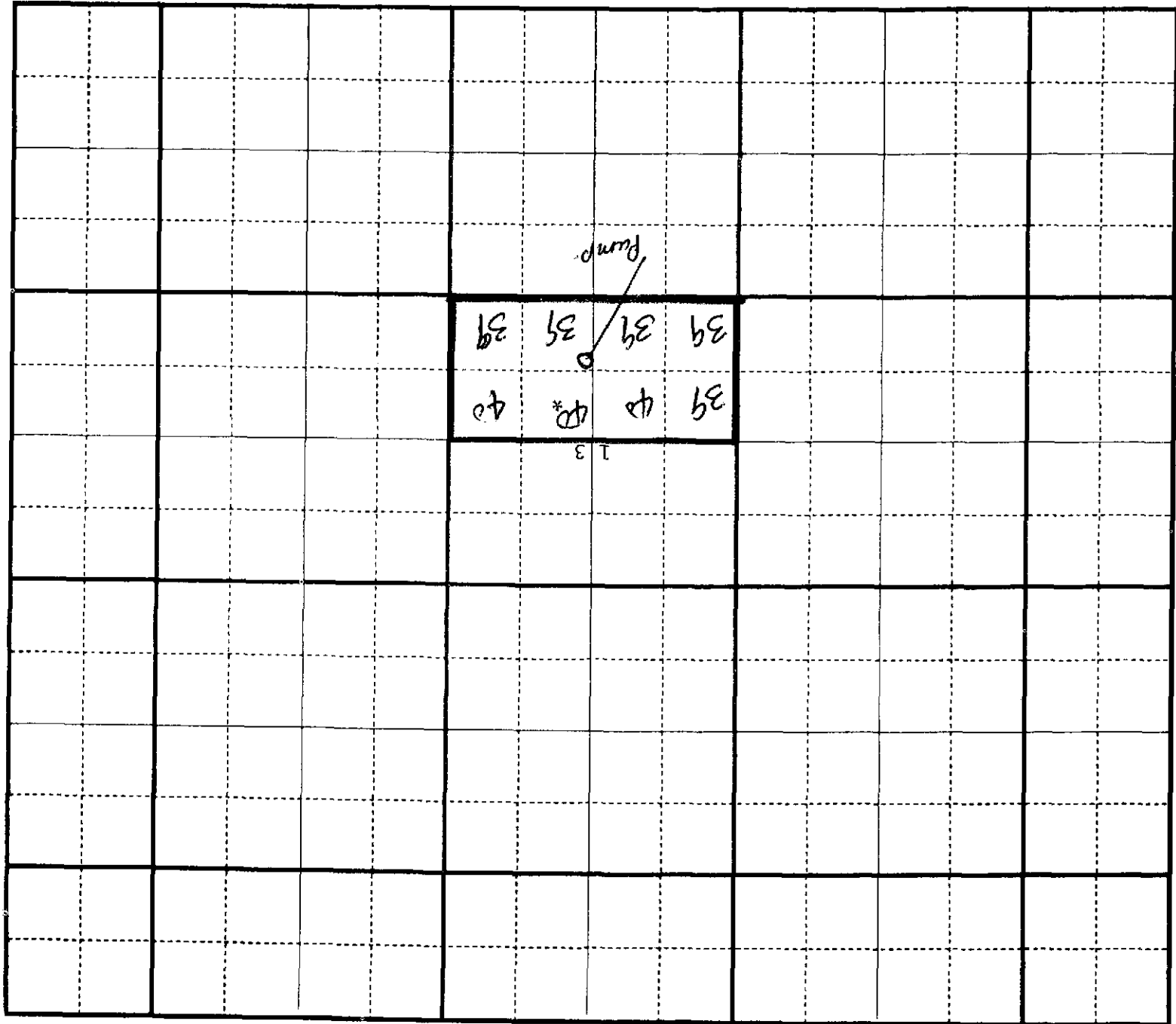
Description of diverting works: Well w/250 hp pump, mainline & wheel move lateral.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

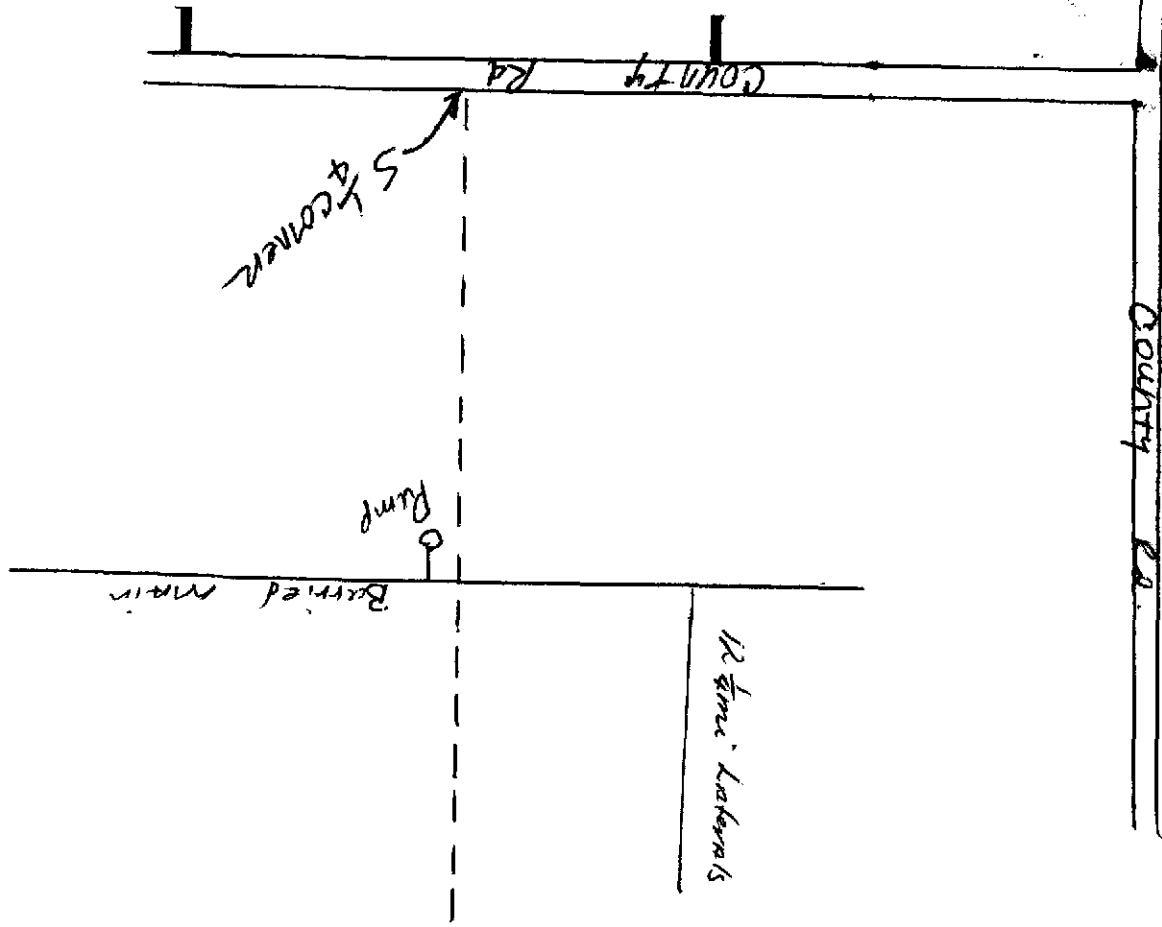
[illegible]

320



1 2 3

Diagram of System



DATE OF EXAM July 14, 1975

ACREAGE
Found 315
Recommended 315

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.90 c.f.s. V = 1102.5 AF/Ann. from Apr to Nov 1
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 ☒

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

Exchange? yes _____ no ☒

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 4.90 cts Method of measurement In Line Meter

Total Q recommended 4.90 cts Meter No. 11441 Type Rockwell Condition OK

Total V recommended 1102.5 AF/Ann

Recommended Amendments:

P.D. X SW 1/4 SE 1/4 Sec. 13 T2S R32E B.M.
Place of Use _____
Other _____
None ☒ ☒

MEASUREMENT CALCULATION:

2,200 gal/min ÷ 448.8 = 4.90 cts Meter measured in gal/min
315 Ac x 3.5 = 1102.5 AF/Ann

SYSTEM DESCRIPTION:

Westinghouse 250 Hp Ser#7412
Layne & Boelter Pump Ser#45421
10" discharge North To East - West Burried MAIN
12" wheel latrals with 5/32" 1002

REMARKS:

No Photo Coverage
Land Measurements made by Car Odometer

Examiner's Signature Bill Rhoads Date July 14, 1975

Checked by Ernest M. Carlson Date Oct. 22, 1976

Approved by _____ Date _____

April 2, 1975

Re: Permit No. 35-7436

Steven L. Wheeler
Route #5, Box 67A
Blackfoot, ID 83221

Dear Mr. Wheeler:

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, however, 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 concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED
APR 10 1975
IDAHO FALLS, IDAHO

Identification No. 35-7436

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

MAR 21 1975

Department of Water Resources
Eastern District Office

OK. JG

1. a) Name of Permit Holder Steven L. Wheeler
b) Post Office Address Route #5, Box 67 A, Blackfoot, Idaho 83221
2. Permit Number 35 7436
3. Date of Priority that you are prepared to establish 8-7-1974
4. a) Source from which water was appropriated Ground water
b) Location of the point of diversion: NW 1/4 SE 1/4, Section 13
Township 2 S, Range 32 E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 6.4 for Irrig. purposes from 4-1 to 11-1 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 6.4 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: Ag Services Irrigation Company
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: NA
b) Describe the agreement or understanding by which you take water from the works: NA
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Well with 250 H.P. pump, mainline and wheel move lateral
b) Describe the type and size of measuring device which you have installed at your point of diversion: Badger, 10 inch
c) Give well drillers name and address and date the well was completed Jack Cushman, Blackfoot, Idaho, 2-24-1975

DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
1000 N. 10TH ST.
BOISE, IDAHO 83702

Exam typed 4/2/75 by JG

VA

Notes

320

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

(Signature)

On this 20th day of March, 1975, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

September 16, 1974

Re: Permit No. 35-7436

Steven L. Wheeler
Route 5, Box 67A
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

Enclosed is a copy of your approved Application for Permit No. 35-7436. 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

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 9, 1974

Re: Application for Permit No. 35-7436 Wheeler

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

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,

NORMAN C. YOUNG
District Engineer

Bill submitted 8-26-74 by MB

NCY:MB

Enc: Legal Notice (1)

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that
Steven L. Wheeler, Route No. 5,
Box 67A, Blackfoot, Idaho, has
on 8-7-74, submitted Application
No. 35-7436 for a permit to
appropriate 6.4 cubic feet per
second of water from a ground-
water source by means of well
and pump within the
32E, B.M., Bingham County, to
be used from Apr. 1 to Nov. 1 for
the irrigation of 320 acres
within the S½, Sec. 13, T. 25, R.
32E, 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 September 3, 1974.

R. KEITH HIGGINSON
Director

(3949)
Pub.: 8-15, 22

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Steven L. Wheeler

Route #5, Box 67A, Blackfoot, Idaho

has on 8-7-74 submitted Application No. 35-7436

for a permit to appropriate 6.4 cubic feet per second ~~XXXXXX feet per second~~

of water from a ground-water source

by means of well and pump

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 2S, R. 32E, B.M., Bingham County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 320 acres

within the S $\frac{1}{2}$, Sec. 13, T. 2S, R. 32E, 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 September 3, 1974.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho

on August 15 and August 22, 1974

RDC-
CB-A

RECEIVED
AUG 22 1974