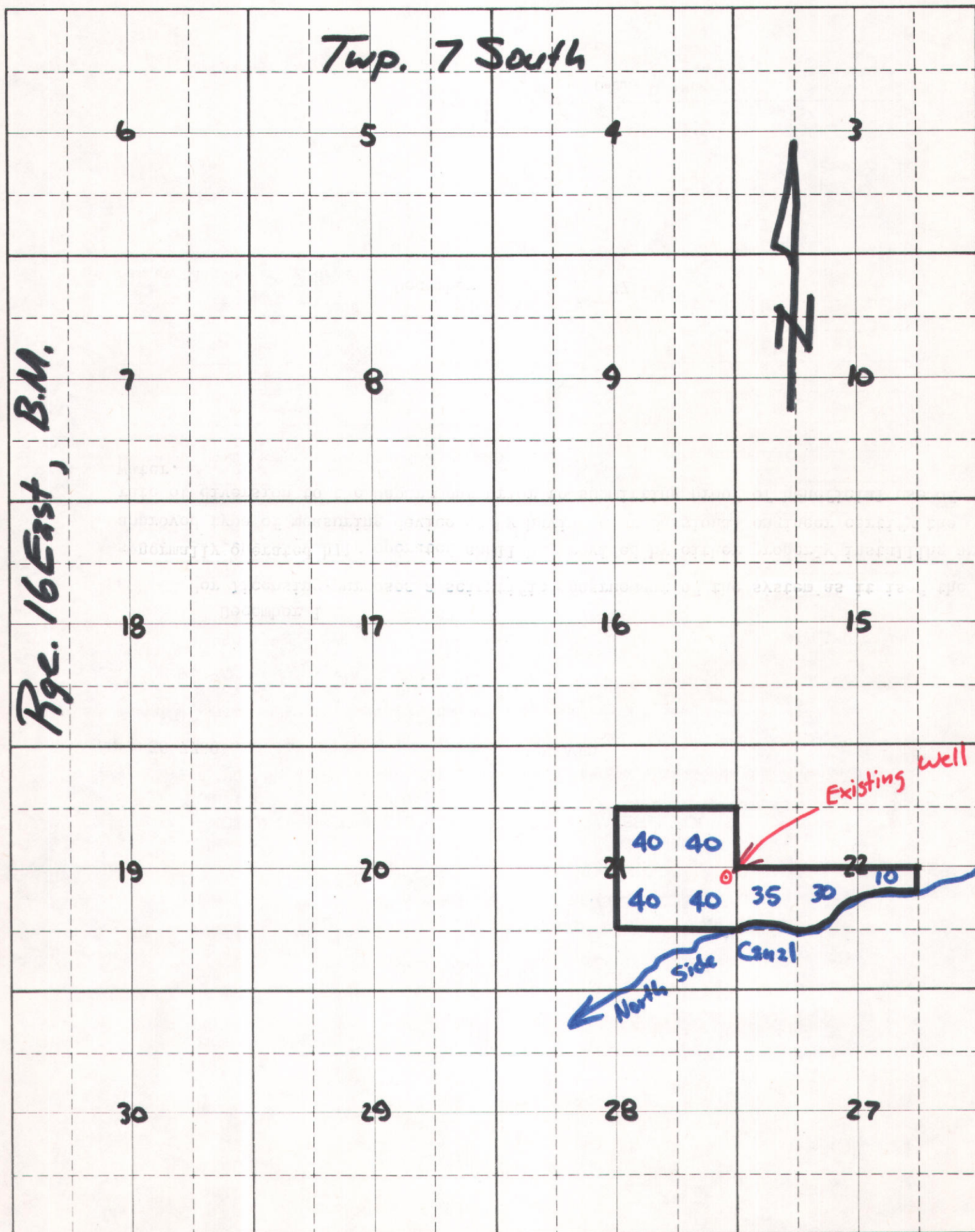


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

James C. Leventine
(Applicant)

MICROFILMED

1615
21/22

C-330

124.8

A
692

77

Measured
on
B4

Measured
on
B-4



13

C

A 98

C 40

D 40

29

107

C328

C157

22/23

27/26

C165

C156

C164

C325

C159

C161

C-330

A 69.2

57.0

21/22

28/27

C279-22

D 26.6

RECEIVED

2002 JUN 14 AM 10:19

FILED *Om* SRBA
IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	For Decreed Water Right 36-07760
	)	(Split administratively into water rights 36-07760A &
	)	36-07760B)
Case No. 39576	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and INCORPORATING
	)	INTO PARTIAL DECREE AN EXPRESS STATEMENT
	)	REGARDING GENERAL PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for water right 36-07760 ("decreed water right") on December 4, 1997. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, the Idaho Department of Water Resources (IDWR) filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included irrigation period of use recommendations for water right 36-07760. On November 17, 2000, IDWR a *Notice of Completed Administrative Proceeding* notifying this Court that pursuant to administrative proceedings conducted before IDWR, the decreed water right was split into multiple water rights designated as 36-07760A and 36-07760B ("split water rights").¹ There are no outstanding objections to IDWR's recommendations. The Court finds that IDWR's recommendations for irrigation period of use for the split water rights are based on the irrigation period of use for the decreed water right.

¹ Some or all of these split water rights may have again been split or affected by administrative proceedings following the issuance of the *Supplemental Director's Report*. However, this *Order* only amends the *Partial Decree* that was issued for the decreed water right and addresses only those split rights of which the Court received notice. Administrative changes to the split rights, if any, that occurred following the filing of the *Notice of Completed Administrative Proceeding* are not affected by this *Order* and are therefore not referenced.

MICROFILMED

SEP 22 2002

1/14/02

THEREFORE, IT IS ORDERED that period of use element for the irrigation portion of the above-captioned decreed water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6):

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: January 14, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
SEP 22 2003

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING IRRIGATION PERIOD OF USE ELEMEN IN PARTIAL DECREE..., NUNC PRO TUNC was mailed on January 14, 2002, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RICHARD VANDYK
TAMMY D VANDYK
216A N 500 WEST
JEROME, ID 83338
Phone: 208-324-8958

MICROFILMED

SEP 22 2000


Deputy Clerk

Important Information About Your Water Right

January 13, 2002

F Gunning
PO Box 821
Wendell, ID 83355

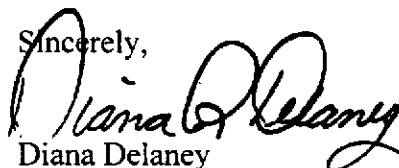
Dear Water Right Claimant(s):

This letter accompanies a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc** (hereinafter "**Order**") issued for water right number 36-07760. Following the issuance of the **Partial Decree** for water right 36-07760, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 36-07760B,¹ which represents a water right resulting from the split of water right 00-07760. If you are not the current owner, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for water right 36-07760. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for water right 36-07760, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-07760.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of the **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued and therefore does not supercede any administrative changes occurring after that date.

Sincerely,



Diana Delaney
MICAC Case Administrator

SEP 22 2003

¹ If water right 36-07760 is not listed as one of the split rights in the caption of the accompanying **Order**, it is because one of the captioned split rights was again split. This resulted in more split water rights including your water right. However, for purposes of the **Order**, these subsequently split rights need not be addressed, as they are not affected by the **Order**. If you have questions regarding your water right please contact IDWR.

Important Information About Your Water Right

January 13, 2002

Richard B. Van Dyk
2343 E 3100 S
Jerome, ID 83338

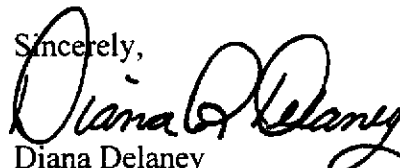
Dear Water Right Claimant(s):

This letter accompanies a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc** (hereinafter "**Order**") issued for water right number 36-07760. Following the issuance of the **Partial Decree** for water right 36-07760, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 36-07760A,¹ which represents a water right resulting from the split of water right 00-07760. If you are not the current owner, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for water right 36-07760. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for water right 36-07760, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-07760.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of the **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued and therefore does not supercede any administrative changes occurring after that date.

Sincerely,



Diana Delaney
Case Administrator

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SEP 22 2003

¹ If water right 36-07760 is not listed as one of the split rights in the caption of the accompanying **Order**, it is because one of the captioned split rights was again split. This resulted in more split water rights including your water right. However, for purposes of the **Order**, these subsequently split rights need not be addressed, as they are not affected by the **Order**. If you have questions regarding your water right please contact IDWR.

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5197
WATER RIGHT NO(S). 36-02457B/36-07760B/36-08063F

This is to certify that: F F GUNNING
G C GUNNING
PO BOX 821
WENDELL ID 83355

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. 36-02457B :			
STOCKWATER	01/01 to 12/31	0.09 CFS	20.7 AF
COMMERCIAL	01/01 to 12/31	0.09 CFS	16.9 AF
Priority: 09/29/1961			
		<u>0.09 CFS</u>	<u>37.6 AF</u>
Right No. 36-07760B :			
STOCKWATER	01/01 to 12/31	0.11 CFS	20.7 AF
COMMERCIAL	01/01 to 12/31	0.11 CFS	16.9 AF
Priority: 11/07/1977			
		<u>0.11 CFS</u>	<u>37.6 AF</u>
SUBTOTAL:			<u>37.6 AF</u>
Right No. 36-08063F :			
STOCKWATER	01/01 to 12/31	0.09 CFS	10.1 AF
COMMERCIAL	01/01 to 12/31	0.09 CFS	8.3 AF
Priority: 02/16/1982			
		<u>0.09 CFS</u>	<u>18.4 AF</u>
TOTAL:		<u>0.20 CFS</u>	<u>56.0 AF</u>

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 07S, Range 15E
GOODING County

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NOV 30 1999

TRANSFER NO. 5197
WATER RIGHT NO(S). 36-02457B/36-07760B/36-08063F

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 15E 34 NENE

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 15E 34 NENE SENE

CONDITIONS OF APPROVAL AND REMARKS

Rights 36-02457B, 36-07760B and 36-08063F are subject to the conditions of the Final Order in the matter of Application for Transfer 5197.

Dated this 21st day of October, 19 99.


Chief, Water Allocation Bureau

MICROFILMED
NOV 30 1999

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5197 IN THE)
NAME OF F.F. GUNNING AND G.C.)
GUNNING)
_____)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (the "Department") in the form of a protested application for transfer and the Department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 4, 1997, the Snake River Basin Adjudication ("SRBA") court issued a partial decree in connection with Water Right License No. 36-02457 as follows:

Source: Groundwater
Priority: September 29, 1961
Rate of diversion: 1.0 cubic foot per second ("cfs")
Point of diversion: NE1/4NE1/4SE1/4 Section 21, T7S, R16E, B.M., Jerome
County
Use: Irrigation
Period of use: April 1 to October 31
Place of use: 118 acres within a permissible place of use of 222 acres in parts
of Sections 21 and 22, T7S, R16E, B.M.

Conditions of Approval:

Use of this right with right no. 36-07760 is limited to a total combined diversion rate of 3.3 cfs and a total combined annual diversion volume of 888 acre feet ("af").

This right is limited to the irrigation of 118 acres within the 222 acre permissible place of use in a single irrigation season.

(Note: The "1/4" designations will be omitted from subsequent legal descriptions in this order).

2. On December 4, 1997, the SRBA court issued a partial decree in connection with Water Right License No. 36-07760 as follows:

Source: Groundwater
Priority: November 7, 1977
Rate of diversion: 2.3 cfs
Point of diversion: NESE Section 21, T7S, R16E, B.M.
Use: Irrigation
Period of use: April 1 to October 31
Place of use: 221 acres within parts of Sections 21 and 22, T7S, R16E, B.M.
Conditions of approval:

Use of this right with right no. 36-02457 is limited to a total combined diversion rate of 3.3 cfs and a total combined annual diversion volume of 888 af.

This right is limited to the irrigation of 221 acres within the place of use described above in a single irrigation season.

Use of this right with water right no. 36-02457 is limited to a combined total of 222 acres in a single irrigation season.

3. On December 30, 1997, the Department issued Water Right License No. 36-08063A as follows:

Source: Groundwater
Priority: February 16, 1982
Rate of diversion: 2.14 cfs
Point of diversion: NESE Section 21, T7S, R16E, B.M.
Use: Irrigation
Period of use: April 1 to October 31
Place of use: 107 acres within parts of sections 21 and 22, T7S, R16E, B.M.

Conditions of approval:

Rights 36-02457, 36-07760 and 36-08063A when combined shall not exceed a total diversion rate of 3.3 cfs, a total annual diversion volume of 1107.9 af and the irrigation of 329 acres.

4. On April 3, 1997, F.F. Gunning and G.C. Gunning ("applicant") filed Application for Transfer No. 5197 ("application") with the Department seeking to change the nature of use of a total of 0.20 cfs and 56 acre feet from parts of three irrigation water rights (36-02457, 36-07760 and 36-08063A) to stockwater and commercial uses at an existing dairy known as Hillcrest Dairy. The dairy is located within the E1/2NE Section 34, T7S, R15E, B.M. in Gooding County approximately six miles west of the original irrigation use within Section 21, T7S, R16E, B.M. in Jerome County.

5. The Department published notice of the application which was subsequently protested by the following parties:

City of Wendell
Wendell Recreation District
John and Verla Hall
Noel Briggs
Frank Rost, Jr.

6. On December 10, 1998, the Department conducted a hearing in the matter. The applicant was present and was represented by Patrick D. Brown. The city of Wendell was represented by Craig D. Hobdey. Protestant Frank Rost, Jr. was present and represented himself. Bud Bitterly appeared for the Wendell Recreation District, but chose not to participate as a full party in the hearing. Protestants Noel Briggs and John and Vera Hall did not appear.

7. Issues identified by the protestants include the following:

- a. The proposed changes will injure the rights of the protestants.
- b. The proposed changes will constitute an enlargement in use of the original right.
- c. The proposed changes are not in the local public interest.
- d. The proposed changes are not consistent with the conservation of water resources within the state of Idaho.

8. Exhibits premarked, offered or accepted as a part of the record include the following:

- a. Applicant's Exhibit 1 - NOT OFFERED
- b. Applicant's Exhibit 2 - NOT OFFERED
- c. Applicant's Exhibit 3 - NOT OFFERED
- d. Applicant's Exhibit 4 - NOT OFFERED
- e. Applicant's Exhibit 5 - NOT OFFERED
- f. Applicant's Exhibit 6 - Statement of G. C. Gunning
- g. Applicant's Exhibit 7 - NOT OFFERED
- h. Applicant's Exhibit 8 - Copy of part of a 7.5 minute U.S. Geological Survey Quadrangle sheet titled "Wendell, Idaho"

- i. Applicant's Exhibit 9 - Notice of Claim to a Water Right - Identification No. A36-07440, Partial Decree for Water Right 36-07722, Partial Decree for Water Right 36-11276, Partial Decree for Water Right 36-11277, Well Driller's Reports (4), Water Measurement Reports (10)
- j. Applicant's Exhibit 10 - Letter dated December 1, 1998 to Pat Brown from Charles E. Brockway together with a well interference analysis and water requirement analysis
- k. Applicant's Exhibit 11 - Order of Partial Decree for Water Right 36-10815 dated March 2, 1998
- l. Applicant's Exhibit 12 - Order of Partial Decree for Water Right 36-15511 dated July 20, 1998
- m. Applicant's Exhibit 13 - NOT OFFERED
- n. Applicant's Exhibit 14 - NOT OFFERED
- o. Applicant's Exhibit 15
 - Order in Case No. 21610 titled James D. Nafziger et al. v. Gooding County et al. dated October 15, 1991
 - Judgment in Case No. 21610 titled James D. Nafziger et al. v. Gooding County et al. dated November 8, 1991
 - Memorandum Opinion & Order Re Defendant's Motion to Dismiss & Plaintiff's Motion For Summary Judgment in Case No. 22808 titled Pieter Deelstra et al. v. Board of Gooding County Commissioners of Gooding County, Idaho dated July 27, 1994
 - Second Amended Order Granting Plaintiffs' Motion for Summary Judgment in Case No. CV 96-00368 titled Pieter Deelstra et al. v. Gooding County et al. dated August 27, 1996
 - Amended Order in Case No. CV 96-00368 titled Pieter Deelstra et al. v. Gooding County et al. dated March 27, 1997
 - Opinion and Order in Case No. CV 97-430 titled Idaho Dairymen's Association, Inc., et al. v. Win Henslee, et al. dated June 17, 1998
- p. Applicant's Exhibit 16 - Partial Decree for Water Right 36-02457 in the name of Tammy D. and Richard B. Van Dyk

- q. Applicant's Exhibit 17 - Partial Decree for Water Right 36-07760 in the name of Tammy D. and Richard B. Van Dyk
- r. Applicant's Exhibit 18 - Water Right License No. 36-08063A in the name of F.F. Gunning and G. C. Gunning
- s. Applicant's Exhibit 19 - Affidavit of Gail Gunning
- t. Protestant's Exhibit A - Findings of Fact and Conclusions Before the Gooding County Planning and Zoning Commission dated March 26, 1998

9. The reported capacity of the Hillcrest Dairy is 1050 milking cows and 150 non-milking cows. A partial decree in connection with SRBA Claim No. 36-15511 provides water for 400 of the milking cows at the dairy. The application seeks water for the remaining 650 milking cows and 150 non-milking cows (remaining uses). The applicant needs a maximum diversion volume of approximately 55 acre feet of water for the remaining uses to be diverted at a maximum rate of about 0.20 cfs. The consumptive use volume of water needed for the remaining uses is approximately 20 acre feet.

10. The water sought for transfer in the application was withheld from land sold by the applicant to Richard B. and Tammy D. Van Dyk. The land from which water was withheld is more specifically described as follows:

T7S, R16E, B.M. Section 22
 NESW - 2 acres
 NWSW - 8 acres
 SWSW - 4 acres

and consists of corners which are no longer irrigated by the pivot on the quarter section.

11. A dairy has existed at the Hillcrest Dairy site from 1962 to 1987 when the dairy operation ceased due to a federally sponsored dairy buy-out program. From 1991 to 1994, a calf feeding operation of up to 4,500 calves was conducted on the site.

12. On March 2, 1995, the applicant bought the Hillcrest Dairy site and started to enlarge the facility for reestablishment of a dairy. The Gunning enlargement was contested by the city of Wendell contending that the site is within the city's impact area and that zoning for the site requires certain permits which the Gunnings do not have. This matter of zoning has been litigated in several cases between Gooding County and various dairy interests.

13. There are approximately 10,000 milking cows within a two (2) mile radius of Wendell. Most of the dairies are on the west side of town.

14. The dairy industry is generally supported by the community, since the

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 NOV 30 1999

industry improves the general economy and creates jobs in the vicinity.

15. The efficiency of the use of water at the dairy is generally comparable to other dairies in the area.

16. Gooding County Ordinance 62 was enacted on February 10, 1997 by the Board of County Commissioners. Among other purposes, the ordinance defines and establishes "Confined Animal Feeding Operation" (CAFO'S), provides for existing CAFO'S, provides criteria and procedure for "siting permits", and sets forth criteria for "occupancy certificates".

17. In Civil Case No. CV 97-430, titled Idaho Dairymen's Association Inc., et al. v. Win Henslee, et al., on June 17, 1998, (see Applicant's Exhibit 15), the Fifth Judicial District Court held that Ordinance 62 is invalid in its entirety. This ruling is presently on appeal and cross-appeal.

18. At the hearing, the applicant and protestants stipulated that the matter of zoning was presently on appeal and should not be argued in the department's administrative hearing in connection with the protested application for transfer, since the department does not have the authority to decide zoning issues.

19. The field headgate diversion requirement for the irrigation of crops in the vicinity of the Hillcrest Dairy and the Van Dyk property is 4.0 acre feet per acre and the consumptive irrigation requirement is 3.0 acre feet per acre. The annual field headgate diversion requirement for the irrigation of 14 acres at 4 acre feet per acre is 56 acre feet and the annual consumptive irrigation requirement for irrigation at 3 acre feet per acre is 44 acre feet.

20. The applicant's expert witness provided testimony that the diversion rate of 0.20 cfs proposed in the application would not be measurable in any wells of the city of Wendell or of the protestants.

21. The applicant owns approximately 80 shares of water in the North Side Canal Company, is willing to retain ownership of the shares and will make the shares available for mitigation or a recharge program to benefit the general area if such a program is established.

22. Protestant city of Wendell alleged that the quality of life in Wendell has decreased due to odors and flies attributable to the Hillcrest Dairy. The protestant also contended, without supporting evidence, that odor of water from a well of the city was attributable to the dairy.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

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The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. IDAPA 37.03.08045.01.e.iii (Water Appropriation Rule 45.01.e.iii) provides in pertinent part as follows:

e. Criteria for determining whether the project conflicts with the local public interest. The director will consider the following, along with any other factors he finds to be appropriate, in determining whether the project will conflict with the local public interest:

iii. Compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

3. The applicant carries the burden of coming forward with evidence that the proposed change will not injure other water right holders, that it will not constitute an enlargement of the use and will be consistent with principles of conservation of water resources within the state of Idaho.

4. Both the applicant and the protestants have the responsibility of coming forward with evidence regarding matters of public interest of which they are each most cognizant.

5. The applicant has the ultimate burden of persuasion for all of the criteria of Section 42-222, Idaho Code.

6. The changes proposed in the application will not injure other water rights.

7. The proposed changes do not constitute an enlargement in use of the original right, since the rights to be transferred provide more than enough total water volume, consumptive water volume and rate of diversion for the uses sought in the application.

8. The proposed changes are in the local public interest assuming the applicant complies with planning and zoning ordinances of local government jurisdictions and the environmental requirements of state agencies.

9. The proposed changes are consistent with the conservation of water resources within the state of Idaho.

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NOV 30 1995

10. The Department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 5197 is **APPROVED** subject to the following conditions and limitations:

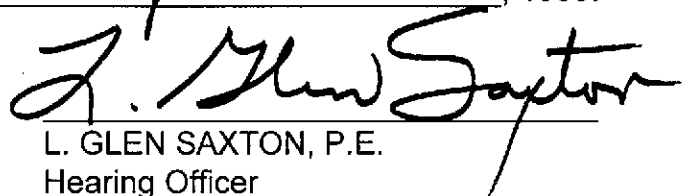
1. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. The dairy operation authorized under this approval shall comply with applicable city and county zoning and use requirements.
3. The total instantaneous diversion of water from the points of diversion under Transfer 5197 shall not exceed 0.20 cfs nor a total annual combined volume of 56 acre feet.
4. Prior to diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each diversion associated with the dairy and shall annually report the amount of water diverted to the Department.
5. The right holder shall maintain ownership and control of 80 shares of water in the North Side Canal Company for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the Department.
6. Wastewater from the commercial use authorized under this approval is applied to irrigated land listed on the transfer to satisfy water quality requirements. Water shall not be land applied for irrigation use unless it has first been beneficially used in the dairy operation in accordance with this transfer approval.
7. Rights 36-02457B and 36-07760B when combined shall not exceed a total annual maximum diversion volume of 20.7 af for stockwater and 16.9 af for commercial use in a single year.
8. Two points of diversion are located within NENE Section 34, T7S, R15E, B.M.
9. The change authorized by this approval shall be accomplished within one (1) year of the date of this order.

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NOV 30 1993

10. Failure of the right holder to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.
11. The acres which are no longer authorized for irrigation under rights 36-02457A, 36-07760A and 36-08063E are described as follows: 2 acres in NESW, 8 acres in NWSW and 4 acres in SWSW Section 22, T7S, R16E, B.M.
12. The remainder of right 36-02457 is identified as 36-02457A and is limited to a diversion rate of 0.91 cfs, an annual diversion volume of 386.3 af, and irrigation of 108.6 acres each year.
13. The remainder of right 36-07760 is identified as 36-07760A and is limited to a diversion rate of 2.19 cfs, an annual diversion volume of 846.4 af, and irrigation of 211.6 acres each year.
14. The remainder of right 36-08063A is identified as 36-08063E and is limited to a diversion rate of 2.05 cfs, an annual diversion volume of 409.6 af, and irrigation of 102.4 acres each year.
15. Rights 36-02457A and 36-07760A when combined shall not exceed a total annual maximum diversion volume of 850.4 at the field headgate and the irrigation of 212.6 acres.
16. Rights 36-02457A, 36-07760A, and 36-08063E when combined shall not exceed a total diversion rate of 3.10 cfs, a total annual maximum diversion volume of 1,260 af at the field headgate, and the irrigation of 315 acres.

IT IS FURTHER hereby ORDERED that the protests of Noel Briggs and John and Vera Hall be **SET ASIDE** for failure to appear at the scheduled hearing.

Signed this 1st day of April, 1999.


L. GLEN SAXTON, P.E.
Hearing Officer

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 5th day of April, 1999, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

F F GUNNING
G C GUNNING
5104 W COVE ST
BOISE ID 83703-1976

PATRICK D BROWN
PARKER WARR AND BROWN
812 SHOSHONE ST E
TWIN FALLS ID 83301

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

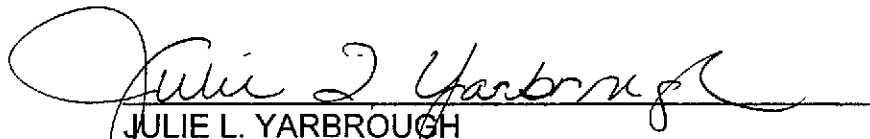
CRAIG D HOBDEY ESQ
PO BOX 176
GOODING ID 83330

DALE BITTERLI
PRESIDENT WENDELL REC DIST
PO BOX 217
WENDELL ID 83355

JOHN AND VERLA HALL
1988 E 2800 S
WENDELL ID 83355

NOEL BRIGGS
2050 E 3000 S
WENDELL ID 83355

FRANK ROST JR
604 6TH AVE E
WENDELL ID 83355


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

1574

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-07760

FILED -4 11/17/77
DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: RICHARD B VAN DYK
TAMMY D VAN DYK
216A N 500 W
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 2.3 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02457 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.30 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 888 AF.

PRIORITY DATE: 11/07/1977

POINT OF DIVERSION: T07S R16E S21 NENESE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.3 CFS

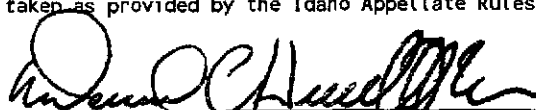
PLACE OF USE:	IRRIGATION	Within JEROME County			
	T07S R16E S21	SWNE 33	SENE 40	NESE 40	NWSE 34
	S22	NESW 29	NWSW 36	NWSE 10	
	222 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 36-02457 IS LIMITED TO A
COMBINED TOTAL OF 222 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 221 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07760

MICROFILMED

NOV 30 1999

PAGE 1
NOV-20-1997

Decree

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7760 Priority November 7, 1977 Amount 2.30 cfs

THIS IS TO CERTIFY, that Rosita Lecertua

of Shoshone, Idaho, has complied with the terms and conditions of Permit No. 36-7760 issued pursuant to Application for Permit dated November 7, 1977, and has submitted proof to the Department of Water Resources on May 31, 1983, 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 3.30 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>March 15</u> to <u>November 15</u>	at <u>2.30</u> cfs and	<u>884.0</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 2.30 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 884.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Twp 7S, Rge 16E in the County of Jerome

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 $\frac{1}{4}$	
7S	16E	21			33	37									40	33			143
		22									29	36				13			78

Total number of acres irrigated 221

This right when combined with Right No. 36-2457 shall not exceed 884.0 afa.

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8TH day of

AUGUST, 19 84.

Acting for the Director

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, Jess C. Lecertua, hereby assign to Rosita Lecertua
of P. O. Box 692, Shoshone, ID 83352
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 36-7760
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 20th day of July, 1984.

RECEIVED

JUL 20 1984

JUL 26 1984

Rosita Lecertua
Permit Holder By Rosita Lecertua
Personal Representative of the
Jess Lecertua Estate

Department of Water Resources
Southern District Office

Department of Water Resources

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 20 day of July, 1984, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) ~~(they)~~ executed the same.

seal

Mary A. Newby
Notary Public residing at

Shoshone, ID 83301

My commission expires:

life

OK - KW
7/27/84

DOUGLAS F. ROSE
MURPHY AND ROSE
ATTORNEYS AT LAW
P.O. BOX 666
SHOSHONE, ID 83352
TELEPHONE: (208) 886-2405

DISTRICT COURT
JUN 25 PM 12 24

DANA STURGEON

Jenny C. Ridinger

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN

IN THE MATTER OF THE
ESTATE OF:

JESS LECERTUA,

Deceased.

CASE NO. E-82-10

CERTIFICATE OF REGISTRAR

The undersigned Registrar certifies that ROSITA LECERTUA, personal representative of this estate, appears to have fully administered this estate and therefore any lien on any property given to secure the obligation of the personal representative in lieu of bond or surety is hereby discharged, subject to the condition that the issuance of this Certificate does not preclude action against the personal representative or the surety.

DATED This 25 day of June, 1984.

/S/ J. William Hart

Magistrate Acting as Registrar

STATE OF IDAHO
COUNTY OF LINCOLN

I hereby certify that the foregoing is a true copy of
the original instrument on file in my office.

Dated

JUN 25 1984
DANA STURGEON

Deputy Clerk

Jenny C. Ridinger
Deputy Clerk

RECORDED AT THE REGISTRY

282875

FILED
DIRECT
REVERSE

JUN 28 11 17 AM '84
JEROME COUNTY, IDAH
FEES 2.00 DEP 118

DISTRICT COURT

1982 APR 25 PM 4 50

LINDA STEVENSON

Jenny Chelinger

1 JACK M. MURPHY
2 MURPHY AND ROSE
3 ATTORNEYS AT LAW
4 P. O. BOX 666
5 SHOSHONE, IDAHO 83352
6 TELEPHONE: (208) 886-2405

7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
8 STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN

* * * * *

9 IN THE MATTER OF THE ESTATE) CASE NO. E-82-10
10 OF JESS LECERTUA,) ORDER APPROVING FINAL ACCOUNT
11 DECEASED.) AND DECREE OF DISTRIBUTION

* * * * *

12
13 The Petition of Rosita Lecertua for settlement and distribution
14 of the above-named estate having come before the Court for hearing,
15 the Court makes the following findings:

- 16 1. Rosita Lecertua is the duly appointed, qualified and acting
17 Personal Representative of the above-named estate.
18 2. The Personal Representative has filed an Inventory and
19 Appraisalment of all property of the estate known to her.
20 3. All debts of the Decedent and of the estate, and all ex-
21 penses of administration, and all taxes that have attached to
22 or accrued against the estate have been paid.
23 4. The Personal Representative has filed a Final Account, and
24 the estate is in a condition to be closed.
25 5. The Decedent died testate on March 2, 1982, and Decedent's
26 will was admitted to probate on June 8, 1982. By the terms of
27 the Decedent's will the following persons are entitled to
28

1 distribution of the remaining estate property:

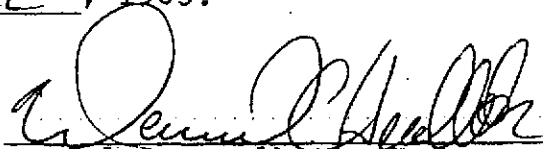
2 Rosita Lecertua, Decedent's wife.

3 IT IS HEREBY ORDERED AND DECREED:

4 1. The Final Account is allowed and settled.

5 2. The Personal Representative is directed to make distribution
6 of the remaining estate property, and any other property of the
7 Decedent or the estate not now known or discovered, to the per-
8 sons and in the manner set forth above.

9 DATED this 25 day of April, 1983.

10
11 
12 Daniel C. Hurlbutt, Jr.
13 Magistrate
14
15

16 STATE OF IDAHO } ss
17 COUNTY OF LINCOLN }

18 I hereby certify that the foregoing is a true copy of
19 the original instrument on file in my office.

20 Dated April 26, 1983

21 LINDA STEVENSON
22 Clerk, Auditor and Recorder

23 By Jenny B. Bunting
24 Deputy Clerk

25
26
27 (ORDER APPROVING FINAL ACCOUNT AND DECREE OF DISTRIBUTION -
28 JESS LECERTUA ESTATE)

For Office Use Only	
Fee Received	15.00
Date	11-16-82
Receipt #	25372

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED

OCT 25 1982

Department of Water Resources

The Estate of Jess Lecertua
By Rosita Lecertua, Administratrix of Shoshone, Idaho 83352
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 36-7760

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 1, 1982.

That he has heretofore performed the following work described under said permit: (This must be filled out! If no work has been completed put none.)
Dug well, 321 feet, put in pump to deliver water to sprinkler system

Completed
work

Costing \$ 20,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
That said Permittee died on March 2, 1982, and the Administratrix of said estate has been unable to make arrangements for the final completion of the project so that a license may issue.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 1, 1983.
(1 yr. minimum, 5 yrs. maximum)

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

Estate of Jess Lecertua
By Rosita Lecertua (Signature)* Administratrix

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to December 1, 1983.

Signed this 23rd day of November, 1982.

L. Glen Saxton
Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 36-7760

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained at the point of diversion and the point of effluent discharge; and,

WHEREAS, on May 21, 1981, a representative of the permit holder, Flying Triangle, Inc. requested a variance of permit condition requiring two measuring devices; and,

WHEREAS, a representative of the Department of Water Resources reviewed proposed facilities of the permit holder and determined that water rights of others located on same source would not be injured if variance of permit conditions were granted;

NOW THEREFORE, IT IS ORDERED that the condition of approval of this permit related to water measurement is hereby changed as follows:

"A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works."

Dated this 8th day of July, 1981

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 36-7760

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

Identification No. _____

Application No. 36-7760

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT APPROVED

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

1. Name of applicant Jess C. Lacertua Phone: 886-2313
post office address P. O. Box 692, Shoshone, ID 83352
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 7S
Range 16E., B.M. Jerome County; additional points of diversion if any: _____

- 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 3.0cfs for irrigation purpose from Mar. 15 to Nov. 15 (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. 3.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing pump and well delivering to
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 12 inches, ~~proposed~~ ^{existing} depth of well is 321 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 \$ 20,000.00.
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: _____

MICROFILMED

[illegible]

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

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

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

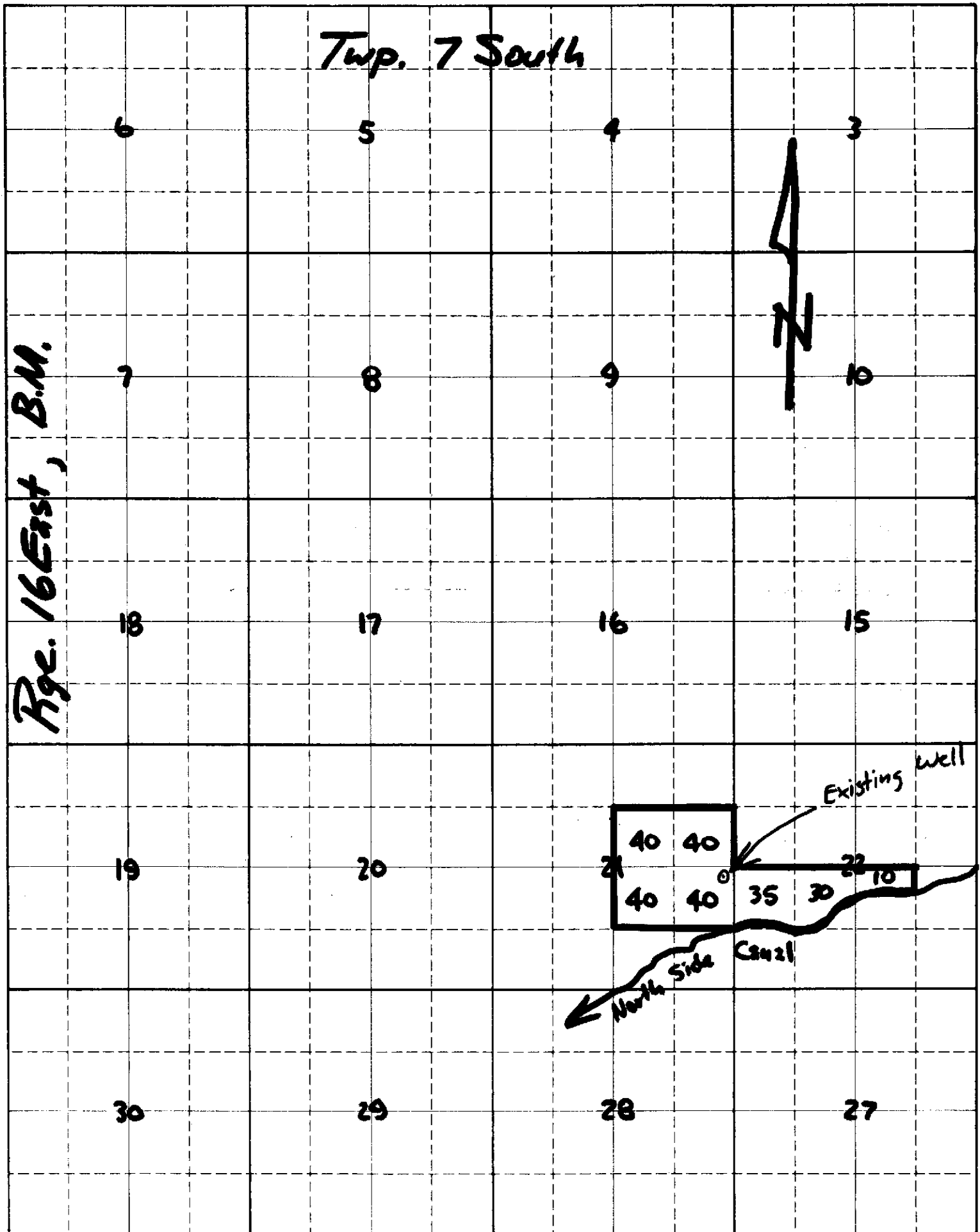
10. Remarks 235 acres X 0.02 cfs = 4.70 cfs

Existing License = 1.00 cfs

Amount filed on = 3.00 cfs less than

3.70cfs

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.

Gene C. Leventine
(Applicant)

Proposed Priority 11/07/77

Received by **ADM** Date **11/7/77** Time **11:30 am**
Preliminary check by **JS** Fee \$ **45.00** # **7421**
Received by **JS** Date **11/7/77**
Publication prepared by **JS** Date **11/4/77**
Published in **North Idaho News**
Publication dates **11/24 + 12/1/77**
Publication approved **JS** Date **12/6/77**
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____
Recommended for approval denial by **MS W**

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7760, 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, 19 82.

c. Other: For licensing purposes a scientific measurement of the diversion rate of the

system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of

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

Witness my hand this 27 day of December 19 77

Deputy Director

[Signature]

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 24 day of November

19 77 and the date of the last publication was on the 1

day of December, 19 77.

L. L. Langdon

Subscribed and sworn to before me this 1st

day of December, 19 77.
(SEAL)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 24

Number of Insertions 2

Lines tabular at 39
315c

24 Lines straight at 24
21c

24 Subsequent lines at 15c

TOTAL COST 2.84

COPY OF NOTICE

(Paste Here)

Water Permit

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Depaf Water
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jess C. Lacertua, Shoshone, ID 83352, has on 11-7-77 submitted Application No. 36-7760 for a permit to appropriate 3.0 cubic feet per second of water from ground water by means of existing pump and well delivering to sprinkler system, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 7S, Rge. 16E., B.M. Jerome County to be used from Mar. 15 to Nov. 15 for irrigation purposes of 235 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21; N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 7S, Rge. 16E., 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, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before December 12, 1977.

C. Stephen Allred
Director

11-24-21c

(Idaho Code, Rev. Statutes 1971)	
7 pt. per line, straight	26
7 pt. per line, tabular	21c
7 pt. per line, successive insertions	15c

No 3397

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7760

WATER RIGHT NUMBER: 36-7760

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAMMY D VAN DYK 2343 E 3100 S JEROME, ID 83338-4001 (208)324-8007
Current Owner	RICHARD B VAN DYK 2343 E 3100 S JEROME, ID 83338-4001 (208)324-8007

Priority Date: 11/07/1977

Basis: ~~Decreed~~Status: ~~Active~~SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.300 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4SE1/4 Sec. 21, Twp 07S, Rge 16E, B.M.
JEROME County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	16E	21			33.0	40.0										40.0	34.0		147.0
07S	16E	22								29.0	36.0					10.0			75.0

Total Acres: 222

Conditions of Approval:

- USE OF THIS RIGHT WITH RIGHT NO. 36-02457 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.30 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 888 AF.
- USE OF THIS RIGHT WITH RIGHT NO. 36-02457 IS LIMITED TO A COMBINED TOTAL OF 222 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 221 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- RIGHT NO. 36-02457 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7760

Remarks:Comments:

1. BROWN 9/16/1991 COPIED FROM REMARKS

Comment: LAND IN SEC. 22 IS NO LONGER IRRIGATED WITH THE WELL. THIS LAND IS NOW IRRIGATED WITH CANAL SHARES. VOLUME CLAIMED COVERS ACRES NOT COVERED BY ORIGINAL LICENSE. | ***AMENDMENT NOTES*** P/U RESTORED AS LICENSED, THIS RIGHT IS USED AS SUPPLEMENTAL AND BACK-UP TO THE CANAL SHARES WHICH ARE RENTED. SECOND RECEIPT FOR ADDITIONAL 75 ACRES = S012006.

2. ROBERTSO 7/9/1992 NAME STANDARD

Comment:

3. TFAWCETT 7/22/1997 OWNERSHIP CHANGE

Comment: OWNERSHIP CHANGED GUNNING TO VAN DYK PER WARRANTY DEED.

4. TFAWCETT 9/9/1997 CORRECTION

Comment: TYPOS CORRECTED FROM REFORMATTING.

5. SSHERMAN 9/2/1999 ADDRESS CHANGE

Comment: ADDRESS CHANGE BY CLAIMANT LETTER.

6. JPEPPERS 1/29/2002 Superseded by Decree

Comment: This record has been superseded by decree of water right nos. 36-7760A and 36-7760B.

7. pskaggs 2/25/2004 ~~Transfer Rescinded~~

Comment: Approved Transfer 5197/66619 was Rescinded by Order on 05-25-2000. 36-7760A & B are recombined under original SRBA Partial Decree 36-7760.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/4/1997

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

This
Right has been
Decreed in the
SRBA.

MEMORANDUM

TO: 36-7760

FROM: _____

DATE: 06-12-03

RE: 36-7760A&B

NOTE: Please Place all future filing in their respective
A & B Water Right Folders.

MICROFILM

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
☐ Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
☐ Write "Return Receipt Requested" on the mailpiece below the article number.
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

Patrick D Brown
109 S Adams Street
Jerome ID 83338

4a. Article Number

Z 433941 861

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/26/00

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt
36-02457B/36-07760B/36-08063

Z 433 941 861

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Patrick D Brown	
Street & Number	
109 S Adams Street	
Post Office, State, & ZIP Code	
Jerome ID 83338	
Postage	\$ 55
Certified Fee	140
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 320
Postmark or Date	

PS Form 3800, April 1995

water Res

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
☐ Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
☐ Write "Return Receipt Requested" on the mailpiece below the article number.
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

F F Gunning
c/o Gold Canyon RV Ranch
P O Box 207
Apache Junction AZ 85219-9768

4a. Article Number

Z 433 941 858

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5-27-00

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt
36-02457B/36-07760B/36-08063

Z 433 941 858

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
F F Gunning, c/o Gold Canyon	
Street & Number	
RV Ranch	
P O Box 207	
Post Office, State, & ZIP Code	
Apache Junction, AZ 85219-9768	
Postage	\$ 55
Certified Fee	
Special Delivery Fee	140
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 320
Postmark or Date	

PS Form 3800, April 1995

water Res

water Res

MICROFILM

SEP 22 2003

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Robert E Williams
Frederickson, William, & Mersevy
P O Box 168
Jerome ID 83338-0168

4a. Article Number

Z 433 941 859

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

Angelina Beatty

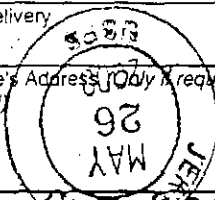
6. Signature (Addressee or Agent)

Angelina Beatty

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt
36-02457B/36-07760B/36-08063



Z 433 941 859

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Robert E Williams	
Street & Number Frederickson, William & Mersevy, PO Box 168	
Post Office, State, & ZIP Code Jerome ID 83338-0168	
Postage	\$ 55
Certified Fee	140
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 300
Postmark or Date	

PS Form 3800, April 1995

Water Key

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Susan Gunning
5104 West Cove
Boise ID 83703

4a. Article Number

Z 433 941 860

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/26/09

5. Received By: (Print Name)

Susan Gunning

6. Signature (Addressee or Agent)

Susan Gunning

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt
36-02457B/36-07760B/36-08063

3c

Z 433 941 860

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Susan Gunning	
Street & Number 5104 West Cove	
Post Office, State, & ZIP Code Boise, ID 83703	
Postage	\$ 55
Certified Fee	140
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 300
Postmark or Date	

PS Form 3800, April 1995

Water Key

MILWAUKEE

SEP 22 2007

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER: ☐ Complete items 1 and/or 2 for additional services. ☐ Complete items 3, 4a, and 4b. ☐ Print your name and address on the reverse of this form so that we can return this card to you. ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit. ☐ Write "Return Receipt Requested" on the mailpiece below the article number. ☐ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery	
3. Article Addressed to: F F Gunning P O Box 716 Wendell Idaho 83355 <i>F. F. Gunning</i>		4a. Article Number Z 433 941 857	
4b. Service Type ☐ Registered ☐ Express Mail ☐ Return Receipt for Merchandise ☐ COD		☒ Certified ☐ Insured	
5. Received By: (Print Name) <i>F. F. Gunning</i>		7. Date of Delivery JUN 06 2000	
6. Signature (Addressee or Agent) <i>F. F. Gunning</i>		8. Addressee's Address (Only if requested and fee is paid) P.O. Box 716	

PS Form 3811, December 1994

102595-99-8-0223 Domestic Return Receipt
 36-02457B/36-07760B/36-08063F

PS Form 3800, April 1995

Z 433 941 857

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to F F Gunning	
Street & Number P O Box 716	
Post Office, State & ZIP Code Wendell, Idaho 83355	
Postage	\$ 55
Certified Fee	140
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 29.20
Postmark or Date	

Water Res

MICROFILM
 SEP 12 2000



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

DIRK KEMPTHORNE
GOVERNOR

April 1, 1999

KARL J. DREHER
DIRECTOR

RE: In the matter of Application for Transfer No. 5197 in the name of F.F. Gunning and G.C. Gunning

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

NOV 30 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: Allen Merritt, Southern Region

MIFFIN 1120

Nov 30 1999

PARKER, WARR & BROWN, LLP
ATTORNEYS AT LAW

RECEIVED

OCT 19 1998

Department of Water Resources

PENELOPE PARKER
JEFFREY A. WARR
PATRICK D. BROWN

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

October 14, 1998

812 Shoshone Street East
Twin Falls, Idaho 83301
phone (208) 735-8812
facsimile (208) 735-8820

Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83303-3380

RE: Gail Gunning, Transfer Application No. 5197
Our File No. 102-001

Dear Sir or Madam:

Enclosed for filing in the above-entitled application are Notices of Service of Discovery.

Sincerely,

PARKER, WARR & BROWN, LLP

By: LeAnn McMillan
LeAnn McMillan, Legal Assistant

/llm
Encl.

MICROFILMED

NOV 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 52975197 MB)
_____)

F.F. and G.C. GUNNING,)

Applicants,)

CITY OF WENDELL, WENDELL REC-)
REATION DISTRICT, JOHN & VERLA)
HALL, NOEL BRIGGS, and FRANK)
ROST, Jr.,)

Protestants.)
_____)

NOTICE OF SERVICE
OF DISCOVERY

TO: The Protestant Noel Briggs and your attorneys of record:

NOTICE IS HEREBY GIVEN that Applicants' Interrogatories and Requests
for Production was served upon the parties by mailing a true and correct copy thereof to
the following offices on the 14th day of October, 1998, at the following address:

Noel Briggs
2050 East 3000 South
Wendell, ID 83355

MICROFILMED
NOV 30 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5297 5197 *mb*)

F.F. and G.C. GUNNING,

Applicants,

CITY OF WENDELL, WENDELL REC-)
REATION DISTRICT, JOHN & VERLA)
HALL, NOEL BRIGGS, and FRANK)
ROST, Jr.,)

Protestants.

NOTICE OF SERVICE
OF DISCOVERY

TO: The Protestant Wendell Recreation District and your attorneys of
record:

NOTICE IS HEREBY GIVEN that Applicants' Interrogatories and Requests
for Production was served upon the parties by mailing a true and correct copy thereof to
the following offices on the 14th day of October, 1998, at the following address:

Dale Bitterli, President
Wendell Recreation District
P. O. Box 217
Wendell, ID 83355

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 15 1998

Department of Water Resources
Cody, Idaho

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5297 5197 *mb*)

F.F. and G.C. GUNNING,)

Applicants,)

NOTICE OF SERVICE
OF DISCOVERY

CITY OF WENDELL, WENDELL REC-)
REATION DISTRICT, JOHN & VERLA)
HALL, NOEL BRIGGS, and FRANK)
ROST, Jr.,)

Protestants.)
_____)

TO: The Protestant Frank Rost, Jr. and your attorneys of record:

NOTICE IS HEREBY GIVEN that Applicants' Interrogatories and Requests
for Production was served upon the parties by mailing a true and correct copy thereof to
the following offices on the 14th day of October, 1998, at the following address:

Noel Briggs
2050 East 3000 South
Wendell, ID 83355

MICROFILMED

NOV 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 5297 *MB*
5197

F.F. and G.C. GUNNING,

Applicants,

CITY OF WENDELL, WENDELL REC-
REATION DISTRICT, JOHN & VERLA
HALL, NOEL BRIGGS, and FRANK
ROST, Jr.,

Protestants.

NOTICE OF SERVICE
OF DISCOVERY

TO: The Protestant City of Wendell and your attorneys of record:

NOTICE IS HEREBY GIVEN that Applicants' Interrogatories and Requests
for Production was served upon the parties by mailing a true and correct copy thereof to
the following offices on the 14th day of October, 1998, at the following address:

Gwen Rost, Mayor
City of Wendell
P. O. Box 208
Wendell, ID 83355

Craig D. Hobdey, Esq.
P. O. Box 176
Gooding, ID 83330

MICROFILMED

NOV 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 15 1998

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5297 5197 *mb*)
_____)

F.F. and G.C. GUNNING,)

Applicants,)

CITY OF WENDELL, WENDELL REC-)
REATION DISTRICT, JOHN & VERLA)
HALL, NOEL BRIGGS, and FRANK)
ROST, Jr.,)

Protestants.)
_____)

NOTICE OF SERVICE
OF DISCOVERY

TO: The Protestant John and Verla Hall and your attorneys of record:

NOTICE IS HEREBY GIVEN that Applicants' Interrogatories and Requests
for Production was served upon the parties by mailing a true and correct copy thereof to
the following offices on the 14th day of October, 1998, at the following address:

John and Verla Hall
1988 East 2800 South
Wendell, ID 83355

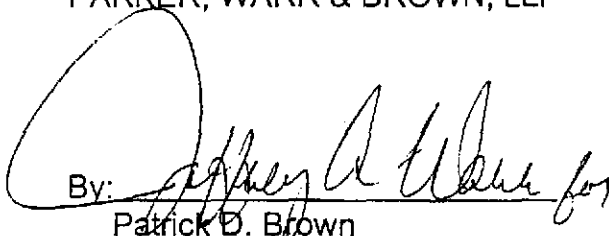
NOTICE OF SERVICE OF DISCOVERY - 1

MICROFILMED

NOV 30 1998

Dated this 14th day of October, 1998.

PARKER, WARR & BROWN, LLP

By: 

Patrick D. Brown
Attorneys for Applicants

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 812 Shoshone St. East, Twin Falls, Idaho 83301, and one of the attorneys for the applicants in this matter, certifies that on the 14 day of October, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Gwen Rost, Mayor
City of Wendell
P. O. Box 208.
Wendell, ID 83355

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Craig D. Hobdey, Esq.
P. O. Box 176
Gooding, ID 83330

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Dale Bitterli, President
Wendell Recreation District
P. O. Box 217
Wendell, ID 83355

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

John & Verla Hall
1988 East 2800 South
Wendell, ID 83355

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

MICROFILMED

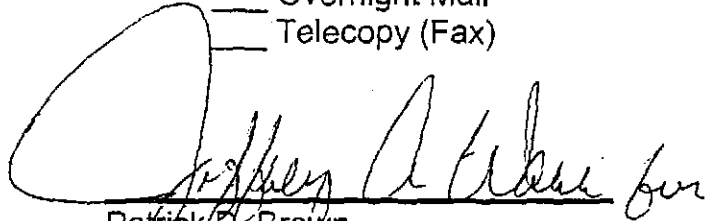
NOV 30 1998

Noel Briggs
2050 East 3000 South
Wendell, ID 83355

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Frank Rost, Jr.
604 6th Avenue East
Wendell, ID 83355

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


Patrick D. Brown

MICROFILMED

NOV 30 1999

NOTICE OF SERVICE OF DISCOVERY - 3

MEMORANDUM

TO: FILE 36-7760

FROM: PAM SKAGGS

RE: TRANSFER # 5197

DATE: 2-3-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 36-02457B.

MICROFILMED

NOV 30 1999

August 8, 1984

RE: Permit No. 36-7760

Rosita Lecertua
Box 692
Shoshone, ID 83352

Dear Ms. Lecertua:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

NOT RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director
July 17, 1984

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

RE: Permit No. 36-7760

Jess C. Lecertua Estate
c/o Rosita Lecertua
Box 692
Shoshone, ID 83352

Dear Permit Holder:

A representative of this Department has made an examination of the works covered by your Permit No. 36-7760, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.30 cfs Source: groundwater

The maximum quantity diverted shall not exceed 884.0 acre feet
per year.

Point(s) of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, Twp 7S, Rge 16E

Beneficial Use: Irrigation of 143 acres within S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21,
and 78 acres within N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp 7S, Rge 16E

Priority date established: November 7, 1977

Conditions (if any): This right when combined with Right 36-2457 shall
not exceed 884.0 afa.

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

JJ:sc

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

36-7760
Permit No.

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Measure 15" pressure = 3.30 cfs ✓ ~~Allow 3.0 cfs filed on.~~ ✓
System could produce 3.29 cfs at 65% efficiency
see field notes

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 221 \text{ ac} \times 4.0 \text{ AFA/ac} = 884 \text{ AFA} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.30 \times 45 \text{ days} \times 1.9835 = 1604 \text{ AFA} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 884 \text{ AFA} - 472 \text{ AFA previously licensed} = 416 \text{ AFA} \end{aligned}$$

- c) Volume Calculations for Other Uses:

Volume not shown on license
Therefore full volume should
be used on this right w/
condition SEE ITEM 9

2. Overlap Review

- a) Other water rights with same place of use: Lic. 36-2457 ✓ -

- b) Other water rights with same point of diversion: 36-2457 ✓ -

- c) Analysis: $\frac{118 \times 0.008 \text{ cfs/ac}}{0.008 \text{ cfs/ac}} = 118 \text{ ac}$ $\frac{0.008 \text{ cfs/ac}}{0.008 \text{ cfs/ac}} = 1 \text{ ac}$ $\frac{4.0 \text{ AFA/ac}}{4.0 \text{ AFA/ac}} = 1 \text{ ac}$ NOT STATED ON 36-2457.

Total of 221 ac. irrig with total capacity at 3.30 cfs = 884 AFA ✓

Old license shows 34 ac. in NW/SE Sec. 21, but standard pivot covers 33 ac,
so my exam shows 104 acres more than the existing license.

Total acres irrigated by P/O = 221 Acres

Already licensed = 118 @ 0.008 cfs/ac

$221 \text{ ac} \times 0.02 \text{ cfs/ac} = 4.42 \text{ cfs} - 1.00 \text{ cfs (36-2457)} = 3.42 \text{ that can be licensed}$

Permit 36-7760 Limited to 3.00 cfs

Use AMT when combined with Rt. 36-2457 that will
not exceed P/O capacity = $3.30 \text{ cfs (capacity)} - 1.00 \text{ cfs (Rt. 36-2457)} = 2.30 \text{ cfs}$

100-443887-100

4. Permit Holder: ~~Positive Learning~~ JESS C. LACERTA ESTATE

5. Source: Groundwater

407647

300

allan

2.30

~~2.30~~

0.788 ~~47~~

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
		NE	NE	SE	21	7S	16E	Jerome

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks:

~~Not to exceed 3.30 cfs or 0.02 cfs/acre, which combined with 36.2159, NOT NECESSARY - Rights do not exceed capacity.~~

This right when combined with Right 36-2457 shall not exceed 884.0 acre feet per

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

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

11. Examiner's Signature

Checked in Regional Office by

Approved in State Office by _____

Kay wakur $\frac{5}{5}$

Date _____

48-0-2

Date _____

7/3/84

Date _____

48-55-9

25-3-2

Overlap Review for 36-7760

per permit: 36-2457
& examiner: ↑

per micro-fische 7-6-84:
p/d = 36-2457 Lic. gw

p/u = 36-2457

36-2457 - same system per
exam - see copy attached -
1.0 cfs for 118 acres = .008 cfs/acre

SEE
BELOW

→ can allow 2.30 and the
2 rights will not exceed
capacity of system -
no volume on Lic. 36-2457
→ allow $(4.0 \text{ AFA} \times 221 =) 884.0 \text{ AFA}$
with condition when
combined w/362457 shall
not exceed 884.0 AFA.

kw

per signature on permit
last name is spelled
~~LE~~ "Lecertua".

kw 7-17-84

State of Idaho

License and Certificate of Water Right

Water License No. G-29222 Priority September 29, 1961 Amount 1.0 c.f.s.
(late proof)

THIS IS TO CERTIFY that JESS C. LECERTUA

of Shoshone, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 16, 1960; that Permit No. G-29222 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1.0 second feet, was issued thereunder on January 19, 1968, showing that said works were completed on the 1 day of October, 1966; and that on the 4 day of October, 1966 JESS C. LECERTUA

of Shoshone, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation and livestock watering, under Use Permit No. G-29222 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~Volume~~ of Diversion Page G-29222 on the 19 day of January, 1968.

The right hereby confirmed dates from September 29, 1961. (late proof)

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 21, Twp. 7 S, R. 16 E, B.M. Jerome County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	16 E	21	SE $\frac{1}{4}$	40	33
			SW $\frac{1}{4}$	40	16
			NE $\frac{1}{4}$	40	35
			NW $\frac{1}{4}$	40	34
Total number acres irrigated:					118

same plot

$118 \times 0.02 = 2$

$221 \times 0.02 = 4.4$

need

Lic. 1.0

— 3.4

*same
p/u*

$$118 \times 0.02 = 2.36$$

$$221 \times 0.02 = 4.42$$

*needed
Lic. 1.00*

$$- 3.42$$

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 19 day of January, 1968.

R. Keith Higgins
State Reclamation Engineer.

36 2457

29222

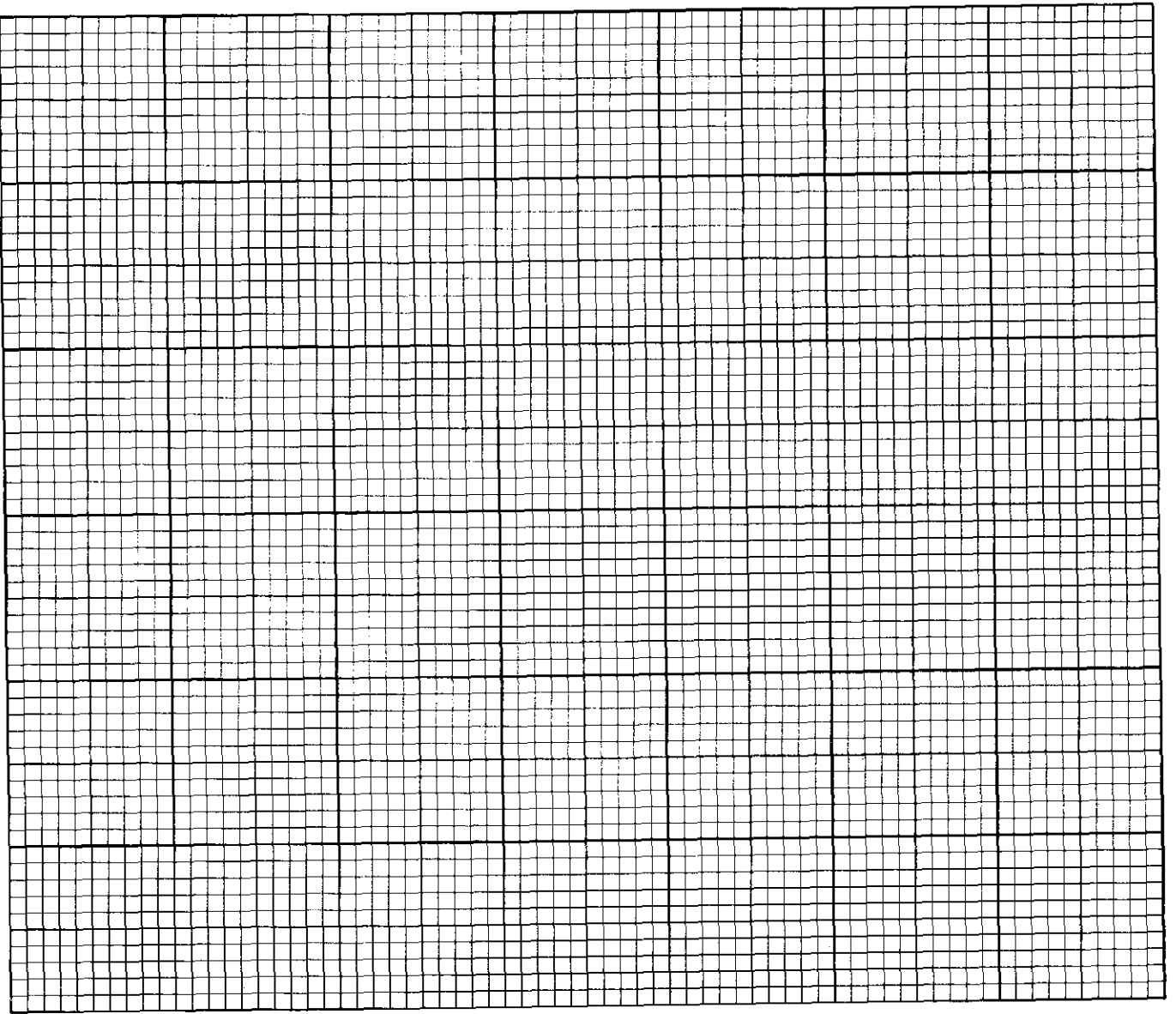
9.

Place(s) of Use:

Irrigation - give acres served by system at time of exam.
Indicate Method of Determination Aerial photo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	16E	21			33	37									40	33			143
		22									29	36				13			78

10. Other water rights on these lands 36-2457 (Sec. 21 lands)
11. Other water right diverted from same p.d. 36-2457
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments
- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
16. Examiner's/Consultant's Signature J. P. Hutton

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None

☐ Other

Date 6-25-84

Consultant's License Number _____

IDWR Director's Authorization to Conduct _____

Beneficial Use Examination _____

Date _____

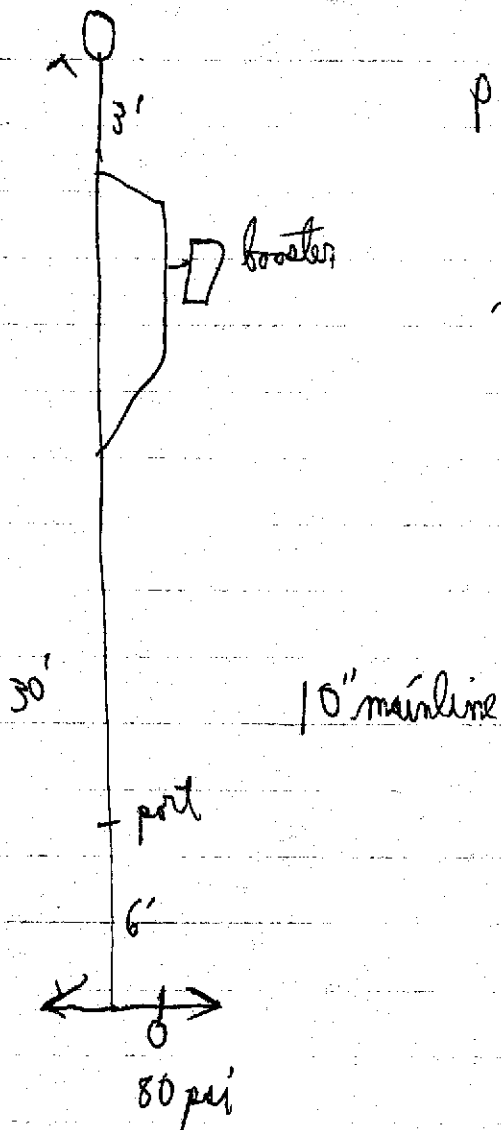
CONSULTANT SEAL

GE 200 hp motor # C1516-01-518
pump no tag

Lincoln booster motor 50 hp # 1900745
pump no tag

one pivot, 6 1/4-mile line

PD NE/NE/SE Sec 21



meter 081475 measure 15 lb pressure
10.02" tube $= 1498 \text{ gpm} \times \frac{.99}{.988} = 1480 \text{ gpm}$
 $= 3.30 \text{ gpm} \checkmark$

$$\frac{8.8 \times 250 \times .70}{260 + (2.31 \times 80)} = \frac{1540}{429.8} = 3.54 \text{ gpm} \checkmark$$

or $\frac{3.54}{1.07} \text{ at } 65\% \text{ eff.}$
 3.30 gpm

$$\frac{129.8}{69.3} = 1.87$$
$$\frac{7.7}{209} = 0.037 \text{ sec}$$

Dreg Hibault stated that the well is inefficient, using too much power

MICROFILMED

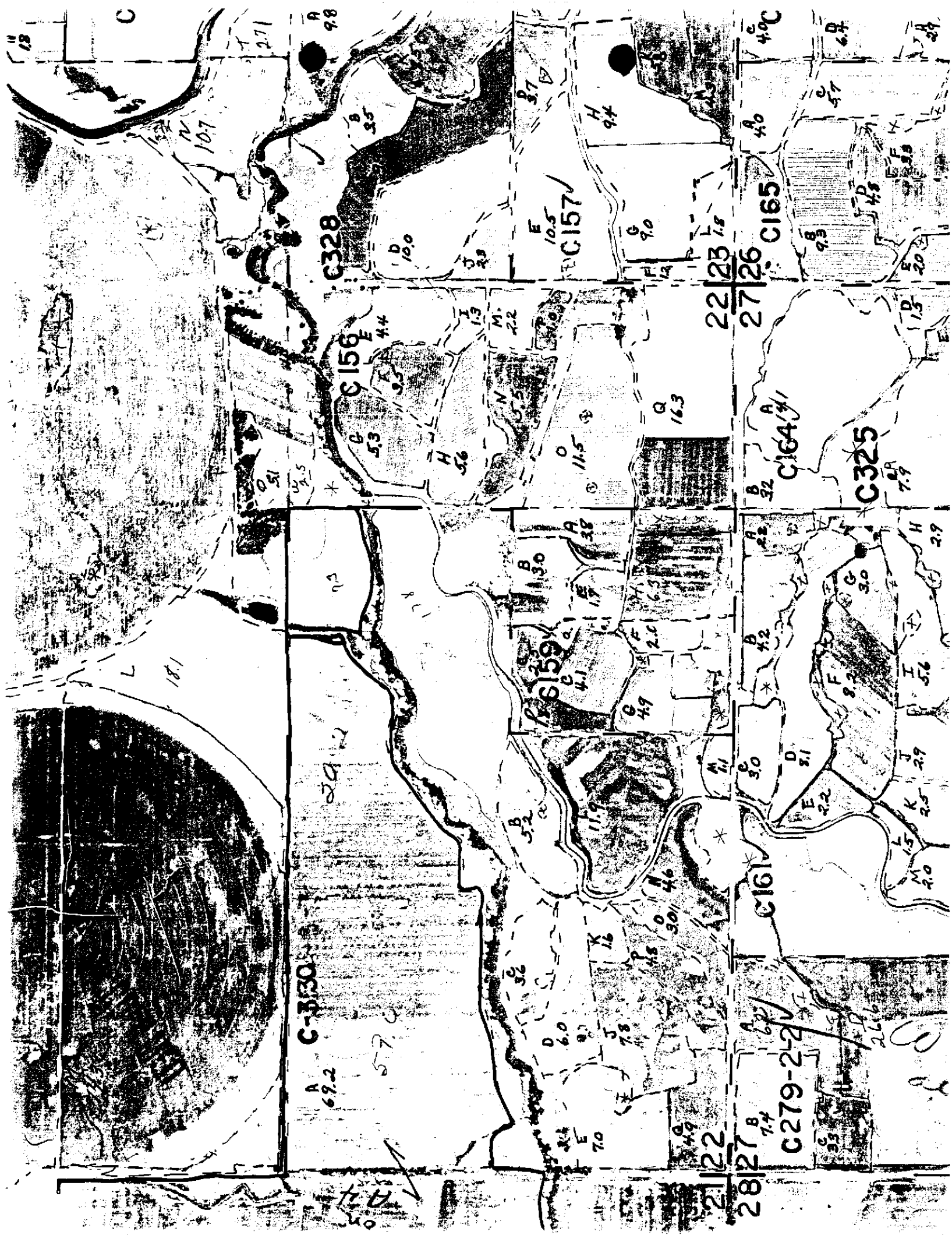
1615
21/22

C-330

Measured
on
B4

692

694



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 8, 1983

JESS LECERTUA, ESTATE
C/O ROSITA LECERTUA
P.O. BOX 692
SHOSHONE ID 83352

RE: Permit No. 36-7760

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MAILED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 36-7760.

Name(s) of Permit Holder: Trustee - Pers. Rep. of Estate

Post Office Address: 20 Box 692

Shoshone, Idaho 83352 Tel. No. 886-2313

Source of Water: well

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater	(number and type of stock)
☒ Irrigation <u>200</u>	(acres)
☐ Other	

pc

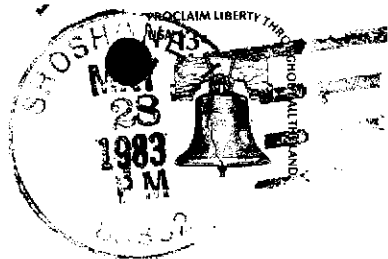
Measuring Device:	Required?	☐ Yes ☐ No	Installed?	☐ Yes ☐ No
Access Port:	Required?	☒ Yes ☐ No	Installed?	☒ Yes ☐ No

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

May 27-1983
Date

Trustee
Signature of Permit Holder

Murph & Rose
P.O. Box 666
Shoshone, Id 83352



1983 MAY 28
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

0 9 A 1 9 8 3

November 24, 1982

The Estate of Jess Lecertua
c/o Jack M. Murphy
MURPHY AND ROSE
P. O. Box 666
Shoshone, ID 83352

Dear Mr. Murphy:

Re: Permit No. 36-7760

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to December 1, 1983.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enc: Ext. of Time



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

EXTENSION OF TIME

November 16, 1982

Murphy & Rose

Attorneys At Law

Jack M. Murphy, Douglas F. Rose

P. O. Box 666

Shoshone, ID 83352

PERMIT NO. 36-7760, The Estate of Jess Lecertua by Rosita Lecertua, Administratrix

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 25272.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

Murphy & Rose

Attorneys At Law

Jack M. Murphy

Douglas F. Rose

RECEIVED

110 North Latah

Boise, Id. 83706

NOV 15 1982

Post Office Box 666
Shoshone, Id. 83352
208/886-2405

Shoshone, Idaho
November 12, 1982

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

Attention: Jim Johnson
Water Distribution Supervisor

Re: Permit No. 36-7760

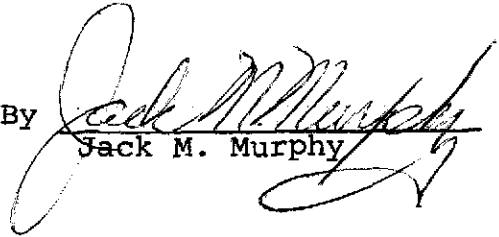
Dear Mr. Johnson:

Enclosed please find our check in the amount of
\$15.00 for the filing fee on the above entitled Permit.

Very truly yours,

MURPHY AND ROSE

By


Jack M. Murphy

ct

Encl.

11/13/82

November 9, 1982

RE: Permit No. 36-7760

The Estate of Jess Lecertua
By Rosita Lecertua, Administratrix
c/o Murphy & Rose, Attorneys
P.O. Box 666
Shoshone, Idaho 83352

Dear Ms. Lecertua & Mr. Rose:

Thank you for returning the request for extension in which to submit proof to beneficial use of water under Permit No. 36-7760. We cannot, however, approve your request because the \$15.00 filing fee was not included with the request.

We will hold your request for extension of time form here. Please submit the \$15.00 fee on or before November 30, 1982.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

WRC

INTER-DEPARTMENT MEMO — 1

DATE 11-3-82

FROM Jim

TO File

SUBJECT REQUEST FOR EXTENSION OF TIME

I have reviewed said request and ^{am} of the opinion that the letter from Jack Murphy, attorney for the wife of the permit holder, is sufficient evidence to show that Rosita Lecertua is the Administratrix of the JESS C. Lecertua estate and is authorized to request the extension of time on this permit.

MICROFILM

SIGNATURE

Murphy & Rose

Attorneys At Law

Jack M. Murphy

Douglas F. Rose

110 North Latah

Boise, Id. 83706

208/343-1200

Post Office Box 666

Shoshone, Id. 83352

208/886-2405

Shoshone, Idaho

October 14, 1982

RECEIVED

OCT 15 1982

Department of Water Resources

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Rita Fleck
Senior Secretary

Re: Jess C. Lecertua
Permit No. 36-7760

Gentlemen:

We have received your Notice of September 30, 1982, relative to the above captioned Permit.

Please be advised that Mr. Lecertua is now deceased, the date of death being March 2, 1982. Rosita Lecertua, his wife, has been appointed Administratrix of his estate. That under the terms and conditions of the Will left by Mr. Lecertua, his one-half of the entire estate is left to Mrs. Rosita Lecertua. She has had no opportunity in which to conclude the Application for a license. The writer is reliably informed and I think your file reflects that a deep well (321 feet) has been dug, pump has been put in place and is delivering water to a sprinkler system. The Administratrix has had no opportunity to confirm all that is required to complete the license but can do so within the relatively near future. We trust this is sufficient reason for an extension on the Application for a permit. Should there be any question, would you kindly notify this office and we will hasten to comply with the requirements of the Department of Water Resources.

Very truly yours,

MURPHY AND ROSE

By

Jack M. Murphy

JMM:ct

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138688

LACERTUA, JESS C.
P.O. BOX 692
SHOSHONE, ID 83352

SEPTEMBER 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 36-7760 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MIC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

July 16, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

RECEIVED

January 3, 1978

Re: Permit No. 36-7760

Jess C. Lacertua
P. O. Box 692
Shoshone, ID 83352

Dear Mr. Lacertua:

Enclosed is a copy of your approved Application for Permit No. 36-7760 . 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

Enclosure: Copy of permit

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 36-7760 - Jess C. Lacertua

☒ 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) JS 11-9-77

In form to receipt

(2) JS 11-9-77

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) JS 11-9-77

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(4) JS 11-15-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) mls 12-12-77

Critical groundwater area: yes _____ no ☒

(8) mls 12-12-77

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) JS 12/6/77

Affidavit of Publication received(date) 12/5/77

(12) JS 11/15/77

Final date for protests 12/12/77

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) mls 12-12-77

Action recommended:

☒ Approve _____ Deny

11-7-77 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Southern By Michael Stebbins Date 12-12-77

cc. Sent to Boise 11/14/77

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jess C. Lacortus
Shoshone, ID 83352

has on 11/7/77 submitted Application No. 36-7760
for a permit to appropriate 3.0 cubic feet per second ~~acre feet per annum~~
of water from ground water
by means of existing pump and well delivering to sprinkler system.
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 7S, Rge. 16E., B.M., Jerome County

to be used from Mar. 15 to Nov. 15
for irrigation purposes of 235 acres

within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21; N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 7S, Rge. 16E., 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, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or be-
fore December 12, 1977.

C. Stephen Allred

Director

Published in the North Side News

on 11/24 and 12/1/77

UNRECORDED

11/25/77

GALLEY PROOF LEGAL

Dep:

NOTICE OF APPLICATION

FOR WATER PERMIT

Notice is hereby given that Jess C.

Lacertua, Shoshone, ID 83352, has on

11-7-77 submitted Application No. 36-

7760 for a permit to appropriate 3.0

cubic feet per second of water from

ground water by means of existing

pump and well delivering to sprinkler

system, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21,

Twp. 7S, Rge. 16E, B.M. Jerome

County to be used from Mar. 15 to Nov.

15 for irrigation purposes of 235 acres

within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21,

N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp. 7S,

Rge. 16E, 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, 1041 Blue

Lakes Blvd., North, Twin Falls, Idaho,

83301 on or before December 12, 1977.

C. Stephen Allred
Director

11-24-21c

November 14, 1977

North Side News
P. O. Box 468
Jerome, ID 83338

Re: Application for Permit No. 36-7760 - Jess C. Lacertua

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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enc.

Bill submitted: _____

RECEIVED