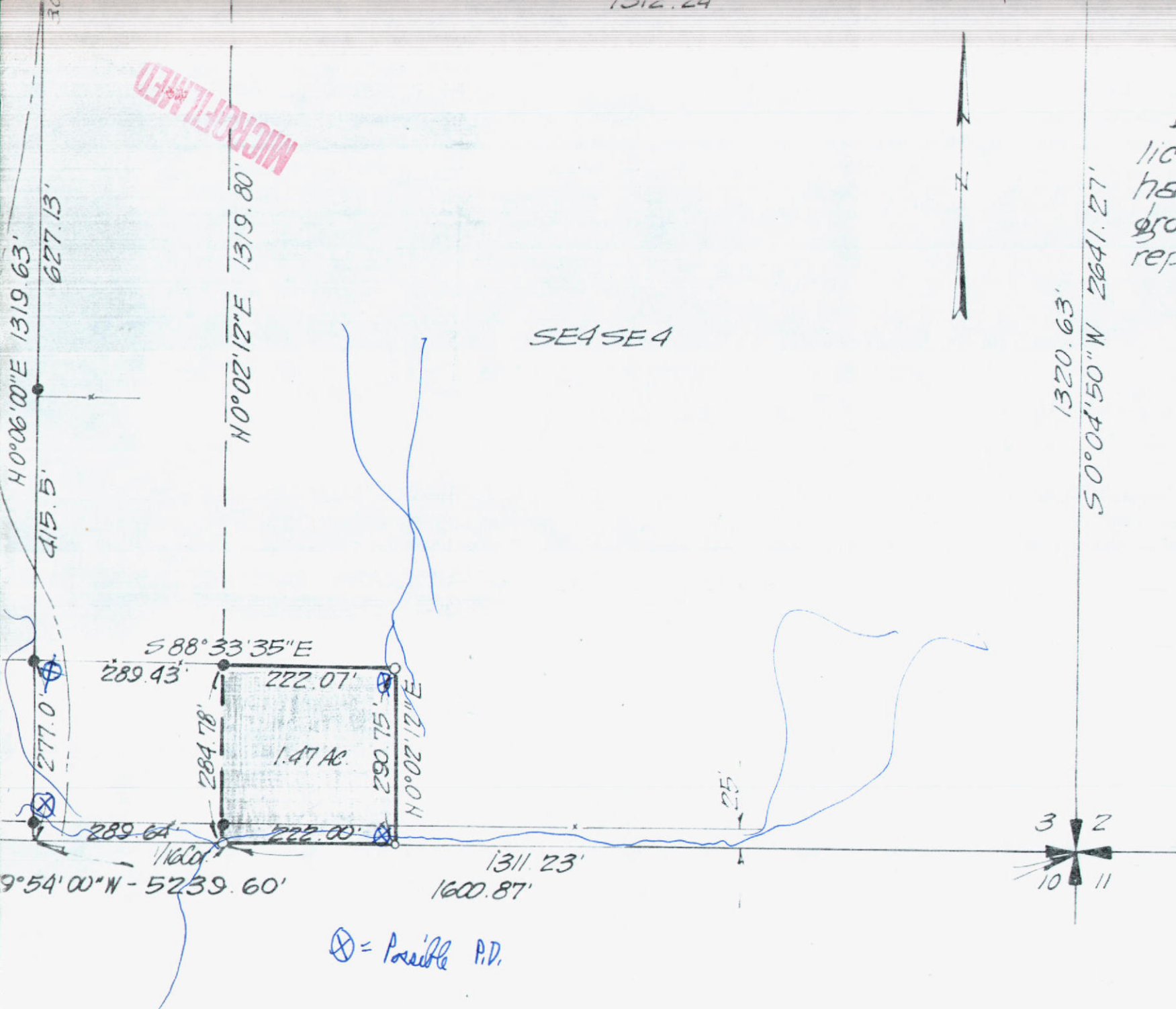


CERTIFICATE OF SURVEYOR

I do hereby certify that I am a land surveyor licensed by the State of Idaho and this map has been prepared from a survey made on the ground under my supervision, and is an accurate representation of said survey.



- LEGEND
- - P.K. Nail Set
 - - 1/2" Rebar w/ Cap Set
 - - 1/2" Rebar Fd
 - ⊗ - Hwy R/W Monument

PROPERTY SURVEY
FOR
DON BLACK
Part SE4 SE4 Sec. 3 T. 9 S. R. 1 E.

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 15th day of July

1982 and the date of the last publication was on the 22nd

day of July, 1982

L. L. Langdon

Subscribed and sworn to before me this 3rd

day of August, 1982

(SEAL)

Darla Brott

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13

Number of Lines in Notice 34

Number of Insertions 2

Lines tabular at 4c / Pica

Lines straight at 13.26 3c / Pica

Subsequent lines at 8.84 2c / Pica

TOTAL COST 22.10

COPY OF NOTICE

(Paste Here)

#36-8095-Black
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

36-8095

BLACK, DONNIE K., 518 BUCHANAN, TWIN FALLS, ID 83301

Source: WASTE WATER tributary to NORTH SIDE CANAL SYSTEM

Date Filed: 06/29/1982

Amount: 0.05 CFS

Diversion Point: SESE SWSE Sec 03 T 09S R 17E, JEROME Co.

Use: IRRIGATION (0.05 CFS) from 04/01 to 10/01

Place of Use: SESE Sec 03 T 09S R 17E FOR 1.5 ACRES

Diversion Means: POND, PUMP

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST 2, 1982.

A. KENNETH DUNN

Director

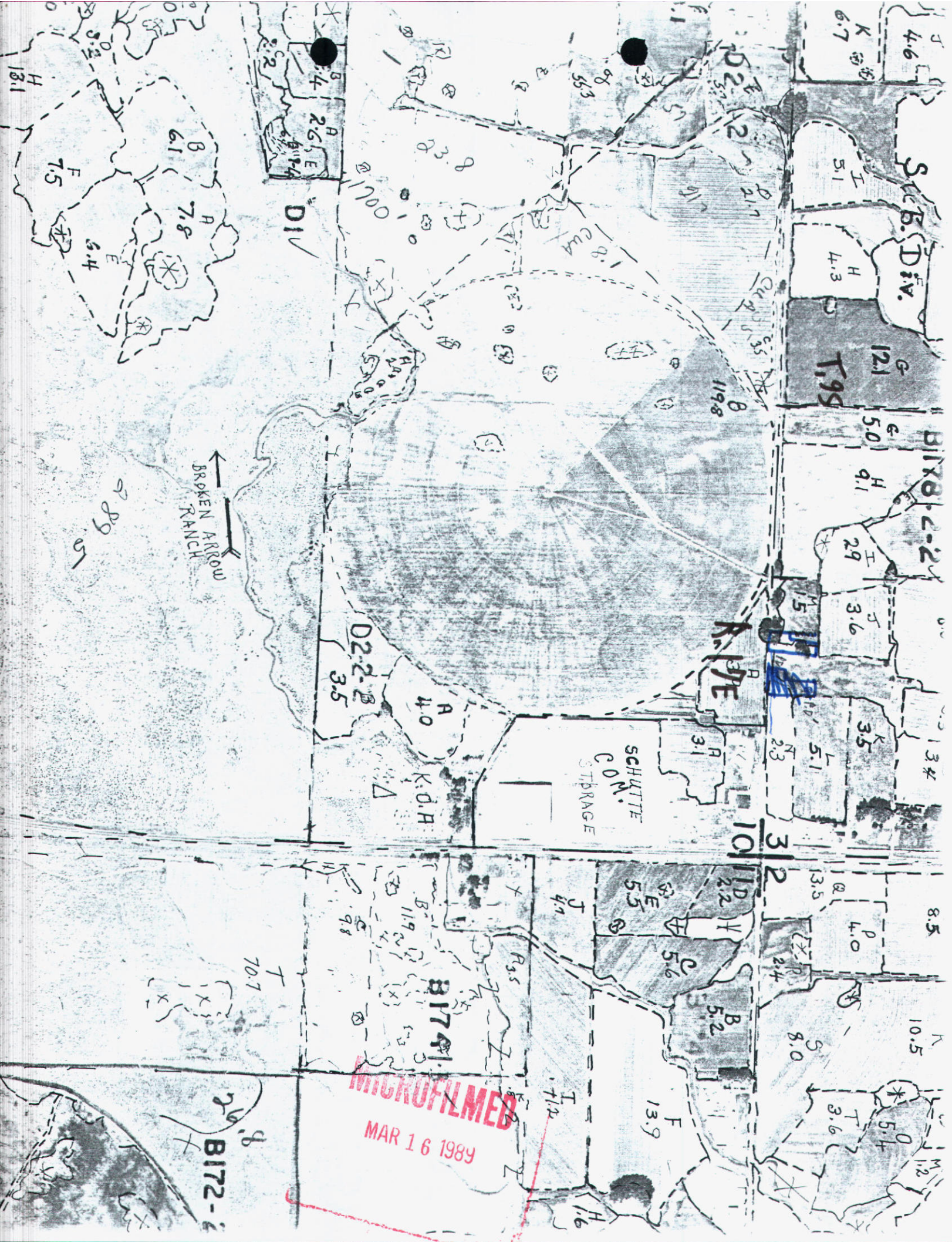
7-15-2tc

insertions 2c / Pica

RECEIVED

No **783**
AUG 4 1982

Department of Water Resources
Twin Falls District Office



check dam in ditch to pond

Peabody Barnes 1 hp motor # 782 Model 210H-1/72884

(Rainbird 161D $\frac{9}{64}$ " at 30 psi = 3.2 gpm

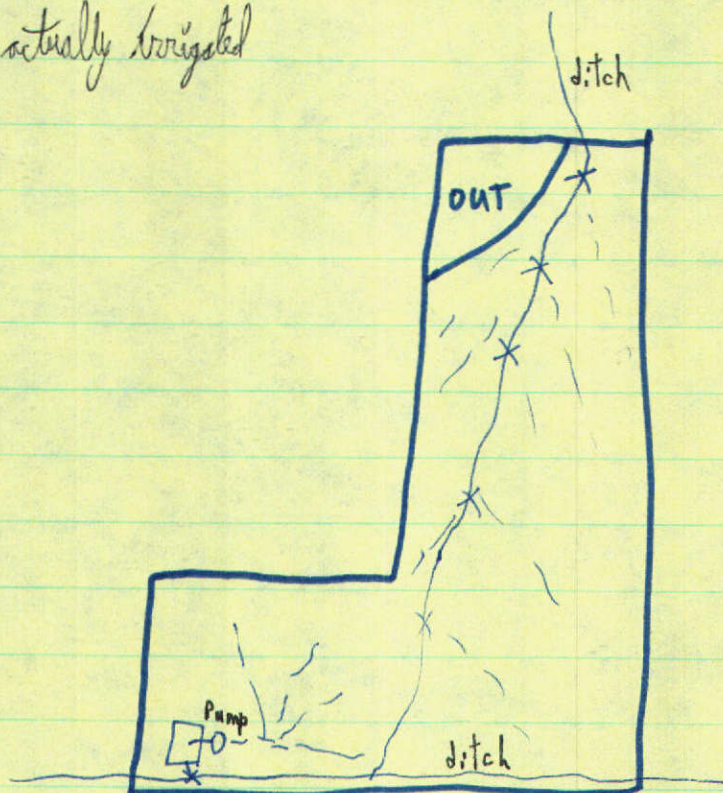
" 25 " " = 3.1 gpm

lawn sprinkler 4.3 gal in 43 sec = 6 gpm lawn sprinkler 4.3 gal in 56 sec = 4.6 gpm
pump from D & B supply in Twin Falls

2-3 cfs in ditch to gravity on east $\frac{3}{4}$ acre - not estimated measured
but estimated by farmer next door

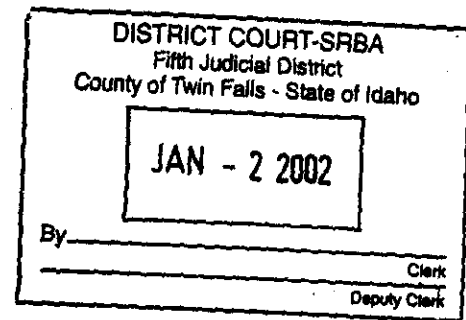
total 16.9 gpm = 0.04 cfs

about 1 acre actually irrigated



MICROFILMED

MAR 16 1989



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 36-08095

On November 2, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Reporting Area 3 (Basin 36)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-08095 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 2002.

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

JAN 12 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-08095

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN - 2 2002
By _____ _____ Deputy Clerk

NAME AND ADDRESS: DONNIE K BLACK
378 E 400 S
JEROME, ID 83338

SOURCE: WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS
4.00 AFY

PRIORITY DATE: 07/20/1982

POINT OF DIVERSION: T09S R17E S03 SWSESE Within Jerome County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.03 CFS
			4.00 AFY

PLACE OF USE: Irrigation Within Jerome County
T09S R17E S03 SESE 1.0
1.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
JAN 12 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-08095

272 JAN -2 PM 4:05

FILED
JAN 13 1982
TWIN FALLS, IDAHO

NAME AND ADDRESS: DONNIE K BLACK
378 E 400 S
JEROME, ID 83338

SOURCE: WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS
4.00 AFY

PRIORITY DATE: 07/20/1982

POINT OF DIVERSION: T09S R17E S03 SWESE Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.03 CFS
			4.00 AFY

PLACE OF USE: Irrigation Within Jerome County
T09S R17E S03 SESE 1.0
1.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

JAN 12 2004

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08095

Priority: July 20, 1982 Amount: 0.03 CFS 4.0 AFA

This is to certify, that DONNIE K. BLACK
1207 E. 10TH

TWIN FALLS, ID 83301 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated June 29, 1982, and
has submitted proof to the Department of Water Resources on September 22, 1983, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .240 cfs of water from:

WASTE WATER tributary to SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.03 CFS	4.0 AFA

LOCATION OF POINT(S) OF DIVERSION: SESE, Sec. 3, Township 09S, Range 17E
JEROME 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>
09S	17E	3	SESE	1		1

Total number of acres irrigated: 1

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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 9th
day of MARCH, 1989.

Acting for the Director

MICROFILMED

MAR 16 1989

RECEIVED

JAN 11 1989

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
JAN 10 1989

I, Donnie K. &/or Mardell Sue Black, hereby assign to Donnie K. Black
of 1207 E. 10th, Twin Falls, ID 83301
Address

XX All my right, title, and interest in and to Permit No. 36-8095
to appropriate the public waters of the State of Idaho.

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

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

Made this 11 day of Jan, 19 89.

Donnie K. Black
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss

On this 11th day of January, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

s e a l

My commission expires:

6-30-94

Roxanne Storey
Notary Public residing at
Buhl, Id

MICROFILMED

MAR 16 1989

OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-8095 IN THE)
) ORDER OF REINSTATEMENT
NAME OF DONNIE K. &/OR MARDELL SUE BLACK)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before September 1, 1983; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

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

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

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on September 22, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-8095 be REINSTATED and the priority advanced to July 20, 1982.

Dated this 19th day of October, 1983.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

10-10-1964

WATER RIGHT SPLIT
SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Orginial Permit	36-8095	Donnie K. Black	.05 cfs
Full Assignment	36-8095	Donnie K. &/or Mardell Sue Black	.05 cfs

MICROFILMED

RECEIVED

FEB 28 1983

State of Idaho
Department of Water Resources

OK to proceed
RC 3/1/83

Department of Water Resources
Northern District Office

ASSIGNMENT OF PERMIT

I, Donnie K. Black, hereby assign to Donnie K. &/or Mardell Sue Black
of 518 Buchanan, Twin Falls, ID 83301
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 36-8095
to appropriate the public waters of the State of Idaho.

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

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

Made this 28th day of February, 1983.

Donnie K. Black
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 28th day of February, 1983, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Loren O. Halmer
Notary Public residing at

Twin Falls, ID

Page 1

My commission expires:
Life

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 Donnie K. Black Phone 734-4675
Post office address 518 Buchanan, Twin Falls, ID 83301
2. Source of water supply Wastewater which is a tributary of North Side Canal System
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 9S
Range 17E B.M. Jerome County, additional points of diversion if any: _____
Alternate P. D.: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3 T. 9S R. 17E
4. Water will be used for the following purposes:
Amount 0.05cfs for irrigation purposes from Apr 1 to Oct 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. 0.05 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pond & pump

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 _____ inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 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: _____

CERTIFICATE OF SURVEYOR

I do hereby certify that I am a land surveyor licensed by the State of Idaho and that this has been prepared from a survey made on the ground under my supervision, and is a true and correct representation of said survey.

LEGEND

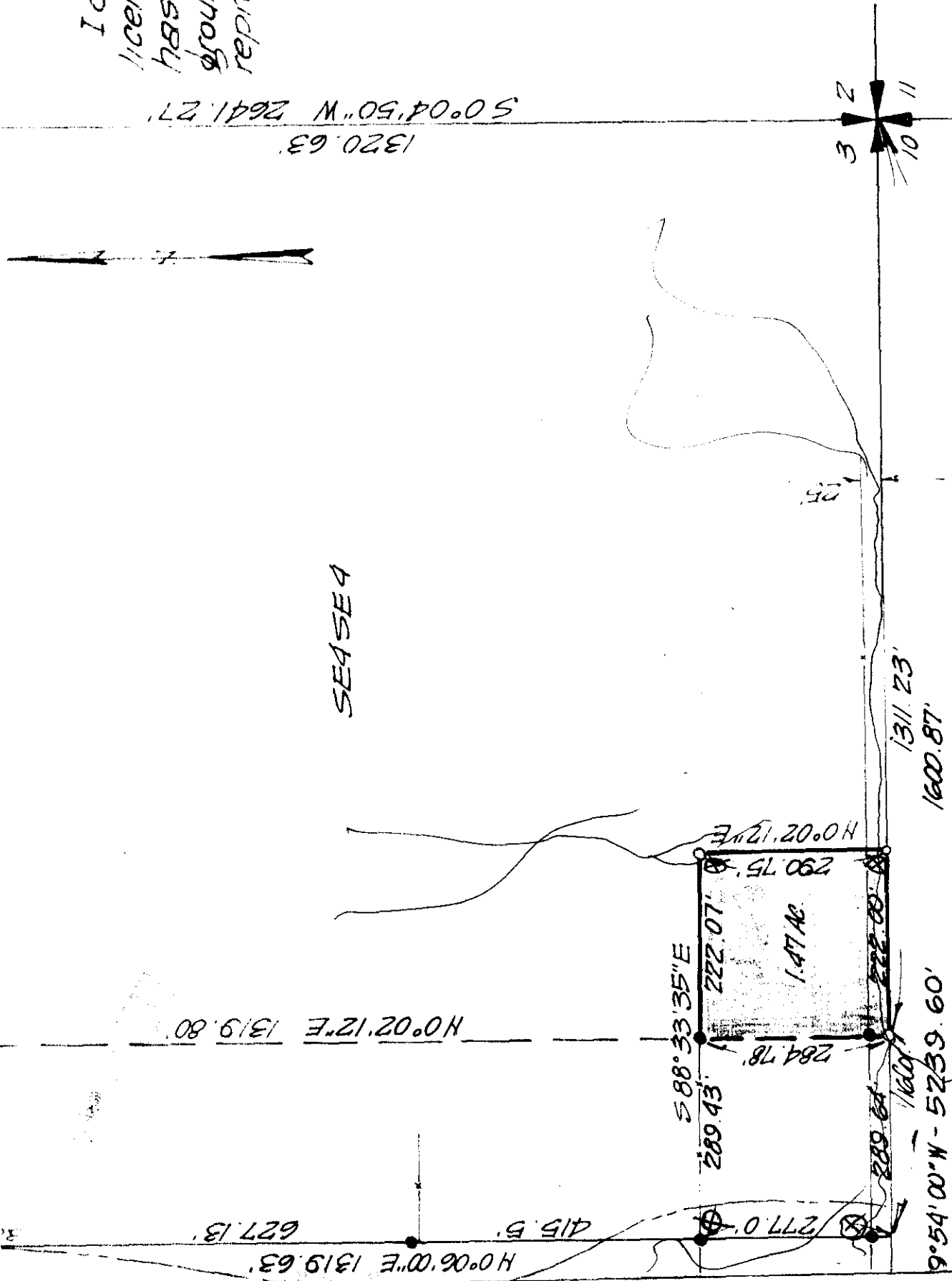
- - P.K. Nail Set
- - 1/2" Rebar W/ Cap - Ref
- - 1/2" Rebar - Fd
- - Hwy R/W Monument

PROPERTY SURVEY

FOR

DON BLACK

Part SE4 SE4 Sec 3 T9S R1E



⊗ = Possible P.D.

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.

Donnie K. Block
(Applicant)

Proposed Priority 6/29/1982

Received by js Date 6-29-82 Time 3 pm
Preliminary check by ADM Fee \$ 30.00
Receipted by mays Date 6/29/82 # 20850
Publication prepared by mays Date 7/8/82
Published in north side news
Publication dates 7/15 + 7/22/82
Publication approved mays Date 8/4/82
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADM

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. 36-8095, 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 September 1, 19 83.
- 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:
The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

Witness my hand this 23rd day of August, 1982.

J. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome
North Side News, a newspaper published every week in Jerome, County
of Jerome, State of Idaho; that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for Two consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 15th day of July
19 82 and the date of the last publication was on the 22nd
day of July, 19 82

L. L. Langdon

Subscribed and sworn to before me this 3rd

day of August, 19 82.
(SEAL)

Darla Bratt

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13

Number of Lines in Notice 34

Number of Insertions 2

Lines tabular at 4c / Pica

34 Lines straight at 13.26 3c / Pica

34 Subsequent lines at 8.84 2c / Pica

TOTAL COST 22.10

COPY OF NOTICE

(Paste Here)

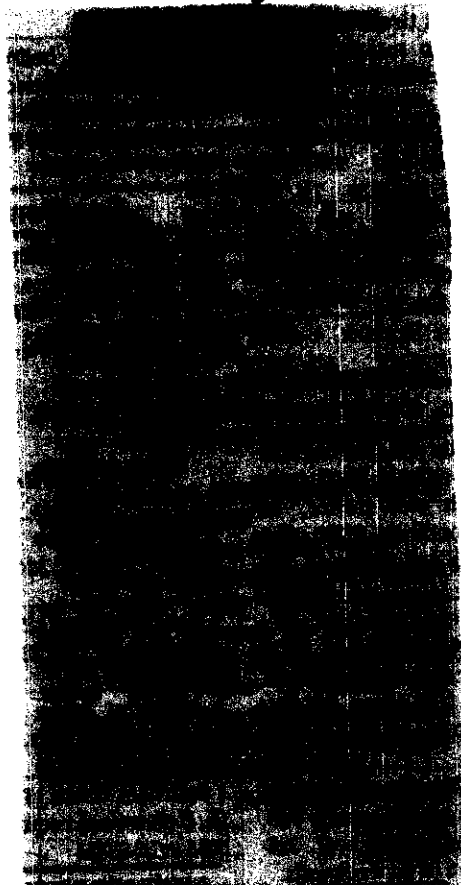
#36-8095-Black
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
B.H.J. TO



insertions 2c / Pica

RECEIVED

No 783
AUG 4 1982

Department of Water Resources
Southern District Office

This
Right has been
Decreed in the
SRBA.

MICROFILMED
SEP 4 1988

36-8095

September 10, 1992

Memo to file:

From: Carolyn Andregg

During the spring and summer of 1992, drought conditions caused record low flows in the Snake River. Twice, the flow of the Snake River fell below 4,750 cfs, the minimum stream flow at the Weiser gauge. Notices were mailed to the water user listed under this right because the priority is later than July 1, 1976, in order to protect the Snake River minimum stream flow. The following is a chronological history of the mailings.

May 19, 1992: Letter sent to water right holder informing holder of possible temporary cessation of diversion rights and notice of public meetings.

June 8, 1992: Letter sent informing water right holder directing immediate cessation of diversion of water until further notice.

June 12, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

June 26, 1992: Letter sent to water right holder directing immediate cessation of diversion of water until further notice.

June 29, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

MAIL RETURNED NOTICE

THIS MEMO HAS BEEN PLACED ONLY IN THE FILES FOR WHICH THE ABOVE LISTED DATES OF LETTERS WERE RETURNED. BEFORE SENDING ANY FUTURE MAILINGS, VERIFY CORRECT ADDRESS.

MICROFILMED

JAN 12 2006

May 19, 1992

DONNIE K. BLACK
1207 E. 10TH
TWIN FALLS ID 83301

RE: Water Right No. 36-08095

Dear Water Right Holder(s):

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

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

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

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

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

MICROFILMED
JAN 12 2003

existing water users and reduce the need to curtail diversions.

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

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

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

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

MICROFILMED

JAN 12 2004

March 13, 1989

DONNIE K. BLACK
1207 E. 10TH
TWIN FALLS, ID 83301

RE: PERMIT NO. 36-08095

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 16 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 16, 1988

RE: Permit No. 36-8095

Donnie K. Black
1207 E. 10th
Twin Falls, ID 83301

Dear Mr. Black:

Pursuant to our telephone conversation this afternoon, enclosed you will find a completed assignment of permit form. As I stated over the phone, the only thing you'll need to do is sign and date this form in the presence of a notary public and return it to our office. There is no fee for the submittal of this form.

We will withhold any further action towards licensing this permit until we receive the assignment form. If we do not receive it by February 1, 1989, we will assume you have changed your mind and will proceed with licensing the permit as stated in our correspondence of December 12, 1988.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosure

MAR 16 1989

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, Donnie K. &/or Mardell Sue^{Black}, hereby assign to Donnie K. Black

of 1207 E. 10th, Twin Falls, ID 83301

Address

XX All my right, title, and interest in and to Permit No. 36-8095
to appropriate the public waters of the State of Idaho.

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

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

Made this _____ day of _____, 19____.

Permit Holder

Spouse of Permit Holder

State of Idaho)
County of _____) ss

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

s e a l

Notary Public residing at

My commission expires:

NOTARIZED

MAR 16 1989

December ¹² 7, 1988

MARDELL SUE BLACK
DONNIE K. BLACK
518 BUCHANAN
TWIN FALLS, ID 83301

RE: PERMIT NO. 36-08095

Dear Permit 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,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 16 1989

MEMORANDUM

TO: File

FROM: *Roxanne McCarthy*

DATE: *11/9/88*

RE: Beneficial Use Field Report Review

Right No. *36-8095*

Comments *changes*

Part A - General Info.

Part B - Overlap Review

Part C - System Description

Part D - Flow Measurements

Part E - Flow Calculations

Part F - Volume Calculations

Part G - Remarks

Part H - Recommendations

MICROFILMED

MAR 16 1989

*system capacity is 0.27 cfs
allow 0.05 cfs requested on
permit*

Total Acres 1

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

[illegible]

13. ☐ Photo of Diversion & System Attached

- ☒
- Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached**

14. Remarks _____

- ## 15. Recommended Amendments

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

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

- ☐ None
- ☐ Other

16. Examiner's/Consultant's Signature JF Stanton Date 9-13-84

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination

Date _____

MICROFILMED

CONSULTANT SEAL

MAR 16 1963

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
DEC 5 1985

36-8095
Permit No.

Department of Water Resources

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Measured .04 cfs in lower system
Estimated 0.23 cfs in upper system
Estimated capacity 0.24 cfs

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 4 = 4$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = -$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: -

b) Other water rights with same point of diversion: -

c) Analysis:

MICROFILMED
MAR 16 1989

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	36-8095		0.03 cfs			0.24 cfs

4. Permit Holder: _____
Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4-1	10-1	0.03 cfs	4

Allowable Maximums: _____

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County

8. Place(s) of Use

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	
Total Acres _____																			

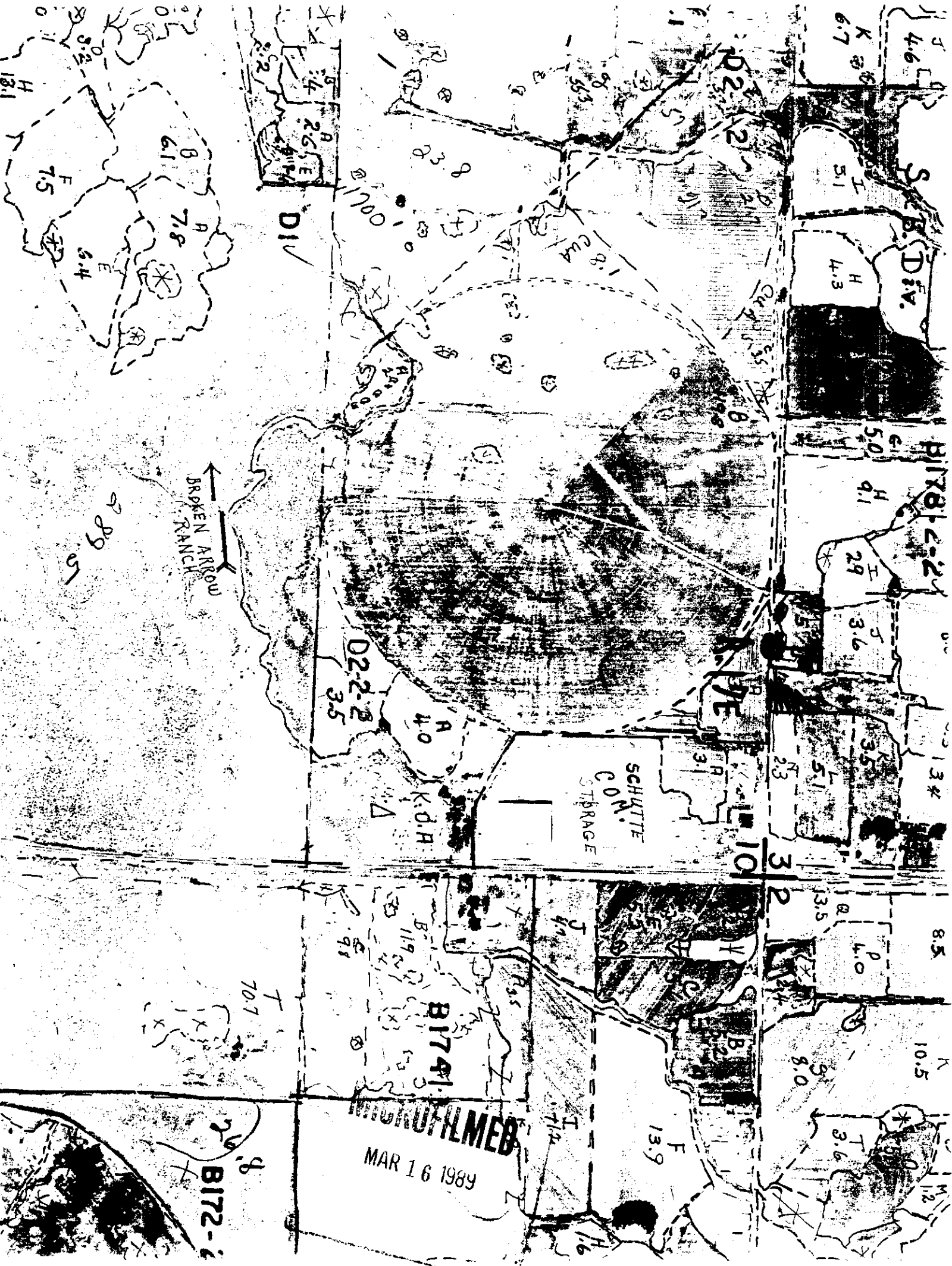
9. Recommended Conditions/Remarks: _____

MICROFILMED
MAR 16 1989

10. 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 _____

11. Examiner's Signature J. F. Stanton Date 9-13-84
Checked in Regional Office by JF Date 11-6-85
Approved in State Office by Kyranne McCarthy Date 11/9/88



check dam in ditch to pond

Peabody Barnes 1 hp motor # 782 Model 210H-1/72884

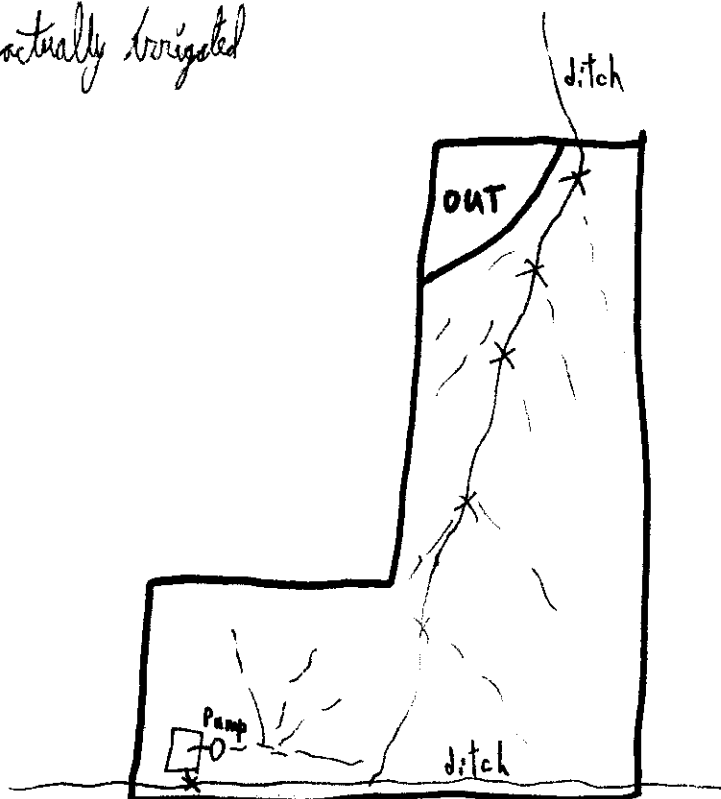
(Rainbird 161D $\frac{9}{64}$ " at 30 psi = 3.2 gpm
" 25 " " = 3.1 gpm

lawn sprinkler 4.3 gal in 43 sec = 6 gpm lawn sprinkler 4.3 gal in 56 sec = 4.6 gpm
pump from D & B supply in Lwin Falls

2-3 cfs in ditch to gravity on east $\frac{3}{4}$ acre - not estimated measured
but estimated by farmer next door

total 16.9 gpm = 0.04 cfs

about 1 acre actually irrigated



MICROFILMED

MAR 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 36-8095
Name(s) of Permit Holder(s): DONNIE KOR MARDALLS BLACK
Post Office Address: 518 BUCHANAN
TWINE FALLS, IDA. Tel. No. 734-4675

☒ I hereby certify that construction of diversion works for the above referenced permit began on 6-17-83 (date) I understand that I must continue to develop the water system with the diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

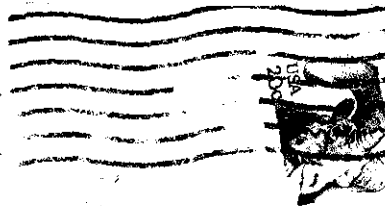
6-17-83 Mardell Black
Date Signature of Permit Holder

518 B-1
TWIN FALLS IDA
MICROFILMED

MAR 16 1989



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



Call ON Tuesdays

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has planned development to the extent shown below c permit No. 36-8095

Name(s) of Permit Holder: DONNIE K. Black ^{And} or Marshall Sue Black

Post Office Address: 518 Buchanan,

TWIN Falls, ID 83301

Tel. No. 734-4675

Source of Water: Waste water

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 1.5 (acres)
☐ Other

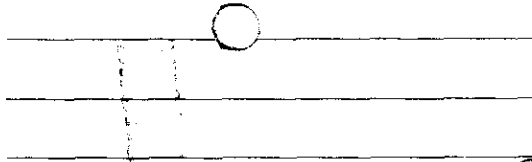
Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No
Access Point: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

9-22-83

Date

Donnie K Black
Signature of Permit Holder



RECEIVED



RECEIVED

PLACE
13 CENT
STAMP
HERE

SEP 27 1983

Department of Water Resources

SEP 22 1983

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

Department of Water Resources

Boise Office

BOISE, IDAHO 83720

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 36-8095

DATE: Oct. 18, 1983

Date Proof Received

Proof Due

Number of Days Proof Late

265 Sept. 22
244 Sept. 1
21

Priority Date

Number of Days Proof Late

New Priority Date

180 June 29, '82
21
201 = July 20, 1982

Remarks

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BLACK, DONNIE K. & HARDELL SUE
518 BUCHANAN
TWIN FALLS, ID 83301

LAPSE NOTICE

SEPTEMBER 07, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 36-8095 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JUNE 30, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 9/21/83
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Charla Curtis

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

BLACK, DONNIE K. & MARDELL SUE
518 BUCHANAN
TWIN FALLS, ID 83301

138730

PROOF DUE NOTICE

JUNE 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 36-8095 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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

March 9, 1983

RE: Permit No. 36-8095

Donnie K. &/or Mardell Sue Black
518 Buchanan
Twin Falls, ID 83301

Dear Mr. and Mrs. Black:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

The 1982 Idaho Legislature added a requirement to your permit. Because of the change, you must commence the excavation and construction of the diverting works for your permit no later than July 1, 1983. The statute further requires that you then proceed with due diligence in completing the diverting works and applying the water to beneficial use.

To maintain the validity of your permit, you must return the Commencement of Works postcard for your permit subject to the requirement. Note that on the card you can indicate that either (1) you have commenced construction or (2) you have been prevented from initiating development due to a factor beyond your control, such as the Idaho Power Moratorium, a required approval of the Federal Government, or litigation which prevents development of the project. Please note the recent purchase of the land is not considered a reason for prevention from initiating development under this permit. Enclosed you will find the Commencement of Works postcard. Please return this card to our office no later than July 1, 1983.

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

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BLACK, DONNIE K.
518 BUCHANAN
TWIN FALLS, ID 83301

AUGUST 31, 1982

RE: PERMIT NO. 36-8095

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

1

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

BLACK, Donnie K.

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 36-8095

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 North Side Canal Co. marrya 8/5/82

PROCESSING:

- ☐ Yes ☒ No Platted by: ADM Map No. BD-23
☐ Yes ☒ No Other rights on same place of use. None listed on P/A report
☒ Yes ☐ No* In form for advertising. 8/2/82
☐ Yes ☒ No Final date for protests: _____
Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/4/82
☒ 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? _____
6/29/82 Date of priority recommended.
Special conditions of approval or cover letter. 04, 23, 26

By: ADM

Date: 8/4/82

STATE OFFICE REVIEW:

SLW/ocord 04 23

- ☐ See attached sheet for more information.

By: [Signature]

Date: 8/17/82

RECEIVED

AUG 12 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 5, 1982

Ted Diehl
North Side Canal Co.
921 N. Lincoln
Jerome, Idaho 83338
Re: Application for Permit No. 36-8095

Dear Mr. Diehl:

Enclosed for your information is a copy of a notice of application for water permit which has been filed with this office.

The application seeks to divert surface water within your service area, and may therefore, be of interest to you.

Any permit issued will be subject to all prior water rights and will not constitute an easement or right-of-way upon lands or in ditches not belonging to the applicant.

If you have any questions regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

100-100000-100000

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

36-8095-

BLACK, DONNIE K.

518 BUCHANAN, TWIN FALLS, ID 83301

Source: WASTE WATER tributary to NORTH SIDE CANAL SYSTEM

Date Filed: 06/29/1982

Amount: 0.05 CFS

Diversion Point: SESE SWSE Sec 03 T 09S R 17E, JEROME Co.

Use: IRRIGATION (0.05 CFS) from 04/01 to 10/01

Place of Use: SESE Sec 03 T 09S R 17E FOR ~~2 ACRES~~ 1.5 ACRES

Diversion Means: POND, PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST 2, 1982.

A. KENNETH DUNN

Director

Published 7/15 & 7/22/82.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 8, 1982

North Side News
P. O. Box 468
Jerome, Idaho 83338

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before AUGUST 2, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED
JUL 10 1982

WATER RIGHT DATA ENTRY LOG

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved.

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Key punched by State Office

Assignment coded & entered