

RECEIVED

NOV 19 1973

Department of Water Administration
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

President

swear that I am the President of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and 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 2 consecutive

weeks, the first publication having been made on

the 8th day of November, 19 73,

and the last publication having been made on the

15th day of November, 19 73; 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.

Drury R. Brown

Subscribed and sworn to before me this 16th

day of November, 19 73

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
June 1, 1978

October 20, 1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Swiss Mill Dairy, Inc., Route No. 4 Box 28, Blackfoot, Idaho, has on 10-30-73 submitted Application No. 35-7347 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 NW1/4SW1/4, NE1/4SE1/4, Sec. 32, T. 1S, R. 34E, B.M. Bingham County; to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres within the S1/2, Sec. 32, T. 1S, R. 34E, 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 Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before November 26, 1973

R. KEITH HIGGINSON
Director

(3609)

Pub.: 11-8, 15

29
cw

35 7347

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7347 Priority October 30, 1973 Amount 3.96 cfs

THIS IS TO CERTIFY, that Swiss Mill Dairy, Inc.
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7347 issued pursuant to Application for Permit dated October 30, 1973,
and has submitted proof to the Department of Water Resources on May 15, 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 3.96 cfs of water from a ground water 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>3.96</u> cfs and	<u>1106</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 3.96 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
1106 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32,
Twp. 1S, Rge. 34E, 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 $\frac{1}{4}$	
1S	34E	32									40	39	39	40	39	40	40	39	316

Total number of acres irrigated 316

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
March, 19 79.

Director

MICROFILMED

Identification No. 35 7347

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Swiss Mill Dairy, Inc.
post office address Route #4 Box 28, Blackfoot, Idaho 83221 Phone: 785-0075
2. Source of water supply groundwater which is a tributary of - - -
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32 Township 1S
Range 34E B.M. Bingham County; additional points of diversion if any: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 1S, R. 34E, B.M.
- 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 irrigation 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, pump and sprinkler system.

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 250 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 \$ 70,000.00.
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: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	34E	32									40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 320

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

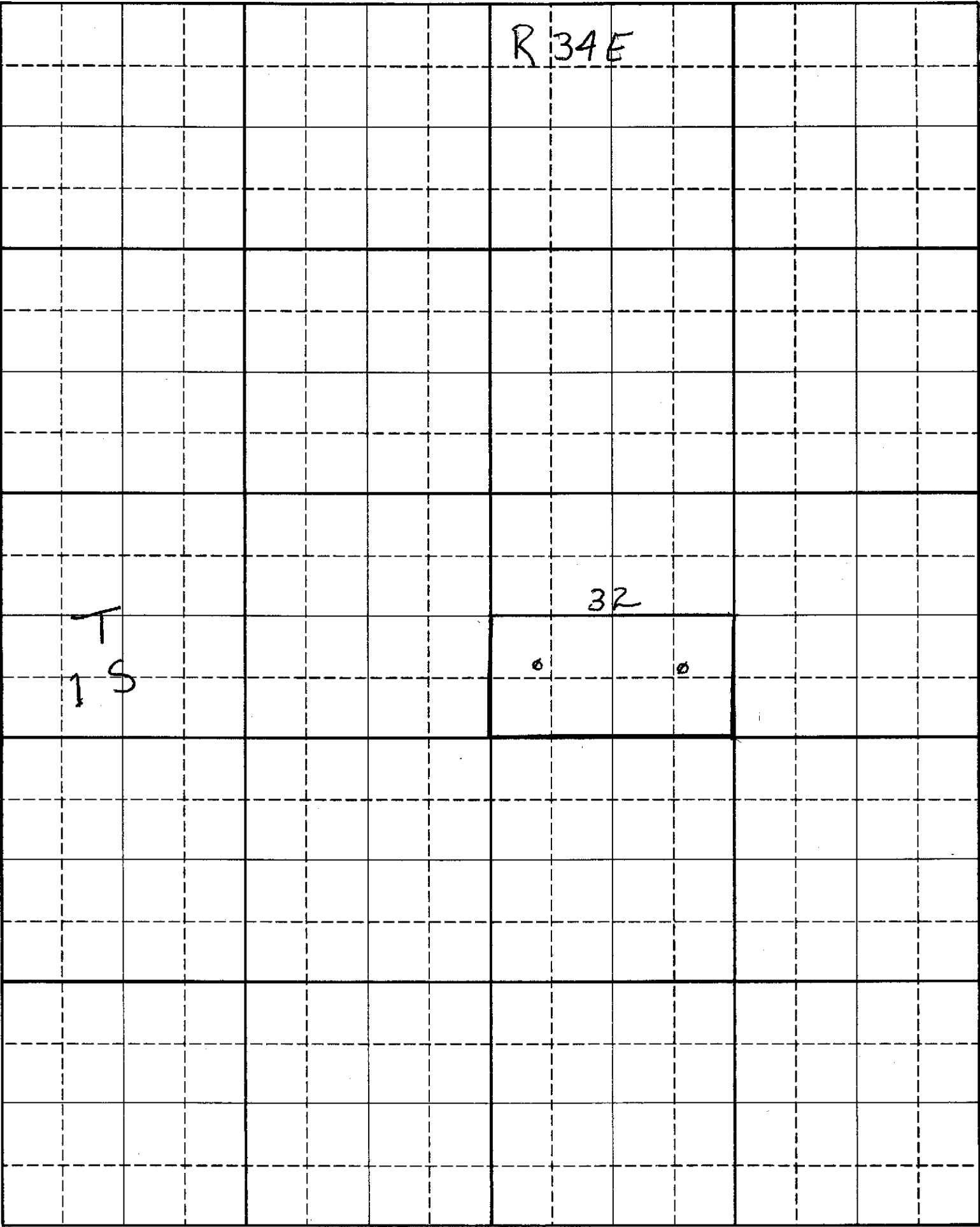
9. a. Who owns the property at the point of diversion Applicant

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 _____

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.

SWISS HILL DAME INC.
C. Owen Gay
(Applicant)

35 7347

Proposed Priority 10-30-1973

Received by MB Date 10-30-73 Time 3:35 pm
Preliminary check by JA Fee \$ 85.⁰⁰
Receipted by MB Date 10-30-73 Receipt # 12610
Publication prepared by MB Date 11-1-73
Published in The Blackfoot News
Publication dates 11/8 + 11/15/73
Publication approved ew Date 11/19/73
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by NCY W JDF

35 7347

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. 35-7347, 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 December 1, 1978.
- 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 6th day of December 19 73.

R. Fred H. H.
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>JS</u>	<u>10/30/73</u>	Application No. <u>35-7347</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>JS</u>	<u>"</u>	In form to receipt <u>yes</u>
	<u>JS</u>	<u>"</u>	Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>JS</u>	<u>"</u>	☐ Request Special Use Permit from U.S. F.S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>JS</u>	<u>"</u>	In form for advertising <u>yes</u>
(6)	<u>JS</u>	<u>2/12</u>	Located within Water District No. _____
(7)	<u>JS</u>	<u>"</u>	Critical groundwater area: yes _____ no ☒
(8)	<u>JS</u>	<u>"</u>	Groundwater levels: _____ Decline (comment) <u>No close obs wells</u> _____ Stable (comment) _____ _____ Increasing (comment) _____
(9)	<u>JS</u>	<u>"</u>	Comments: <u>Search of east dist plate shows no previous groundwater filings on proposed place of use</u> Affidavit of Publication received (date) <u>11-19-73</u>
(10)	<u>MB</u>	<u>11/19/73</u>	
(11)	<u>MB</u>	<u>11/26/73</u>	Final date for protests <u>November 26, 1973</u> Protests received: yes _____ no ☒
(12)	<u>"</u>	<u>"</u>	Date and Place of hearing <u>N.A.</u> Decision reached at hearing <u>N.A.</u>
(13)	<u>NCY</u>	<u>11/26/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>C</u>	<u>"</u>	Action recommended: ☒ Approve Priority <u>10/30/73</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>F</u>	By <u>NCY</u>	Date <u>NOV 27 1973</u>

35 7347

Department of Water Administration

[Handwritten signature]

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

President

swear that I am the President of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and 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 2 consecutive

weeks, the first publication having been made on

the 8th day of November, 1973.

and the last publication having been made on the

15th day of November 1973; 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.

Drury R. Brown
Subscribed and sworn to before me this 16th

day of November, 1973

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
June 1, 1968

October 20, 1975

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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 Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before November 26, 1973.

R. KEITH HIGGINSON

Director

(3609)

Pub.: 11-8, 15

29

35 7347



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. 35-7347

Swiss Mill Dairy, Inc.
Route 4, Box 28
Blackfoot, ID 83221

Gentlemen:

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

RECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 7, 1979

Re: Permit No. 35-7347

Swiss Mill Dairy, Inc.
Route #4, Box 28
Blackfoot, Idaho 83221

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 35-7347 on July 9, 1975, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 3.96 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1106 acre feet per year.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 1S, Rge. 34E, B. M.

Beneficial use: Irrigation of 316 acres within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 32, Twp. 1S, Rge. 34E, B. M.

Priority date established: October 30, 1973

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

Rge. 34E

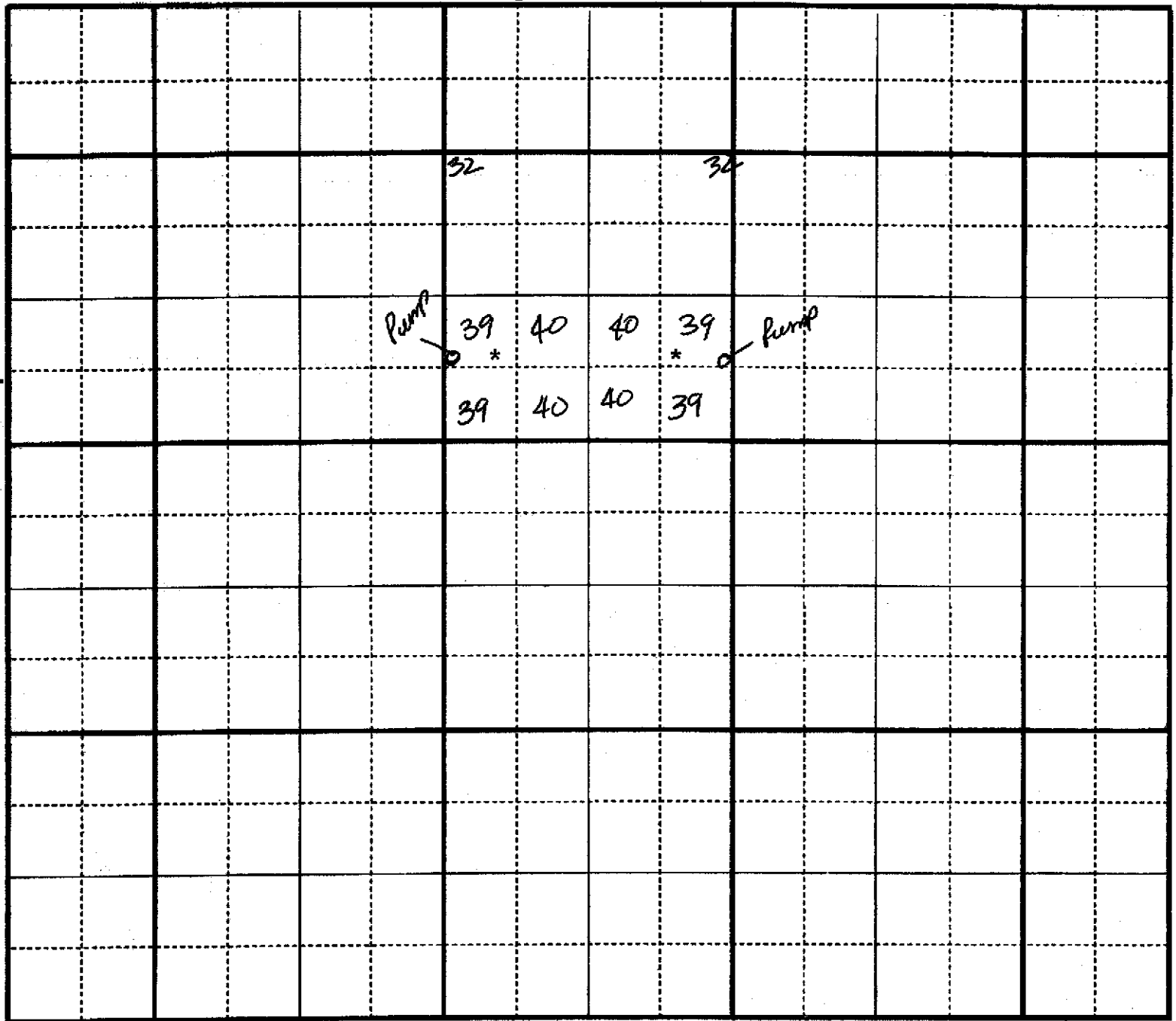
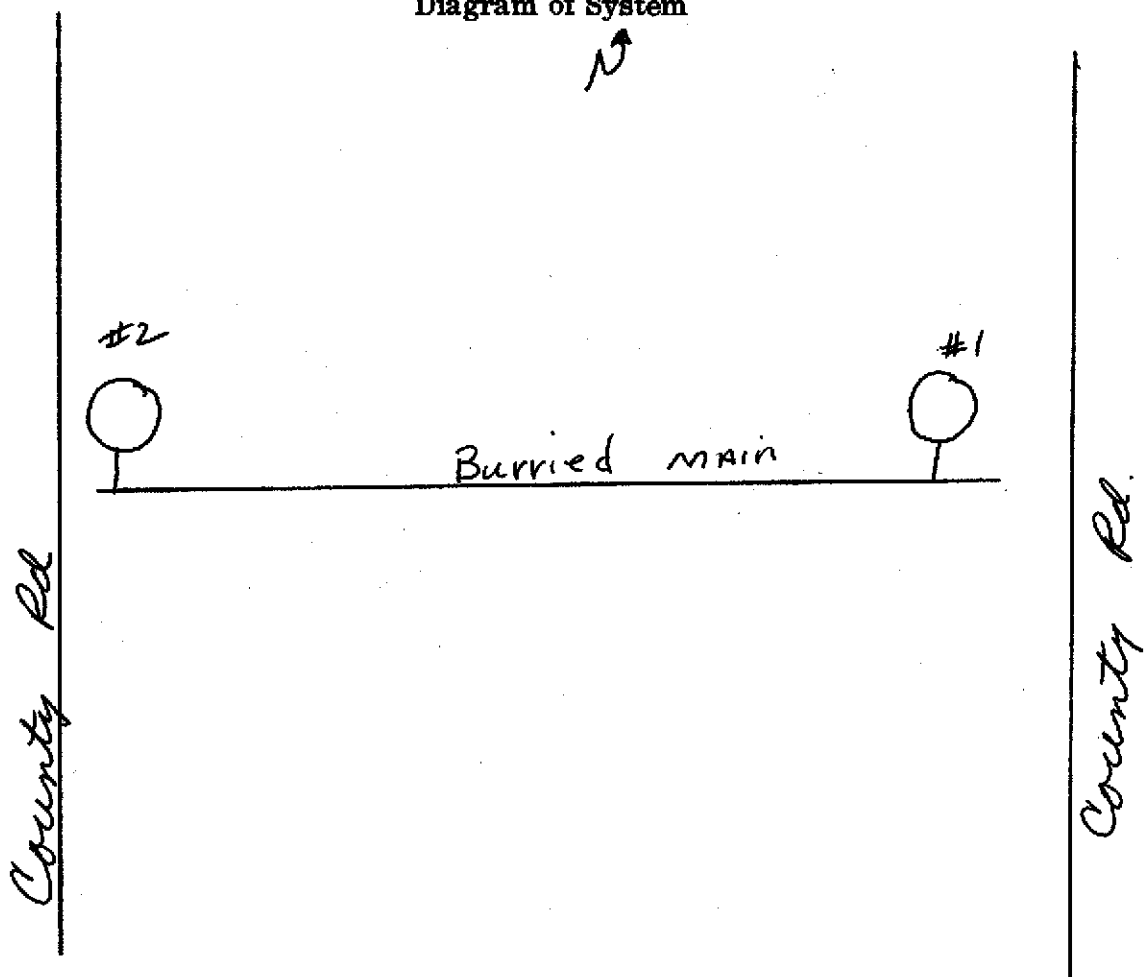


Diagram of System



DATE OF EXAM July 9, 1975

ACREAGE
Found 316
Recommended 316

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.96 c.f.s. V = 1106 AF/Ann. from Apr 1 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: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
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 3.96 cfs Method of measurement In Line Meters

Total Q recommended 3.96 cfs Meter No. 1-11463 Type Rockwell Condition _____

Total V recommended 1106 Af/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Rockwell meters calibrated in Aug/74.
Meter #1 43.56 $\pm$ 28 sec = 1.89 cfs Meter #2 43.56 $\pm$ 21 sec = 2.07
2.07 cfs + 1.89 cfs = 3.96 cfs
 $V = 3.5 \times 316 = 1106$ Af/Ann ^{OK} $1.9835 \times 216 d. \times 3.96 cfs = 1696$ Af/Ann

SYSTEM DESCRIPTION:

#1 GE 125 Hp Motor Ser# KKT1002110 L&B pump Ser# 45416
#2 GE 125 Hp motor Ser# CKT327103 L&B pump Ser# 45263
16 1/2 mile wheel & Hand lateral 5/32" No2

REMARKS: No Aerial Photos Available

All Land measurements by Odometer

Examiner's Signature Bill Rhoads Date July 10, 1975

Checked by Ernest M. Carlson Date Oct 22, 1976

Approved by _____ Date _____

May 21, 1975

Re: Permit No. 35-7347

Swiss Mill Dairy, Inc.
Route #4, Box 28
Blackfoot, ID 83221

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, 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

MICROFILMED

RECEIVED

MAY 16, 1975

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____
Permit No. 35 7347

RECEIVED

MAY 15 1975

Department of Water
Eastern District Office

1. a) Name of Permit Holder Swiss Mill Dairy, Inc.
b) Post Office Address Route #4, Box 28, Blackfoot, Idaho 83221
2. Permit Number 35-7347
3. Date of Priority that you are prepared to establish 10-30-73
4. a) Source from which water was appropriated Two Wells
b) Location of the point of diversion: NW 1/4 SW 1/4, Section 32
1 South, Range 34 East, Boise Meridian, Other points of diversion:
NE 1/4 SE 1/4, Sec. 32 T. 1 S. R. 34 EBM
5. a) The amount of water and use to which the water has been applied:
amount 6.4 CFS for Irrigation purposes from April 1 to Nov. 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: _____
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: _____
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) 125 H.P. Pump & Motor, 20" Casing 206' depth, 125 H.P. Pump & Motor, 20" Casing, 209' depth
b) Describe the type and size of measuring device which you have installed at your point of diversion: Two Rockwell 10" Flow Meters.
c) Give well drillers name and address and date the well was completed Lamar Barrus, Basalt
May and July, 1974

Exam typed 5-22-75

MICROFILMED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use NA

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 S	34 E	32									40	40	40	40	40	40	40	40	320

Total number of acres irrigated 320

10. Remarks:

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

5-12-75
(Date)

[Signature]
(Signature) *Pres.*

State of IDAHO)
County of Bingham) ss.

On this 12th day of May, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Joan M. McNeel
Notary Public residing at Blackfoot, Idaho

My commission expires 7-13-1977

December 18, 1973

Re: Permit No. 35-7347

Swiss Mill Dairy, Inc.
Route 4, Box 28
Blackfoot, Idaho 83221

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 35-7347. 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
Assistant Director

BDF:cd

Enclosures

35 7347

XXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

November 2, 1973

Re: Application for Permit No. 35-7347 Swiss Mill Dairy, Inc.

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 ample 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

35 7347

NORMAN C. YOUNG
District Engineer

Bill submitted 11-19-73 by MB

NCY:mb

Enc: Legal Notice (1)

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FOR WATER PERMIT**

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Director

(3609)

Pub.: 11-8, 15

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of water from a ground-water source

by means of well and pump

within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 1S, R. 34E, B.M. Bingham County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 320 acres

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R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho

on November 8 and November 15, 1973.

35 7347

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00-1-A
00-1-A