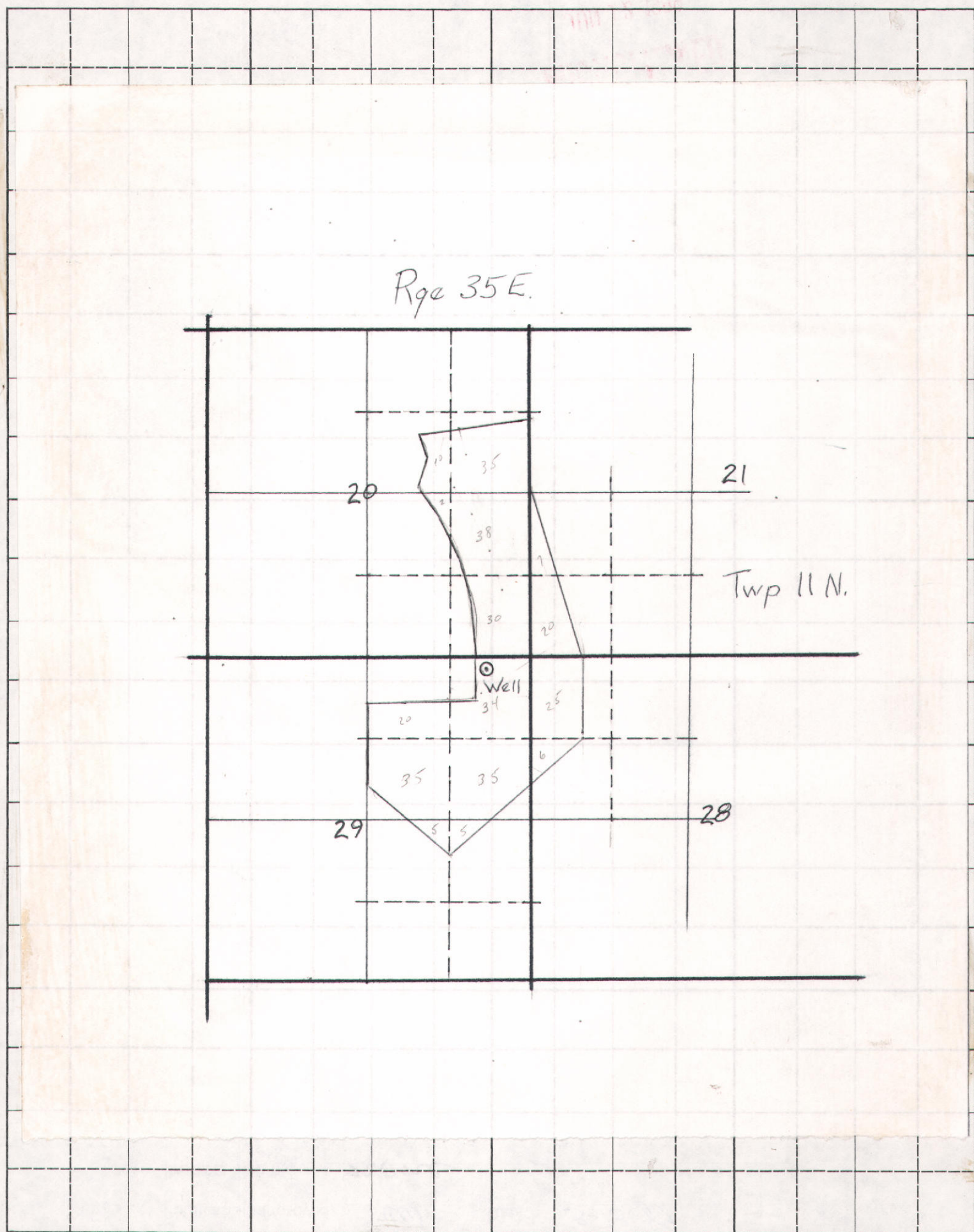


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MINOR: LIVED

JUN 12 1989

WHA 400 8m. by David A. Shugart Pres.
(Applicant)
BHA Inc.

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	31 7408	WAHOO INC. BHA INC.	GROUND WATER	11N35E20			10	35									38	2		30	115
Right	31 7408	WAHOO INC. BHA INC.	GROUND WATER	11N35E20			11	31									34	4.2		28	108.2

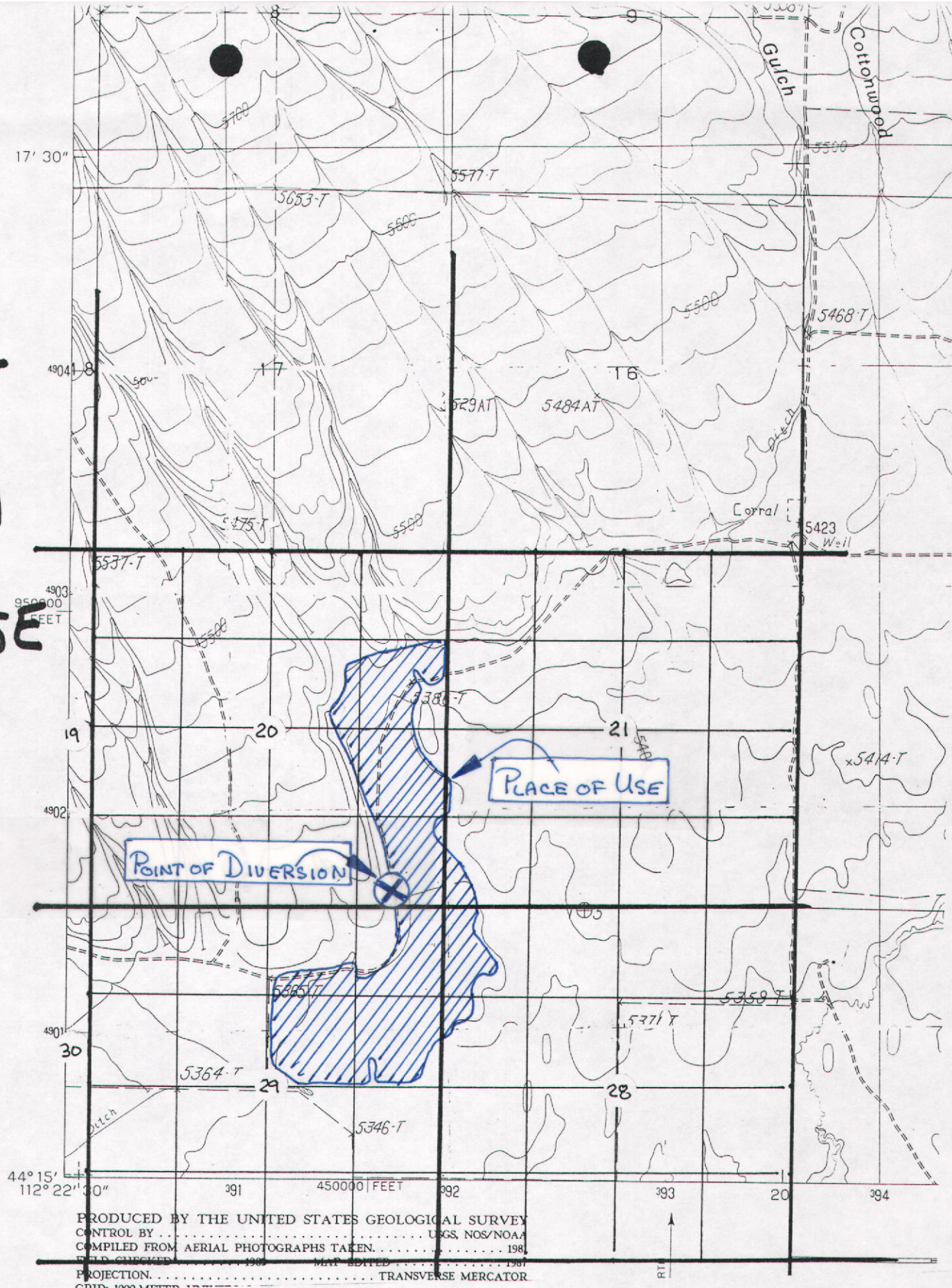
Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	31 7408	WAHOO INC. BHA INC.	GROUND WATER	11N35E21											7	20					27
Right	31 7408	WAHOO INC. BHA INC.	GROUND WATER	11N35E21											0.6	8.5					9.1

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NESE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	31 7408	WAHOO INC, BHA INC.	GROUND WATER	11N35E29	34	20	35	35							5			134
Right	31 7408	WAHOO INC, BHA INC.	GROUND WATER	11N35E29	31	16	34	38										119
Right	32 20	JOANNE SHENTON, H DEAN SHENTON,	MEDICINE LODGE CREEK	11N35E29						40			40			35	40	3 158
Right	32 21	H DEAN SHENTON, JOANNE SHENTON,	MEDICINE LODGE CREEK	11N35E29						40			40			35	40	3 158
Right	32 22	JOANNE SHENTON, H DEAN SHENTON,	MEDICINE LODGE CREEK	11N35E29						40			40			35	40	3 158
Right	32 23	H DEAN SHENTON, JOANNE SHENTON,	MEDICINE LODGE CREEK	11N35E29						40			40			35	40	3 158
Right	32 24	H DEAN SHENTON, JOANNE SHENTON,	MEDICINE LODGE CREEK	11N35E29						40			40			35	40	3 158
Right	32 51	H DEAN SHENTON, JOANNE SHENTON,	MEDICINE LODGE CREEK	11N35E29						40			40			35	40	3 158
Right	32 7097	MEDICINE LODGE GRAZING ASSN,	MEDICINE LODGE CREEK	11N35E29							40	40						80
Right	32 2054	JOHN CLARK, GRANVILLE GAUCHAY,	MEDICINE LODGE CREEK	11N35E29						15					34	30		79

R35E

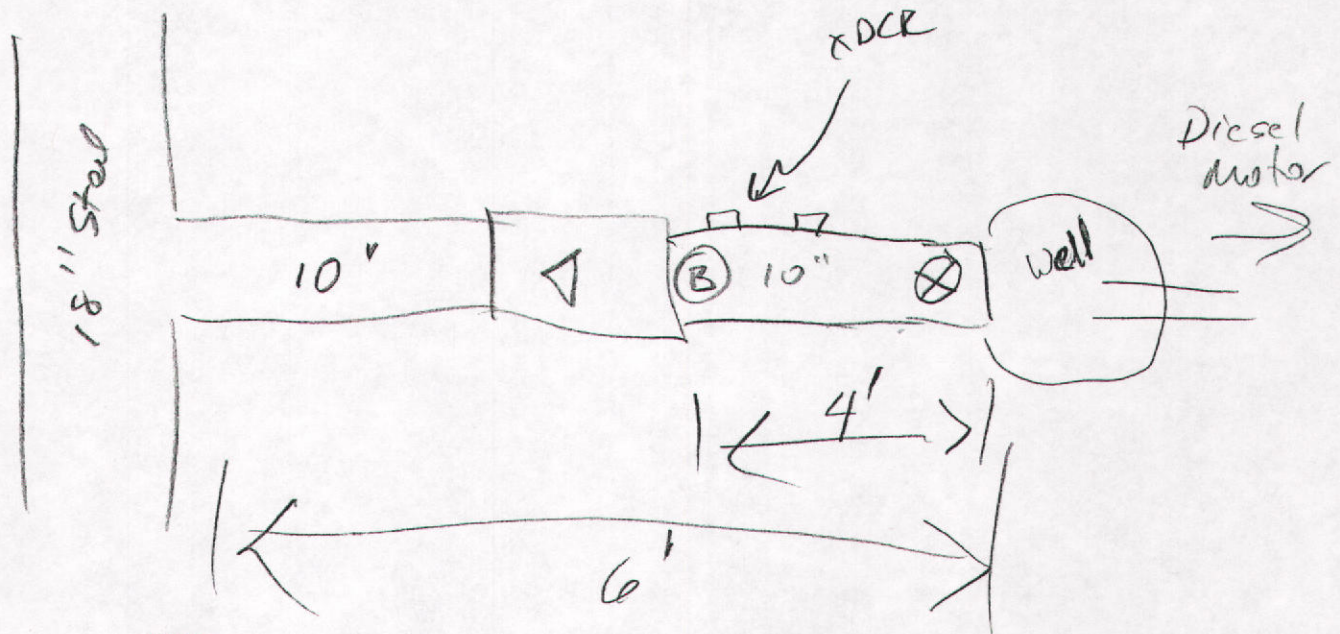


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AUG 26 2002

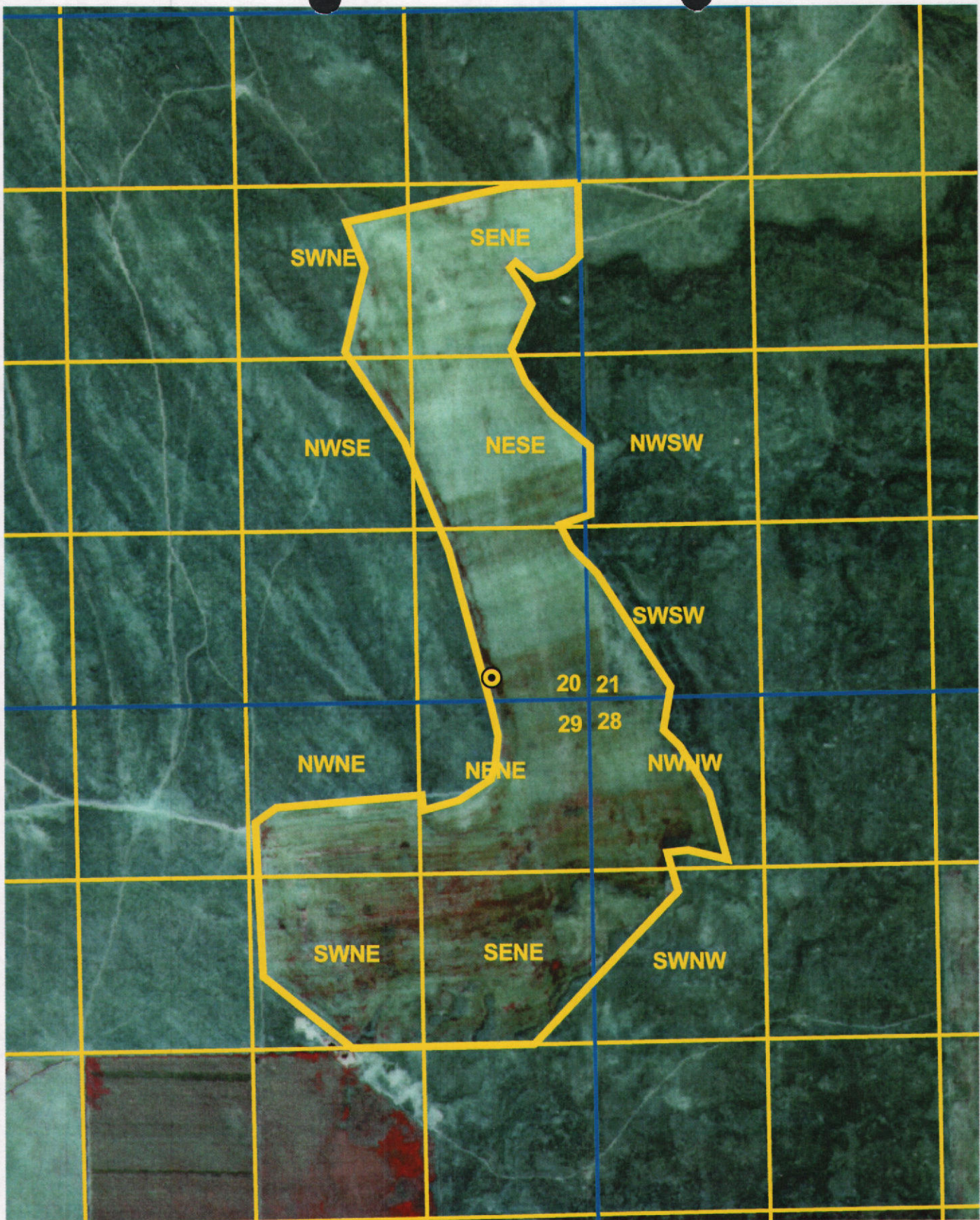
31-07408

PUMPING PLANT SKETCH

VALVE	=	
CHECK VALVE	=	
AIR VAC	=	
PRESS. RELIEF	=	
INDIVE/UPDIVE	=	
HOSE BIB	=	
PRESS. GAGE	=	
WELL ACCESS	=	



MICROFILMED
AUG 26 2002



31-07408

11N, 35E, SEC 20,21,28,29

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AUG 26 2002



31-07408

MICROFILMED
100 2 6 2002

11N, 35E, SEC 20,21,28,29

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *Steve McCormick*

APPLICATION NUMBER: **31 7408**

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No: _____
☐ Yes ☒ No Other rights on same place of use: _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: **3-6-89**
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW

- ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? **32-C**
6-16-1983 Date of priority recommended
Special conditions of approval or cover letter. **<0167**

*App. in TRUST area - see development
statements below.
allow 1 yr. for development*

By: **AWJ**

Date: **3-20-1989**

STATE OFFICE REVIEW:

P03, P05, P23, P16 46 OIG

☐ See attached sheet for more information.

By: **kw**

Date: **5/1/89**

RECEIVED

MAR 22 1989

Department of Water Resources

22-7001

RECEIVED

WELL DRILLER'S REPORT

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.

WELL OWNER

Name Green Ashcroft
Address Medicine Lodge
Owner's Permit No. Oberlin Lake

7. WATER LEVEL

Department of Water Resources
Eastern District Office

Static water level 215 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M. _____ Draw Down _____ Hours Pumped _____

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20	0	6	clay		
	6	68	clay + some gravel		
	68	94	clay		
	94	100	clay + some gravel		
	100	116	clay		
	116	120	sand		
	120	201	clay		
	201	222	black sandstone		
	222	226	red black clinters		
	226	234	red clinters + gray lava		
	234	248	gray lava		
	248	273	red + gray lava		
	273	306	gray hard lava		
	306	350	red brown hard lava		

PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type) _____
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 350 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
_____ inches	<u>20</u> inches	+ <u>1</u> feet	<u>233</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

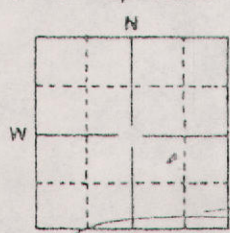
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 233 Material used in seal ☒ Cement grout
☐ Puddling clay ☐ Well cuttings
Sealing procedure used ☒ Sherry pit ☐ Temporary surface casing
☐ Overbore to seal depth

3. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name JUN 12 1989
Lot No. _____ Block No. _____

County C. PARK
NW 1/4 SE 1/4 Sec. 20, T. 10 N. R. 35 E.

10.

Work started Jun 14, 1978 finished April 18, 1979

11. DRILLERS CERTIFICATION

Firm Name Barrus Drilling Firm No. 23
Address Box 558 Basalt Date _____
Signed by (Firm Official) Mr. A. Barrus
and
(Operator) Herb Butler

This well did not produce water sufficient to pump for irrigation

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 31-07408

Priority: June 16, 1983

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 938.0 AF

It is hereby certified that WAHOO INC
3930 E 2000 N
SUGAR CITY ID 83448

And

BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 16, 1983; and have submitted Proof of Beneficial Use on May 21, 1991. An examination indicates that the works have a diversion capacity of 5.06 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
5.00 CFS

**ANNUAL
DIVERSION VOLUME**
938.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, Twp 11N, Rge 35E, B.M., CLARK 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	
11N 35E 20			11.0	31.0									34.0	4.2		28.0	108.2
11N 35E 21									6		8.5						9.1
11N 35E 28							24.0	7.7									31.7
11N 35E 29	31.0	16.0	34.0	38.0													119.0

Total Acres: 268

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED
AUG 26 2002

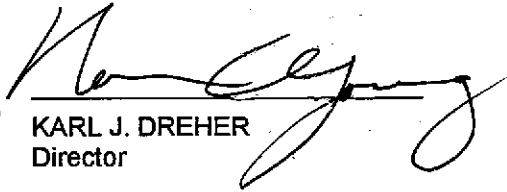
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 31-07408

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 15TH day of AUGUST, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
AUG 26 2002

RECEIVED

AUG 15 2002

Page 1

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 31-07408

Date of Priority: June 16, 1983

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 938.0 AF

Comes now WAHOO INC
3930 E 2000 N
SUGAR CITY ID 83448

And

BHA INC
2983 E 2000 N

SUGAR CITY ID 83448 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. 31-07408, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.00 CFS	938.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, Twp 11N, Rge 35E, B.M., CLARK 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	
11N 35E 20			11.0	31.0									34.0	4.2		28.0	108.2
11N 35E 21									.6	8.5							9.1
11N 35E 28					24.0	7.7											31.7
11N 35E 29	31.0	16.0	34.0	38.0													119.0

Total Acres: 268

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 12 day of Aug, 2002

Wahoo Inc.
by Grant Chiswick Inc.
(Signature)

MICROFILMED
AUG 26 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 31-07408

FOR DEPARTMENT USE ONLY
Preliminary check by kw Fee = \$50.00 Received by JM # 0063982 Date AUG 15 2002

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. 31-07408 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 15TH day of AUGUST, 2002.


KARL J. DREHER
Acting for Director

MICROFILMED
AUG 26 2002

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MAY 21 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 31-07408 Telephone No. 208-356-3178

2. Name(s) of Permit Holder(s): BHA Inc. & Wahoo Inc.

3. Post Office Address: 3930 E. 2000 N. Sugar City, ID. 83448

4. Source of Water: GROUND WATER

a. If ground water, well driller's name: LAMAR BARNES Date drilled: 1976

b. Pump horsepower: 300 Pressure (psi): 80 Dynamic pumping level (ft.): 400'

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 275 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 5 cfs 500 acre/feet #200

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? XYes No Installed? Yes No

8. Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

GRANT Ashcraft 208-356-3178
Name Telephone No.

3930 E. 2000 N. Sugar City, ID. 83448
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.

25 Apr. 91
Date

Grant Ashcraft Pres. JUL 01 1991
Signature (and title if on behalf of a company or organization)

RECEIVED
MAR 15 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by Jo
Date 3-9-90
Receipt # E012283

REQUEST FOR EXTENSION OF TIME

Department of Water Resources

To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 31-7408

Name(s) of Permit Holder: WPHOO & BHA Inc.

Post Office Address: 3930 E. 2000 N.

Telephone No. 356-3178

Date Proof is Due: 1 June 90

Describe what work has been completed toward the development of this water right: _____
(This must be filled out! If no work has been completed, show "none".)

well pump & sprinkler system

Costing \$ 100,000⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

ENTERING O/92 (set aside program type P.S.C.S.).
the 1990 irr season -

Permit holder(s) request an extension to 1 JUNE, 19____.
(1 yr. minimum)

Shant Cheraft.
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUBMITTED.

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

JUN 18 1990

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1991.

Signed this 7th day of June, 19 90.

J. Shw Saylor
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant WAHOO Inc. and BHA Inc. Phone 356-3178

Post office address Rt. 1, Sugar City, Idaho 83448

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 11N

Range 35E B.M. Clark County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 5.0 for Irrigation purposes from 4-1 to 11-1 (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:

a. 5.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

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

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 70 inches; proposed depth of well is 600 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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JUN 12 1989

CENTRO

10. Remarks	Each corporation owns $\frac{2}{3}$ undivided interest in the well
-------------	--

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

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

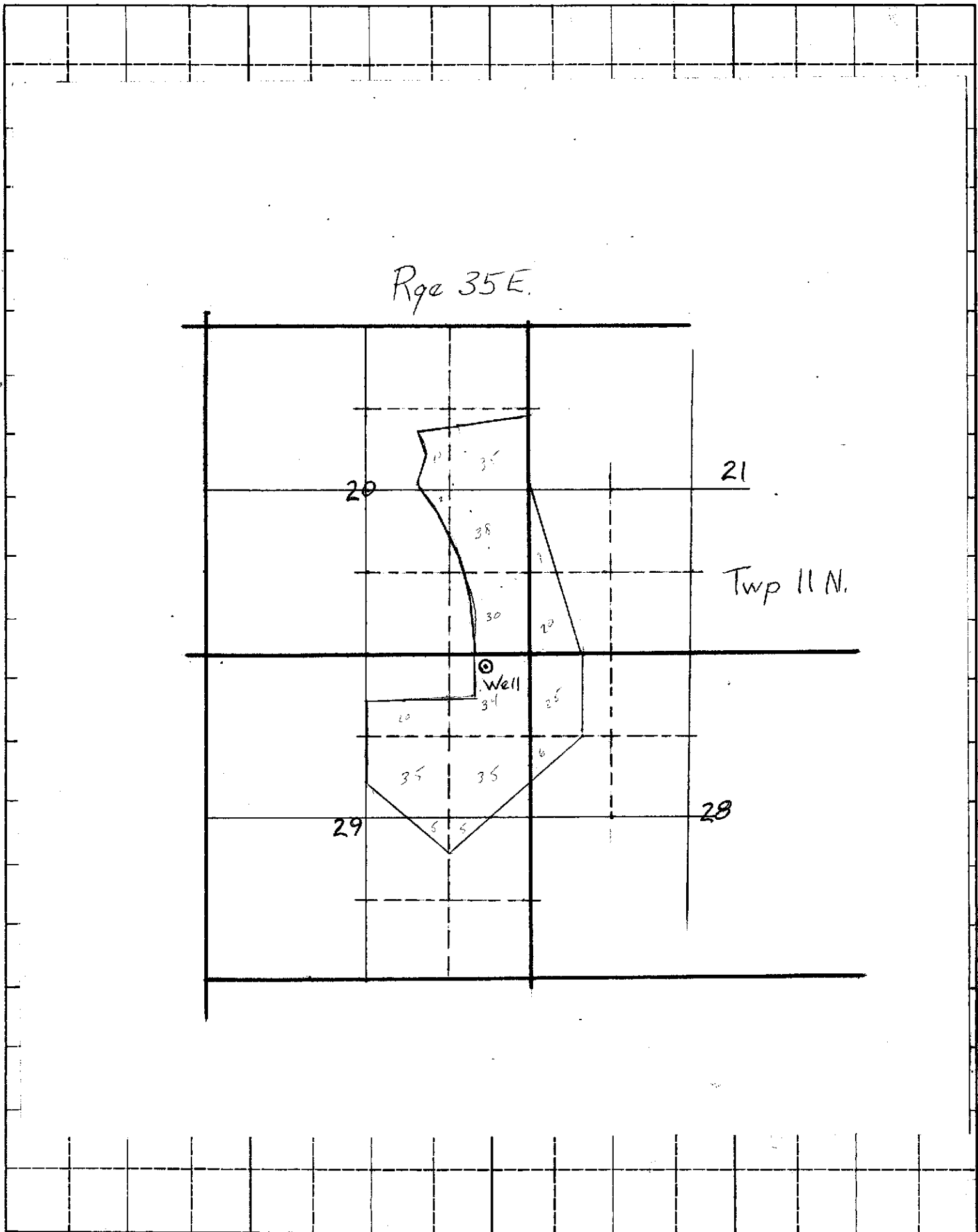
c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated

[illegible]

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

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



Scale: 2 inches equal 1 mile.

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

RECEIVED

JUN 12 1989

WMA 8008 by David Ashurst Pres.
(Applicant)
BHA Inc.

RECEIVED
JUN 12 1989

[Signature]

Witness my hand this 15th day of May, 1989.

- 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 June 1, 1990.
- 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. 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.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7408, and said application is hereby APPROVED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by *SNC* Date *6/16/83* Time *11:30*
Preliminary check by *SM* Fee \$ *125.00*
Received by *BSP* Date *6/16/83* # *30900*
Publication prepared by *CS* Date *2-8-89*
Published in *Post-Register*
Publication dates *2-16 & 2-23-89*
Publication approved *WJ* Date *3-13-89*
Protests filed by: *none*
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by *HWS*

Proof of Publication

The Post-Register

DEPT. OF WATER RESOURCES
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, Dick Hardy, first being duly sworn, depose and say: That I am the
..... Asst. Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for two consecutive weeks, first publication having been made
on the 16th day of February 19..89., last publication
having been made on the 23rd day of February 19..89., and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ... 27th ... day of ... February ..., 1989.

Dick Hardy
Robert K. Papier
Notary Public

My commission expires .. September 30, .., 19..94.

B10

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The Following application(s) have been
filed to appropriate the public waters of the
State of Idaho: 31-07408
BHA INC.
WAHOO INC.
RT. 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt: NENE Sec 29 T 11N R 35E
Use: IRRIGATION (5.000 CFS)
Date Filed: 6/16/1983
In: T11N R35E S20 SWNE SENE NESE
NWSE SESE
S21 NWSW SWSW
S28 NWNW SWNW
S29 NENE NWNE SWNE SENE NESE
NWSE
307.0 ACRES TOTAL
35-08692
HENDRICKSON, MARK B.
9788 ARCO HWY.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: NENE Sec 9 T 02N R 36E
Use: IRRIGATION (.070 CFS)
DOMESTIC (.040 CFS)
Date Filed: 2/01/1989
In: T02N R36E S09 NENE
2.5 ACRES TOTAL
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho

Code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402 on or before MARCH 6,
1989.

R. Keith Higginson, Director
Published: February 16, 23, 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16, 2002

WAHOO INC
3930 E 2000 N
SUGAR CITY ID 83448

BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

RE: License No. 31-7408 - Issuance of License

Dear Water Right Holder(s):

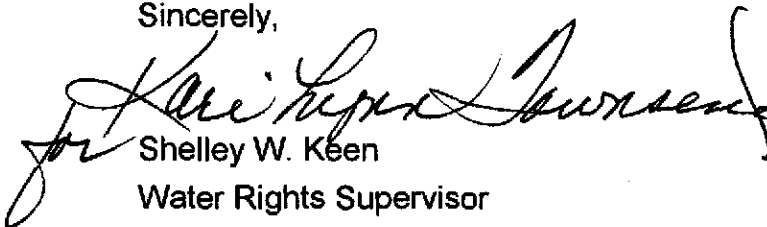
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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AUG 26 2002

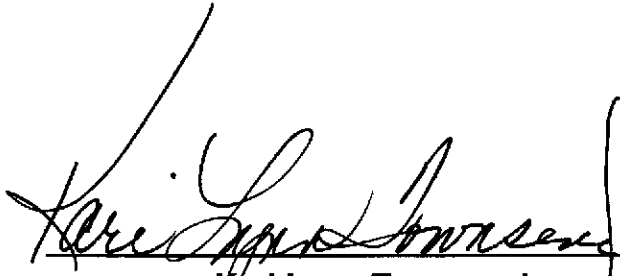
CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2002 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. 31-7408

**WAHOO INC
3930 E 2000 N
SUGAR CITY ID 83448**

**BHA INC
2983 E 2000 N
SUGAR CITY ID 83448**



**Kari Lynn Townsend
Secretary**

MICROFILM

AUG 26 2002

**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.

MICROFILMED
AUG 26 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 5, 2002

WAHOO INC
3930 E 2000 N
SUGAR CITY ID 83448

BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

RE: Water Right Permit No. 31-07408

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 the extent of development that 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 described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

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

✓ **Point of Diversion**

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

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED

AUG 26 2002

LICENSE REVIEW CHECKLIST

Permit No. 31-7408 Date: 8-2-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: Change

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

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

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

W36 (overlap)

W59 (subdivision description)

Place of Use OK

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): none

File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 5.0 cfs
5.0 Fee Limit 25.06 cfs
Measured 4.94 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 5.0 cfs

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 5.0 cfs 938.0 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 5.0 cfs 938.0 af

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

Supp. Gw (WB7/065/104)

Overlap spec combined rts (W35)

4 acre (W31)

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

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

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette (W22/047/27A)

Stockwater for US (R37)

Volume Determination

5.0 cfs x 1.9835 x 214 days = 2122.3 af (vs) 268 acres x 3.5 (FHR) = 938.0 af
2.5 (con)

Remarks: R63

Additional Conditions

☐ Watermaster Control
☐ GW Measurement/Measuring Device
☐ Other
☒ Trust R55 = remove 051)
☒ Non-trust (048)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

[illegible]

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	INWNE	SWNE	SENE	NENW	INWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total	
POTENTIAL FOR FLOODING IN THE SOUTHWEST CORNER OF THE TRACT																						27
														7	20							
														0.6	8.5						9.1	

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
1	34	31	18	34	35	35	35														134
2	35	32	19	35	36	36	36														135
3	36	33	20	36	37	37	37														136
4	37	34	21	37	38	38	38														137
5	38	35	22	38	39	39	39														138
6	39	36	23	39	40	40	40														139
7	40	37	24	40	41	41	41														140
8	41	38	25	41	42	42	42														141
9	42	39	26	42	43	43	43														142
10	43	40	27	43	44	44	44														143
11	44	41	28	44	45	45	45														144
12	45	42	29	45	46	46	46														145
13	46	43	30	46	47	47	47														146
14	47	44	31	47	48	48	48														147
15	48	45	32	48	49	49	49														148
16	49	46	33	49	50	50	50														149
17	50	47	34	50	51	51	51														150
18	51	48	35	51	52	52	52														151
19	52	49	36	52	53	53	53														152
20	53	50	37	53	54	54	54														153
21	54	51	38	54	55	55	55														154
22	55	52	39	55	56	56	56														155
23	56	53	40	56	57	57	57														156
24	57	54	41	57	58	58	58														157
25	58	55	42	58	59	59	59														158
26	59	56	43	59	60	60	60														159
27	60	57	44	60	61	61	61														160
28	61	58	45	61	62	62	62														161
29	62	59	46	62	63	63	63														162
30	63	60	47	63	64	64	64														163
31	64	61	48	64	65	65	65														164
32	65	62	49	65	66	66	66														165
33	66	63	50																		166
34	67	64	51																		167
35	68	65	52																		168
36	69	66	53																		169
37	70	67	54																		170
38	71	68	55																		171
39	72	69	56																		172
40	73	70	57																		173
41	74	71	58																		174
42	75	72	59																		175
43	76	73	60																		176
44	77	74	61																		177
45	78	75	62																		178
46	79	76	63																		179
47	80	77	64																		180
48	81	78	65																		181
49	82	79	66																		182
50	83	80	67																		183
51	84	81	68																		184
52	85	82	69																		185
53	86	83	70																		186
54	87	84	71																		187
55	88	85	72																		188
56	89	86	73																		189
57	90	87	74																		190
58	91	88	75																		191
59	92	89	76																		192
60	93	90	77																		193
61	94	91	78																		194
62	95	92	79																		195
63	96	93	80																		196
64	97	94	81																		197
65	98	95	82																		198
66	99	96	83																		199
67	100	97	84																		200

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 28 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 31-74081. Owner: Wahoo Inc. and BHA Inc. Phone No. (208) 356-3178
3930 E. 2000 N.
Current Address: Sugar City Idaho 834482. Accompanied by: Grant Ashcraft EXAM DATE: 7/27/99Address: Rt 1 Sugar City Idaho 83448 Phone No. (208) 356-3178Relationship to Permit Holder: Owner3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	20	11N	35E	Clark	USGS / GPS / Area Photo

2. Place(s) of Use:

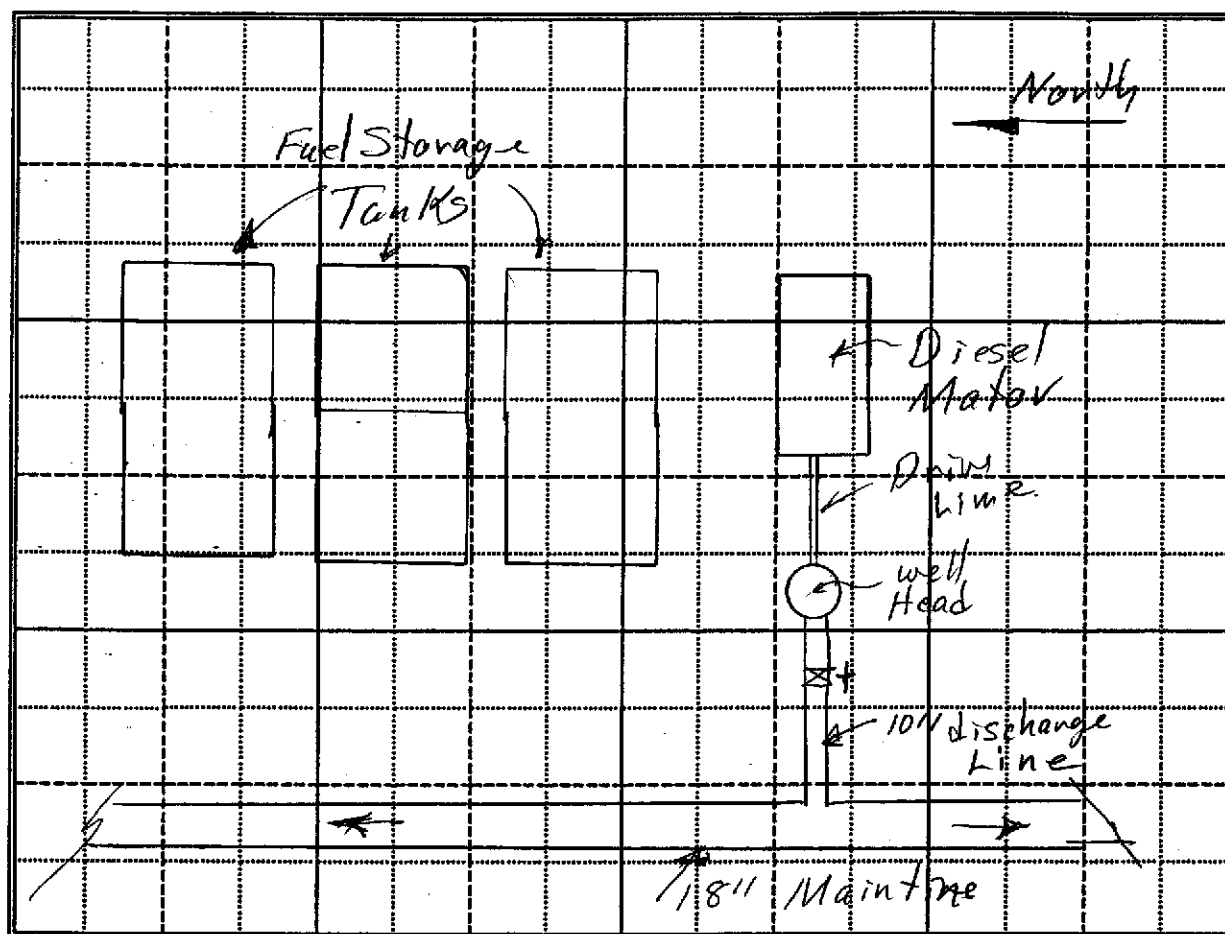
Indicate Method of Determination ArcView

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	20			11.	31.									34.0	4.2		28	108.2
		21									0.6	8.5							9.1
		28						24.	7.7										31.7
		29	31	160	34	38													119
																			268.

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AUG 26 2002

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



Scale: 1" = _____

____ 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
	Volvo	275	1101004552	Johnston	

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: POLY SONIC METER

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AUG 26 2002

E. NARRATIVE/REMARKS/COMMENTS

GPS point for Well location R072719A

Well Identification in measurement District

#A0005802

The well is pumped with a 275 Hp engine, supplying water through a 10" pump discharge line to a 18" main line. The mainline running North and south feeds East and West lat. A circle covers most of the parcel except for some hand lines covering the SE of the N'E. See aerial photo arrangement

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

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AUG 26 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

A Ten min average with a pole sonic was 2218 gpm
 $(2218 \text{ gpm}) \left(\frac{1 \text{ cfs}}{448.8 \text{ gpm}} \right) = 4.94 \text{ cfs}$

Maximum Diversion Rate = 2273 gpm = 5.06 cfs $Q_{\text{limited by Permit}} = 5.00 \text{ cfs}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{LR}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 268 (3.5) = 938.0$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5 \text{ cfs} (214) (1.9835) = 2122.3$$

$$V = \text{Smaller of } V_{\text{LR}} \text{ and } V_{\text{D.R.}} = 938.0 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	10/31	5.0 cfs	938
Totals:			5.0 cfs	938

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

I. AUTHENTICATION

Field Examiner's Name

Keith C. Wilson 6-9-2000

Date

7/28/99

Reviewer

DAVE CARLSON

Date

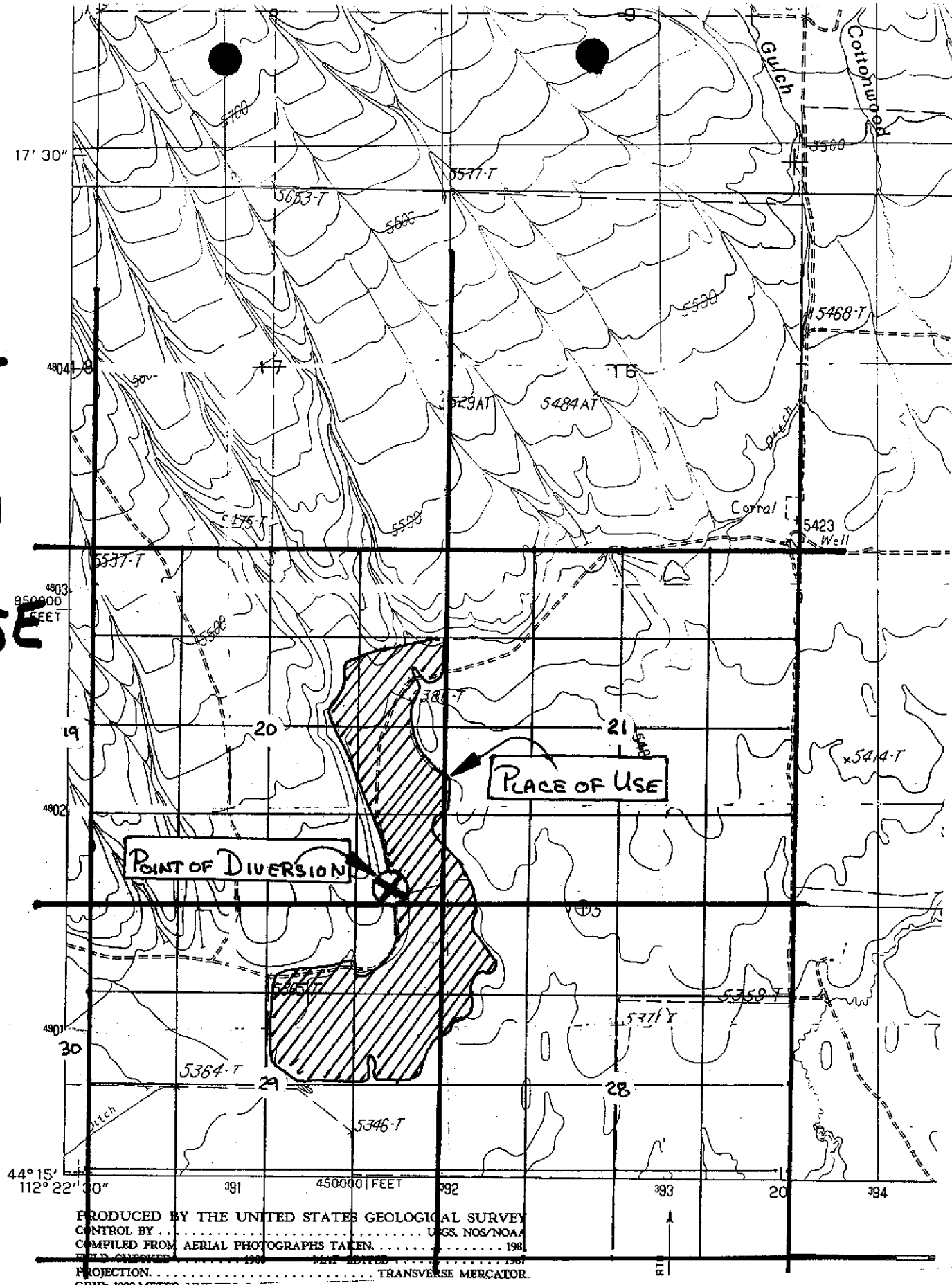
1/22/2002

SEAL

MICROFILMED

AUG 26 2002

TIN
R35E

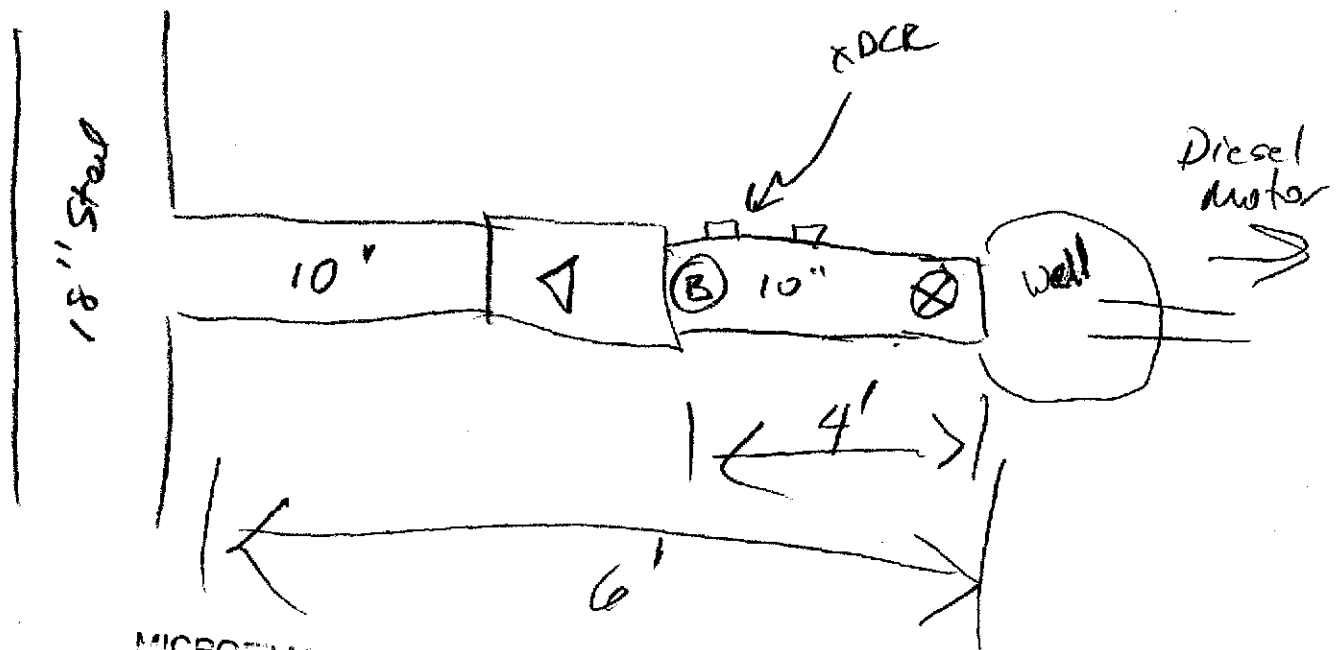


MICROFILMED
JUN 26 2002

31-07408

PUMPING PLANT SKETCH

VALVE	=	⊗
CHECK VALVE	=	▷
AIR VAC	=	⊗
PRESS. RELIEF	=	Ⓟ
INDIVE/UPDIVE	=	==
HOSE BIB	=	Ⓟ
PRESS. GAGE	=	Ⓟ
WELL ACCESS	=	Ⓟ



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JUN 26 2002

TRANSMIT USE
? YES
MODE SELECT
INPUT
OUTER DIAMETER
10.0201 IN
PIPE MATERIAL
? CS,SS
WALL THICKNESS
0.1071 IN
INNER LINING
? NO LING.
KIND OF FLUID
? ANOTHER
SOUND VELOCITY
1460 M/S-
SENSOR MOUNTING
? U
TYPE OF SENSOR
? SMALL
DATA CHANGE
? NO
SPACING
7.400 IN
07-27 13:2600 *R
+ 1.799E 3GPM
ZERO MODE
CLEAR
ZERO MODE
AUT ZERO
ZERO MODE
ZERO OPR
07-27 13:2800 *R
+ 1.981E 3GPM
07-27 13:2800 *R
+ 1.931E 3GPM
07-27 13:2800 *R
+ 1.886E 3GPM
07-27 13:2800 *R
+ 1.999E 3GPM
07-27 13:3000 *R
+ 1.936E 3GPM
07-27 13:3000 *R
+ 1.936E 3GPM

14:05+ 2.298E 3GPM 00R
+00000 *10 G 00H
-00000 *10 G 00H
+003.00% AI2 00R
14:06+ 2.285E 3GPM 00R
+00221 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00R
14:07+ 2.226E 3GPM 00R
+00444 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00H
07-27 14:0700 *R
+ 2.273E 3GPM
07-27 14:0700 *R
+ 2.196E 3GPM
14:08+ 2.257E 3GPM 00H
+00666 *10 G 00H
-00000 *10 G 00H
+003.00% AI2 00R
07-27 14:0800 *R
+ 2.213E 3GPM
14:09+ 2.253E 3GPM 00H
+00887 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00R
14:10+ 2.226E 3GPM 00R
+01109 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00R
14:11+ 2.196E 3GPM 00R
+01329 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00R
14:12+ 2.215E 3GPM 00R
+01553 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00R
14:13+ 2.300E 3GPM 00R
+01774 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00R
14:14+ 2.224E 3GPM 00H
+01996 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00H
14:15+ 2.146E 3GPM 00R
+02218 *10 G 00R
-00000 *10 G 00R
+003.00% AI2 00H
07-27 14:1500 *R
+ 2.146E 3GPM

Max.
Flow

10 min Average flow

31-07408

MICROFILMED

UG 2 6 2002

INTES UNIT
*10 G

MICROFILMED
AUG 26 2002

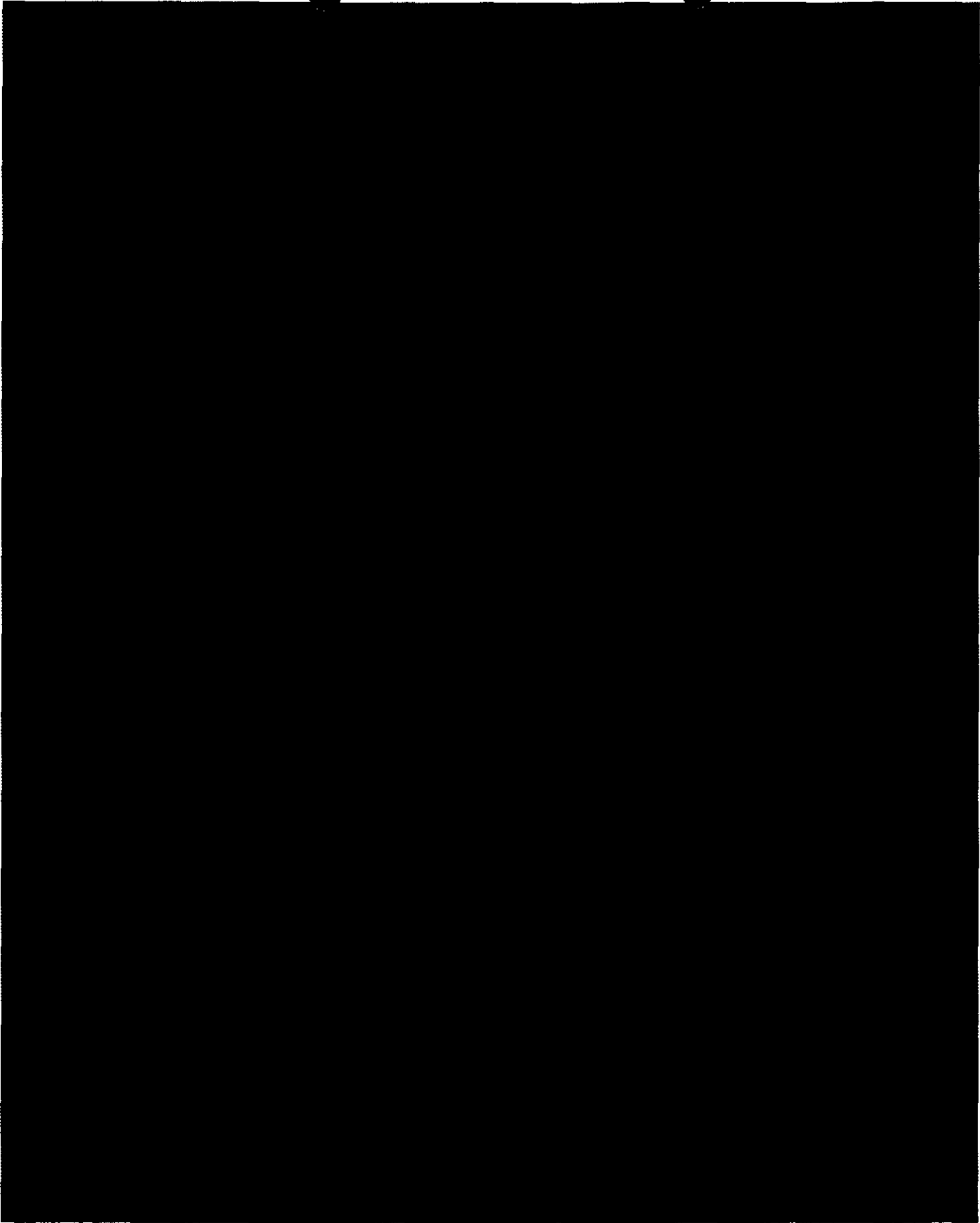
MEASUREMENT TAPE

31-07408

11N, 35E, SEC 20,21,28,29

MICROFILMED

AUG 26 2002



31-07408
MICROFILMED
100 2 6 2002

11N, 35E, SEC 20,21,28,29



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

May 24, 1991

BHA INC.
WAHOO INC.
RT. 1
SUGAR CITY, ID 83448

Copy

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 31-07408

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port 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 flow measurement port 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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JUL 01 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 31-7408

Date 5-28-91

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
NA Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- Yes Required?
200.00 Amount submitted?
Yes Correct amount?

MEASURING DEVICE

- Yes Measuring device or access port required?
No Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs flow meas.

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

LB

138259
March 31, 1991

BHA INC.
WAHOO INC.
RT. 1
SUGAR CITY, ID 83448

PROOF DUE NOTICE

RE: PERMIT NO. 31-07408

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 June 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

MICROFILMED

JUL 01 1991

June 14, 1990

Wahoo and BHA, Inc.
1930 E. 2000 N.
Sugar City, ID 83448

Gentlemen:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to June 1, 1991.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

JUN 18 1990

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 31-7408

Reviewed by [Signature]

Date 6-6-90

BASIC INFORMATION

y Date stamp received
y Extension received timely (not too early not too late)
y Fee received and receipted
y Name and signature same as permit
y Address change

BASIS FOR EXTENSION REQUEST

y Has adequate work been completed to demonstrate due diligence?
y Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN - Recommend approval based on due diligence for one year

[Signature] Reinstate Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

_____ Change proof due date _____ Address change
 _____ Priority date change



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED
MAY 23 1990

May 14, 1990

Department of Water Resources

WAHOO and BHA Inc.
3930 E. 2000 N.
Sugar City, ID 83448

Gentlemen:

Re: Permit No. 31-7408

The department received the request for extension of time form submitted to this office on March 15, 1990. Before the department takes action on the request, more information is needed. Please answer the following questions:

1. Has water been diverted and beneficially used for irrigation on this 307 acres prior to the land being placed in the set-aside program?

YES

2. How long will the land be in the set-aside program?

one year program.

If you have any questions, contact this office.

Sincerely,

RTTA I. FLECK
Secretary/Records Manager

Sincerely,
Keith Higginson

MICROFILMED

JUN 18 1990

May 14, 1990

WAHOO and BHA Inc.
3930 E. 2000 N.
Sugar City, ID 83448

Gentlemen:

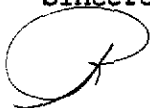
Re: Permit No. 31-7408

The department received the request for extension of time form submitted to this office on March 15, 1990. Before the department takes action on the request, more information is needed. Please answer the following questions:

1. Has water been diverted and beneficially used for irrigation on this 307 acres prior to the land being placed in the set-aside program?
2. How long will the land be in the set-aside program?

If you have any questions, contact this office.

Sincerely,



RITA I. FLECK
Secretary/Records Manager

MICROFILMED

JUN 18 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
May 16, 1989

BHA INC.
WAHOO INC.
RT. 1
SUGAR CITY, ID 83448

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

RE: PERMIT NO. 31-07408

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.

Microfilm

JUN 12 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 Right Permits Section

GS: SC
Enclosures

RECEIVED

JUN 12 1989

MEMORANDUM

TO: File No. 31-7408
FROM: Gary Spackman *Gary*
DATE: May 15, 1989
RE: Need for additional information under Rule 4,5. of the Water Appropriation Rules & Regulations

I have reviewed application for permit no. 31-7408. The application, as submitted, does not contain the information that is required under Rule 4,5. of the Water Appropriation Rules and Regulations. According to the application, development was complete in 1978 approximately 10 years ago.

After my review, however, I have concluded that much of the information required under Rule 4,5. of the Water Appropriation Rules and Regulations will be of little use to the department at the present time. For instance, I believe the purpose of a plat showing the proposed well and any other wells within 1/2 mile radius is to force the applicant to evaluate the effect of his well on other existing rights prior to expending large sums of money. With a well that is already developed, and in place for a long period of time, potential conflicts should probably already have surfaced.

The same reasoning applies submittal of design, construction or operation techniques to protect other users, sufficiency of water supply, financial resources to construct the project, and comments from local government and private interested parties. The length of time that the development has been complete is enough to have raised the issues that we are seeking to address.

As a result, I am not requesting any additional information from the applicant, and propose that the application be approved.

Microfilm

JUN 12 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: *Steve McCormick*

APPLICATION NUMBER: **31 7408**

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or area irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Plotted by: _____ Map No: _____
☐ Yes ☒ No Other rights on same place or use _____
☒ Yes ☐ No In form for advertising.
Final date for protests: **3-6-89**
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? **32-C**
6-16-1983 Date of priority recommended
Special conditions of approval or cover letter: **<0167**

*App. in TRUST area - see development statements below.
allow 1 yr. for development*

By: *HWT*
STATE OFFICE REVIEW:

Date: **3-20-1989**

P03, P05, P23, P16

46 OIG

RECEIVED

MAR 22 1989

See attached sheet for more information.

By: *kw*

Date: **5/1/89**

Department of Water Resources

MEMORANDUM

TO: FILE/APPLICATION NO.

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 11-27-89

=====

This application was among those applications reviewed in the regional offices last year and recommended for out of sequence processing. This application includes a statement and sufficient supporting evidence concerning development of the project prior to October 1, 1984.

The department's Policy and Implementation Plan for Processing Water Rights in the Swan Falls Area provides for applications to be processed out of sequence if the development was completed prior to October 1, 1984 and the application filed prior to July 1, 1985. These filings are not required to be processed in sequence with other trust water filings because the effect of these filings have already occurred and because, due to subordination, the filings are not taking water held in trust. These filings are not subject to the staged development policy and public interest criteria of Section 42-203C, Idaho Code.

February 13, 1989

Wahoo, Inc. & BHA, Inc.
Rt. 1
Sugar City, ID 83448

Application for Permit No. 31-07408

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 31-07408. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Post-Register. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 8, 1989

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 6, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

JUN 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

JUN 12 1989

31-07408

BHA INC.
WAHOO INC.
RT. 1
SUGAR CITY, ID 83448

Source: GROUNDWATER

Diversion Pt: NENE Sec 29 T 11N R 35E

Use: IRRIGATION (5.000 CFS)

Date Filed: 6/16/1983

In: T11N R35E S20	SWNE	SENE	NESE	NWSE
	SESE			
S21	NWSW	SWSW		
S28	NWNW	SWNW		
S29	NENE	NWNE	SWNE	SENE
	NESE	NWSE		

307.0 ACRES TOTAL

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

31-07408

BHA INC.
WAHOO INC.
RT. 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt: NENE Sec 29 T 11N R 35E
Use: IRRIGATION (5.000 CFS)
Date Filed: 6/16/1983
In: T11N R35E S20 SWNE SENE NESE
NWSE SESE
S21 NWSW SWSW
S28 NWNW SWNW
S29 NENE NWNE SWNE SENE NESE
NWSE
307.0 ACRES TOTAL

MICROFILMED

JUN 12 1983

the permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 6, 1989.

R. Keith Higginson, Director

Published 2/16/1989 & 2/23/1989

UNRECORDED

JUN 12 1989

January 18, 1989

WAHOO, INC. & BHA, INC.
RT. 1
SUGAR CITY, ID 83448

RE: APPLICATION FOR PERMIT NO. 31-7408

Dear Applicant:

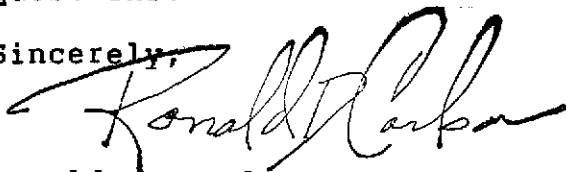
The department is now beginning the processing of applications which have been held as a result of the Swan Falls controversy. In connection with this processing, the department requests the information described below.

From the department's review of the above referenced water right application, it appears the application is only subject to the usual water right processing described in Section 42-203A, Idaho Code, and is not subject to the public interest criteria processing required of some applications in the Swan Falls settlement.

The department asks that you advise us within 15 days of this letter if you no longer have a continued interest in developing a water right as proposed by the application. If you do not respond in this time period, the department will proceed with the usual processing of the application including advertisement.

Please feel free to contact the department if you have questions.

Sincerely,



Ronald D. Carlson
Eastern Regional Manager

RDC/rb

MICROFILMED

JUN 12 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUN 25 1985

Department of Water Resources
Eastern District Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 31-7408

Name(s) of Permit Holder: WAHOO Inc and BHA Inc.

R

Post Office Address: Rte 1, Sugar City ID 83448

Telephone No. 356-3178

Source of Water: groundwater.

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 307 _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: _____

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

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☒ No

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

Gran + Ashcraft.

(Name)

(Address)

356-3178

(Telephone Number)

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

25 June 85
Date

Gran + Ashcraft, Pres.
Signature of Permit Holder/(and Title, if appropriate)

JUN 12 1989

Statement of development for exemption
from Swan Falls processing. Not acceptable
as proof of beneficial use.

MICROFILMED

The application is for development already
in place as of April 1, 1978. The application
(month, year)
is being made to insure that the benefits of
subordination per the Swan Falls Agreement
are obtained. The applicant intends to claim
the priority of April 1, 1978 if a basin
(month, day, year)
wide adjudication occurs at a later date.

*THIS REMARK SHOULD GO ON APPLICATION
MR ASHCRAFT GAVE PERMISSION TO PUT IT ON
S.M. 6-25-81*

MICROFILMED

JUN 12 1989

AFFIDAVIT

State of Idaho
County of

being first duly sworn,

deposes and says: The well under the above referenced permit located in the NENE, Sec. 29, T. 11N, R. 35E in Clark County was finished in April 1978. The land was irrigated during the irrigation season of 1978. The land is located in Sec. 20, 21, 28 and 29, T. 11N, R. 35E as outlined in Application 31-7408.

(Signature)

Subscribed and sworn to before me this 25 day of June, 1985

(Notary Public)

MICROFILMED

Residing at Delano Falls
My Commission Expires March 20, 1988

JUN 12 1989

22-700

WELL DRILLER'S REPORT

RECEIVED

State law requires that this report be filed with the Director, Department of Water Resources within 30 1978
days after the completion or abandonment of the well.

WELL OWNER

Name Green Ashcraft
Address Madeline Lodge
Owner's Permit No. Oberlin, Ida

7. WATER LEVEL

Department of Water Resources
Eastern District Office

Static water level 215 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
<u>None</u>	<u>DP</u>	

PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 350 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
inches <u>2 1/2</u>	inches <u>1</u>	feet <u>233</u>	feet <u>233</u>
inches _____	inches _____	feet _____	feet _____
inches _____	inches _____	feet _____	feet _____
inches _____	inches _____	feet _____	feet _____
inches _____	inches _____	feet _____	feet _____

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
perforations _____	feet _____	feet _____
perforations _____	feet _____	feet _____
perforations _____	feet _____	feet _____

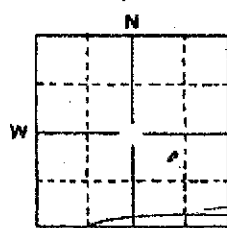
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 233 Material used in seal ☒ Cement grout
☐ Puddling clay ☐ Well cuttings
Sealing procedure used ☒ Slurry pit ☐ Temporary surface casing
☐ Overbore to seal depth

9. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name JUN 12 1989
Lot No. _____ Block No. _____

County C. PARK
NW 1/4 Sec. 20 T. 10 N. R. 35 E. W.

10.

Work started Jan 14, 1978 finished April 18, 1978

11. DRILLERS CERTIFICATION

Firm Name Barrus Drilling Firm No. 23
Address Box 558 Buhl, Idaho
Signed by (Firm Official) Tom Barrus
and
(Operator) Herb Barrus

*This well did not
produce water
sufficient to pump
for irrigation*

31-7408-

WAHOO INC.
BHA INC.

RT. 1, SUGAR CITY, ID 83448

Source: GROUNDWATER

Date Filed: 06/16/1983

Diversion Pt: NENE Sec 29 T 11N R 35E

Use: IRRIGATION (5.00 CFS)

In: SWNE SENE NESE NWSE SESE Sec 20 T 11N R 35E NWSW SWSW Sec 21 T 11N R 35E
NNNW SWNW Sec 28 T 11N R 35E NENE NWNE SWNE SENE NESE NWSE
Sec 29 T 11N R 35E FOR 307 ACRES

MICROFILMED

JUN 12 1989