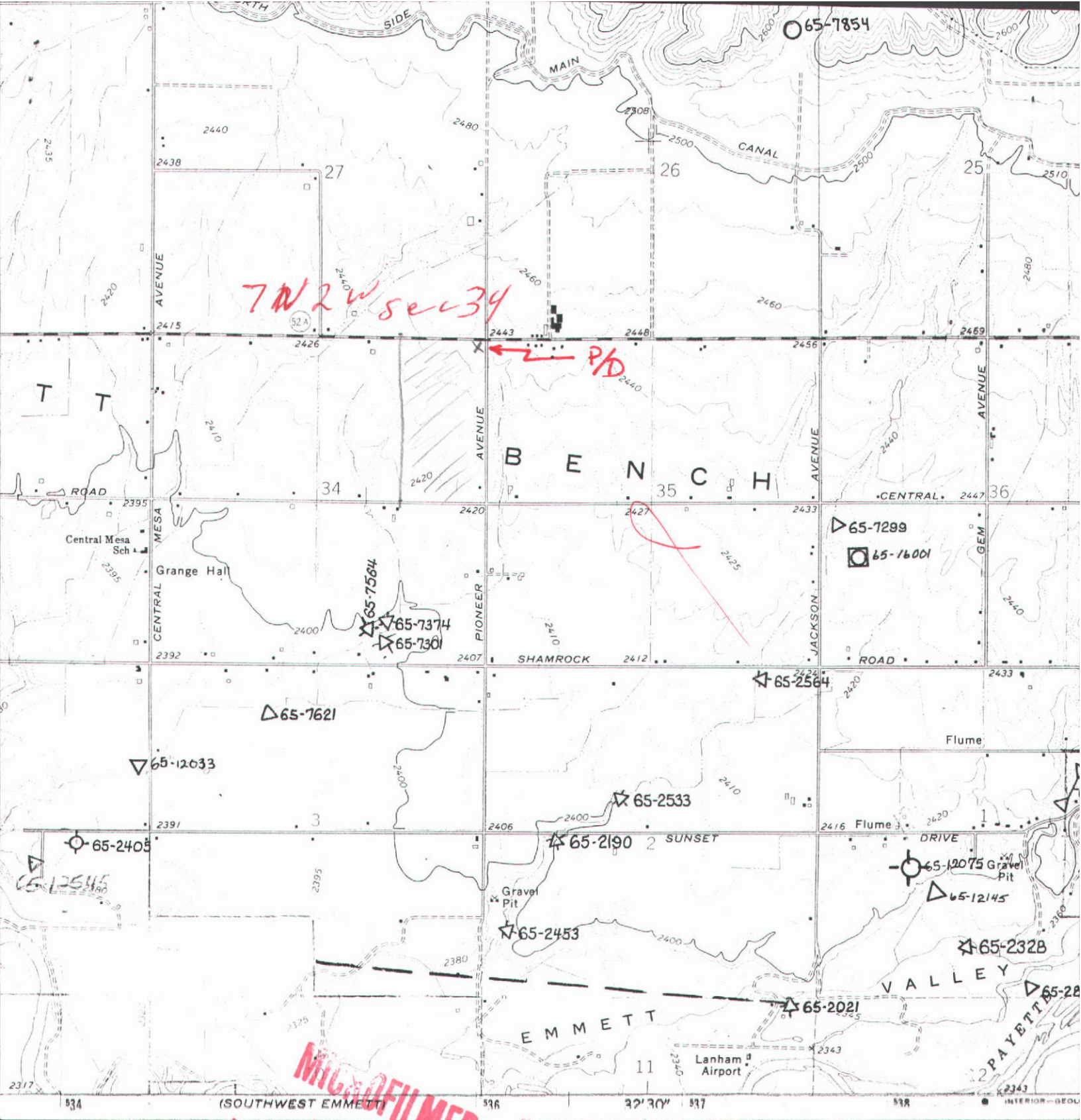




AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Mary Ann Hanson, being first
duly sworn, on his oath deposes and
says that ^{clerk} he is the printer of Mes-
senger-Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger-
Index for Two (2)
consecutive weekly issues thereof,
beginning with the issue of
Nov 30, 1988,
and ending with the issue of
Dec 7, 1988

Mary Ann Hanson
Subscribed and sworn to before me
this 13th day of

December, 1984
D.borah Crawford

Notary Public,
Residing at Emmett, Idaho.

My Commission Expires 9/23/94

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-12921 ✓ *dk*

BAXTER NURSERIES INC.
PO. BOX 789
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: NENE Sec 34 T 07N R
02W
Use: IRRIGATION (1,600 CFS)
Date Filed: 10/31/1988
In: T07N R02W S34 NENE SENE
80.0 ACRES TOTAL

65-12922

BAXTER NURSERIES INC.
PO. BOX 789
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: LOT 3 (NENW) Sec 2 T
06N R 02W
Use: IRRIGATION (1,200 CFS)
Date Filed: 10/31/1988
In: T06N R02W S02 Lot 3 (NENW) Lot
4 (NWNW)

60.0 ACRES TOTAL

65-12924

BAXTER NURSERIES INC.
PO. BOX 789
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: NESW Sec. 35 T 07N
R 02W
Use: IRRIGATION (1,600 CFS)
Date Filed: 10/31/1988
In: T07N R02W S35 NESW NWSW
80.0 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
Airport Way, Boise, Idaho 83705 on
or before DECEMBER 19, 1988.

R. KEITH HIGGINSON, Director
Pub: 11-30, 12-7-88

Legal Notice No. 379
Published in the Messenger Index

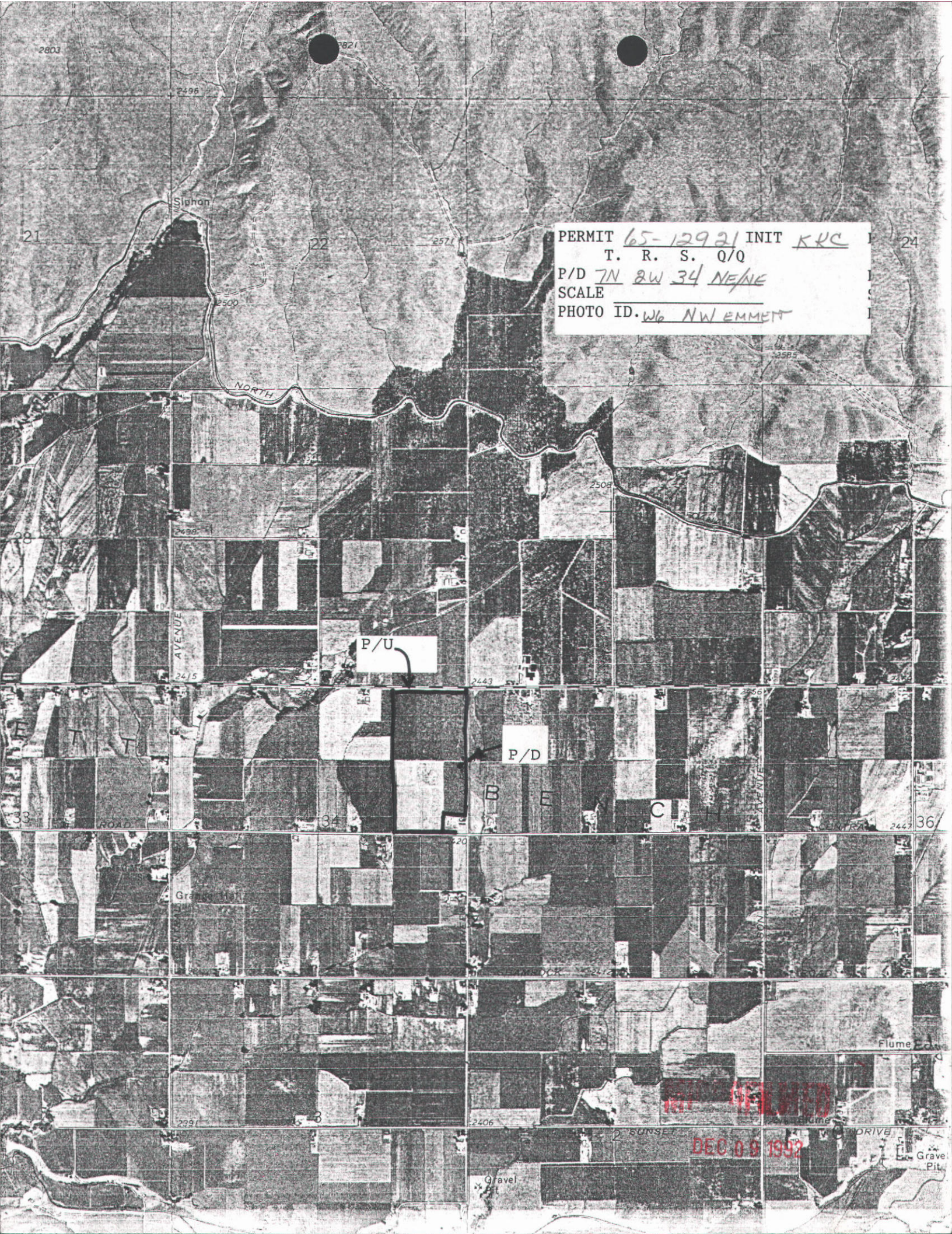
MICROFILMED

JAN 23 1989

RECEIVED

DEC 14 1988

Department of Water Resources
Western Regional Office



PERMIT 65-12921 INIT KKC
T. R. S. Q/Q
P/D 7N 2W 34 NE/NE
SCALE _____
PHOTO ID. W6 NW EMMETT

P/U

P/D

B

E

C

NOT RECORDED

DEC 09 1992

SECTION CORNER

F-22

NOT TO SCALE

PICTURE # 2
LOCATION

PICTURE # 1
LOCATION

P/D

CEMENT DITCH

DIRT DITCH

6" LINE
BURIED

PERMIT 65-12921 INIT KKC
T. R. S. Q/Q
P/D 7N 2W 34 NE/NIG FLIGHT
SCALE 87
PHOTO ID. _____

T7N R2E

RECORDED

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SECTION CORNER

This picture shows the well casing and the mainline going underground. This picture is looking south across a portion of the P/U.



PICTURE # 2

This picture is looking southeast across the P/U. The ditch shown is for ditch Co. water.



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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12921

Priority: October 31, 1988

Maximum Diversion Rate:

0.89 CFS

Maximum Diversion Volume:

333.0 AF

This is to certify, that BAXTER NURSERIES INC

PO BOX 789

EMMETT ID 83617

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 31, 1988; and has submitted Proof of Beneficial Use on December 7, 1989. An examination indicates that the works have a diversion capacity of .890 cfs of water from a GROUNDWATER 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>
IRRIGATION	03/15 to 11/15	0.89 CFS	333.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 07N, Range 02W
GEM 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	02W	34	NENE 38	SENE 36		74

Total number of acres irrigated:

74

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROCK MED

DEC 09 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-12921

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 24TH
day of NOVEMBER, 1992.

Acting for *R. Keith Higginson*, Director

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DEC 09 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Baxter Nurseries, Inc. Phone (208) 365-6011
Post office address P.O. Box 789 Emmett, ID 83617
2. Source of water supply ground water which is a tributary of n/a
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of $\frac{1}{4}$, Govt Lot
Sec. 34 Township 7N Range 2W B.M. Gem County; additional
(Home)
points of diversion if any:
4. Water will be used for the following purposes:

Amount 1.6 for Irrigation purposes from 3/15 to 11/15 (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) 1.6 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump and concrete ditches.

b. 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

c. Proposed well diameter is 12 inches, proposed depth of well is 140-200 feet

d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application for the water for the proposed beneficial use is
1 years (minimum 1 year)

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JAN 23 1989

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 _____
- c. Municipal, show name of municipality _____
- d. Domestic; show number of households. _____
- e. Other; describe fully _____

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	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	2W	34	40			40													80

Total number of acres to be irrigated 80

10. Describe any other water rights used for the same purposes as described above _____

Emmett Irrigation District water.

11. a. Who owns the property at the point of diversion? W.R. Baxter Wholesale Nursery, Inc.

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

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

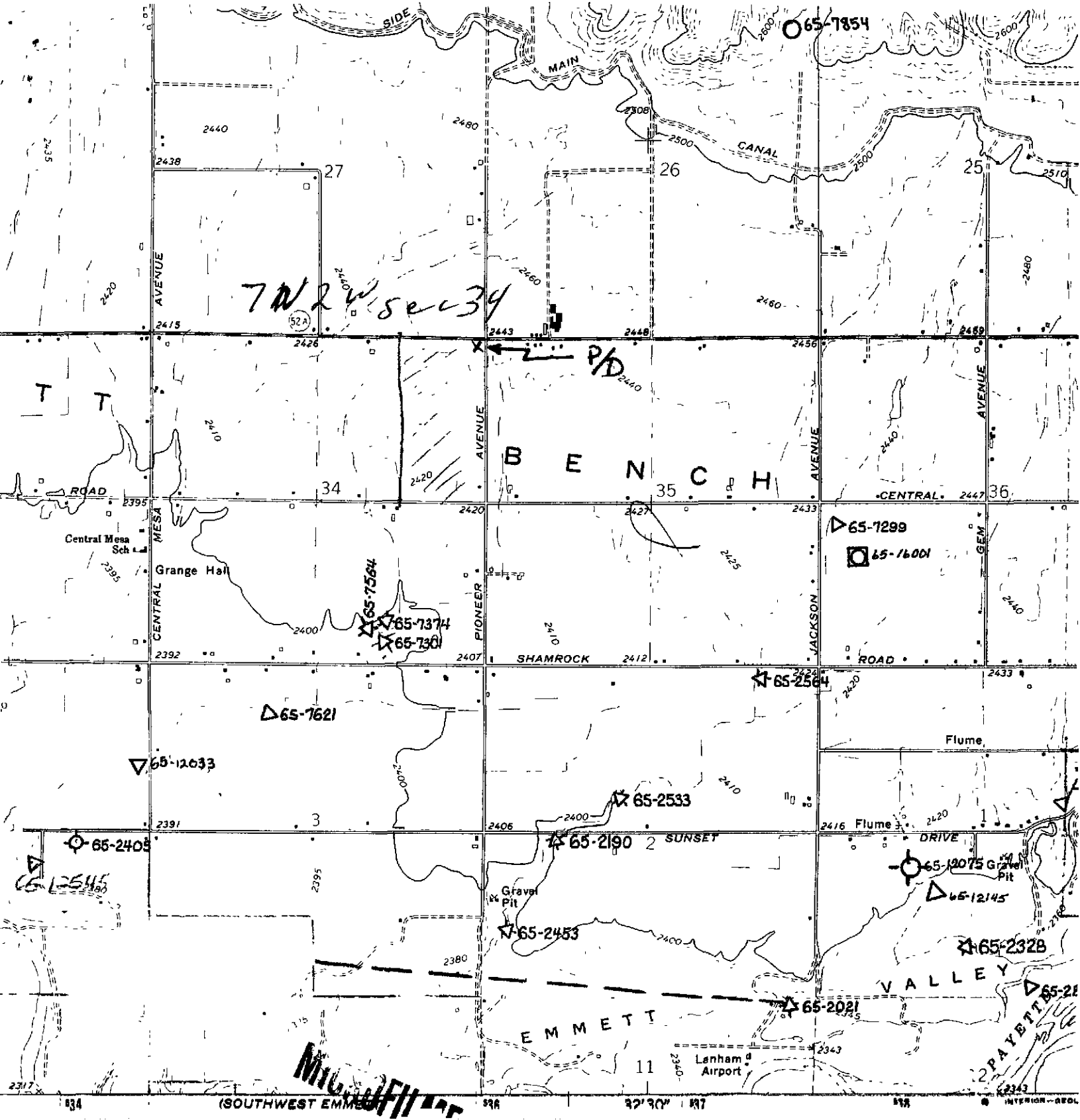
12. Remarks: Corporation Officers are: President - W. Rand Baxter

Secretary - Jim Dalos

W. R. Baxter Wholesale Nursery, Inc. and Baxter Nurseries, Inc. are one and the same.

REPRODUCED

JAN 23 1989



7A/2W sec 34

BENCH

EMMETT

VALLEY

1:25,000

2 PAYETT

(SOUTHWEST EMMETT)

32' 30" 1:37

INTERIOR - 800'

A blank sheet of graph paper featuring a uniform grid of squares. The grid consists of 15 columns and 15 rows, creating a total of 225 small square units. The lines are thin and black, set against a white background. There are no markings, text, or drawings on the grid.

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:

W R L B President
(Applicant)

Received by nl kw Date 11-2-88 10-31-88 Time 3:00 10:00 Proposed Priority 10/31/88 Preliminary check by SL
Fee \$ 65.00 Receipted by kw # C003101 Date 10-31-88
Publication prepared by GG Date 11-23-88 Published in Messenger-Index
Publication approved DK Date 12-15-88 12/1 & 12/8/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12921, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 90

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit

e. Other:

Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 13th day of January, 1989.

J. Glen Saylor

JAN 23 1989

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

consecutive weekly issues thereof,
beginning with the issue of
NOV 30, 1988,
and ending with the issue of
DEC 7, 1988

Mary Ann Hanson
Subscribed and sworn to before me

this 13th day of December, 1984

Deborah Crawford
Notary Public,
Residing at Emmett, Idaho.

My Commission Expires 9/23/94

[illegible]

MICROFILMED
JAN 23 1989

Department of War Relocation
Western Regional Office



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

November 24, 1992

BAXTER NURSERIES INC
PO BOX 789
EMMETT ID 83617

RE: WATER RIGHT NO. 65-12921

Dear Water Right Holder(s):

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

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECORDED

DEC 09 1992



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

October 26, 1992

BAXTER NURSERIES INC
PO BOX 789
EMMETT ID 83617

RE: WATER RIGHT NO. 65-12921

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED

DEC 09 1992

LICENSE REVIEW CHECKLIST

Permit # 65-12921

Date 9-25-92
28

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance? _____
	☐	☒	Memo to Advance _____
	☐	☒	Order to Reinstate Needed? _____
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended? _____
	☒	☐	Disagree with Actual Measurement? _____
	☒	☐	<u>74 x .02 = 1.48 / .89 cfs (IRR)</u>
	☒	☐	Disagree with Theoretical? <u>30 x 8.8 x .7 = .8859</u>
	☒	☐	Limited by Capacity? <u>.89 cfs 70 + (2.31 x 60)</u>
TOTAL VOLUME			Rate/ac <u>4.5</u> AFA Irr. Season <u>D</u>
			<u>3-15 to 11-15</u> Standard Irr. Season
			<u>Same Per Permit</u> Season Recommended
	☐	☒	Disagree with Examiner's Calculations? _____
	☐	☒	Limited by Flow? <u>.89 x 245 x 1.9835 = 432.57333</u>
SOURCE	☐	☒	Changes? Clarification of <u>Originally</u>
	☐	☒	<u>Intended</u> source _____
	☐	☒	Notice of Intent to Void. _____
P/D			Verify with Map
	☐	☒	Amendment Needed? _____
	☐	☒	Is Overlap Analysis a Consideration? _____
P/U			Verify with Map
	☐	☒	Amendment Needed? _____
	☐	☒	Is Overlap Analysis a Consideration? _____
USES	☐	☒	Change(s) in Nature of Use? _____
	☐	☒	Amendment Needed? _____
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4? _____
	☐	☒	Non-Irr. Uses _____
	☐	☒	Special Overlap Condition _____
	☐	☒	Other _____
CONDITIONS	☐	☒	Measuring Device
	☐	☒	W/Master Control
	☒	☐	Overlap
	☐	☒	Water Quality
			DATES/MISC
		☒	Water Dist.
		☒	App Rec'd
		☒	Exam Made

COMMENTS/MEMOS NEEDED: Reduced Acres
60' static level / Used 70' as min. dynamic level
Range on #5+6 = 1W on Maps = 2W = Correct + Permit Map

License 10-Day ☒ 15-Day ☐ Special Correspondence ☐

WR0749NP
No. L65-12921

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 09/28/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BAXTER NURSERIES INC PO BOX 789 EMMETT ID 83617 (208) 365-6011	10/31/1988	IRRIGATION	03-15 11-15	0.89 CFS	333.0 AFA
TOTAL DIVERSION:					0.89 CFS	333.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.89 CFS

Point(s) of Diversion: T07N R02W S34 NE NE

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	:	SUM	
07N	02W	34	:	38				36										:	74.0	
TOTAL ACRES																			74.0	

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion and Source:
65-12921

Other Water Rights Listing Overlapping Place(s) of use:
65-12921

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Dates:	App. Received:	10/31/1988	Priority Date:	10/31/1988
	Proof Due Date:	02/01/1990	Proof Made Date:	12/07/1989
	Exam Made Date:	06/25/1990	Exam Sent to S.O.:	07/30/1991
	Licensed Date:			

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/28/92 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with Conditions of Approval
☒ Well Inspection Form Needed *gnd water/pump ck measure req.*
☒ Copy of U.S.G.S. Quad

none Check for Government Lots. If so, make a copy of government plat

- ___ Check of P/D index 6-20-90 KKC (initial & date)
Overlap ___ yes ☒ no If yes: ___ copy of exam(s) attached?
Type of Overlap? ___ Add acres or uses to existing system
___ Increase rate of flow or volume
___ Other: _____
___ Check of P/U index 6-20-90 KKC (initial & date)
Overlap? ___ yes ☒ no If yes: ___ copy of water right(s) attached?
Type of Overlap? ___ Increase rate of flow or volume
___ Add P/D's
___ Increase number of acres within tracts
___ Other: _____

- ☒ SRBA Attachment A Submitted to Adjudication Section
☒ Aerial Photo Required? ☒ yes ___ no If yes: ☒ copy attached
☒ Scheduling Letter Sent? 6-15-90 KKC (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached
☒ SRBA Claim Check Received 6-16-90 KKC (initial & date)
___ Applicable, See Attachment A ☒ N/A

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
N/A Copy of SRBA Claim Verification Sheet / *N/A* Original Returned to Adjudication Section

C. Review and Processing:

- Exam Completed 8-16-90 Kelly K. Christensen (signature of examiner & date)
Exam Reviewed by Senior Water Resource Agent JFW 3/14/91 (initial & date)
Exam Reviewed by Manager of Regional Office Dnr 6/23/91 (initial & date)
Exam Date Entered in Computer ✓ st (initial & date)
Exam Sent to State Office 7-29-91 st (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT Department of Water Resources

RECEIVED
JUL 30 1991

A. GENERAL INFORMATION

1. Owner: BAXTER NURSERIES INC. Permit No. 65-12912
Current Address: P.O. Box 789 EMMETT, ID 83617 Phone No. 365-6011
2. Accompanied by: RAND BAXTER EXAM. DATE: 6-25-90
Address: _____ Phone No. _____
Relationship to Permit Holder: PRESIDENT
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE (PER FICHE) ☐ Copies Attached
2. Other water rights with same point of diversion: NONE (PER FICHE) ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and place(s) of use (required). (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

THE SYSTEM IS A WELL WITH A SUBMERSIBLE PUMP DELIVERING WATER TO THE P_{1/4} VIA A BURIED 6" MAINLINE. 26 RISERS ARE AVAILABLE TO CONNECT A MAXIMUM OF 3 1/4 MI (3" HANDLINES) (PLANS ARE TO ADD 1 MORE 1/4 MILE HANDLINE.) HEADS ARE RAINBOW HEADS WITH brass TIPS. WATER CAN BE DEVERTED DOWN THE MAINLINE, DOWN A CEMENT ^{DITCH} PARALLELING THE MAIN LINE, OR INTO A DIRT DITCH RUNNING SOUTH FROM

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	UNKNOWN	30	UNKNOWN	BERKLEY	4"

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
				NE	34	7N	1W	GEM	ORTHO PHOTO; AERIAL PHOTO

6. Place(s) of Use:

Indicate Method of Determination AERIAL PHOTO

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	1W	34	38			36													74

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

NONE MADE
SEE ATTACHMENT

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ SEE ATTACHMENT

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

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

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

THE P/D ~~SEWAGE~~ THE DITCH IS NEXT TO PIONEER AVE.
THE P/U CONSISTS OF 2-40' NORTH & SOUTH OF THE
P/D. THERE IS A BUILDING COMPLEX IN THE SW CORNER
OF THE ~~SE 1/4~~ ^{SE 1/4} NE 1/4. BUILDINGS & LOADING AREA NOT IRRIGATED.

EMMETT IRRIGATION DISTRICT WATER IS ALSO USED
ON THIS GROUND ALSO.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3-15	11-15	~~1.18~~ 0.93 CFS	333 AFA
Totals:			0.93 ~~1.18~~ CFS	333 AFA

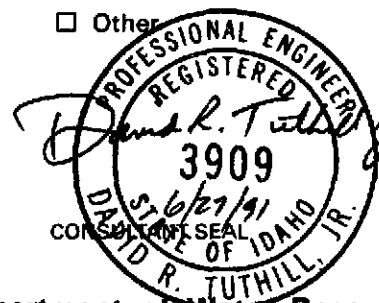
2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

- ☒ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name KELLY K. CHRISTENSEN
Signature Kelly K. Christensen
Certification Date _____
Field Report Preparation Date 8-16-90



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

DEC 09 1992

Permit No. 65-12921

IRRIGATION RIGHT FROM A GROUND WATER SOURCE

A theoretical calculation is necessary to determine if a measurement is required for irrigation from a groundwater source.

=====

1. Using the found acres (or an estimate by the permit holder) calculate the acre-foot per annum limit. This is the volume that the system must be able to theoretically produce to exclude a rate of flow measurement.
2. Next, given the pump hp and the estimated dynamic water level, calculate the theoretical rate of flow that the system can produce.
3. Using the rate found in step 2 and the days in the permitted irrigation season, calculate the theoretical AFA that the system could produce. This volume is then compared to the first AFA calculation. If the theoretical volume (step 3) is greater than the irrigation requirement volume (step 1) then no measurement is necessary. If it is less, then you must make a diversion rate measurement during the field examination.

1.
$$\frac{74 \text{ found}}{80} * \frac{4.5}{\text{Irr. Req.}} = \frac{333}{360} \text{ AFA}$$
2.
$$\frac{(30) \text{ HP} * 8.8 * (.7) \text{ EFF}}{(60) \text{ Dyn Level} + (2.3 * \{60\} \text{ PSI})} = \frac{0.933}{\text{Theor. Div. Rate}} \text{ CFS}$$
3.
$$\frac{0.933}{\text{Theoretical Div. Rate}} * \frac{246}{\text{Days in season}} * 1.9835 = \frac{455}{\text{AFA}}$$

Note: for electrical motors
EFF = 0.70
for diesel motors
EFF = 0.60

Data Requires Verification ☐
Measurement Required -- ☐
Measurement Not Required ☒

Calculation data sources:

Found acres = 80 ~~Confirmed KKC~~
HP = 30 " KKC
Dyn Level = 60' ~~from well log~~
PSI = 60 ~~Ground on irrigation legs, (owners gauge)~~

Found 74 A. KKC DEC 09 1992

* information given on phone

Note: The examiner found 3 1/4 mile handlines. Each 1/4 mile handline will typically require 15 miners inches, or 0.3 cfs. Three will require 0.90 cfs. This serves to confirm the theoretical computation of 0.93 cfs

DR

PERMIT 65-12921 INIT KKC
T. R. S. 0/0
P/D 7N 8W 34 NE/NE
SCALE
PHOTO ID. W6 NW EMMETT

P/U

P/D

36/

Flume

DRIVER

Grave

Pit

F-22

NOT TO SCALE

PERMIT 65-12921 INIT KKC
T. R. S. 0/0
P/D 7N 2W 34 NE 1/4
SCALE FLIGHT
PHOTO ID. 87

PICTURE # 2
LOCATION

SECTION CORNER

PICTURE # 1
LOCATION

P/D

CEMENT DITCH

DIRT DITCH

6' LINE
BARRIERS

T 7N R 2 E

MICHIGAN MED

DEC 09 1992

SECTION CORNER



Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 65-12921
Otherwise provide legal description and a sketch map and/or address
so that the well can be located easily.

1. Legal Description: TWP____, Rge____, Sec.____, ____1/4____1/4
or Lot_____.

2. Owner: SAME

Address_____, City_____, St_____

3. Casing $\geq$ 12 inches above ground: Yes X No_____

4. Access Port: Yes X No_____
Pressure Gauge: Yes X No_____
Flowing: Yes____ No X

Static Water Level: 60' (WELL LOG)
Casing Diameter: 12"
Temperature: _____

5. Are there any obvious construction problems that may be a
source for contamination or waste of water: Yes____ No X

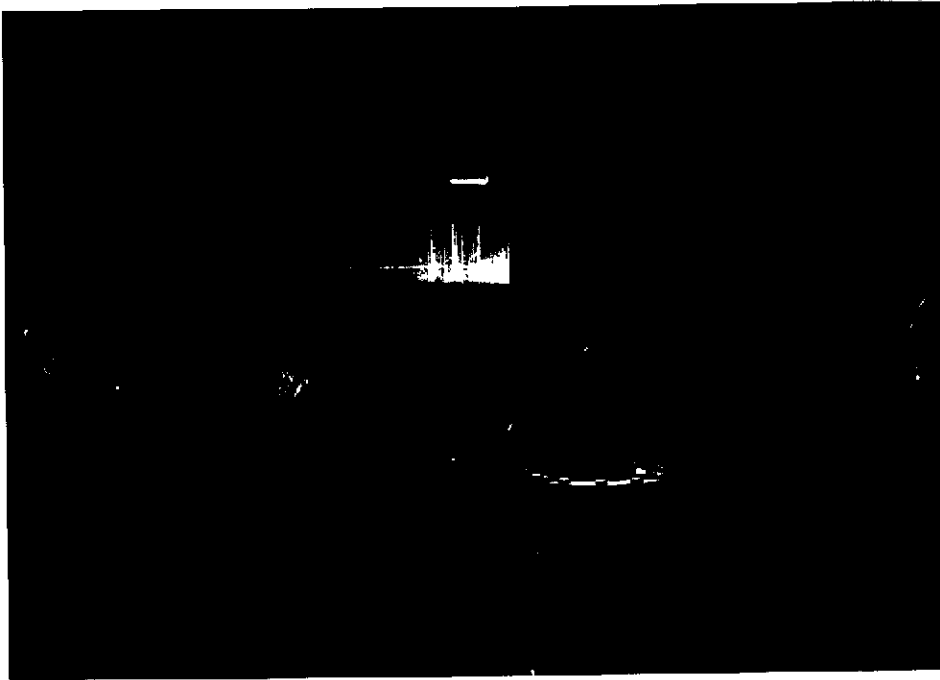
If answer to Item 5 is Yes, describe in remarks and attach
photo.

Remarks: _____

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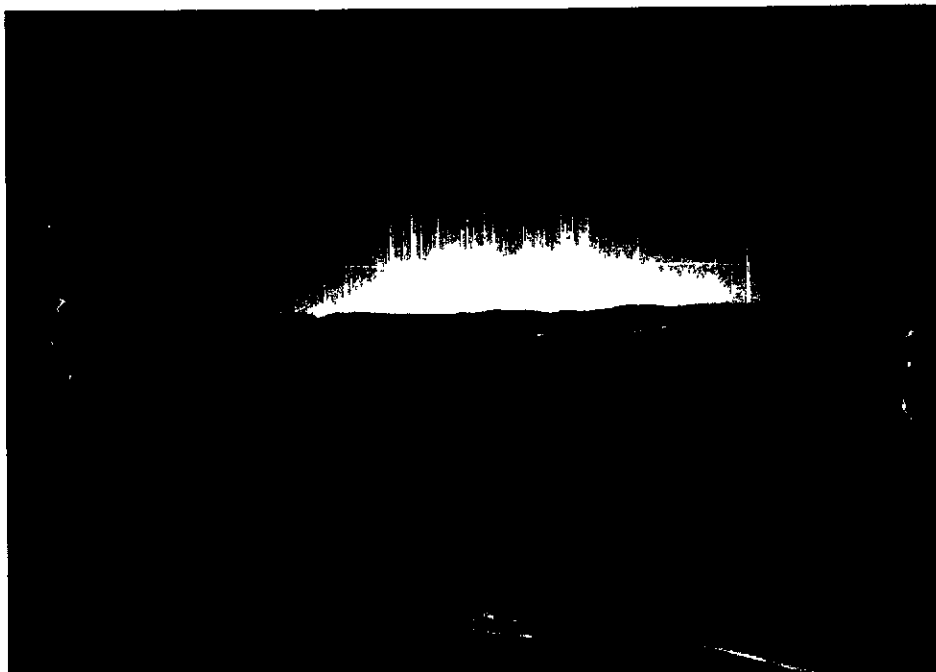
DEC 09 1992

This picture shows the well casing and the mainline going underground.
This picture is looking south across a portion of the P/U.



PICTURE # 2

This picture is looking southeast across the P/U. The ditch shown is for ditch Co. water.



MICROFILM

DEC 09 1992

March 9, 1990

BAXTER NURSERIES INC.
P.O. BOX 789
EMMETT, ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-12921

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MicroFILMED
MAR 23 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 65-12921

Date: 3-5-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
 ☐ 1. well log in file
 ☒ 2. drilling permit
 ☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
 ☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☐ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

NA	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

DEC 7 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 125.00
Date 12/7/89
Receipt No. 0013357
Received by C. Wong
JS. 3-5-90

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.

Permit No. 65-12921 Telephone No. (208) 365-6011Name(s) of Permit Holder(s): Baxter Nurseries, Inc.Post Office Address: P.O. Box 789 Emmett, Id 83617Source of Water: GroundwaterIf ground water, well driller's name: Bill Doty Drilling Date drilled: June 1989

Extent of Use:
Domestic _____ (No. of households) Irrigation 80 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 1.2 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: June 1989

One of the following may be a condition of approval of your permit:

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

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ NoFee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

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

Name Rand Baxter Telephone No. (208) 365-6011 or (Home) 939-8500Address 2615 Pioneer Ave. Emmett Idaho 83617**MICROFILMED**

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

MAR 23 1990

Date 12/5/89 Signature (and title if on behalf of a company or organization) W.R. Baxter President Baxter Nurseries

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

JUN 14 1989

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

138931

November 30, 1989

BAXTER NURSERIES INC.
P.O. BOX 789
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-12921

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, 1990. (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

MICROFILMED

MAR 23 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
January 19, 1989

BAXTER NURSERIES INC.
P.O. BOX 789
EMMETT, ID 83617

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 65-12921

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.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

MICROFILMED

JAN 23 1989

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 Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

RECEIVED

JAN 23 1989

Form No. 202a.

4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL

DATE: 11/16/88

APPLICATION: 65-12921

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 signator is required)
☒ Fee:
☒ yes ☐ No* In form to receipt:

Gov't. Lots:

N P/D

N 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:
☐ ☐ Send dam safety information:
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundry: (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
DEC 30 1988

Department of Water Resources

PROCESSING

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 District # _____
☒ 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 December 19, 1988
☒ Protests, dates, resolution of protest recorded on application:
☒ Recommendations attached: Approved, OK
☒ Measuring device required:
☒ Measuring port required: OK
☒ Water delivered by water master? District # 65-P05
☒ Special conditions of approval or cover letter: (see additional info. below)
☒ See Below For Additional Information
Recommended Date of Priority 10/31/1988 ✓
Recommended by: OK Date 12/30/1988

STATE OFFICE REVIEW

P05, P03, P116 01G 46
P23
See below for additional information. By KW Date 1/12/89

ADDITIONAL INFORMATION

Pln overlap:
65-05250 different well for domestic & stockwater are in same tract. Application
shows irrigation of all 40 ac. in tract. (SENE)
Application also mentions irrigation via Emmett Irrigation District (Payette River).
Drilling permit has been issued - see
below!

Form 235-1
4/88

JAN 06 1989

Drilling Permit No. 65-89-W-001
Water Permit No.
Injection Permit No.

Department of Water Resources
State of Idaho
Department of Water Resources

RECEIVED

DEC 9 1988

DRILLING PERMIT

(Authorizing Construction of a Well)*

Department of Water Resources
Western Regional Office

1. Applicant Baxter Nurseries, Inc.

2. Address 2615 Pioneer Ave P.O. Box 789

Emmett, ID 83617 Telephone 365-6011

(x) Well Owner () Well Operator () Other, specify

3. Proposed well location NE NE 1/4 SE NE 1/4 OR SE NE 1/4 per phone conv with owner 11/4/88 Sec.

34, Twp. 7N, Rge. 2W, County Gem

Lot, block and subdivision

4. Proposed use of well: (Check all that apply)

() Domestic () Stockwater () Monitoring

(x) Irrigation () Industrial () Municipal

() Injection () Other, Specify

5. Well construction information:

(x) New well () Deepen () Replace

Proposed surface diameter 12 Inches Maximum depth 140 - 200 ft.

Anticipated bottom hole temperature:

(x) 85°F or less (Cold water well)

() 85°F to 212°F (Low temp. geothermal well)

() 212°F or more (Geothermal well)

6. Anticipated construction start date December '88 or January '89

7. Well Driller (if known) Bill Doty Drilling & Pump

Address 25497 Freezeout Rd. Caldwell, ID 83605

8. Applicant's signature W. H. B. B.

Title President

Date 10/31/88

MICROFILMED

JAN 23 1989

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

ACTION OF IDWR

Approved

() Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

MICROFILMED

Dated this 4th day of January, 1989.

JAN 23 1989

Signed

David R. Tuttle

Title

Western Region ManagerReceived by RL

Fee

\$100

Date

1/3/89

Receipt No.

W001843

Construction start extension to

Extension approved by

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

Boise, Idaho 83705
(208) 334-2190

NOVEMBER 23, 1988

Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 19, 1988.

Yours truly,

JUDY PENSE
Secretary

Encl.

NOT RECORDED
FILMED

JAN 23 1989

65-12921

BAXTER NURSERIES INC.
P.O. BOX 789
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: NENE Sec 34 T 07N R 02W

Use: IRRIGATION (1.600 CFS)

Date Filed: 10/31/1988

In: T07N R02W S34 NENE SENE

80.0 ACRES TOTAL

MICROFILMED

JAN 23 1989