

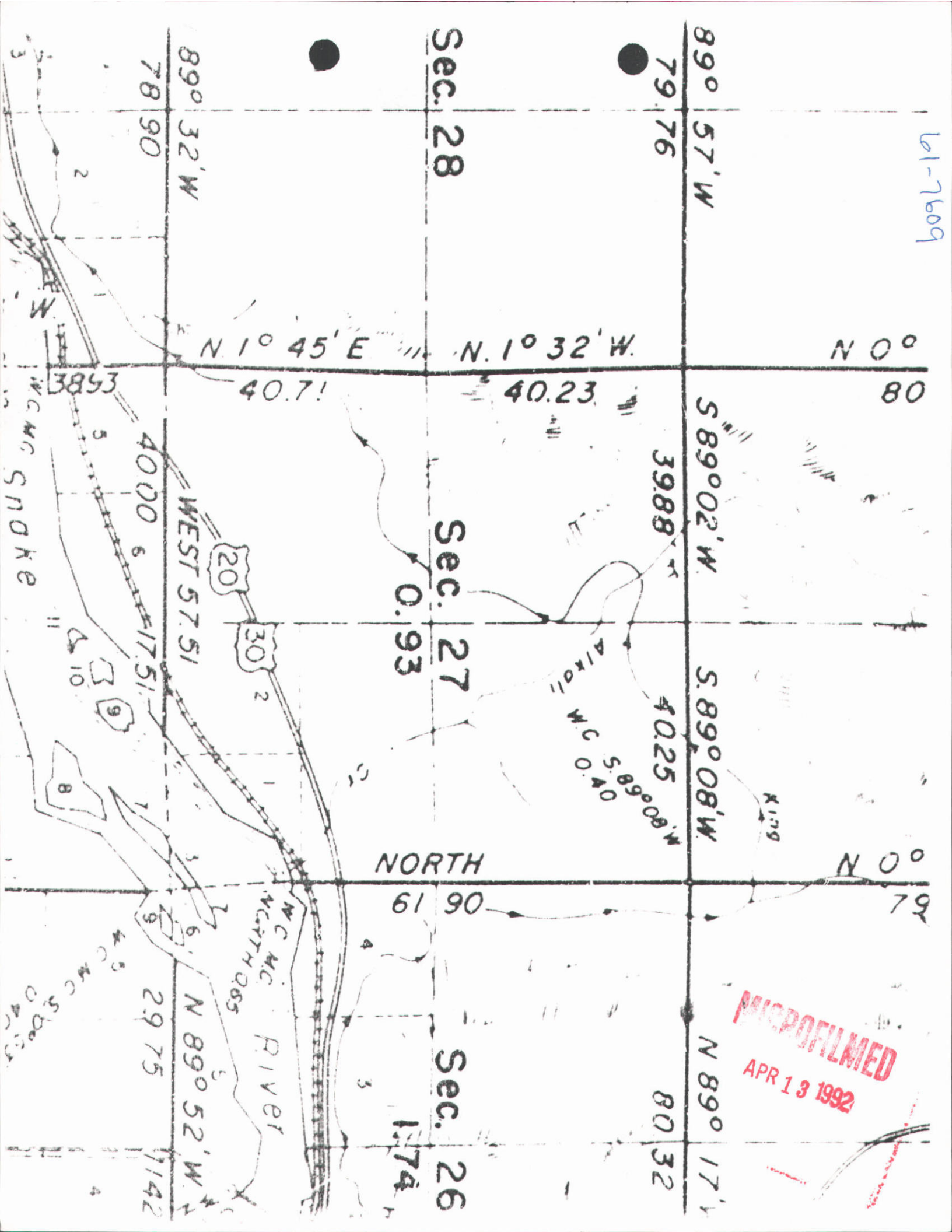
6092-10



IRRIGATED AREA
SPRING AREA

MICROFILMED
APR 13 1992

61-7609



Sec. 28

Sec. 27

Sec. 26

89° 57' W
79.76

S 89° 02' W
39.88

S 89° 08' W
40.25

N 89° 17' W
80.32

89° 32' W
78.90

WEST 57.51
40.00

N 89° 52' W
29.75

N 1° 45' E 40.71
N 1° 32' W 40.23

NORTH
61.90

NC MC SNOKE

NC MC RIVER

MICROFILMED
APR 13 1992

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lois Whitney, do solemnly swear that I am the
foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 17th day of April, 19 91, and the last publication having been made on the 24th day of April, 19 91; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lois Whitney

Subscribed and sworn to me this 25th day of

April, 19 91

Charles D. Seavey
Notary Public

APR 13 1992

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 61-07609

BERNT, GERALD
BERNT, BETH
P.O. BOX 67
GLENN'S FERRY, ID 83623
Source: SPRING; Tributary: SNAKE
RIVER

Diversion Pt: SENESE Sec 27 T 05S
R 09E; LOT 1 (NESESE) Sec 27 T 05S
R 09E

Use: IRRIGATION (.090 CFS); Total
Diversion: (.090 CFS)

Date Filed: 11/3/1989

In: T05S R09E S27 Lot 1 (SESE)

3.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

R. KEITH HIGGINSON, Director
Published 4/17/1991 & 4/24/1991.

RECEIVED

APR 26 1991

Department of Water Resources

OK JZ
4-26-91

**NOTICE OF APPLICATION FOR
WATER RIGHT**

The Following application(s) have
been filed to appropriate the public wa-
ters of the State of Idaho:

61-07609 *✓st*

BERNT, GERALD

BERNT, BETH

P.O. BOX 67

GLENNS FERRY, ID 83623

Source: SPRING Tributary: SNAKE
RIVER

Diversion Pt: SENESE Sec 27 T 05S
R 09E; LOT 1 (NESESE) Sec 27 T 05S R
09E

Use: IRRIGATION (.090 CFS); Total-
Diversion: (.090 CFS)

Date Filed: 11/03/1989

In: T05S R09E S27 Lot 1 (SESE)
3.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Western Region, 2735 Air-
port Way, Boise, Idaho 83705 on or be-
fore March 26, 1990..

R. KEITH HIGGINSON, Director
Published 3/07/1990 & 3/14/1990

RECEIVED

MAR 29 1990

Department of Water Resources
Western Regional Office

Affidavit of Publication

County of Elmore)
) ss.

STATE OF IDAHO)

I, Mike Thornberry do
solemnly swear that I am the foreman, or publisher of the
MOUNTAIN HOME NEWS

a weekly newspaper of general circulation published
once a week at MOUNTAIN HOME, IDAHO, that the
notice attached hereto and which is a part of the proof of
publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having
been made on the 7 day of March

19 90, and the last publication having been made on
the 14 day of March 19 90
every Wednesday issue of the paper during the period
and time of publication and that the notice was published
in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninterrupt-
edly published in said Elmore County during a period of
78 consecutive weeks prior to the first publication of the
attached notice.

Mike Thornberry
STATE OF IDAHO)
COUNTY OF ELMORE)

On this 14 day of March in the year of 1990

before me, a Notary Public, personally appeared
Mike Thornberry, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Charles S. Suss
Notary Public for Idaho

Residing at Mtn. Home, ID

My commission expires: 2-5-91

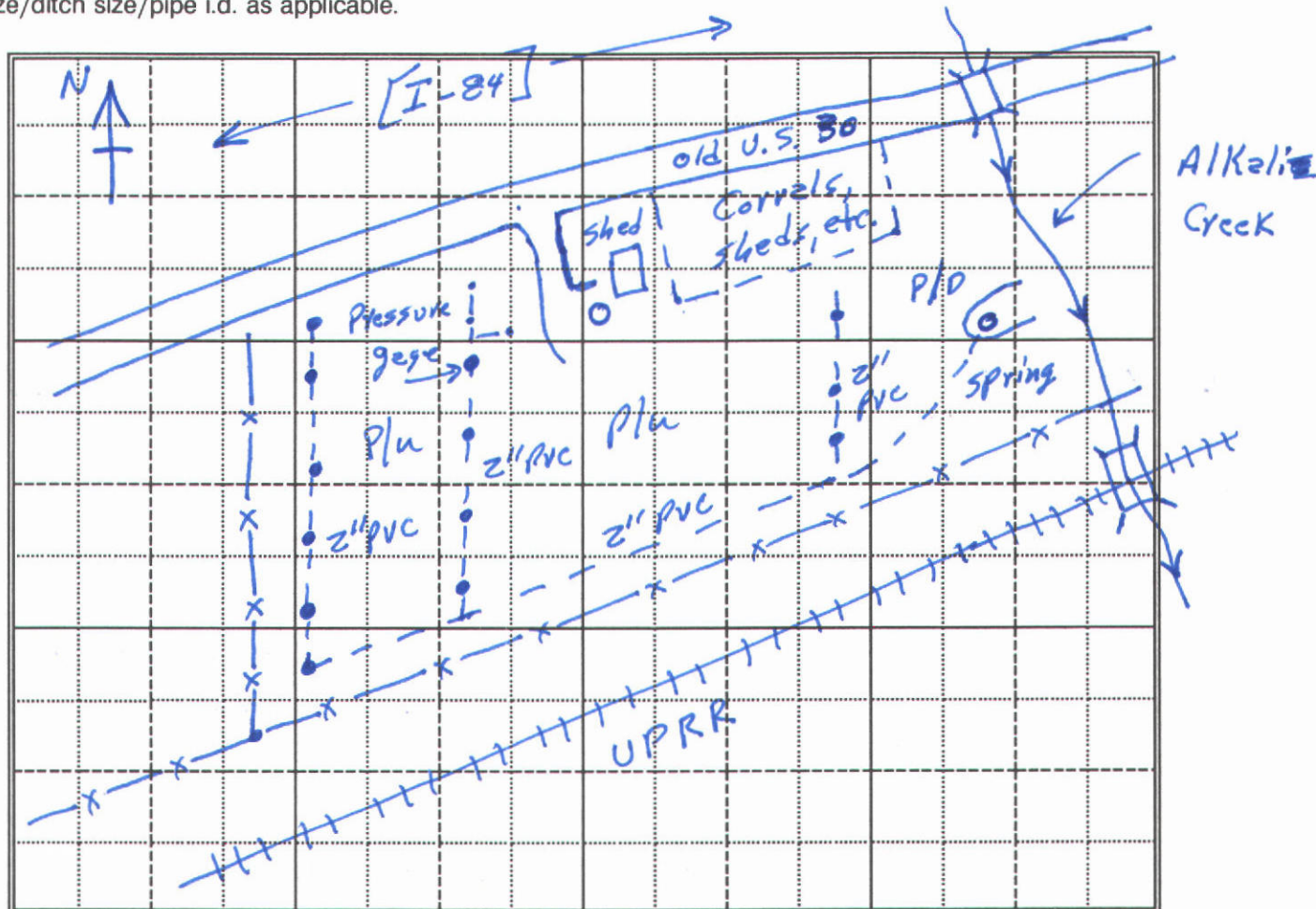
MICROFILMED

APR 13 1992

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NE NW	NW NW	SW NW	SE NW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	61 11808	BRADLEY D RUMSEY, KATHY K RUMSEY,	ALKALI CREEK	05S09E27														9 8			9 8
Rec	61 11808	KATHY K RUMSEY, BRADLEY D RUMSEY,	ALKALI CREEK	05S09E27														7			7
Right	61 2113	ROY KNIGGE,	ALKALI CREEK	05S09E27													10	2			12
Rec	61 10228	EARL E WARD,	GROUND WATER	05S09E27													X				0
Rec	61 10228	EARL E WARD,	GROUND WATER	05S09E27													X				0
Right	61 10082	BRAD RUMSEY, KATHY RUMSEY,	GROUND WATER	05S09E27													X				0
Right	61 10228	EARL E WARD,	GROUND WATER	05S09E27													X				0
Right	61 10228	EARL E WARD,	GROUND WATER	05S09E27													X				0
Right	61 10600	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S09E27				X													0
Right	61 10600	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S09E27				X													0
Right	61 10601	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S09E27				X													0
Right	61 10601	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S09E27				X													0
Right	61 10602	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S09E27				X													0
Right	61 10602	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S09E27				X													0
Right	37 4112	KING HILL IRRIGATION DISTRICT,	MALAD RIVER	05S09E27	35	40	10					10	38	22	6	7					168
Right	2 2155	LAWRENCE P BERNT,	SNAKE RIVER	05S09E27															21		21
Permit	61 7609	EARL E WARD,	SPRING	05S09E27																3	3
Right	61 7609	EARL E WARD,	SPRING	05S09E27																3	3
Right	61 10603	ELIZABETH POWERS, FRANKLIN J POWERS,	SPRINGS	05S09E27													X				0
Right	61 11822	KATHY RUMSEY, BRAD RUMSEY,	SPRINGS	05S09E27													X				0

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



Scale: 1" = No. Scale

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	7½		Grunfos	Model 9246
					SN# 92451189

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

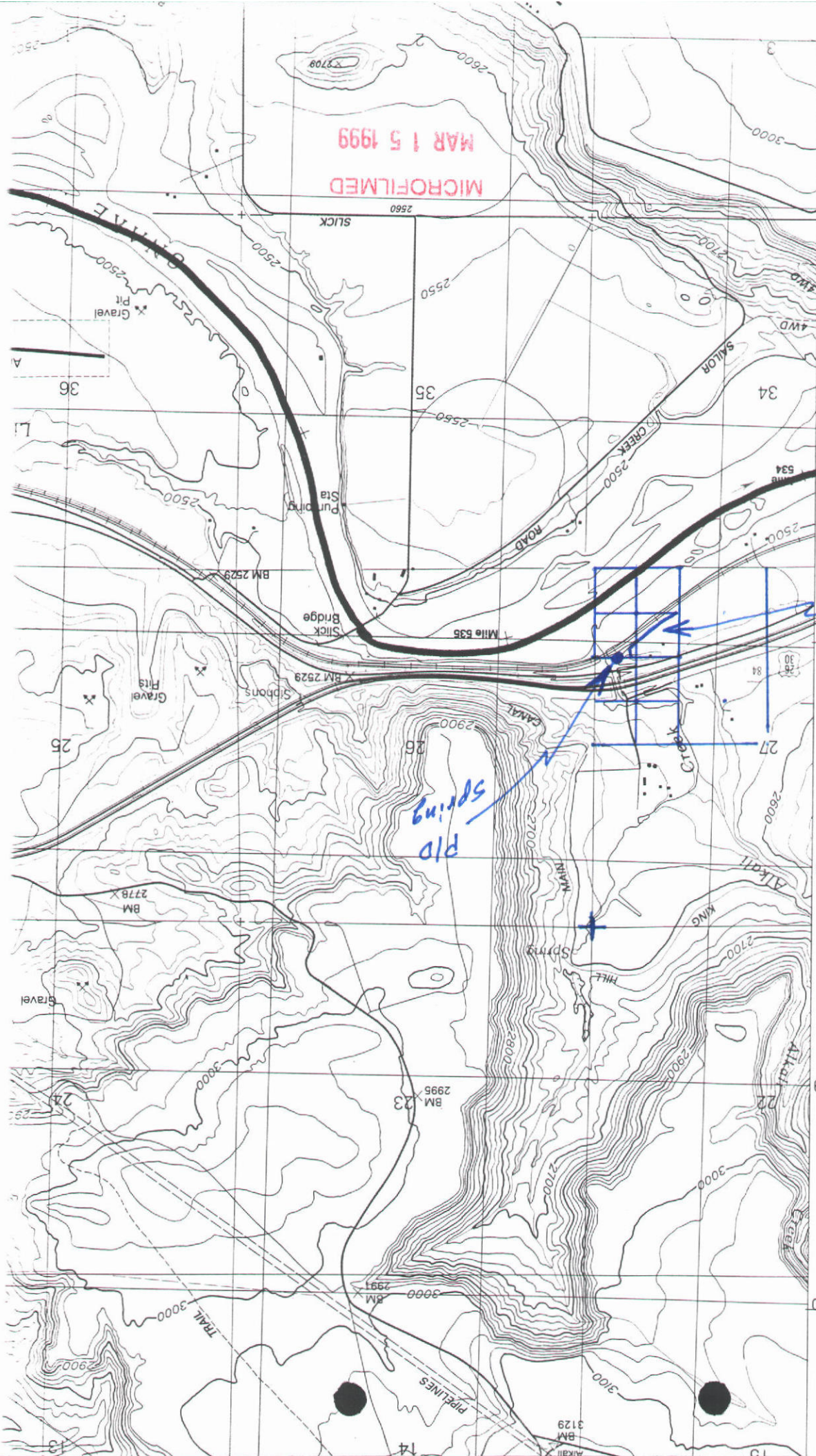
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None, Pressure at pump - 85 psi when operating.
Pressure in 2" pvc line - 50 psi.

MICROFILMED

MAR 15 1999



MAR 15 1999
MICROFILMED

61-07609

51
61

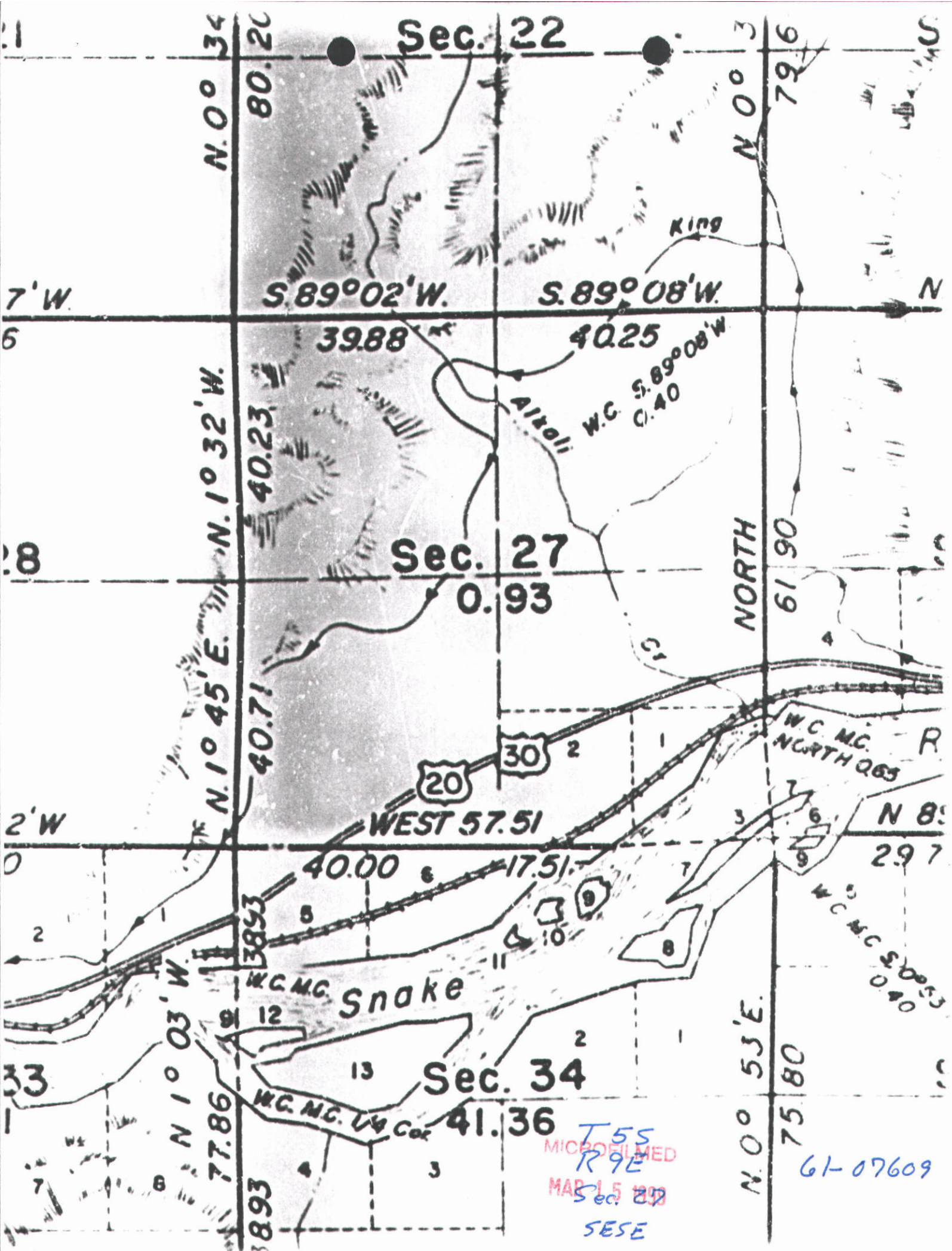
P/u

SESE
North Portion

Lot 1

T5S
R9E
S27

Spring
P/D



1 of 2

P/D

Pump
Unit
in

Spring
Area



P/u

Typical
2"

Sprinkler
Turnout

on

2" PVC

laterel.



MICROFILMED

MAR 15 1999

61-07609



Z of Z

P/u

Portable
Sprinkler
and
irrigated
land.

View
Looking
Southwest.



P/u

Irrigated
land at
fixed
Sprinklers.

Note

Pressure
gase.

View
Looking
Northwest.

MICROFILMED

MAR 15 1999

61-07609

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 61-07609

Priority: November 03, 1989

Maximum Diversion Rate 0.09 CFS
Maximum Diversion Volume 12.0 AF

It is hereby certified that EARL E WARD
PO BOX 88
GRANDVIEW ID 83624-0088 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 03, 1989; and has
submitted Proof of Beneficial Use on April 01, 1993. An examination indicates that the works have a
diversion capacity of 0.23 cfs of water from

SOURCE

SPRING

Tributary: SNAKE RIVER

and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING L1 NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27, Twp 05S, Rge 09E, B M, ELMORE 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	
05S 09E 27																	30 11

Total Acres 3

CONDITIONS OF APPROVAL

1. Irrigation use under this right is authorized only in connection with a domestic use.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources

Signed and sealed this 6th day of July, 2001.

MICROFILMED


for **KARL J. DREHER**
Director

RECEIVED

MAR 01 1999

For Office Use Only

\$25 Filing Fee

Receipt # W624822Date 2/22/99

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

FEB 22 1999

WATER RESOURCES
WESTERN REGION

I, GERALD BERT, hereby assign to EARL E. WARD
of, PO Box 88 GRAND VIEW ID 83624
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 61-07609 to appropriate the public waters of the State of Idaho.

OR, (for partial assignments)

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 portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 19 day of February, 19 99.

X Gerald Bert
Permit Holder

State of Idaho

County of Elmore, ss

On this 19 day of February, 19 99, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Glenn Ferry
Notary Public residing at

seal

My commission expires: 1-21-05

MICROFILMED

MAR 14 1999

RECEIVED

APR - 1 1993

OFFICE USE ONLY
Amt of Fee \$ 50.00
Date 4-1-93
Receipt No. C027118
Receipt by CA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 61-07609 Telephone No. (209) 366-2420
2. Name(s) of Permit Holder(s): Gerald and Beth Bernat
3. Mailing Address: P.O. Box 67 Glenns Ferry Idaho 83623
4. Source of Water: Spring

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: 2 Pressure (psi): 60 psi Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 3 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .09 cfs OR _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 150.00 (See License Fee Schedule on back of Instruction Sheet)

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

Gerald Bernat (209) 366-2420
Name Telephone No.

P.O. Box 67 Glenns Ferry Idaho 83623
Address

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

3-31-93
Date

Gerald Bernat
Signature (and title, if on behalf of a company or organization)

APR 1 6 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07609

Proposed Priority: November 3, 1989 Maximum Diversion Rate: 0.09 CFS
This is to certify, that GERALD BERNI

BETH BERNI
P.O. BOX 67
GLENN'S FERRY ID 83623

has applied for a permit to appropriate water from:

SPRING tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION: SENESE, Sec. 27, Township 05S, Range 09E
Lot 1(NESESE), Sec. 27, Township 05S, Range 09E
ELMORE County

PLACE OF USE: IRRIGATION
TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

05S 09E 27 Lot 1(SESE) 3

3

Total number of acres irrigated:

3

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1993.
2. Subject to all prior water rights.
3. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
4. Irrigation use under this right is authorized only in connection with a domestic use.
5. Single point of diversion located on or near line between SENESE and NESESE, S27, T05S, R09E.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

26 day of March, 1992

for *R. Keith Higginson*
R. Keith Higginson, Director

RECORDED

APR 13 1992

Ident. No. 61-07609

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: GERALD BERNT 208-366-2420
Address: P.O. BOX 67
GLENN'S FERRY, ID 83623

Name: BETH BERNT 208-366-2420
Address: P.O. BOX 67
GLENN'S FERRY, ID 83623

2. Source: SPRING Trib. to: SNAKE RIVER

3. Location of Point of Diversion: SENESE Sec. 27, Township 05S, Range 09E
NESESE Sec. 27, Township 05S, Range 09E
6vt. L. & 1 ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.090		

5. Total quantity to be appropriated is:
0.090 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
DUG-OUT SPRING AREA W/PUMP & PIPELINE FOR SPRINKLER IRRIG.
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.

8. Description of proposed uses: Irrigation of 3 acres

APR 13 1992

Ident. No. 61-07609
Page 2

9. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
05S	09E	27	L+1 SESE	3			3
Total number of acres irrigated:							3

10. Describe any other water rights used for the same purposes.
NONE.

11. a. Who owns the property at the point of diversion?

APPLICANTS

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

APPLICANTS

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

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒ SEE ALSO ATTACHMENT

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.

Gerald Bort
Applicant

Received by JP Date 11/3/89 Time 2:00 Preliminary check by fw

Fee \$ 30 Receipted by JP # M005721 Date 11/3/89

Publication prepared by GG/BLM Date 2-28-90 Published in Mountain Home News

Publication approved TJL 4-26-91 st Date 4-19-90
4-17 + 4-24-91

APR 13 1992

ATTACHMENT TO APP. FOR PERMIT NO. 61-07609

NOTE: THE POINTS OF DIVERSION FOR THIS APPLICATION SHOW TWO TEN-ACRE PARCELS. THERE IS ONLY ONE SPRING AREA AND IT SPANS THESE TWO TEN-ACRE PARCELS, THEREFORE, BOTH ARE LISTED. IT IS ACTUALLY A SWAMPY AREA WHERE THE SPRING IS.

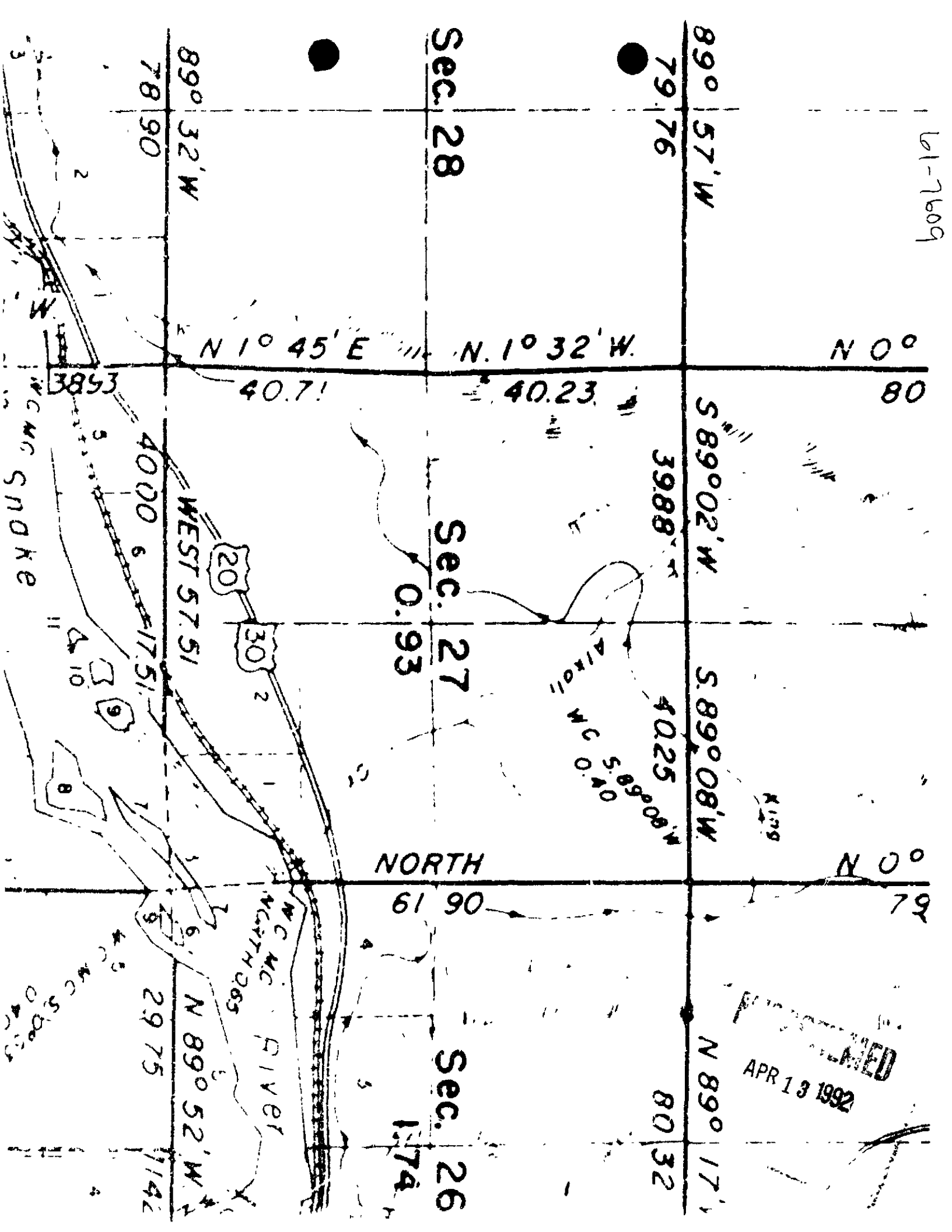
APR 13 1992

61-7609

35

2

61-7609



Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

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Mountain Home News

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2 consecutive weeks, the first publication having been made on 17th day of

April, 19 91, and the last publication having been made on the 24th day of

April, 19 91; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lois Whitney

Subscribed and sworn to me this 25th day of

April, 19 91

Charles D. Seavey
Notary Public

APR 13 1992

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 61-07609

BERNT, GERALD
BERNT, BETH
P.O. BOX 67
GLENN'S FERRY, ID 83623
Source: SPRING; Tributary: SNAKE
RIVER

Diversion Pt: SENESE Sec 27 T 05S
R 09E; LOT 1 (NESESE) Sec 27 T 05S
R 09E

Use: IRRIGATION (.090 CFS); Total
Diversion: (.090 CFS)

Date Filed: 11/3/1989

In: T05S R09E S27 Lot 1 (SESE)

3.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

R. KEITH HIGGINSON, Director
Published 4/17/1991 & 4/24/1991.

RECEIVED

APR 26 1991

Department of Water Resources

OK JZ
4-26-91

Affidavit of Publication

County of Elmore)
) ss.
STATE OF IDAHO)

I, Mike Thornberry do
solemnly swear that I am the foreman, or publisher of the
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a weekly newspaper of general circulation published
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2 consecutive weeks, the first publication having
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and time of publication and that the notice was published
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And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninterrupt-
edly published in said Elmore County during a period of
78 consecutive weeks prior to the first publication of the
attached notice.

Mike Thornberry
STATE OF IDAHO)
COUNTY OF ELMORE)

On this 14 day of March in the year of 1990

before me, a Notary Public, personally appeared
Mike Thornberry, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Charles S. Suss
Notary Public for Idaho

Residing at Mtn. Home, ID

My commission expires: 2-5-91

NOTICE OF APPLICATION FOR

34 (Applications) have
been filed to appropriate the public wa-
ter of the State of Idaho:

WINDY 1990 ✓

JOINT, GERALD,
JOINT, BETH
JOINT, BETH

GLENN'S FERRY, ID 83021
Source: SPRING Snake RIVER

Division Pt. SENSE Sec 27 T 05S

R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

09N

Division Pt. SENSE Sec 27 T 05S

R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

09N

Division Pt. SENSE Sec 27 T 05S

R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

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Division Pt. SENSE Sec 27 T 05S

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Division Pt. SENSE Sec 27 T 05S

R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

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R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

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R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

09N

Division Pt. SENSE Sec 27 T 05S

R 06N 12E 1 4 5 6 7 8 9 Sec 27 T 05S R

09N

RECEIVED

MAR 29 1990

Department of Water Resources
Western Regional Office

APR 13 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 12, 2001

EARL E WARD
PO BOX 88
GRANDVIEW ID 83624-0088

RE License No 61-7609 - Issuance of License

Dear Water Right Holder(s).

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK.klt

Enclosure(s)

MICROFILMED

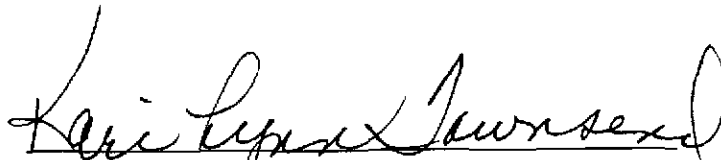
SEP 11 2001

CERTIFICATE OF MAILING

I hereby certify that on July 12, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below

RE: WATER RIGHT NO. 61-7609

**EARL E WARD
PO BOX 88
GRANDVIEW ID 83624-0088**

A handwritten signature in cursive script, reading "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

MICROFILMED
SEP 11 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (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 Director 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.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Permit No 61-27609 Date 7-5-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion OK ★

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40) ★

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s) none

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion.

Permitted rate 0.09 cfs

Fee Limit 0.20 cfs

Measured cfs

Theoretical 0.23 cfs

Recommended Total Diversion Rate 0.09

Water Uses OK

Change (P46)

Season of Use per new Standards

3-15 11-15

Irrigation 0.09 cfs 12.0 af

Stockwater cfs af

Domestic cfs af

 cfs af

 cfs af

Total 0.09 cfs 12.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (W57/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.09 cfs x 1.9835 x 246 days = 43.9 af (vs) 3 acres x 4.0 (FHR) = 12.0 af
3.0 (con)

Remarks

Additional Conditions

Watermaster Control

 GW Measurement/Measuring Device

 Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Cnt. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below

SRBA Claim? Not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

topo AALC

*when I inserted
p/d in GIS only
fell in one
40 ac tract
rather than 2
as shown
by permit
& examiner*

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	91 2113	ROY KNIGGE	ALKALI CREEK	05S08E27													10	21			31
Right	81 10082	BRAD RUMSEY, KATHY RUMSEY,	GROUND WATER	05S08E27													X				0
Right	81 10228	EARL E WARD,	GROUND WATER	05S08E27													X	X			0
Right	81 10228	EARL E WARD,	GROUND WATER	05S08E27													X				0
Right	81 10600	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S08E27				X													0
Right	81 10600	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S08E27				X													0
Right	81 10601	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S08E27				X													0
Right	81 10601	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S08E27				X													0
Right	81 10602	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S08E27				X													0
Right	81 10602	FRANKLIN J POWERS, ELIZABETH POWERS,	GROUND WATER	05S08E27				X													0
Right	37 4112	KING HILL IRRIGATION DISTRICT,	MALAD RIVER	05S08E27	38	10	10					10	20	22	5	7					100
Right	2 2166	LAWRENCE P BERNT,	SNAKE RIVER	06S08E27															21		21
Right	81 7809	EARL E WARD,	SPRING	05S08E27																3	3
Right	81 10603	ELIZABETH POWERS, FRANKLIN J POWERS,	SPRINGS	05S08E27		X											X				0
Right	81 11822	KATHY RUMSEY, BRAD RUMSEY,	SPRINGS	05S08E27													X				0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 12 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07609

1. Owner: Gerald & Beth Bernt Phone No. (208) 366-2420

Current Address: P.O. Box 67, Glenns Ferry, ID 83623

2. Accompanied by: Gerald Bernt EXAM DATE: 10-10-96

Address: (Same) Phone No. (Same)

Relationship to Permit Holder: (Same)

3. Source: Spring tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: one P/D; one spring.

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Method of Determination/Remarks
		SE	NE	SE	27	55	9E	Elmore	Site Visit, map
	1	NE	SE	SE	27	55	9E		

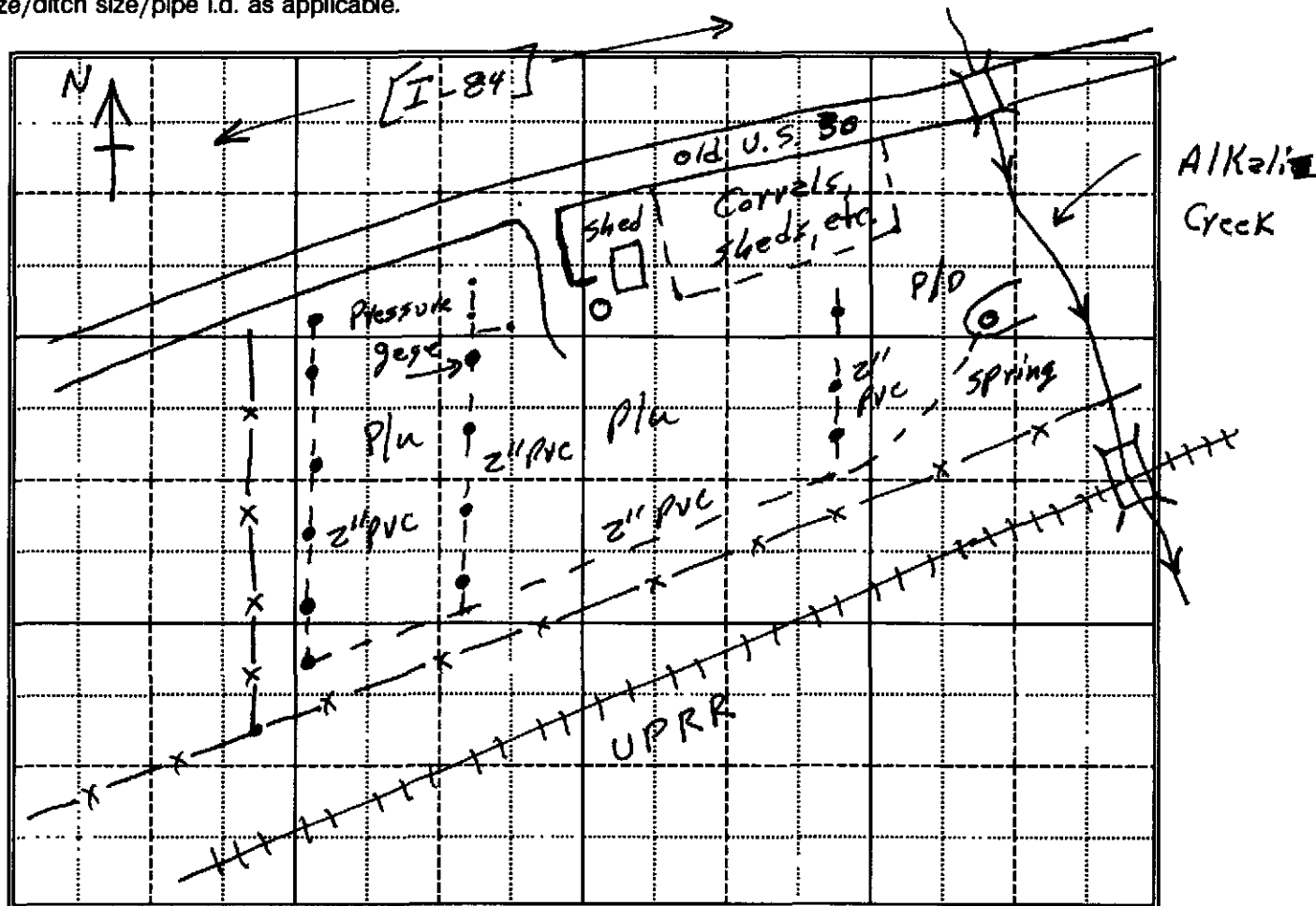
2 Place(s) of Use:

Indicate Method of Determination Site Visit, map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55	9E	27																3 lot 1	3.0

MICROFILMED

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



Scale: 1" = No. Scale

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	7 1/2		Grunfos	Model 9246
					SN # 92451189

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

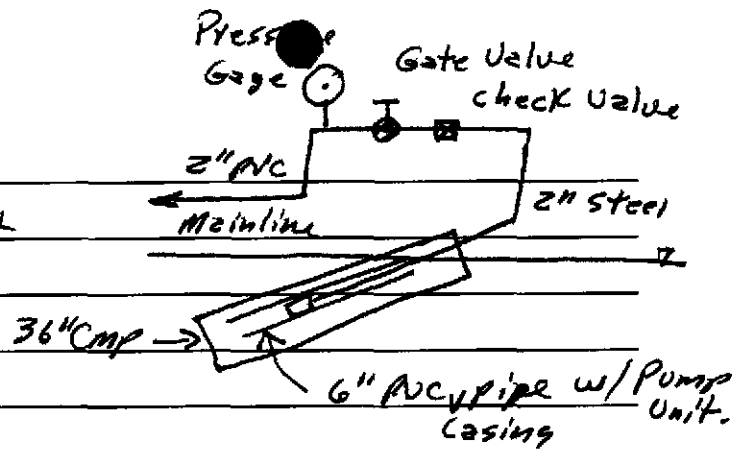
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None, Pressure at pump - 85 psi when operating.
Pressure in 2" PVC line - 50 psi.

E. NARRATIVE/REMARKS/COMMENTS

1. Pump, piping etc. at Spring:

P/D



2. This water system has a pump unit in a spring, a 2" PVC pipe mainline, 3-2" PVC pipe laterals, and sprinklers for irrigation. The 3 pipe laterals have 2" turnouts with valves to operate a portable "big gun" sprinkler with a 5/16" nozzle. There are three fixed 9/64" sprinkler nozzles at the shed end of the second lateral near the ~~shed~~ area. There is also a pressure gage at this location, along with the one at the pump.

3. This small tract of land was not included in the owner's farmland that have Snake River water rights.

4. Condition 4- At times, the owner will park a trailer in the area near the sheds/correls when they are working with livestock. They may use the water for domestic purposes during these periods, but there is no domestic use filed at this time.

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

WICFO-...

DATE: 1/1/99

Additional Computation Sheets Attached

$$Q_{max} = \frac{(8.8)(7\frac{1}{2} \text{ Hp})(702)}{(85 \text{ psi})(\frac{34'}{14.7 \text{ psi}})} = \underline{0.23 \text{ cfs}} > \underline{0.09 \text{ cfs}}$$

$$\text{Allow } \phi = (0.03 \frac{\text{cts}}{\text{Ac}}) / (3 \text{ Ac.}) = \underline{0.09 \text{ cts}}$$

1. Volume Calculations for Irrigation:

$$V_{I,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{(3.0 \text{ Acr.})(3.0 \frac{\text{AF-A}}{\text{Acr.}})}{1} = 9.0 \text{ AF-A}$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{(0.09)(214)(1.9835)}{1} = 38.2$$

$$V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} = 9.0 \text{ AF-A}$$

$$\text{Irrigated Acres} = \left[\frac{(1/2)(880')(600') - (200')(650')}{66 \times 66 \times 10} \right] \text{ shed, corrals, etc.}$$

$$= \underline{3.08 \text{ Ac.}}$$

Allow 3.0 Ac. in permit.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04/01	10/31	0.09	9.0
Totals:			0.09	9.0

☐ 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

Irrigation season
should be "C"
not "D".

Field Examiner's Name L. J. Tomich Date 2-9-98

Reviewer	Date
----------	------

SEAL

T5S
R9E
S27

Lot 1
[North Portion
SESE]

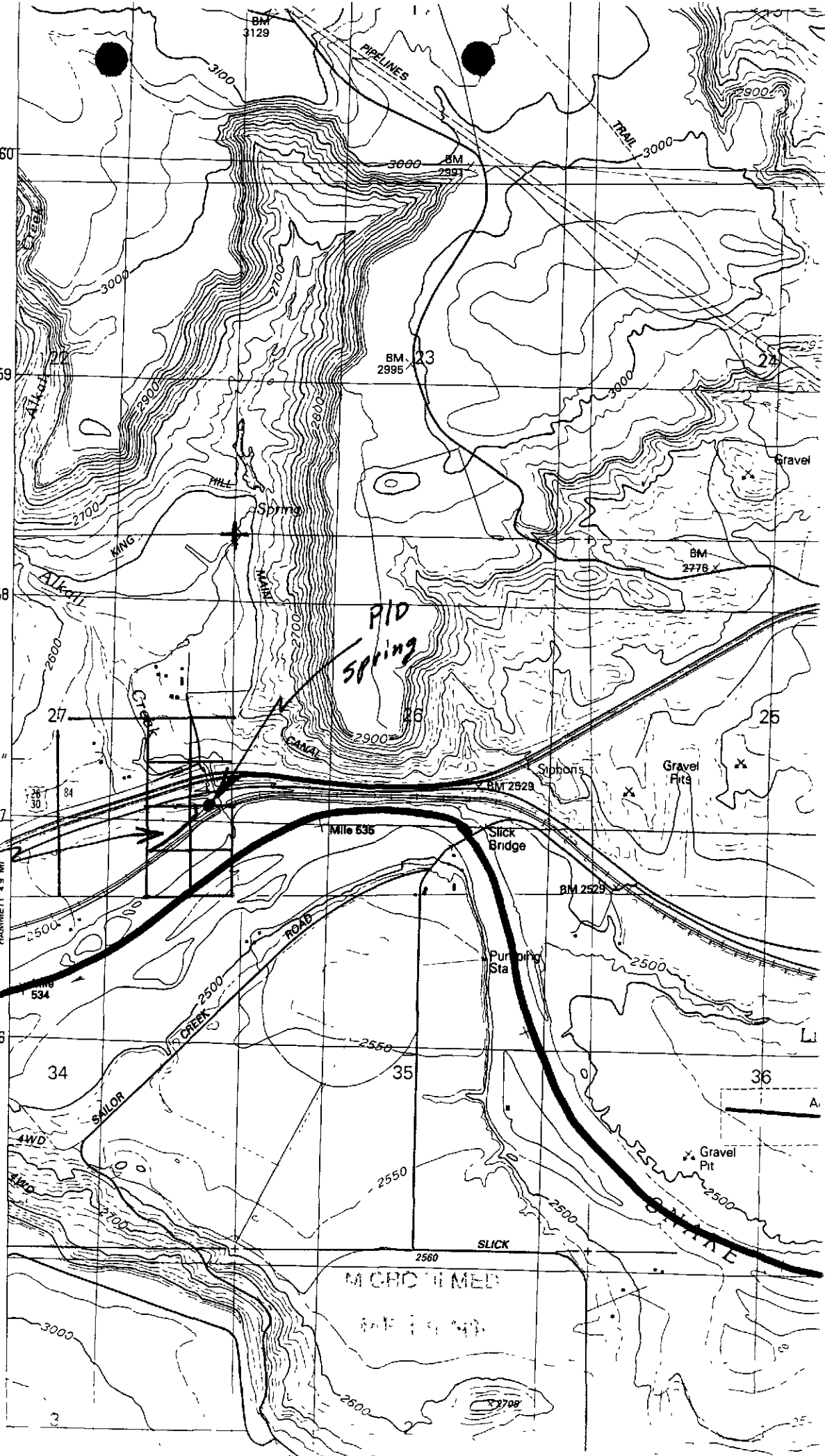
P/u

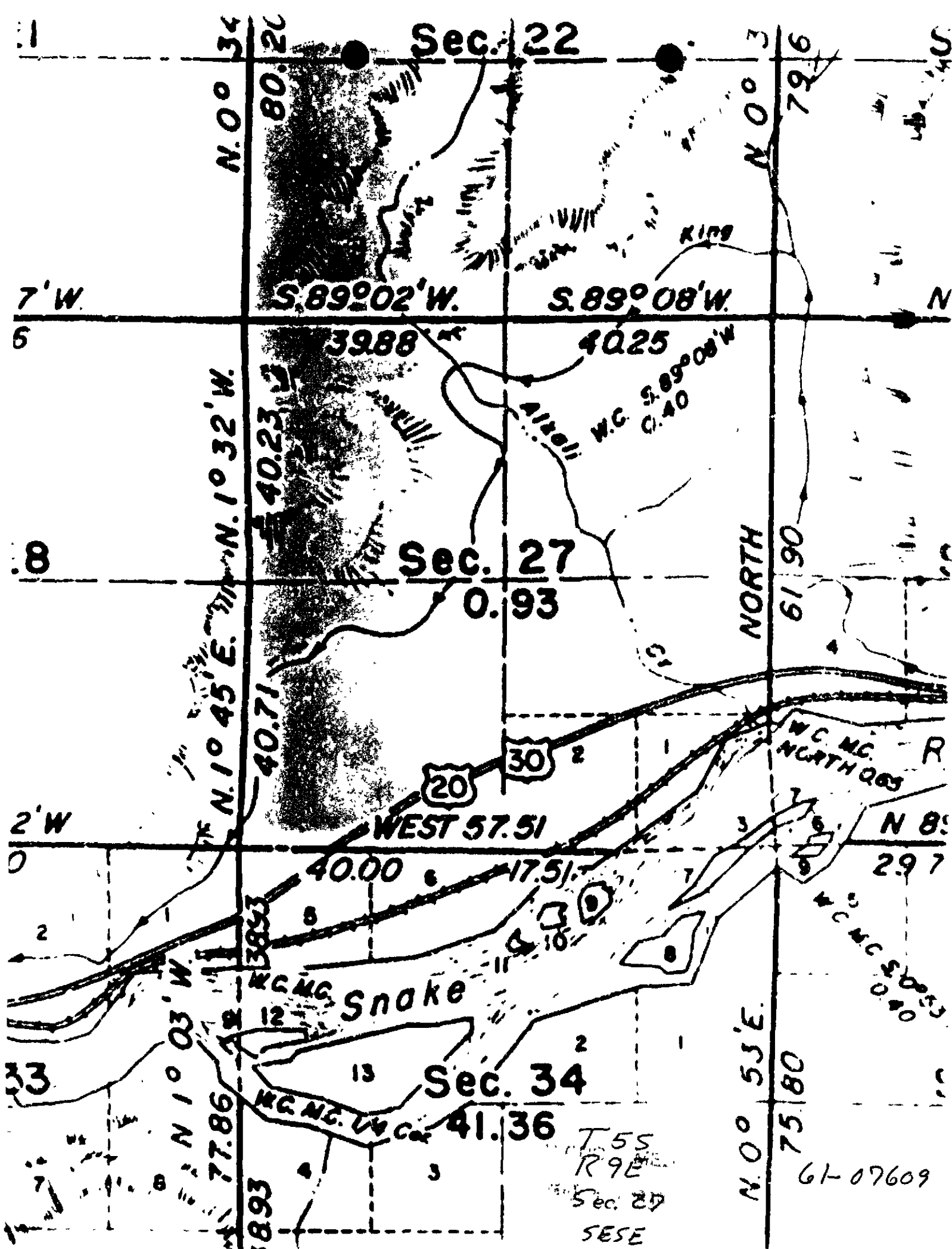
61

51

61-07609

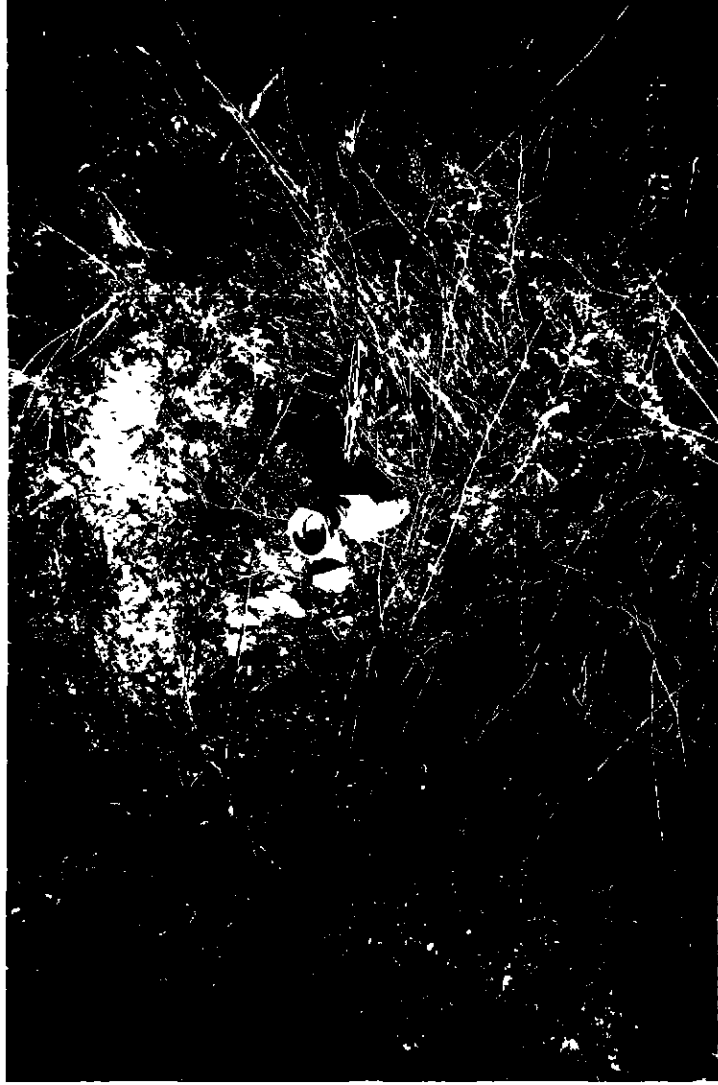
T5S
T6S





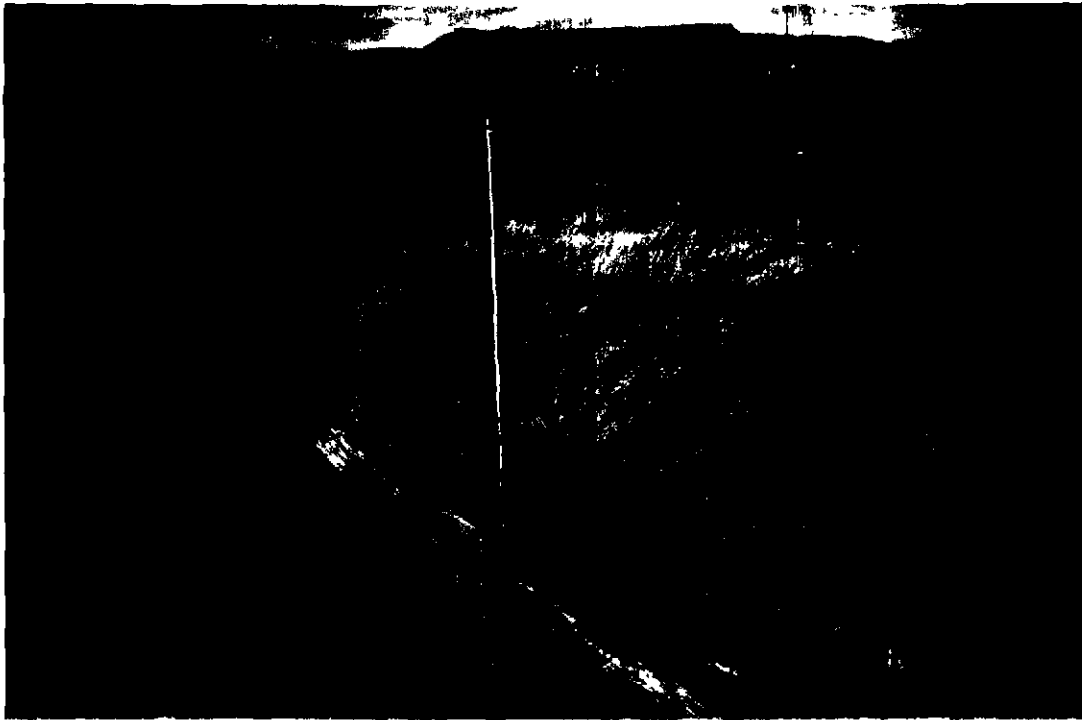


P/D
Pump
Unit
in
Spring
Area



P/u
Typical
2"
Sprinkler
Turnout
on
2" pvc
laterel.

61-07609

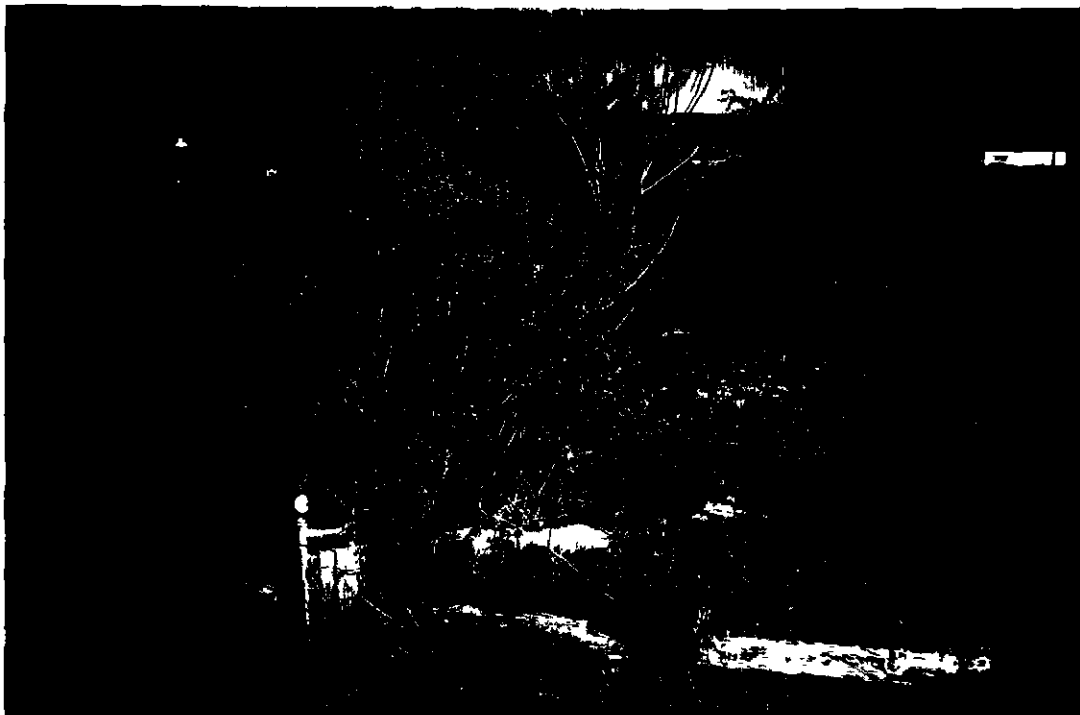


2 of 2

P/u

Portable
Sprinkler
and
irrigated
land.

View
Looking
Southwest.



P/u
Irrigated
land at
fixed
sprinklers.

Note

Pressure
gase.

View
Looking
Northwest.

61-07609



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

March 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL E WARD
PO BOX 88
GRANDVIEW ID 83624

RE: ASSIGNMENT OF PERMIT 61-07609

Dear Mr. Ward:

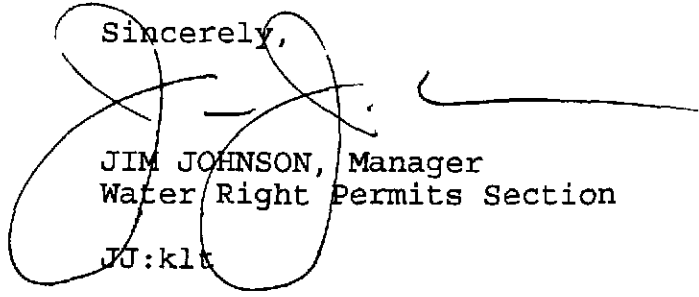
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

MAR 11 1999



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

June 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL E WARD
PO BOX 88
GRAND VIEW ID 83624

RE: Change of Ownership - Permit 61-07609

Dear Mr. Ward:

I have received a Notice of Change of Water Right Ownership form signed by you changing ownership on the above permit from Gerald Bernt to you. While the form did **not** include a water right number, a check of our computer database indicated the permit number shown above to be correct.

A copy of our letter to Mr. Bernt is enclosed for your information. We will hold any further action on this request pending receipt of the completed Assignment of Permit form and the \$25.00 filing fee.

I have enclosed the Change of Water Right Ownership form, the copies of maps and the copy of the warranty deed that you sent us to begin this ownership change process.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosures

NOTED

MAR 15 1998



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

June 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD BERNT
BETH BERNT
PO BOX 67
GLENN'S FERRY ID 83623

RE: Change of Ownership - Permit 61-07609

Dear Mr. & Mrs. Bernt:

I have received a Notice of Change of Water Right Ownership from Earl E. Ward in connection with the above-mentioned permit.

An Assignment of Permit form is required to change the ownership of a permit and a \$25.00 filing fee is required. I have enclosed an Assignment of Permit form for your convenience.

We will be happy to process the requested ownership change on this permit upon receipt of the completed assignment form and the \$25.00 filing fee.

If you have any questions regarding this matter, you may call me at 208-327-7941.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k

cc: Earl E. Ward

Enclosure

MICROFILMED

DATE 11/1/98

April 2, 1993

GERALD BERNT
BETH BERNT
PO BOX 67
GLENN'S FERRY ID 83623

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 61-07609

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

APR 16 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 61-07609 Reviewed by Klg Date 4/1/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
NA Drilling permit required?
/ Copy in the file? Drilling Permit No. _____
/ Amount paid for permit _____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / -
No. of days late / =
Priority Date / +
New Priority Date ↓

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 4/1/93
4/2/93 Klg

January 31, 1993

GERALD BERNT
BETH BERNT
PO BOX 67
GLENN'S FERRY ID 83623

PROOF DUE NOTICE

RE: PERMIT NO. 61-07609

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

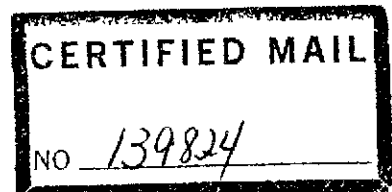
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



APR 16 1993

May 19, 1992

GERALD BERNT
BETH BERNT
PO BOX 67
GLENN'S FERRY ID 83623

RE: Water Right No. 61-07609

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement

APR 16 1993

purposes. This type of coordination could minimize the impact on existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

1992 JUN 10 1053



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 30, 1992

GERALD BERNT
BETH BERNT
PO BOX 67
GLENNS FERRY ID 83623-0067

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07609

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Please note Condition No. 4 of the permit authorizing irrigation use only in connection with a domestic use.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:clh

Enclosure

APR 13 1992

APPLICATION FOR PERMIT REVIEW

Application #: 61-7609
Date: 5-22-91

Reviewer:

Pam Skaggs

28
BLW

Existing:

No

- 26A-P17

Complete in 1 year

- P16

Yes

Proof not submitted

- P16

Proof submitted

- N/A

Groundwater:

GT. 0.2 cfs

- 01G-P03, 01C-P03(existing well)

LT. 0.2 cfs

- N/A

Drilling Permit:

Approved w/permit

- P99

Not included

- 046-P23(All GW, even existing wells)

Location:

Water Districts

- WD No. _____

Surface water

- 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater

- P05

Irrigation Districts

- 023

Canal Co. Areas

- 023

Drainage Districts

- 024

Boise Front (63)

- 058 (Groundwater)

Swan Falls Flag

- (1, Blank or Other)

Trust

- ~~051-052-053-P74(Cons.)~~ 041(DCMI, w/Irr or Irr & Dom)

Non Trust

- 048-049

River Basins:

(Surface Water)

Water District Control Condition &....

Boise (63)

- 05A & 11E

Payette (65)

- 047-P04, 059-P71

Snake (01, 02 & 03)

- 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation

- 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power

- Use Power Review

Mining

- 06A or 010, 09E-P10 & 054(req.)

Storage

- 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic

- 027(Non-Consumptive)

Domestic

- 021(restricted areas)

Ownership:

Non land owner

- 004

Protested:

Agreement

- 020

Beneficial Use Due Date: - 66-61-1992
Other Conditions Recommended

04-01-1993

BLW

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

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

APRIL 9, 1991

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

APR 13 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

61-07609

BERNT, GERALD
BERNT, BETH
P.O. BOX 67
GLENNS FERRY, ID 83623

Source: SPRING

Tributary: SNAKE RIVER

Diversion Pt: SENESE Sec 27 T 05S R 09E
 LOT 1 (NESESE) Sec 27 T 05S R 09E

Use: IRRIGATION (.090 CFS)
 Total Diversion: (.090 CFS)

Date Filed: 11/ 3/ 1989

In: T05S R09E S27 Lot 1 (SESE)

3.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

R. KEITH HIGGINSON, Director

Published 4/17/1991 & 4/24/1991

RECEIVED
APR 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
MAR 26 1991

Department of Water Resources

Application No. 61-7609

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

IVA

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No X

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

NA

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. none

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

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

NA

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

Terrell Bryant

Date

3-19-91

RECORDED

APR 13 1992

Note: No evidence of prior development or existing rights
Count all acreage as trust.

TJL
5-7-9



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5,3,5. information notice will be sent to you after you return the questionnaire.

APR 13 1992

Page 2

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

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

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

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

APR 13 1992

DO NOT ADVERTISE
SWAN FALLS HOLD

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: lw DATE: 11-27-89 APPLICATION: 61-07609

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:

1 P/D
1 P/U

See Attached

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
☒ Field check required: Field check by: _____
☒ Field report attached:
☒ Critical groundwater area:
☒ Groundwater management area:
☒ Send dam safety information:
☒ Send power requirement letter:
☒ Send fish farm requirement letter:
☒ Power residency affidavit:
☒ Power efficiency form:
☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Trustwater DATE REQUESTED: Letter Sent 1-30-90
☒ Additional information on reverse side:

PROCESSING

APPLICATION NO. 61-07609

YES NO

☒

☐

In form for advertising:

☐

☒

Statewide advertising:

☒

☐

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐

☒

I.D. Health and Welfare

☐

☒

I.D. Fish and Game

☐

☒

I.D. Lands

☐

☒

Adjudication Bureau

YES NO

☐

☒

U.S. BLM

☐

☒

U.S. Forest Svc.

☐

☒

Water Dist. #

☐

☒

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒

☐

Affidavit of publication received:

☒

☐

Application published correctly: If not, record action taken.

Sumner Falls Hold will advertise at a later date 4/4

☒

☐

Publication dates and paper recorded on application:

☐

☐

Protests received. Final date for protest

☐

☐

Protest dates, resolution of protest recorded on application:

☐

☐

Recommendations attached:

☐

☐

Measuring device required:

☐

☐

Measuring port required:

☐

☐

Water delivered by water master? District #

☐

☐

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

Date

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION



APR 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

FEBRUARY 28, 1990

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 26, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

APR 6 1992

61-07609

BERNT, GERALD
BERNT, BETH
P.O. BOX 67
GLENN'S FERRY, ID 83623

Source: SPRING

Tributary: SNAKE RIVER

Diversion Pt: SENESE Sec 27 T 05S R 09E
 LOT 1 (NESESE) Sec 27 T 05S R 09E

Use: IRRIGATION (.090 CFS)
 Total Diversion: (.090 CFS)

Date Filed: 11/03/1989

In: T05S R09E S27 Lot 1 (SESE)

3.0 ACRES TOTAL

APR 13 1990