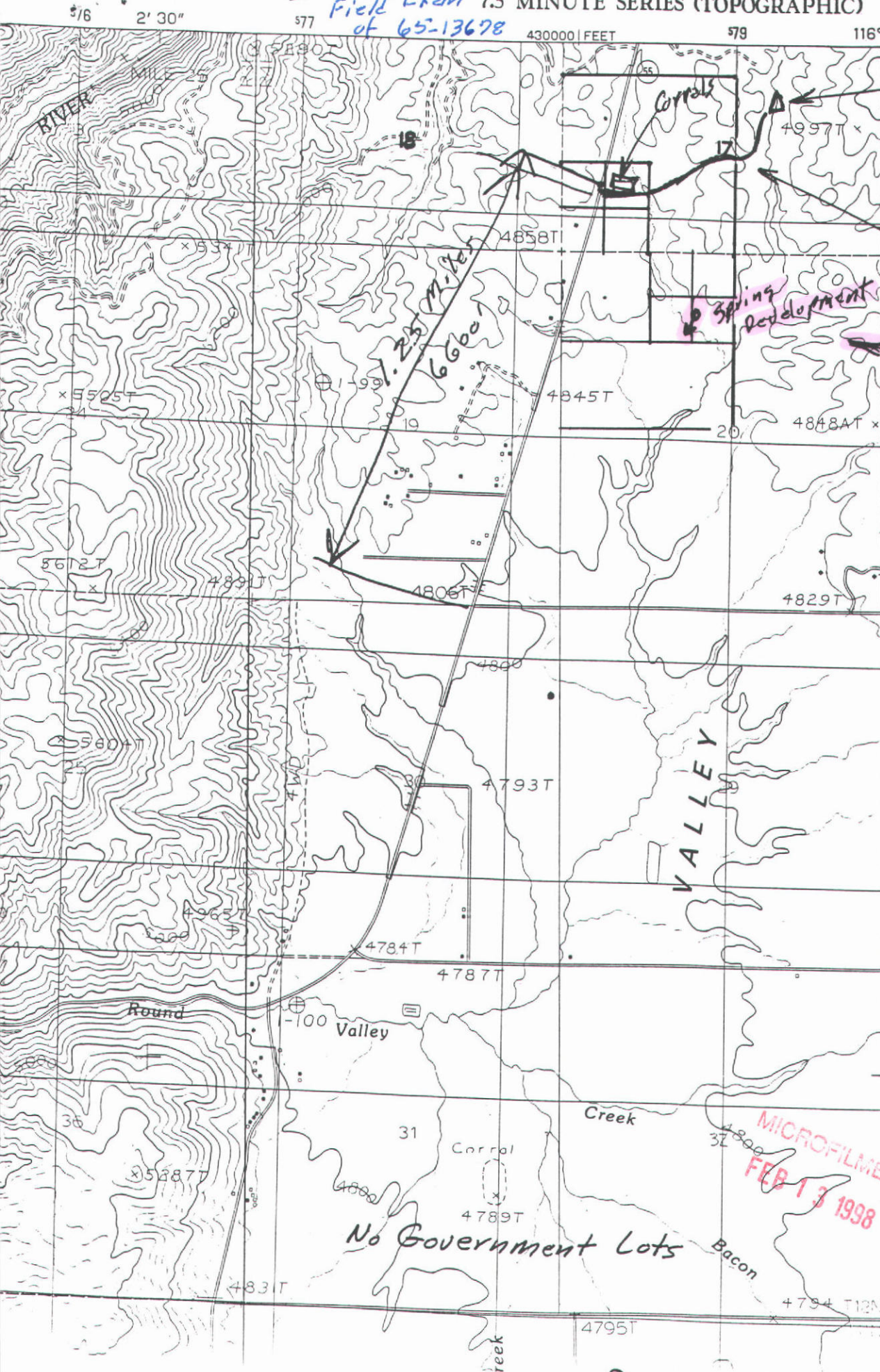
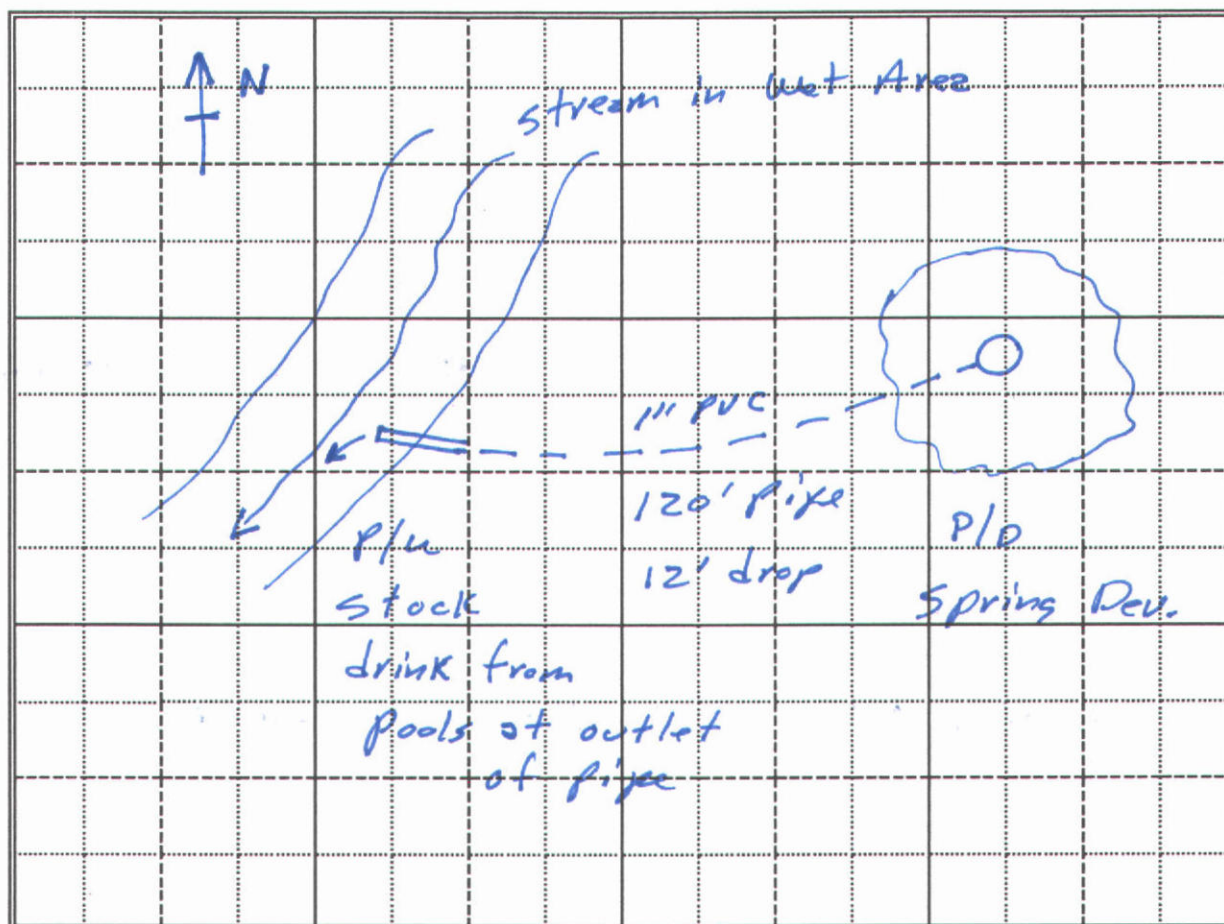


Stockwater
Pond (one)



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



Scale: 1" = None

☒ 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

*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

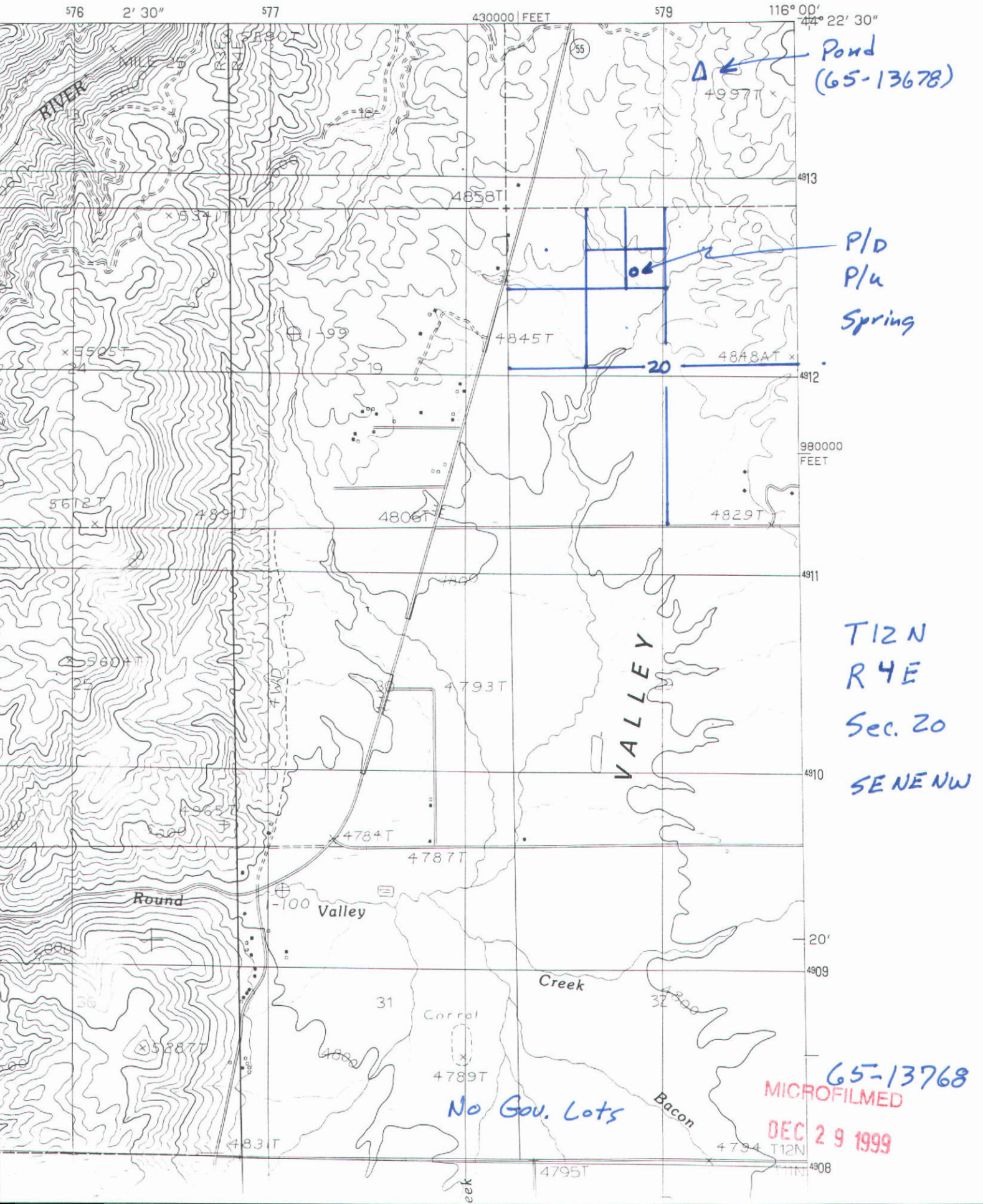
2. Measurements:

None - small flow from pipe - unable to measure w/ bucket

MICROFILMED

DEC 29 1999

SMITHS FERRY QUADRANGLE
IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



1 of 1

P/D

Spring
development
is in
white area
inside
green
area in
foreground.

Plu is at
stream in
background.



View Looking SW

Plu
1" PVC
pipe from
Spring
flows into
wet area
at
Stream



View Looking South

MICROFILMED

DEC 29 1999
65-13768

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13768

Priority: December 24, 1997 Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 0.5 AF

This is to certify, that KAWAI BROTHERS LTD PARTNERSHIP
C/O GEORGE KAWAI
PO BOX 9126
NAMPA ID 83652-9126

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 3, 1997; and
has submitted Proof of Beneficial Use on March 24, 1999. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from:

SPRING tributary to SINKS

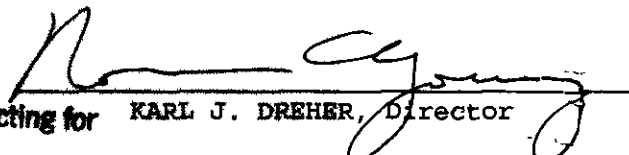
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	0.5 AF

LOCATION OF POINT(S) OF DIVERSION: SENENW , Sec. 20, Township 12N, Range 04E
VALLEY County

PLACE OF USE: STOCKWATER
TWN RGE SEC
12N 04E 20 NENW

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 administered in accordance with Idaho law and applicable rules of
the Department of Water Resources. Signed and sealed this 31st day of
DECEMBER, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED
DEC 29 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13768	)	ORDER OF
	)	
IN THE NAME OF KAWAI BROTHERS LTD	)	REINSTATEMENT
PARTNERSHIP	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before February 1, 1999; and,

WHEREAS, the Department notified the permit holder on November 30, 1998, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on February 17, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on March 24, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13768 is **REINSTATED** with an advance in priority to **December 24, 1997**.

DATED this 16th day of July, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

AUG 09 1999

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 004935
Receipt By: HWS/comb
Date Received: 3/24/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 23 1999

PROOF OF BENEFICIAL USE

Department of Water Resources

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13768 Telephone No. 208 466 4129
2. Name(s) of Permit Holder(s): Kawai Brothers LTD Partnership
3. Mailing Address: PO Box 9126 Nampa ID 83652-9126
4. Source of Water: Unnamed Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____
 - b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 60 cows
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 1 acre feet / yr
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or No <u>✓</u>
	Has the measuring device been installed?	Yes ____ or No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or No <u>✓</u>
	Has the measurement port been installed?	Yes ____ or No <u>✓</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: George Kawai Telephone Number: 208 466 4129
Address: PO Box 9126 Nampa ID 83652-9126
10. The information given on this form 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.

Signature of permit holder: G Kawai Date: 22 Mar 99
(include your title, if on behalf of company or organization)

FILED

AUG 09 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13768

Proposed Priority: November 3, 1997

Maximum Diversion Rate:

0.03 CFS

This is to certify, that KAWAI BROTHERS LTD PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA ID 83652-9126

has applied for a permit to appropriate water from:
SPRING tributary of SINKS

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>
-----------------------	----------------------	--------------------------

STOCKWATER	01/01 to 12/31	0.03 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SENENW , Sec. 20, Township 12N, Range 04E
VALLEY County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12N 04E 20 NENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1999.
2. Subject to all prior water rights.
3. Stockwater use is for 60 range cattle.

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

30th day of January, 1998.

Karl J. Dreher
for
Karl J. Dreher, Director

MICROFILMED

FEB 13 1998

Ident. No. 65-13768

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 26 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant KAWAI BROTHERS LTD PARTNERSHIP Phone 466-4129
GEORGE KAWAI
Mailing address PO Box 9126 - Nampa ID 83652-9126
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is Township T12N Range R4E Sec. 520 in the SE 1/4, NE 1/4, PW 1/4, Govt. Lot VALLEY, B.M., VALLEY County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .03 for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .03 and/or (b) _____
cubic feet per second acre-feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source STOCK WATER DEV; 200'
PUC to 1 stock water TROUGH.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. 60 RANGE CATTLE
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

MICROFILMED
FEB 13 1998

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	\$EC						
120	4E	20						
			N E					
			NE NW SW SE					
			S					
			N W					
			NE NW SW SE					
			S W					
			NE NW SW SE					
			S E					
			TOTALS					

Total number of acres to be irrigated 10A

10. Describe any other water rights used for the same purposes as described above. SAME RANGE CATTLE USED IN PERMIT 65-13678

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

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

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

12. Remarks:

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
FEB 13 1998

[Signature]

Signature of Applicant (and title, if applicable)

Received by <u>RLN</u>	Date <u>11/3/97</u>	Time <u>6:27</u>	Preliminary check by <u>3</u>
Fee \$ <u>50.00</u>	Received by <u>RLN</u>	# <u>023208</u>	
Publication prepared by <u>RLN</u>	Date <u>11-26-97</u>	Published in <u>RLN</u>	Date <u>1-14-98</u>
Publication approved by <u>RLN</u>			

Notes 30-97

SMITHS TERRITORY ROADROLL

IDAHO-VALLI

Field Exam 7.5 MINUTE SERIES (TOPOGRAPHIC)

of 65-13678

430000 FEET

578

116° 00'

22' 30"

65-13678

Pond
P/D
P/u

Dirt
Track

Spring
development

SE NE NW
Sec. 20

T12N
R4E
Sec. 17

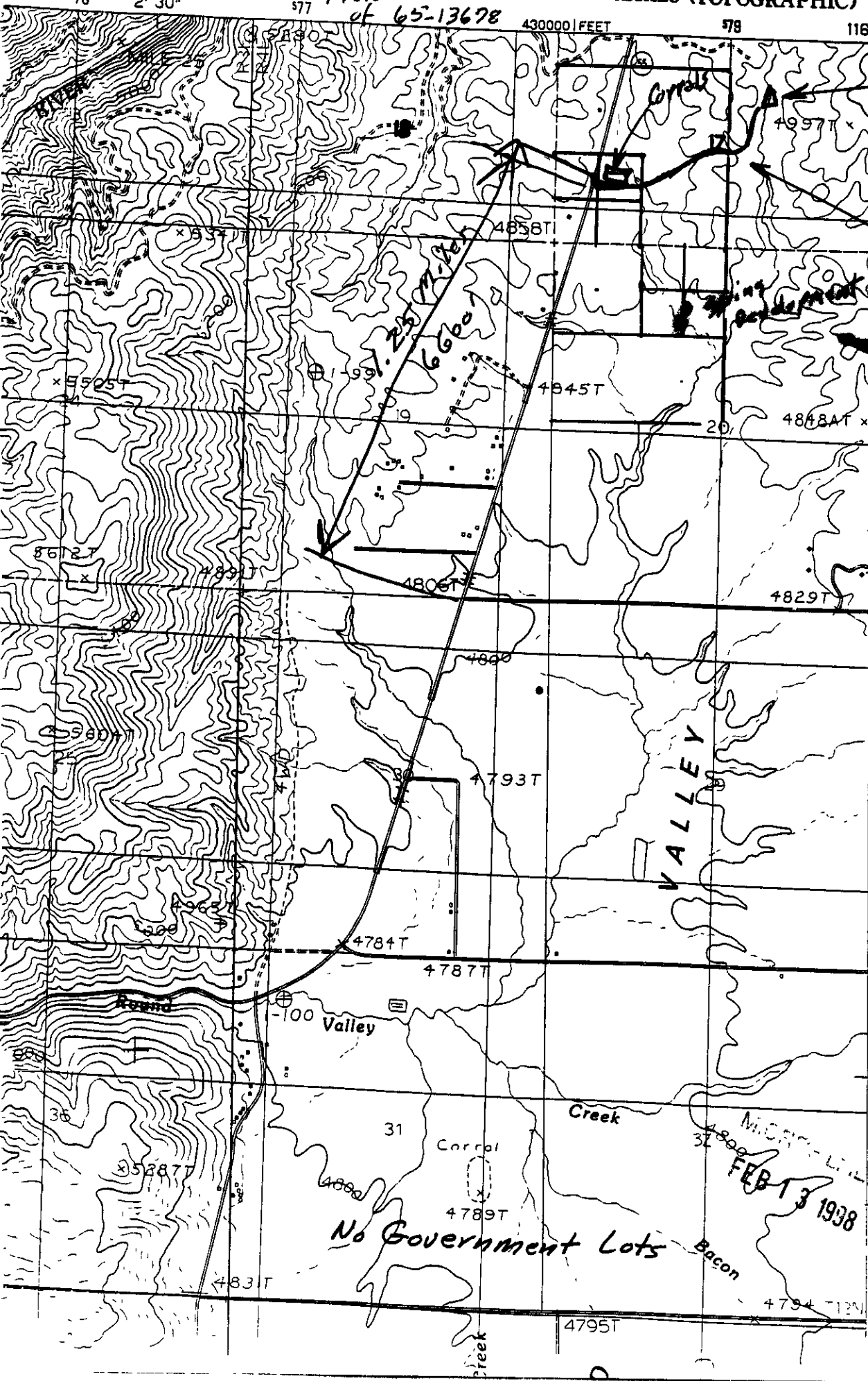
NE SW SW
No
NW SE

Need
Amendment

for change
of location
on 65-13678

65-13678

stockwater
Pond (one)





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

January 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KAWAI BROTHERS LTD PARTNERSHIP
C/O GEORGE KAWAI
PO BOX 9126
NAMPA ID 83652-9126

RE: WATER RIGHT NO. 65-13768

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

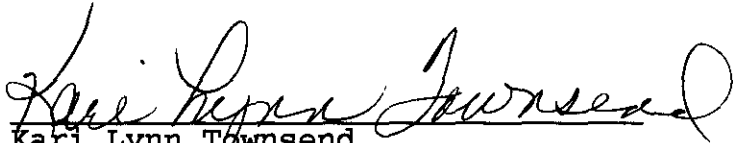
DEC 29 1999

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 65-13768

KAWAI BROTHERS LTD PARTNERSHIP
C/O GEORGE KAWAI
PO BOX 9126
NAMPA ID 83652-9126


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 29 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

MICROFILMED

DEC 29 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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.

MICROFILMED

LICENSE REVIEW CHECKLIST

Permit No 65-13768 Date 12/29/99 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 (P43)

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 0.03 cfs
Fee Limit 0.03 cfs
Measured _____ cfs
Theoretical 0.04 cfs

Recommended Total Diversion Rate 0.03

Water Uses OK

Change (P46)

Irrigation _____ cfs _____ af
Stockwater 0.03 cfs 0.5 af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 0.03 cfs 0.5 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp Gw (WB7/065/079)
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)

comments
S/60 kangal
cattle

Volume Determination

_____ cfs x 1 9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks _____

Additional Conditions NO Watermaster Control
NO GW Measurement/Measuring Device
NO Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

Government Lots? NO

Advance Priority? yes If yes, explain why below
no

SRBA Claim? not req'd

Adjust memo NO

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

RECEIVED

NOV 08 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: Kawai Brothers LTD Partnership Permit No. 65-13768
George Kawai Phone No. (208) 466-4129
Current Address: P.O. Box 9126, Nampa, ID 83652-9126
2. Accompanied by: No one - Bill Kawai EXAM DATE: 7-27-99
Address: Showered me this spring dec. when Phone No. _____
Relationship to Permit Holder: Field exam was done for 65-13678
3. Source: Spring tributary to Sinks

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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	NW	20	12N	4E	Valley	Site Visit, Map

2. Place(s) of Use:

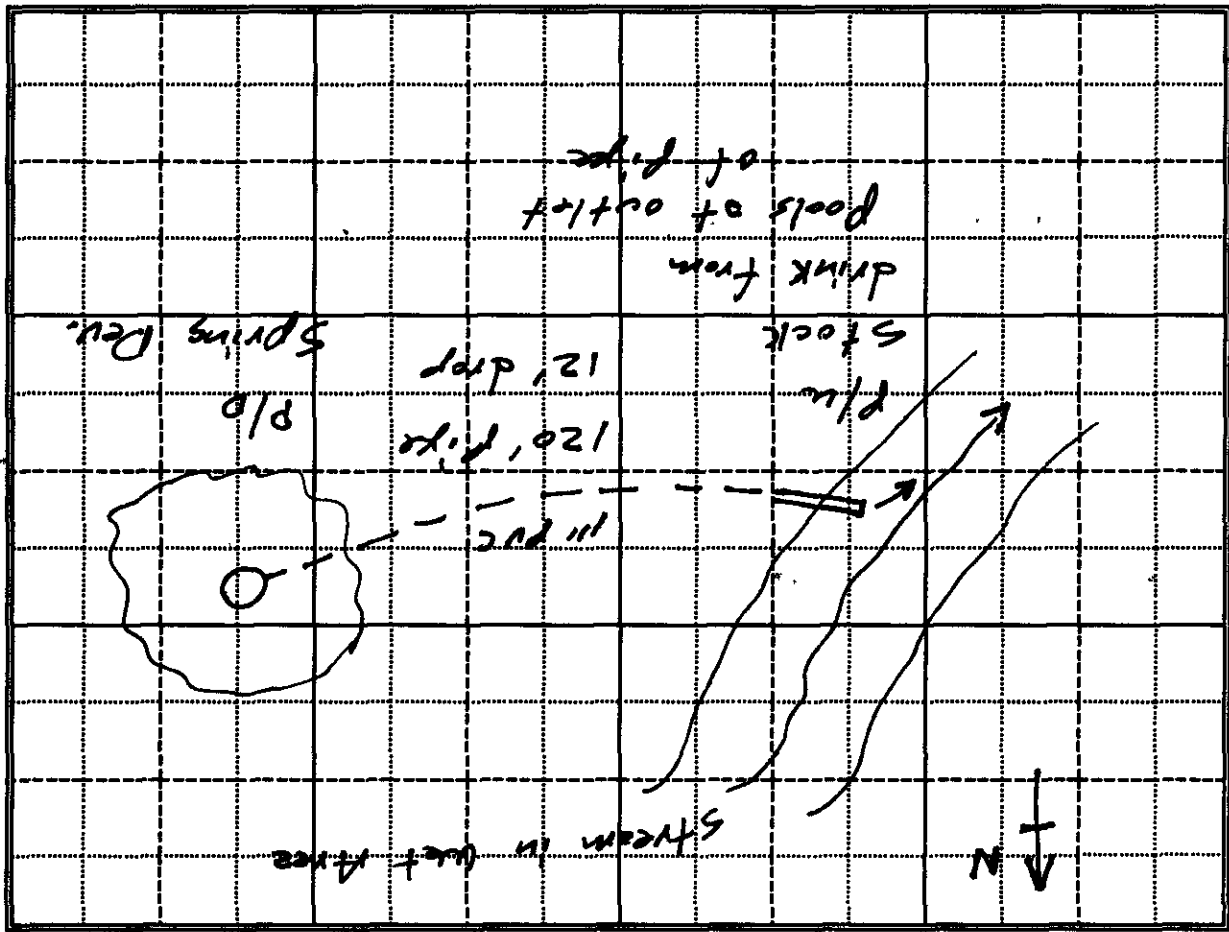
Indicate Method of Determination Site Visit, Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	4E	20					S												

MICROFILMED

DEC 29 1999

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



Scale: 1" = 100'
☒ 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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

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

2. Measurements:

Norm - Small flow from pipe - unable to measure w/ bucket

E. NARRATIVE/REMARKS/COMMENTS

1. This Spring was developed prior to the time another nearby water right was developed -; 65-13678, a stockwater pond located in the NWSE Section 17. ~~Bill~~ Bill Kawai showed me the spring development at the time I did the field exam for the pond, and then he applied for this permit.
2. A spring was developed and the flow is piped to a nearby stream located in a wet area. The cattle drink from pools at the end of the pipes.
3. The same range cattle use this water as for WR # 65-13678 (pond).
4. 60 head of range cattle use the water from April 1 to Nov. 1 each year. They also use water from the pond (65-13678), and the stream on the property.

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

MICROFILMED
DEC 29 1999

SEAT

Date _____

Reviewer *

Field Examiner's Name _____

66-92-01 Date

I. AUTHENTICATION

Change P.D. as reflected above

Change P.U. as reflected above

☐ Add P.D. as reflected above.
☒ None
☐ Add P.U. as reflected above
☐ Other

2. Recommended Amendments

Beneficial Use

1. Recommended Amounts

H. RECOMMENDATIONS

$$AFA = \left(\frac{12 \text{ GPD}}{1 \text{ head}} \right) \left(\frac{1}{60 \text{ head}} \right) \left(\frac{210 \text{ Day}}{\text{Ann.}} \right) \left(\frac{325,850 \text{ GAL}}{AF} \right) = 0.464 = 0.5 \text{ AFA}$$

Stockwater

2. Volume Calculations for Other Uses:

$V_{D.R.}$ = Smaller of $V_{I.R.}$ and $V_{D.R.}$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$
$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$590400 =$$

The pipe can produce about 17 GPM

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

$$1/f_v = \text{vel. Head} = v^2/2g$$

$H_2 = M.S. 1055.102 H_1$

401721-2 = 741

$$1_M + \partial_{11} + f_M = \text{res}_M \text{ rel}_M$$

Gravity flow:

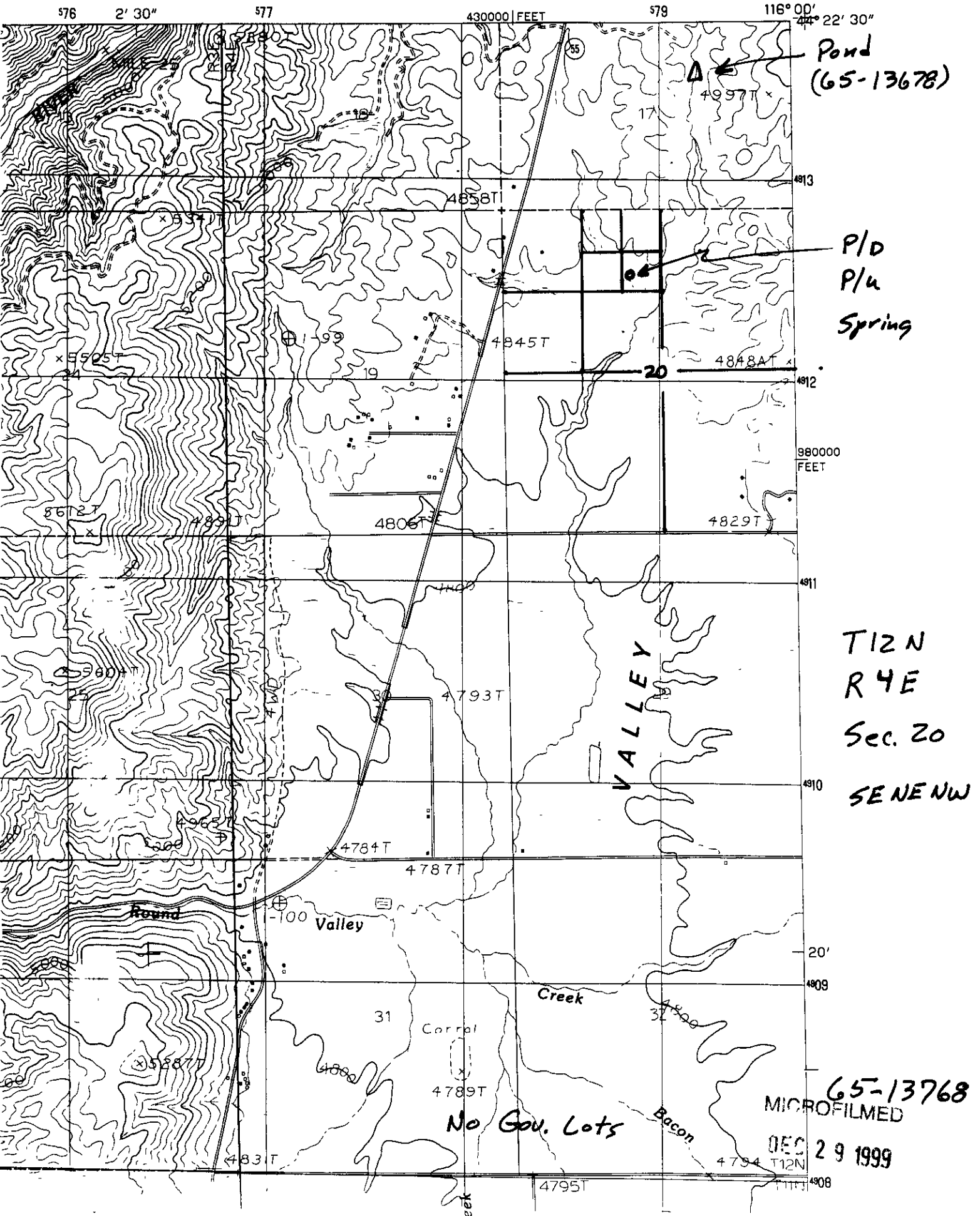
F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None; Theoretical Cal., 120', 1" PVC pipe, 12' drop

Using PVC pipe tanks

SMITHS FERRY QUADRANGLE
IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



1 of 1

P/D

Spring
development
is in
white area
inside
green
area in
foreground.
P/u is at
stream in
background.

View Looking SW

P/u

1" PVC
pipe from
Spring
flows into
wet area
at
Stream

View Looking South

PROFILMED

NOV 29 1998
65-13768

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13768

Reviewed by Jay

Date 7-8-99

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

no Proof timely received?

If not, complete calculation below.

Correct Uses? yes

TYPES OF USE

stock

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received 3-24-99 83

Date proof due 2-1-99 - 32

No. of days late _____ = 51

Priority Date 11-3-97 + 307

New Priority Date 12-24-97 358

12-24-97

DEFICIENCIES OR ACTION ITEMS

Reinstate + advance priority to Dec. 24, 1997.

Proof acceptable

DATA ENTRY

New Address X

Proof Made 3-24-99



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

July 16, 1999

DIRK KEMPTHORNE
GOVERNOR

Kawai Brothers LTD Partnership
PO Box 9126
Nampa ID 83652-9126

KARL J. DREHER
DIRECTOR

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13768

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to December 24, 1997, pursuant to Section 42-218a, Idaho Code.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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 the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

AUG 09 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

February 17, 1999

KAWAI BROTHERS LTD PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA ID 836529126

LAPSE NOTICE

RE: PERMIT NO. 65-13768

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

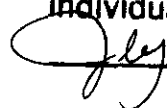
Enclosures

MICROFILMED

AUG 09 1999

CERTIFICATION OF MAILING

I hereby certify that on 2/18/99
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



November 30, 1998

KAWAI BROTHERS LTD PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA ID 836529126

PROOF DUE NOTICE

RE: PERMIT NO. 65-13768

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 February 1, 1999. (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.

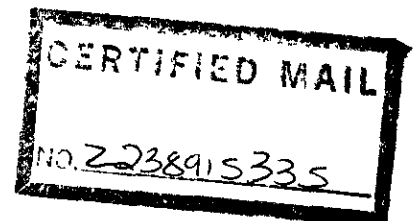
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 09 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

February 2, 1998

PHILIP E. BATT
GOVERNOR

KAWAI BROTHERS LTD PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA ID 83652-9126

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13768

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

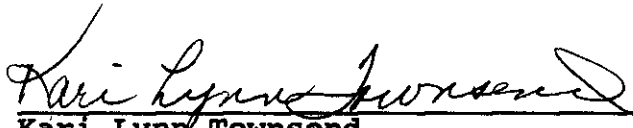
FEB 13 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** (Approved Permit) to the person(s) listed below:

Water Right 65-13768

**KAWAI BROTHERS LTD PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA ID 83652-9126**


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 13 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

MICROFILMED
FEB 13 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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.

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Clady Lee

No.: 65-13768 Name: Kawai Bros Rtd Date: 1/29/98 Ad OK? ✓ Gvmt Lts: ✓

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16**GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No. _____ - _____ - _____ - _____ - _____ P99

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/INK INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- 0202/6000**BENEFICIAL USE DUE:**- 2/1/1999**COMMENTS:**

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

JAN 26 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: g DATE: 11/6/97 APPLICATION: 65-13768

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: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ___ No* In form to receipt:
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

___ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

___ T FLAG CHANGED TO P FLAG

YES NO

- ___ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ___ ☒ Overlapping point of diversion.
- ___ ☒ Critical groundwater area:
- ___ ☒ Groundwater management area:
- ___ ☒ 1992 moratorium:
- ___ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ___ ☒ Copy to Dam Safety staff: (for any storage)
- ___ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ___ ☒ Send power requirement letter:
- ___ ☒ Send fish farm requirement letter:
- ___ ☒ Power residency affidavit:
- ___ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ___ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Partnership names: George Kawai
Bill Kawai

DATE REQUESTED 11/7/97

PROCESSING

APP. NO. 125-13768

YES NO

☒ ☒ In form for advertising:
☒ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☒ Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
Final date for protest 12-22-97

☐ ☒ Protests received.
☐ N/A 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 11/3/97

Recommended by: Gary S Date: 1/22/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

NOTICE OF APPLICATION FOR
WATER RIGHT

The Following Application(s) have been
filed to appropriate the public waters of
the State of Idaho

65-13768 ✓
KAWAI BROTHERS LTD
PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA, ID 83652-9126

Source SPRING
Tributary SINKS
Diversion Pt SENENW Sec 20 T 12N R
04E in VALLEY County.
Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)

Date Filed: 11/3/1997
In: VALLEY County
T12N R04E S20 NENW

Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec. 42-203Q, Idaho
Code. Any protest against the approval of
this application must be filed with the
Director, Dept. of Water Resources, Western
Region, 2735 Airport Way, Boise, Idaho
83705 together with a protest fee of \$35.00
on or before DECEMBER 8, 1997. The
protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
Publish 12/3, 12/10

Affidavit of Publication

STATE OF IDAHO
COUNTY OF VALLEY

RECEIVED

JAN 12 1998

WATER RESOURCES
WESTERN REGION

I, Michael C. Stewart, being duly sworn deposes, and says, I am the Publisher of The Long Valley Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county

The Notice of water right application, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began 12/10, 1997 and ended 12/17, 1997.

Michael C. Stewart

Michael C. Stewart

Signed this the 7th day of Jan, 1998 M.C.S.

STATE OF IDAHO)

: SS.

COUNTY OF VALLEY)

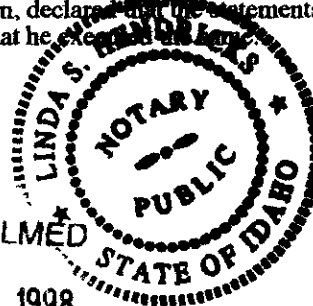
On this the 7th day of January, 1998, before me, a Notary Public in and for said State, personally appeared Michael C. Stewart, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda S. Handrich

Notary Public State of Idaho

Residing at: Cascade

Commission Expires 10/26/2001



MICROFILMED

FEB 13 1998

65-13768

KAWAI BROTHERS LTD PARTNERSHIP
GEORGE KAWAI
PO BOX 9126
NAMPA, ID 836529126

Source: SPRING

Tributary: SINKS

Diversion Pt: SENENW Sec 20 T 12N R 04E in VALLEY County.

Use: STOCKWATER	(	0.030 CFS)
Total Diversion:	(	0.030 CFS)

Date Filed: 11/ 3/1997

In: VALLEY County	
T12N R04E S20	NENW

MICROFILMED

FEB 13 1998