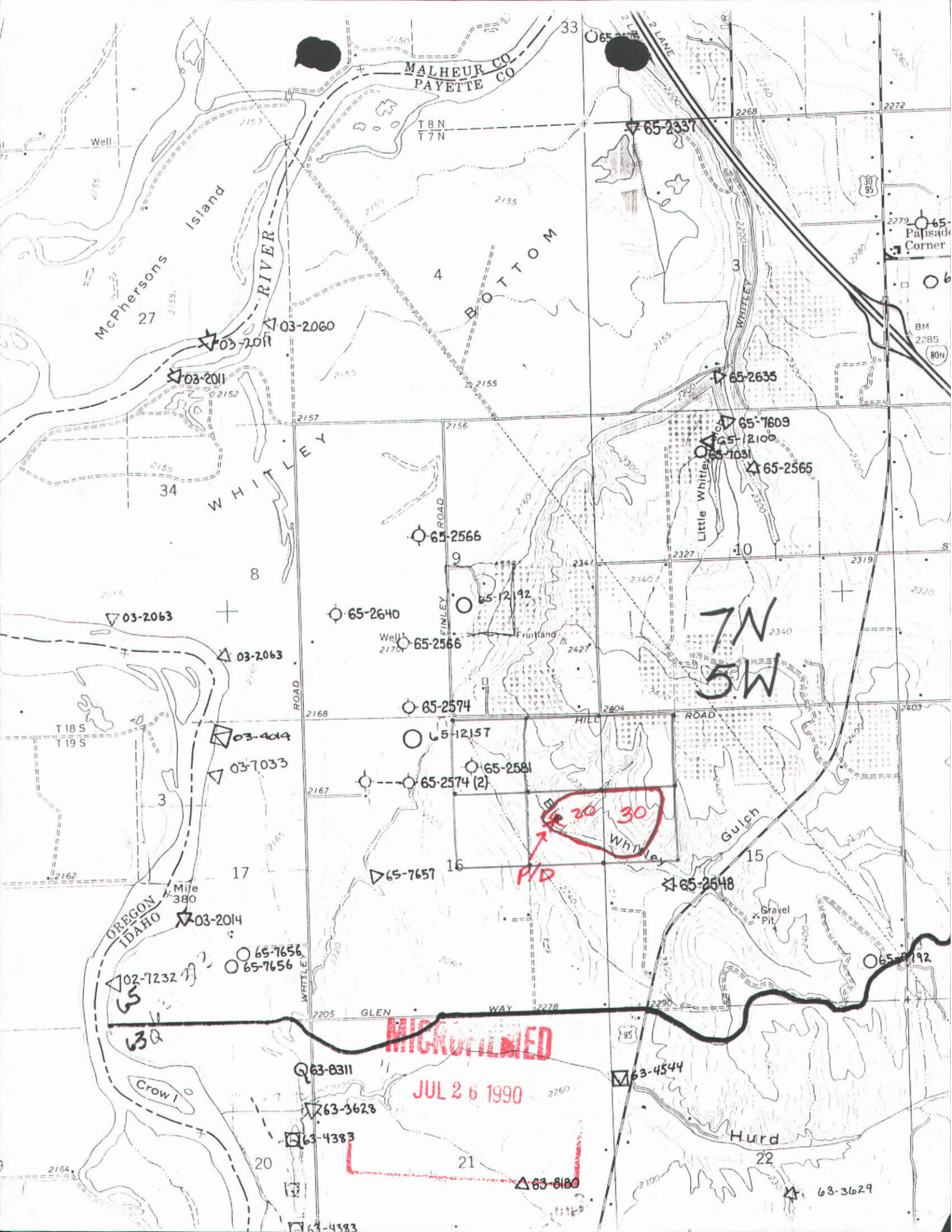




POND pump

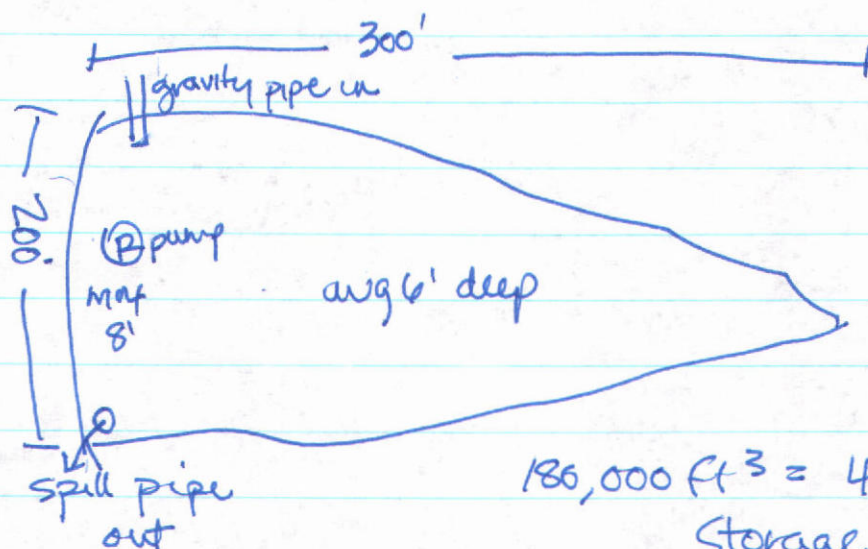
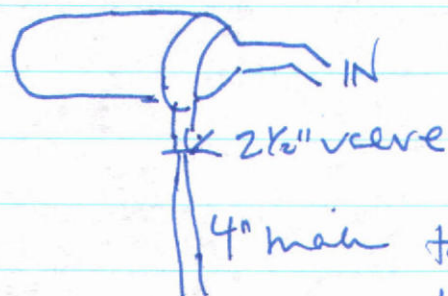
30 HP GE SN ?

Cornel Cent pump 2 1/2 disch

2 1/2 YHB30-2

SN 15446

Wet 3' to pump, 200 ft to mid pt?
runs ~ 100 heads



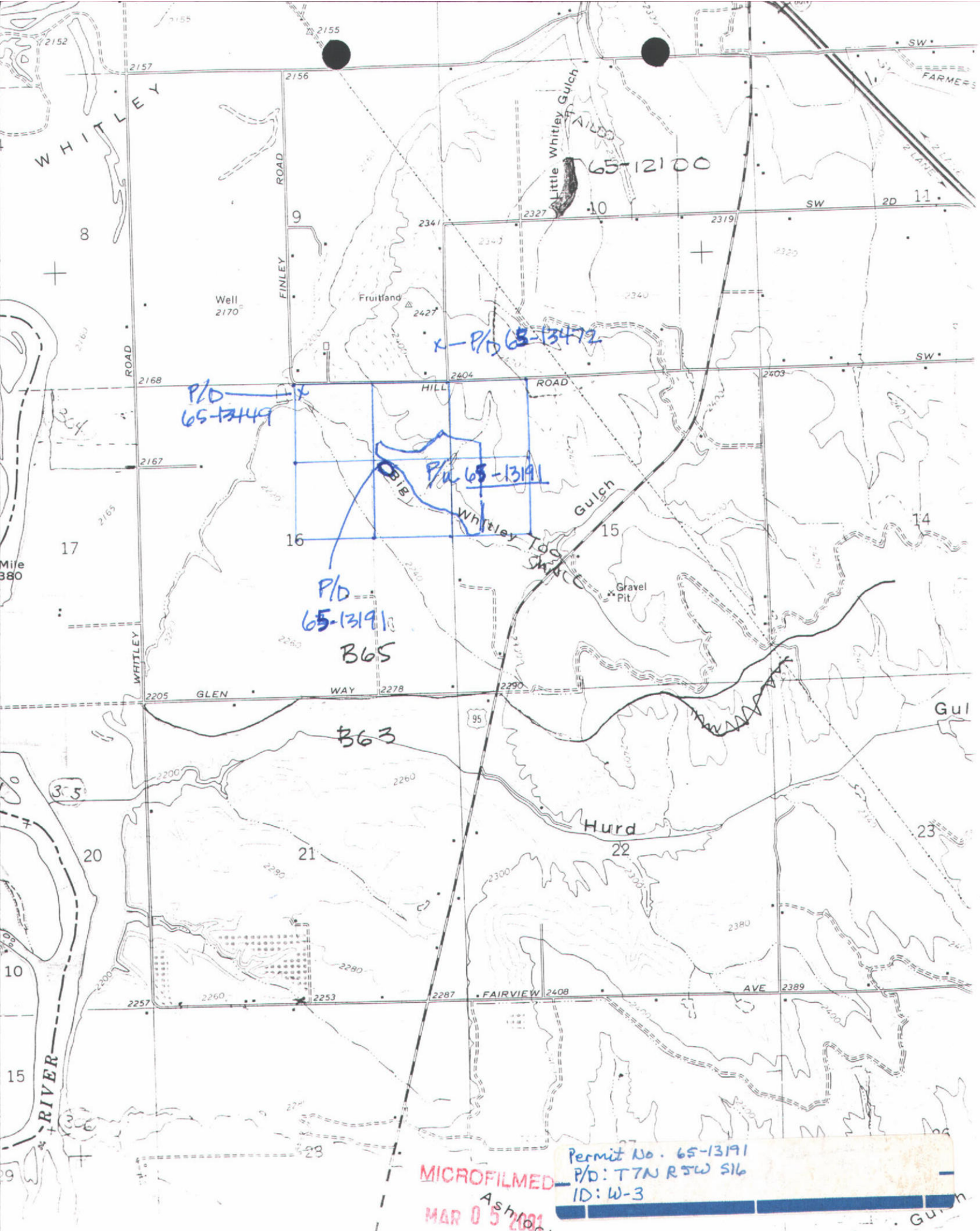
$$186,000 \text{ ft}^3 = 4.13 \text{ AF}$$

Storage req'd? YES

$$1.0 \text{ cfs} \times 1.9835 \approx 2 \text{ AF}$$

MICROFILMED

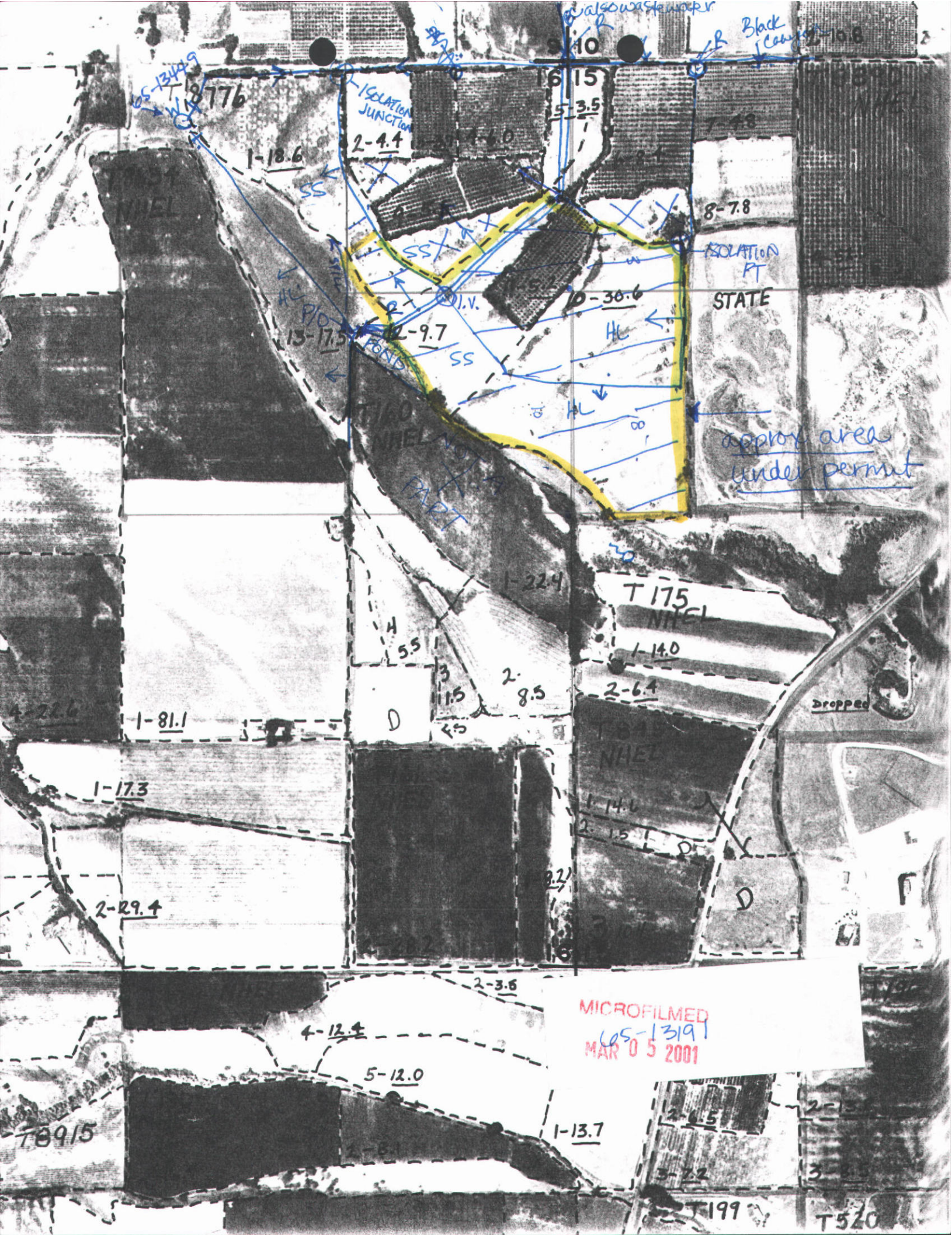
MAR 05 2001



MICROFILMED

MAR 05 2001

Permit No. 65-13191
P/D: T7N R5W S16
ID: W-3





Pond & pump.
View ~~west~~^{east} from
dam



inlet and
part of P/u



Irrigated
pasture in
SENE 16

MICROFILMED
MAR 05 2001

65-13191

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13191

Priority: March 19, 1990

Maximum Diversion Rate 1.00 CFS
Maximum Diversion Volume: 226.3 AF

It is hereby certified that DALTON J SURMEIER And DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 05, 1990; and have
submitted Proof of Beneficial Use on August 15, 1991. An examination indicates that the works have a
diversion capacity of 1.02 cfs of water from:

SOURCE

WASTEWATER

Tributary: BIG WHITLEY GULCH CREEK

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	03/01 to 11/15	0.98 CFS	220.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	1.7 AF
IRRIGATION STORAGE	01/01 to 12/31		4.1 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		4.1 AF
STOCKWATER STORAGE	01/01 to 12/31		4.1 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTEWATER NW¼SE¼NE¼ Sec. 16, Twp 07N, Rge 05W, B M., PAYETTE 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	
07N 05W 15					4.0	18.0											22.0
07N 05W 16	7.0			20.0													27.0

Total Acres: 49

PLACE OF USE: IRRIGATION FROM STORAGE – Same as Irrigation

PLACE OF USE: STOCKWATER – Same as Irrigation

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 05W 15				X													

PLACE OF USE: STOCKWATER STORAGE – Same as Irrigation Storage

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MAR 05 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13191

CONDITIONS OF APPROVAL

1. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 65-13191 and 65-13449 when combined shall not exceed a total diversion rate of 2.24 cfs, a total annual maximum diversion volume of 504 af at the field headgate, and the irrigation of 112 acres.

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 26TH day of FEBRUARY, 2001

Acting for


KARL J. DREHER
Director

MICROFILMED

MAR 05 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13191

RECEIVED
FEB - 8 2001
Department of Water Resources

Date of Priority: March 19, 1990

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 226.3 AF

Comes now DALTON J SURMEIER And DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619 and represents to the Director of the
Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate
the Public Waters of the State of Idaho No. 65-13191, and requests that the permit be changed as
follows:

Source: WASTEWATER

Tributary BIG WHITLEY GULCH CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.98 CFS	220.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	1.7 AF
IRRIGATION STORAGE	01/01 to 12/31		4.1 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		4.1 AF
STOCKWATER STORAGE	01/01 to 12/31		4.1 AF

LOCATION OF POINT(S) OF DIVERSION:

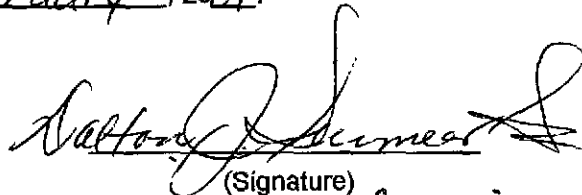
WASTEWATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, Twp 07N, Rge 05W, B.M., PAYETTE County

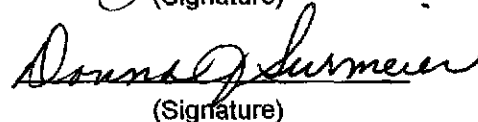
PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 05W 15						4.0	18.0										22.0
07N 05W 16	7.0															20.0	27.0

Total Acres: 49

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 8 day of February, 2001.


(Signature)


(Signature)

MICROFILMED

MAR 05 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13191

FOR DEPARTMENT USE ONLY

Preliminary check by SNK Fee = 50. Received by JM # 0052217 Date 2-8-01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-13191 with the following:

CONDITIONS OF APPROVAL

- 1 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- 3 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 65-13191 and 65-13449 when combined shall not exceed a total diversion rate of 2.24 cfs, a total annual maximum diversion volume of 504 af at the field headgate, and the irrigation of 112 acres.

Witness my hand this 26TH day of February, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

MAR 05 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO 65-13191 IN THE NAME OF)
DALTON J AND DONNA SURMEIER)
_____)

**ORDER GRANTING
RECOMMENDATION TO REMOVE
MEASURING DEVICE REQUIREMENT**

This matter having come before the Department of Water Resources (Department) as a recommendation to remove a measuring device and lockable controlling works requirement, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- 1 On July 13, 1990, the Department issued Permit 65-13191 (permit) to Pomme Terre Inc. with a condition of approval requiring a measuring device and lockable controlling works be permanently installed and maintained as part of the diverting works.
2. On July 31, 1991, the Department received an assignment of the permit to First Interstate Bank of Oregon, who, on June 8, 1993, assigned the permit to Dalton J. and Donna Surmeier (permit holders)
3. On May 7, 1997, the Department conducted a field examination of the beneficial use developed under this permit and found that a measuring device and lockable controlling works were not installed on the system
- 4 On September 19, 1997, a Departmental representative corresponded with the watermaster of the Payette River Water District and requested information regarding the necessity of a measuring device and lockable controlling works on this system.
- 5 On September 24, 1997, the Department received the watermaster's recommendation that a measuring device and lockable controlling works were not necessary for this permit

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35 02 d. (IDAPA 37.03.02.35.02.d) provides for the waiver of a measuring device requirement by the Department.

MICROFILMED

MAR 9 5 2001

2. A measuring device and lockable controlling works requirement is not necessary for this water right at this time

ORDER

The condition of approval requiring the installation of a measuring device and lockable controlling works as part of the diversion works for the permit is **WAIVED**.

Dated this 28th day of August, 2000.



L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED
MAR 05 2001

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	65-13191	Pomme Terre Inc	1.00
~~Full Assignment~~	~~65-13191~~	~~First Interstate Bank~~	~~1.00~~
Full Assignment	65-13191	D J Surmeier Donna Surmeier	1.00

MICROFILMED

JUL 02 1993

RECEIVED
JUN 10 1993
Department of Water Resources

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Western Regional Office

I, First Interstate Bank
of Oregon, N.A., hereby assign to D.J. Surmeier and Donna Surmeier
of 1610 S.W. 2nd Avenue, Fruitland, Idaho 83619
Address

All my right, title, and interest in and to Permit No. 65-13191
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 65-13191 to appropriate the public waters of
the State of Idaho. (Describe that portion of the permit being
assigned by listing the acreage within each 40 acre subdivision, the
point of diversion and the amount of water in cubic feet per second for
direct diversion, or acre feet for storage)

All of such permit - Point of Diversion - NWSENE Sec 16 T07N, R05W Payette County

Irrigation 1.00 CFS Irrigate 30 acres in SWNW Sec 15 T07N, R05W All in Payette Cty, ID
Stock water 1.05 CFS Irrigate 20 acres in SENE Sec 16 T07N, R05W

Made this 27th day of May, 19 93.
First Interstate Bank of Oregon, N.A.

Permit Holder

by:

its:

Spouse of Permit Holder

Oregon
State of ~~Idaho~~)
County of Multnomah) ss

On this 27th day of May, 19 93, personally appeared before
me the signer(s) of the above instrument, who duly acknowledged to me that
he (she) (they) executed the same.

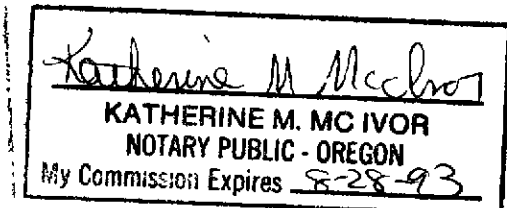
Notary Public residing at

s e a l

My commission expires:

RECORDED

JUL 02 1993



RECEIVED
JUN 10 1993
Department of Water Resources

RECEIVED
JUN 8 1993

Department of Water Resources
Western Regional Office

ASSIGNMENT OF PERMIT

FIRST INTERSTATE BANK OREGON, N.A., hereby assigns to DALTON JOHN SURMEIER and DONNA SURMEIER, husband and wife, any and all of its right, title and interest in and to that permit number 65-13191 which relates to the diversion of waste water from a spring tributary to Big Whitely Gulch, and for the benefit of certain real property consisting of thirty (30) acres located in the Southwest Northwest of Section 15 and twenty (20) acres located in the Southeast Northeast of Section 16, all in Township 7 North, Range 5 West of the Boise Meridian, Payette County, Idaho.

FIRST INTERSTATE BANK OF OREGON, N.A.

By: _____

Title: _____

Printed name: _____

ASSIGNMENT OF PERMIT (D:\WP\CONTRACT\SURMEIER.ASS)

JUL 02 1993

database updated 4/23/93 cz

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13191 IN THE)
NAME OF FIRST INTERSTATE BANK OF OREGON) ORDER OF REINSTATEMENT
_____)

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 on or before August 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

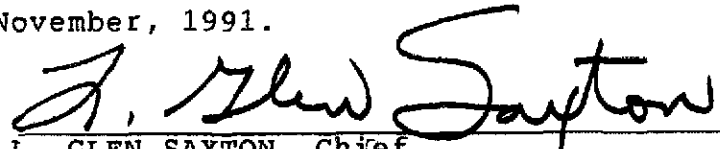
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause 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 August 15, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13191 be REINSTATED and the priority advanced to March 19, 1990.

Dated this 1st day of November, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

NOV 20 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
AUG 15 1991

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1 Permit No 65-13191 Telephone No. (503) 225-3747

2 Name(s) of Permit Holder(s) First Interstate Bank of Oregon, N.A.

3 Post Office Address: Agribusiness Department, P.O. Box 2971,
Portland, Oregon 97208

4 Source of Water Springs, waste water, unnamed stream

a If ground water, well driller's name N/A Date drilled: _____

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

5 Extent of Use:

Domestic _____ (No. of households) Irrigation 50.0 +/- (No. of acres)

Stockwater 130 +/- (No. and type of stock) Other _____
cattle

6 Total rate and/or volume for which proof is submitted 1.0 cfs _____ 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: \$ 100.00 (See License Examination Fee Schedule)

9 Person to contact to accompany the Department representative during the field examination:

Michael S. Macnab (503) 225-3747
Name Telephone No

First Interstate Bank of Oregon, N.A., Agribusiness Department
P.O. Box 2971, Portland, Oregon 97208

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.

NOV 20 1991

July 31, 1991
Date

First Interstate Bank of Oregon, N.A.
By: Michael S. Macnab, Assistant Vice President
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
JUL 31 1991

Department of Water Resources

I, Tim Syme for Pomme Tene, hereby assign to First Interstate Bank of Oregon, N.A.
of Agribusiness Department, P.O. Box 2971, Portland, Oregon 97208
Address

All my right, title, and interest in and to Permit No. 65-13191
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 22 day of July, 1991.

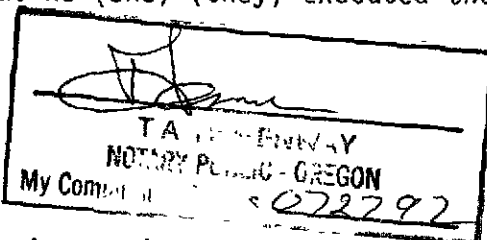
Pomme Tene Inc / Tim Syme
Permit Holder

Spouse of Permit Holder

Oregon
State of Idaho)
County of Mahoning) ss

On this 22 day of July, 1991, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal



T. A. Henning
Notary Public residing at _____

My commission expires:

072792

NOV 20 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13191

Proposed Priority: March 5, 1990 Maximum Diversion Rate: 1.00 CFS
This is to certify, that **POMME TERRE INC.**

1852 S.W. 3RD AVE.
FRUITLAND, ID 83619

has applied for a permit to appropriate water from:

SPRINGS	tributary of	BIG WHITLEY GULCH
WASTE WATER	tributary of	BIG WHITLEY GULCH
UNNAMED STREAM	tributary of	BIG WHITLEY GULCH

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	1.00 CFS
STOCKWATER	01/01 to 12/31	0.05 CFS
	Totals	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSENE Sec. 16, Township 07N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	05W	15	SWNW	30		30
		16	SENE	20		20

Total number of acres irrigated: 50

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1991**.
2. Subject to all prior water rights.
3. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
4. The Director retains jurisdiction of this permit to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.
5. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

JUL 26 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13191

CONDITIONS/REMARKS:

7. Stockwater use is for 130 head.

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

13 ~~th~~ day of July, 19 90.

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

JUL 26 1990

Ident. No. 65-13191

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: POMME TERRE, INC. 208-452-4566
Address: 1852 S.W. 3RD AVE.
FRUITLAND, ID 83619

* 2. Source: SPRINGS Trib. to: BIG WHITLEY GULCH
WASTEWATER BIG WHITLEY GULCH
~~SEE PAGE~~ UNNAMED STREAM BIG WHITLEY GULCH

3. Location of Point of Diversion: NWSENE Sec. 16, Township 07N, Range 05W
PAYETTE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	1.000		
STOCKWATER	01/01	12/31	0.050		

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

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
POND, PUMP, AND SPRINKLERS.
- 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 AND STOCKWATER OF 130 HEAD STOCK CATTLE.

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
07N	05W	15	SWNW 30			30
		16	SENE 20			20
Total number of acres irrigated:						50

MICROFILMED

JUL 26 1990

* DATA base updated by S.O.

Place of Use: STOCKWATER, same as IRRIGATION use

10. Describe any other water rights used for the same purposes.
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 point of diversion and place of use attached? ☒

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.

Kenneth Jones
Applicant President

Received by kw Date 3/6/90 Time 10:30 Preliminary check by [initials]

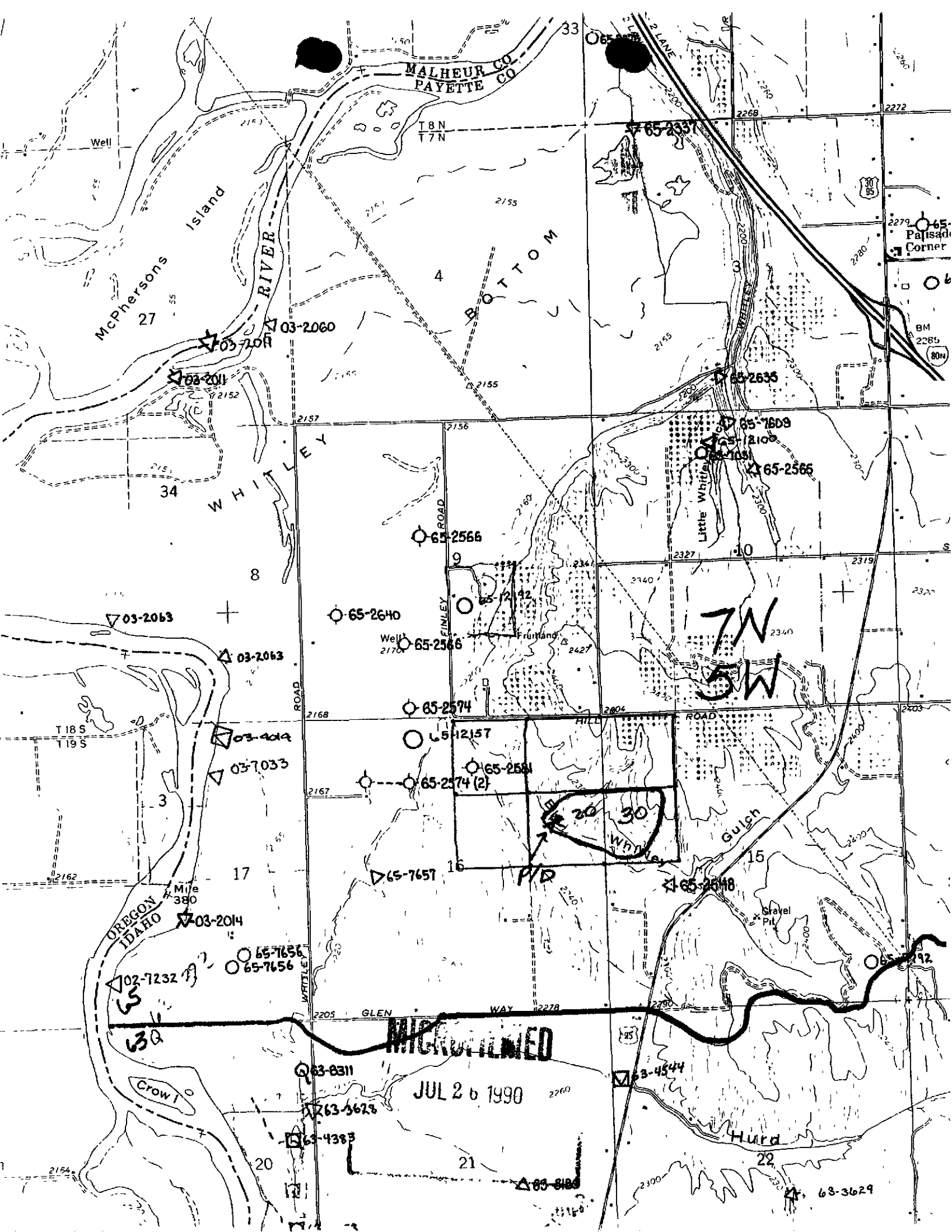
Fee \$ 45.00 Receipted by kw # C015299 Date 3/5/90

Publication prepared by GG Date 3-28-90 Published in Independent Enterprise

Publication approved [initials] Date 4/5 & 4/12/90
5-3-90

MICROFILMED

JUL 26 1990



MALHEUR CO
PAYETTE CO

Well

McPhersons
Island

RIVER

4
BOTTOM

65-
Palsado
Corner

BM
2285
(80M)

7N
5W

65-2566

65-2640

Well
2170

65-2574

65-2566

65-2574 (2)

65-2564

65-7657

65-2548

03-2014

02-7232

65-7656

65-7656

63-8311

63-3623

63-4383

JUL 26 1990

63-8180

63-4544

63-3629

OREGON
IDAHO

Crow I

Gulch

Hurd

Officers of Pomme Terre, Inc.

Kenneth Syme, President
1300 SW 3rd Ave.
Fruitland, Id. 83619

Ben Syme, Vice President
11110 Wampum
Boise, Id.

June Syme, Secretary
1300 SW 3rd Ave.
Fruitland, Id. 83619

MICROFILMED

JUL 26 1990

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Copy of Notice

(First Copy)

Appl. for Water Right
TITLE OF PUBLICATION
(Within Same Terre)
SPONSOR OF PLAINTIFF

Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Dorothy Mason, being
duly sworn, deposes and says:

That he is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published
at Payette, in the County of Payette and State of Idaho; that said
paper has been and is in general circulation in the county
aforesaid, and in the vicinity of Payette; that the advertisement,
a copy of which is attached hereto, was published in said
newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with
April 4, 1990, and ending with the issue
of April 11, 1990.
STATE OF IDAHO
COUNTY OF

On this 12 day of Apr. in the year of 1990 before me,
a Notary Public, personally appeared Dorothy Mason
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
acknowledged to me that he executed the same.

Margaret R. Schubert
Notary Public for Idaho

Residing at Frutland

My commission expires: 11-28-92

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 51

Number of Insertions two

51 Lines @ 90 45.90

51 Lines @ 72 36.72

TOTAL COST
WILL BE 82.62

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to
appropriate the public waters of the State of Idaho.
63-11126

WILKINSON, RAY
WILKINSON, DIANE
26890 PEARL RD.
PARMA, ID 83660
Source: GROUNDWATER
Diversion Pt: LOT 3 (NWSW) Sec 22 T 06N R 05W
LOT 4 (SWSW) Sec 22 T 06N R 05W
Use: IRRIGATION (1.600 CFS)
COMMERCIAL (0.040 CFS)
Total Diversion: (1.640 CFS)
Date Filed: 2/8/1990
In: T06N R05W S22 Lot 3 (NWSW) Lot 4 (SWSW)
80.0 ACRES TOTAL

65-13190
POMME TERRE INC.
1852 S.W. 3RD AVE.
FRUITLAND, ID 83619
Source: GROUNDWATER
Diversion Pt: SWSE Sec 10 T 07N R 05W
Use: COMMERCIAL (0.840 CFS)
DOMESTIC (0.060 CFS)
Total Diversion: (.900 CFS)
Date Filed: 3/5/1990
In: T07N R05W S10 SWSE

65-13191
POMME TERRE INC.
1852 S.W. 3RD AVE.
FRUITLAND, ID 83619
Source: SPRING Tributary: BIG WHITLEY GULCH
WASTE WATER BIG WHITLEY GULCH
UNNAMED STREAM BIG WHITLEY GULCH
Diversion Pt: NWSW Sec 16 T 07N R 05W
Use: IRRIGATION (1.000 CFS)
STOCKWATER (0.050 CFS)
Total Diversion: (1.000 CFS)
Date Filed: 3/5/1990
In: T07N R05W S15 SWNW
S16 SENE
50.0 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 before APRIL 23,
1990.

No. 38 R. KEITH HIGGINSON, Director
April 4, 11

Department of Water Resources
Western Regional Office



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

February 27, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DALTON J SURMEIER
DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

RE: License No 65-13191 - 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.

Also enclosed is a copy of your approved Application for Amendment.

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)

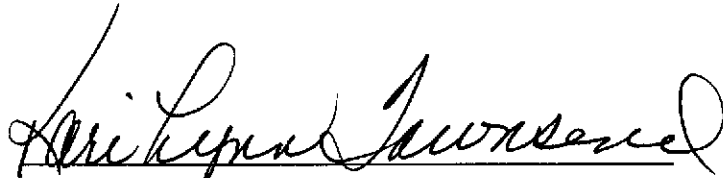
MICROFILMED
MAR 05 2001

CERTIFICATE OF MAILING

I hereby certify that on February 27, 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. 65-13191

**DALTON J SURMEIER
DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619**



**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 05 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.



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 31, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DALTON J and DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

RE: Water Right Permit No. 65-13191

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed. We have also enclosed a copy of an Order Granting Recommendation to Remove Measuring Device Requirement that was issued on this permit on August 28, 2000.

Based on the examiner's report, the following elements were developed differently than what was described on your permit:

 Point(s) of Diversion

 ✓ Place(s) of Use

 ✓ Other (Adding Storage component to this permit.)

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED
MAR 05 2001

LICENSE REVIEW CHECKLIST

Permit No 65-13191

Date 8-24-2000

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 change

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps Right(s) 65-13449, 65-19644
File reviewed ✓ Profile reports printed ✓

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

Rate of Diversion

Permitted rate 1.0 cfs
Fee Limit 1.0 cfs
Measured 1.02 cfs
Theoretical 1.02 cfs

Recommended Total Diversion Rate 1.0

Water Uses change

Change (P46)

Season of Use per new Standards

3-1 → 1/15

Irrigation 0.98 cfs 220.5 af
Stockwater 0.05 cfs 1.7 af
Domestic cfs af
 cfs af
 cfs af
Total 1.0 cfs 222.3 af

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

supp Gw (WB7/065/104)
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)

Irr Stor - 4.1
Irr Fom Stor - 4.1
Stock Stor - 4.1

Volume Determination

0.98 cfs x 1.9835 x 260 days = 505.4 af (vs) 49 acres x 4.5 (FHR) = 220.5 af

130 hd. range x 0.0134 = 1.7 AF 3.5 (con)

Remarks

Additional Conditions 65 Watermaster Control - Yes
NO GW Measurement/Measuring Device
 Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

GW Dist?
Water Msmt Dist?
Cnt GWMA?
GWMA?
Government Lots? NO

R04
R65

Advance Priority? yes If yes, explain why below
no

SRBA Claim? NO - not req'd.

Adjust memo

Amend Letters P41, P44, P87, S06 Second Amendment Notice P49 S06

pond in SENE, S16, 7N, 5W only
storage place of use.

diff source also in lic. process - no plu OK per exam
B/U claim - same source (may be disallowed in SRBA)

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A 'Q' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L6513191	T07N R05W S15 WASTE WATER																	
	:							04	18									22
6502548	BIG WHITLE :											15						15
A6502548	BIG WHITLE :											15						15
A6502900Z1	LARGE CLAI :	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
6506361	WASTE WATE :			03														3
6512705	GROUNDWATE :		03															3
A6512705	GROUNDWATE :		03															3
~~6513491~~	SPRINGS <i>same permit</i>							30										30
M6513517	GROUNDWATE :							30										30
~~6513958~~	GROUNDWATE :							10	35									45
L6513191	T07N R05W S16 WASTE WATER																	
	:		07			20												27
6502548	BIG WHITLE :					11									14			25
A6502548	BIG WHITLE <i>Waddell-uc</i>					11									14			25
6502574X	GROUNDWATE :						27	40	33									100
A6502574X	GROUNDWATE :						27	40	33									100
6502581A	GROUNDWATE :			01														1
A6502581A	GROUNDWATE :			01														1
A6502900Z1	LARGE CLAI :	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
6503299	SPRING :							11										11
A6503299	SPRING :							11										11
~~6506013~~	SPRING :																	16
6507657	UNNAMED ST :											34						34
A6507657	UNNAMED ST :											34						34
6510992	SPRING :							33	07									40
A6510992	SPRING :							33	07									40
6512157	GROUNDWATE :						08											8
A6512157	GROUNDWATE :						08											8
~~6513491~~	SPRINGS <i>same permit</i>					20												20
~~6513449~~	GROUNDWATE :	30	20	10	14													74
L6513449	GROUNDWATE :	30	20	10	14													74
~~6513517~~	GROUNDWATE :				20													20
~~6513958~~	GROUNDWATE :	10			20													30
A6519644	GROUNDWATE :	30	20	10	20													80

Bill claim

AJ5809NP
No. A65-19644

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALTON J SURMEIER	07/08/1953	IRRIGATION	03-15 11-15	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07N R05W S16

NWNE

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	05W	16	:	30		20		10		20										:	80.0
																				TOTAL ACRES	80.0

POU County: PAYETTE

Non-Irrigation Uses: DOMESTIC USE FOR ONE HOME

Other Rights: A65-02581

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

WATER DISTRICT NO. 65

**102 N. Main St.
Payette, Idaho 83661
Phone (208) 642-4465
Fax (208) 642-1042
E-mail wdist65@primenet.com**

RECEIVED

SEP 24 1997

Department of Water Resources

September 22, 1997

Ms. Sharla Curtis
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

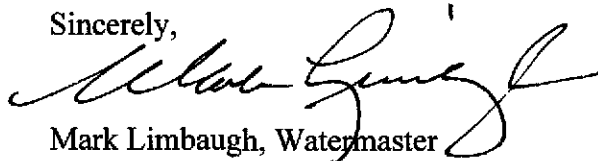
Re: Permit No. 65-13191, Surmeier Permit

Dear Ms. Curtis:

Thank you for allowing me to comment on the requirement for a measuring device and lockable controlling works on this permit. At this time, I do not see a need for either of these devices for this particular permit. I would recommend, however, that the water right in question remain under the control of the watermaster for Water District No. 65, as noted in the "Conditions of Approval".

If you have any questions, please give me a call.

Sincerely,



Mark Limbaugh, Watermaster

MICROFILMED

MAR 05 2001



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 19, 1997

Mark Limbaugh
102 N. Main
Payette, ID 83661

RE: Permit No. 65-13191

Dear Mr. Limbaugh:

We are in the process of reviewing the above referenced permit for licensing. Enclosed is a profile report describing the permit. Note that one of the conditions of the permit required the installation and maintenance of a measuring device and lockable controlling works as part of the diversion system.

Late this spring, our field examiner inspected the Surmeier's diversion and delivery system and found that no measuring device has been installed. She noted that the control panel on the pump is lockable but that there is no controllable outlet on the pond.

Is a measuring device and lockable controlling works necessary for regulation of this right by the watermaster? If they are, we will withhold licensing until the condition is met. If you respond and tell us that the measuring device and lockable controlling works are not necessary, we will take action to remove the condition as a requirement of the permit.

I look forward to hearing from you on this matter.

Sincerely,

SHARLA CURTIS
Water Resource Agent

Enclosure

MICROFILMED

MAR 05 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 03 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13191

1. Owner: DALTON J. & DONNA SURMEIER Phone No. 452-4294

Current Address: 1610 SW 2nd AVE Fruitland ID 83619

2. Accompanied by: DAN SURMEIER EXAM DATE: 5-7-97

Address: _____ Phone No. 452-3136

Relationship to Permit Holder: SON

3. Source: Waste water Big Whitley Gulch

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-13472, 13449, Black Canyon I.D.

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
		NW	SE	NE	16	7N	SW	Payette	Map, Visit

2. Place(s) of Use:

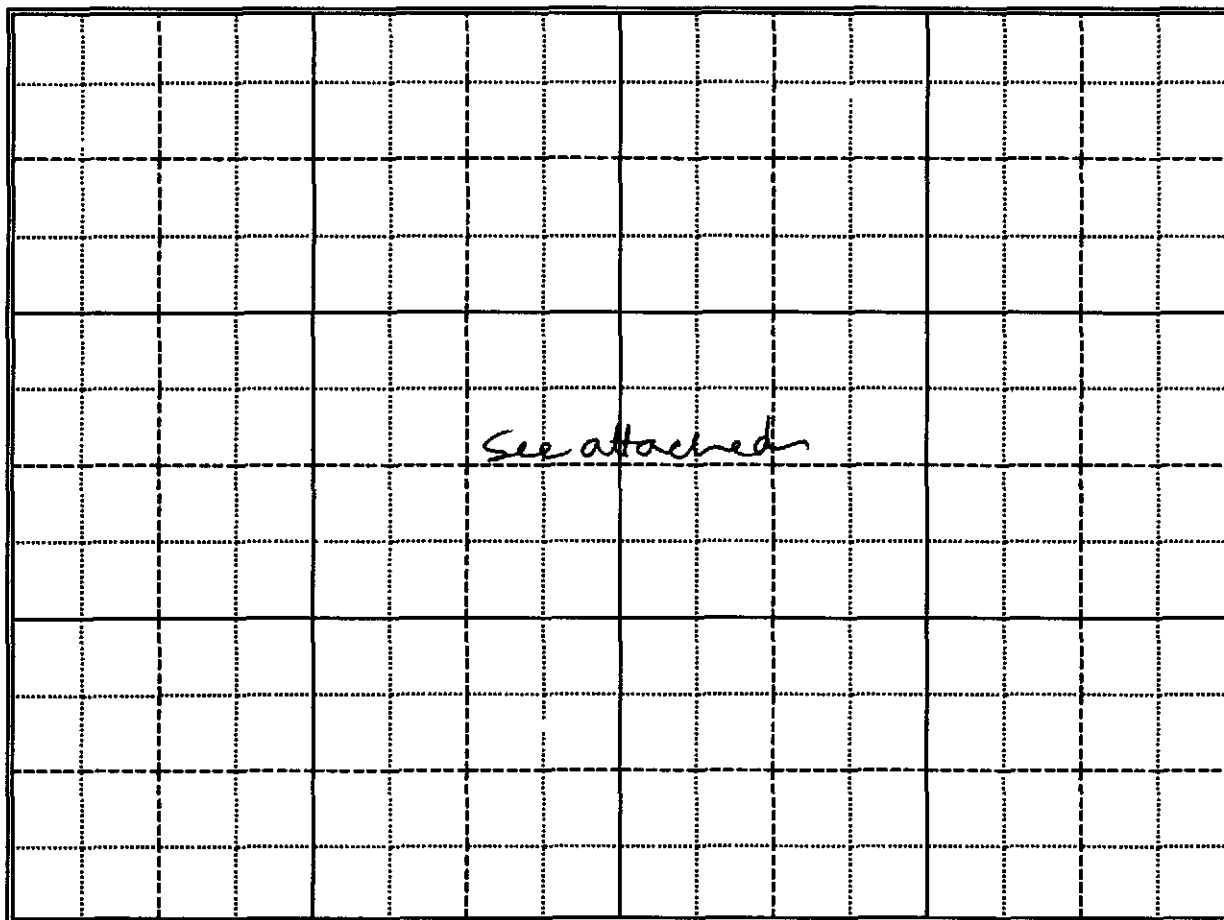
Indicate Method of Determination CESA map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		15						4	18										22
		16	7			20	7	18											27
							6												49

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



Scale: 1" = NTS

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
1	GE	30	N/A	Cornell	2 1/2 SN=15446

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

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D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements:

Theoretical Pump not in operation.

lift = up to 200 ft, runs ~ 100 heads, assume 35 psi disch.

E. NARRATIVE/REMARKS/COMMENTS

Stockwater = 130 head

A small pond captures waste water tributary to Big Whitley Gulch, for supplemental irrigation on pasture and for Stockwater. A 30HP pump diverts to buried mainline and sprinklers (see system diagram).

Distribution system is integrated to utilize flows from a number of sources. Isolation points allow operation of several zones at one time, ~~or~~ using pressurized or gravity sprinkling. Black Canyon water comes in from North at several junctions ~~for~~ pressure stations.

Overlapping Rights: 63-13449 a well located in NWNE S16 which was recommended for 63 ac in NE S16, using same system (see B/U Exam). Exam shows some adjacent acres as "covered by 65-13191" but ^{all} those acres not a part of this system.

63-13472 permit for wastewater from a different source (coming in from Sec 9) presently there is a protested ap for amendment for this permit

Black Canyon Shares available.

63-13517 app for G.W. on remaining acres - not yet processed.

The pond which was developed requires Storage right. Irrigation will be reduced by one acre to accommodate the pond. Pond dimensions: earth berm $\approx$ 8' high, 200' long .7 ac surface area by avg 6' deep = 4.1 AF

* No measuring device. The control panel on pump is lockable but there is no controllable outlet on pond, only a spillway. Meas/control may not be required.

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

Check w/ watermaster.

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MAR 05 2001

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\frac{30HP \times 8.8 \times .7}{100 + (35 \times 2.31)} = 1.02 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 49 \times 4.5 = 220.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .98 \times 246 \times 1.9835 = 478$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 220.5$$

2. Volume Calculations for Other Uses:

IRR STORAGE - 4.1 AF

STOCKWATER - 130 Range 2.7 AF (from table)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	3-15	11-15	.98	220.5
IRR STORAGE	3-15	11-15		4.1
IRR FR. STORAGE	3-15	11-15		4.1
STOCKWATER	1-1	12-31	.05	2.7
STOCK. STORAGE	1-1	12-31		4.1
Totals:			1.0	227.3

2. Recommended Amendments

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☐ None☒ Change P.U. as reflected above☐ Add P.U. as reflected above☒ Other Change nature of use**I. AUTHENTICATION**

Field Examiner's Name

Cindy J. Hodges

Date

5-7-97

Reviewer

Date

SEAL
MICROFILMED
MAR 05 2001

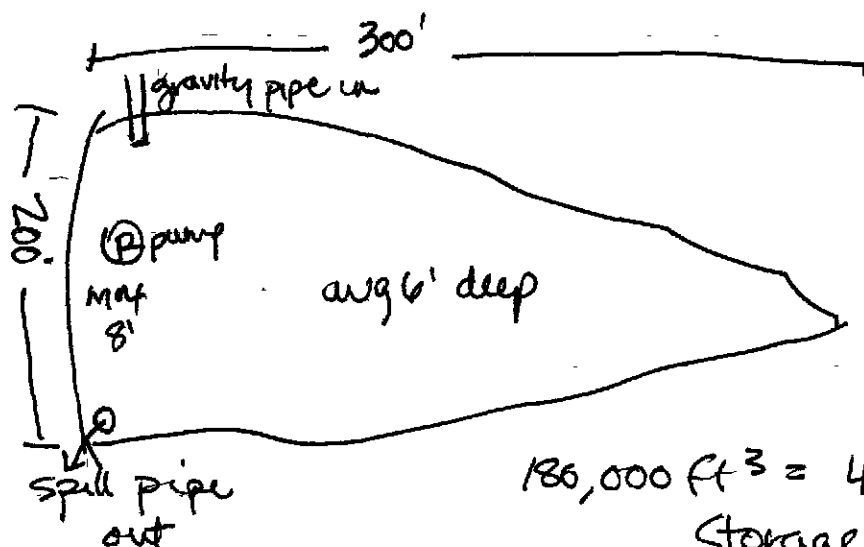
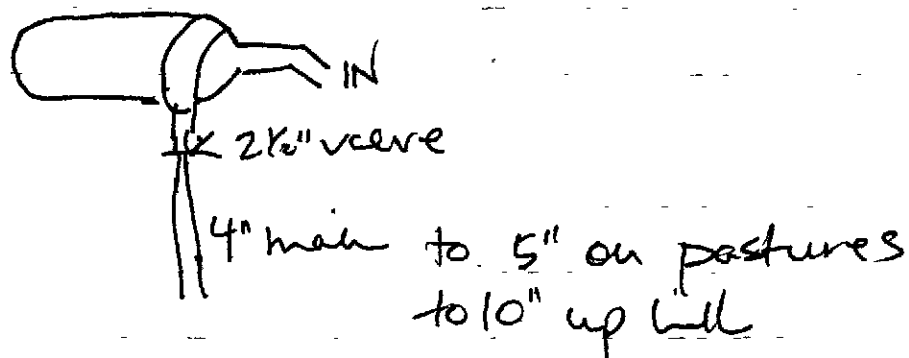
POND pump

30 HP GE SN ?

Comel Cent pump 2 1/2 diesel
2 1/2 YHB30-2

SN 15446

Wet 3' to pump, 200 ft to mid pt?
runs ~ 100 heads



$$186,000 \text{ ft}^3 = 4.13 \text{ AF}$$

Storage req'd? YES

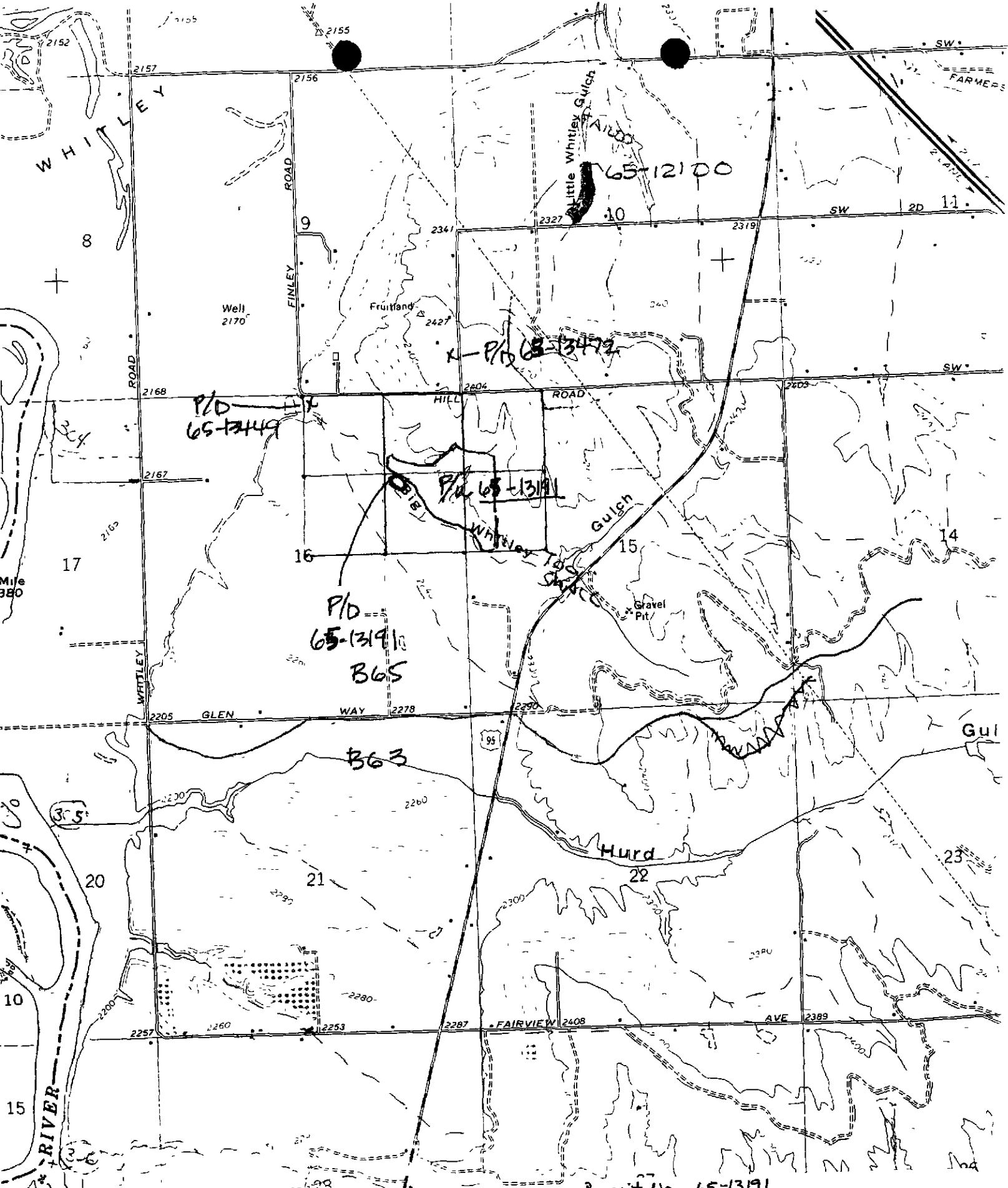
$$1.0 \text{ cfs} \times 1.9835 \approx 2 \text{ AF}$$

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MAR 05 2001

30.6
9.7
5.2

S15	NWNW	4
	SWNW	18
S16	NENE	7
	SENE	<u>20</u>
		49



MICROFILMED
Permit No. 65-13191
P/D: T7N R5W S16
10: W-3

AS 5/20/64
WAD 0 5/20/64

GULCH



Black
1 case

13429

ISOLATION
JUNCTION
2-4.4

615
53.5

18-7.8

ISOLATION
PT
STATE

2-9.7
SS
O.V.

2-38.6

H

L

00

T 175

14.0

2-8.5

2-6

1-81.1

D

1-17.3

2-29.4

2-3.6

4-12.4

5-12.0

1-13.7

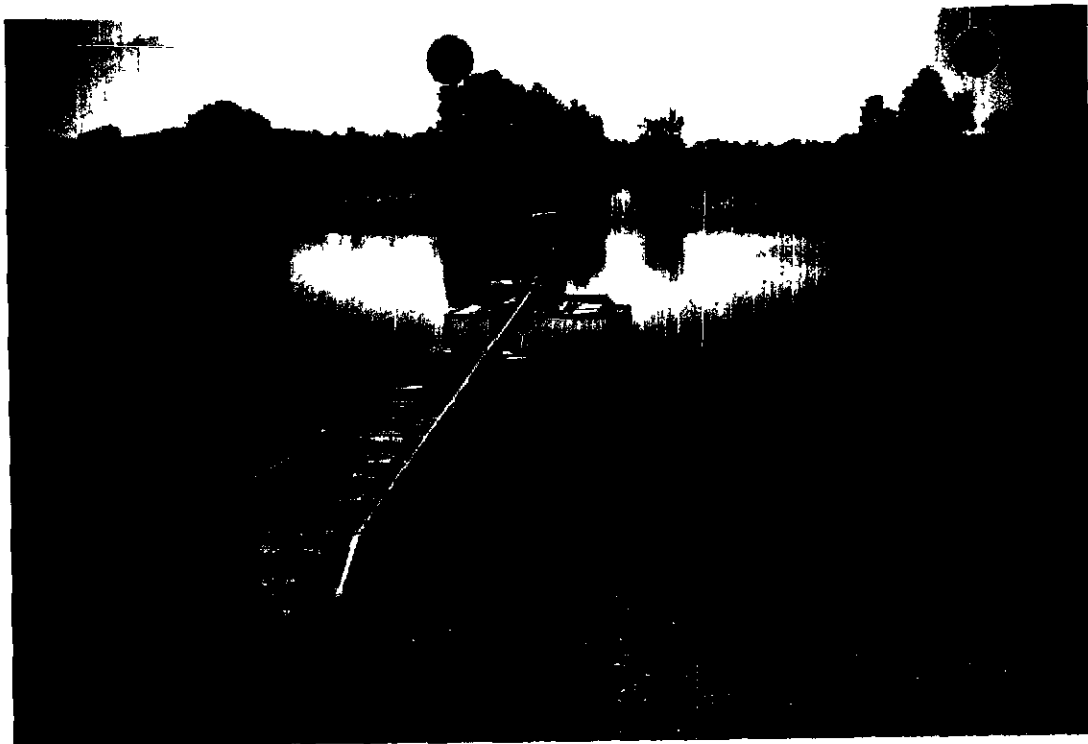
MICROFILMED
65-1319
MAR 05 2001

199

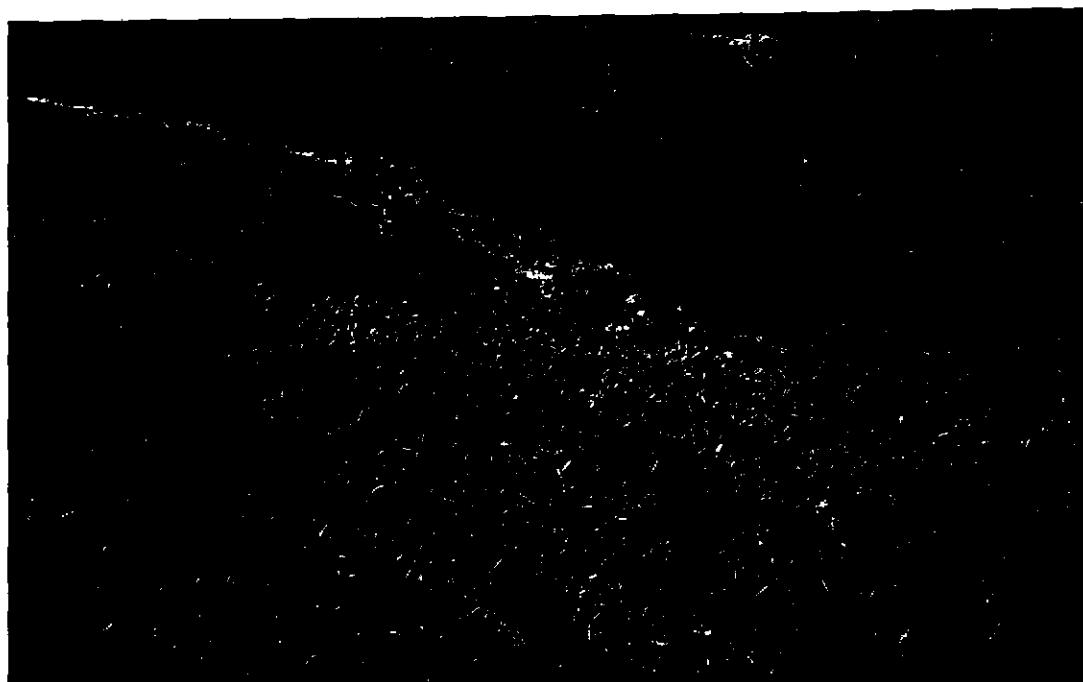
T 340

6" press main
10" gravity main

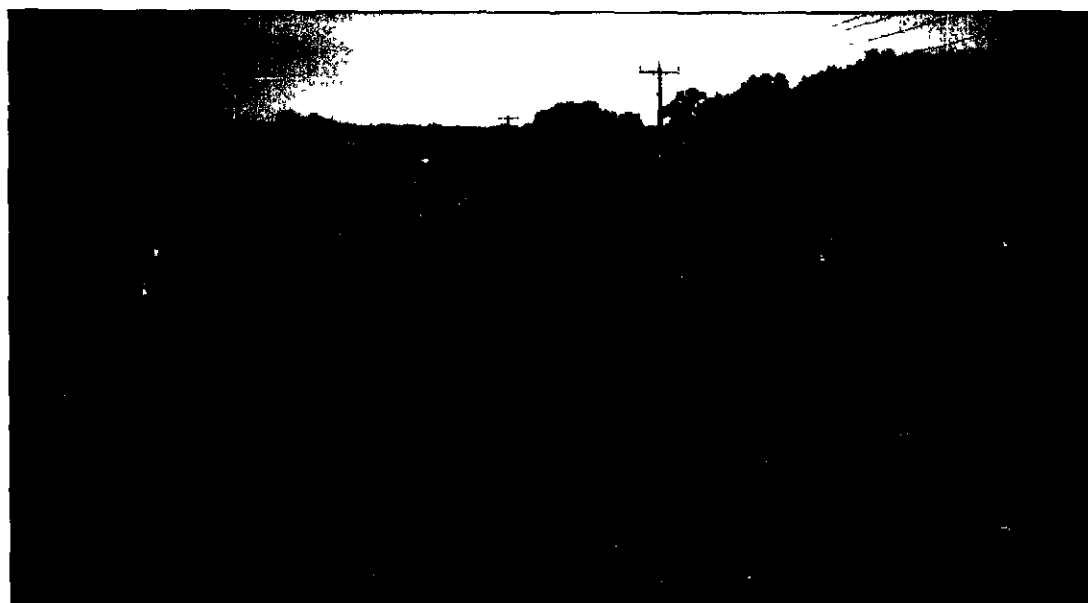
PVC



Pond & pump.
View ^{east} ~~west~~ from
dam



inlet and
part of P/u



Irrigated
pasture in
SENE 16
MICROFILMED
MAR 05 2001
65-13191



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

June 28, 1993

D J SURMEIER
DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

Re: Permit No. 65-13191

Dear Permit Holder(s):

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a circular stamp.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

JUL 02 1993

Nicholas T. Bokides
ATTORNEY AT LAW

RECEIVED
JUN 8 1993

131 WEST MAIN STREET, P. O. BOX 28
WEIGER, IDAHO 83672-0028
(208) 548-0611
FACSIMILE 2085490627

Department of Water Resources
Western Regional Office

June 7, 1993

RECEIVED

JUN 10 1993

Department of Water Resources

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: First Interstate Bank of Oregon to
D. J. and Donna Surmeier

Dear Sirs:

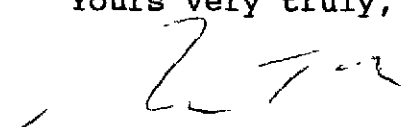
Enclosed please find an original Assignment of Permit from First Interstate Bank of Oregon, N.A., to D. J. Surmeier and Donna Surmeier and an original Assignment of Permit from First Interstate Bank of Oregon, N.A., to Dalton John Surmeier and Donna Surmeier. Please cause these Assignments to be filed in the records of the Department of Water Resources.

It is my understanding that there is no filing fee connected with the recording of these Assignments.

If you have any questions regarding the enclosed, please do not hesitate to get in touch with my office.

Thank you.

Yours very truly,


Nicholas T. Bokides

NTB:jw

Enclosures

pc: Mr. and Mrs. D. J. Surmeier

JUL 02 1993

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 65-13191

Date 10-7-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☒ Surface water source
☐ Ground water source
☒ Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
100.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- ☒ Measuring device or access port required?
☒ Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs meas. device

PRIORITY CALCULATION

Date proof received Aug 15, 1991 227
Date proof due Aug 1, 1991 - 213
No. of days late = 14
Priority date Mar 5, 1990 + 64
☒ NEW PRIORITY DATE Mar 19, 1990 = 78

LB

[Signature]
10/10/91

October 31, 1991

FIRST INTERSTATE BANK OF OREGON
AGRIBUSINESS DEPT
PO BOX 2971
PORTLAND OR 97208

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13191

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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.

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

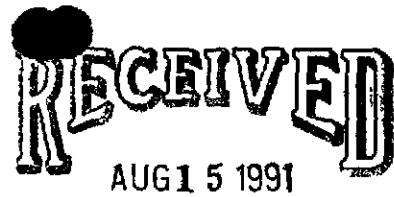
Nina Shields
Secretary/Records Manager

RECEIVED

NOV 20 1991



First Interstate Bank
of Oregon, N.A.
The Capital Management Group
P O Box 2971
Portland, OR 97208-0041
503 225-2376



Department of Water Resources

August 12, 1991

**State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706**

**Subject: Pomme Terre, Inc.
Permit #65-13190
Permit #65-13191**

Dear Sir or Madame:

Enclosed are two completed Proof of Beneficial Use statements and two \$100.00 trust drafts for the subject property's Payette County, Idaho water permits. Previously your office was provided with notarized assignments of interest on these permits. Our bank took possession of the property in June 1991.

The Proof statements were completed to the best of our knowledge. Please advise me if you have any questions.

Cordially,

A handwritten signature in dark ink, appearing to read 'Michael S. Macnab', with a long horizontal flourish extending to the right.

**Michael S. Macnab
Assistant Vice President
Agribusiness Department
(503)225-3747**

MSM:jli

/enclosures

NOV 20 1991

August 15, 1991

Re: Permit Nos. 65-13190/13191

First Interstate Bank of Oregon, N.A.
Agribusiness Dept.
P.O. Box 2971
Portland, OR 97208

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to you. We have modified our computer records to reflect this change in ownership.

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

MAILED
MAY 30 1991

138683
May 31, 1991

POMME TERRE INC.
1852 S.W. 3RD AVE.
FRUITLAND, ID 83619

PROOF DUE NOTICE

RE: PERMIT NO. 65-13191

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 August 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

418
AP 2610

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 13, 1990

POMME TERRE INC.
1852 S.W. 3RD AVE.
FRUITLAND, ID 83619

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P65-13191

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.

Natural flow of the Payette River is fully appropriated except during periods of flood flow. Your permit is conditioned to require you to obtain storage water to compensate for your diversion of natural flow from the river. The amount of storage which you will be required to obtain is approximately 3 acre-feet per acre of irrigated ground. You will be notified in the future of the necessity to obtain storage water.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

We have enclosed 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 for your convenience is a form entitled "Proof of

MICROFILMED

JUL 26 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 26 1990

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: [Signature] DATE: 3-22-90 APPLICATION: 65-13191

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:
N/A P/D
N/A P/U

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:
☐ ☒ Diversion within interim protected river 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

DATE REQUESTED: _____
☒ Additional information on reverse side:

RECEIVED
JUL 02 1990

Department of Water Resources

PROCESSING

APPLICATION NO. 65-13191

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.

Publication dates and paper recorded on application:

Protests received. Final date for protest April 23, 1990

Protest dates, resolution of protest recorded on application:

Recommendations attached: APPROVE, DNR

Measuring device required:

Measuring port required:

Water delivered by water master? District # 65

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority 3/5/1990

Recommended by: DNR

Date 6/28/1990

STATE OFFICE REVIEW

P71, P08, P16

05(65) 01J 59

See below for additional information. By KW

Date 7/5/90

ADDITIONAL INFORMATION

Called and talked to Tim Syme on application. He said that the pond was approx 1/2 acre in surface area with the dam being 16' in height and 150' long and in a culver. Reservoir built in 1964

1/2 W X L X D = 43560 X .4 = 1.652 ac' of capacity

1 cfs X 1.9835 = 1.98 ac' in 24 HRS ∴ NO STORAGE

for overlap see attached POU Index

	SE	SE	34.0	01	63-08216	REIMS RANCHES INC.	C	L	10/12/1975	GROUNDWATER
15	NE	NE		43	65-04553	LINBAUGH RANCHES INC.	C	D	01/01/1941	GROUNDWATER
	NE	NE	3.0	01,43	65-12705	SHAW FARMS INC.	C	L	06/27/1983	GROUNDWATER
	NW	NE	3.0	01	65-06361	HOLADY	C	D	04/01/1970	WASTE WATER
	SW	NE		43	65-08150	HINAY DISTRICT NUM	C	D	04/01/1941	GROUNDWATER
	NW	SW	15.0	01,19	65-02548	ENGLESBY	C	D	02/01/1951	BIG WHITLEY GULCH
	NW	SW		43	65-04240	ENGLESBY	C	D	04/01/1940	GROUNDWATER
	SW	SW		43,04	65-04239	ENGLESBY	C	D	04/01/1940	GROUNDWATER
	NE	SE		43,04	65-09435	EL DRED	C	D	06/01/1946	GROUNDWATER
	NW	SE		43	65-03390	MOGENSEN FARMS INC	C	D	08/15/1942	GROUNDWATER
	SW	SE		43	65-05765	BALL	C	D	05/21/1971	GROUNDWATER
	SW	SE		43,04	65-06168	BALL	C	D	08/14/1971	GROUNDWATER
	SE	SE		43	65-07792	PACKER	C	L	10/21/1976	GROUNDWATER
	SE	SE		43	65-06467	GREIG	C	D	04/01/1957	GROUNDWATER
16	NW	NE	1.0	01,04	65-02581	SYME	C	D	07/08/1953	GROUNDWATER
	SE	NE	11.0	01,19	65-02548	POHNE TERRE INC.	C	D	02/01/1951	BIG WHITLEY GULCH
	SE	NE	16.0	01	65-06013	ENGLESBY	C	D	04/01/1945	SPRING
	NE	NW	27.0	01	65-02574X	RALSTON	C	D	01/29/1953	GROUNDWATER
	SE	SE	8.0	01,43	65-12705	WINEGAR	C	L	08/07/1976	GROUNDWATER
	NW	NW	40.0	01	65-02574X	WINEGAR	C	D	01/29/1953	GROUNDWATER
	NW	NW	33.0	01	65-10992	WINEGAR	C	D	06/01/1957	SPRING
	SW	NW	33.0	01	65-02574X	WINEGAR	C	D	01/29/1953	GROUNDWATER
	SW	NW	11.0	01	65-03299	WINEGAR	C	D	04/01/1957	SPRING
	SW	NW		43	65-09378	WINEGAR	C	D	04/01/1940	GROUNDWATER
	SW	NW	7.0	01	65-10992	WINEGAR	C	D	06/01/1957	SPRING
	NE	SW		43,04	65-08036	WINEGAR	C	D	04/01/1953	GROUNDWATER
	NW	SW	34.0	01	65-07657	WINEGAR	C	L	09/17/1976	WASHED STREAM
	NE	SE	14.0	01,19	65-02548	WINEGAR	C	D	02/01/1951	BIG WHITLEY GULCH
	NW	SE		43,04	65-06243	PAULSEN	C	D	04/01/1953	GROUNDWATER
	SW	SE		43,04	65-06242	PAULSEN	C	D	04/01/1953	GROUNDWATER
	SE	SE		43	65-06053	REEVE	C	D	04/01/1936	GROUNDWATER
17	NE	NE	36.0	01	03-04014	TRUMHELL	C	S	03/15/1950	SNAKE RIVER
	NE	NE	8.0	01,10	73-02014	TRUMHELL	C	L	03/16/1967	SNAKE RIVER
						RALSTON	C			

65-13191

POMME TERRE INC.
1852 S.W. 3RD AVE.
FRUITLAND, ID 83619

Source: SPRINGS
WASTE WATER
UNNAMED STREAM

Tributary: BIG WHITLEY GULCH
BIG WHITLEY GULCH
BIG WHITLEY GULCH

Diversion Pt: NWSENE Sec 16 T 07N R 05W

Use: IRRIGATION (1.000 CFS)
STOCKWATER (.050 CFS)
Total Diversion: (1.000 CFS)

Date Filed: 3/ 5/ 1990

In: T07N R05W S15 SWNW
S16 SENE

50.0 ACRES TOTAL

RECORDED

JUL 7 3 1990