

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

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85 19E section 32 & 33



40.02
APR 03 2007

Area resurveyed: 2482.68 Acres

$$\begin{cases} \text{Latitude} & 42^{\circ} \ 41' \ \text{N.} \\ \text{Longitude} & 114^{\circ} \ 17' \ \text{W.} \end{cases}$$


AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho } ss.
County of Jerome

MAR 04 2002

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she 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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

21st day of February, 2002, and the date of the last publication was on the 28th day of February, 2002.

Norma DeVoe

On this 28th day of February, in the year of 2002, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

#37035 / 9089

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

_____ Lines tabular at _____ 8.0¢/Pica

519.75 Lines straight at 36.38 7.0¢/Pica

519.75 Subsequent lines at 31.19 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 70.07

COPY OF NOTICE

(Paste Here)

Diamond 36-15986
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF APPLICATION

The following application has been filed to appropriate the public waters of the State of Idaho, Jerome County:

36-15986

DEAN DIMOND
1454 HWY 25
JEROME ID 83338

Point(s) of Diversion: NWSE S32
T08S R19E
Source: WASTE WATER
Use: 04/01 To 10/31
IRRIGATION (4 CFS)
Date Filed: 01/23/2002
Place of Use: 322 Acres within portions of Sections 32 & 33, T08S

Remark: Location is 3 miles west and 6 miles north of Eden Idaho. Application is proposing to divert four cubic feet per second of waste water to supplement groundwater use for the irrigation of a 322 acre permissible Place of Use. Applicant is mitigating use by reducing amount of groundwater pumped when waste water is available.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.

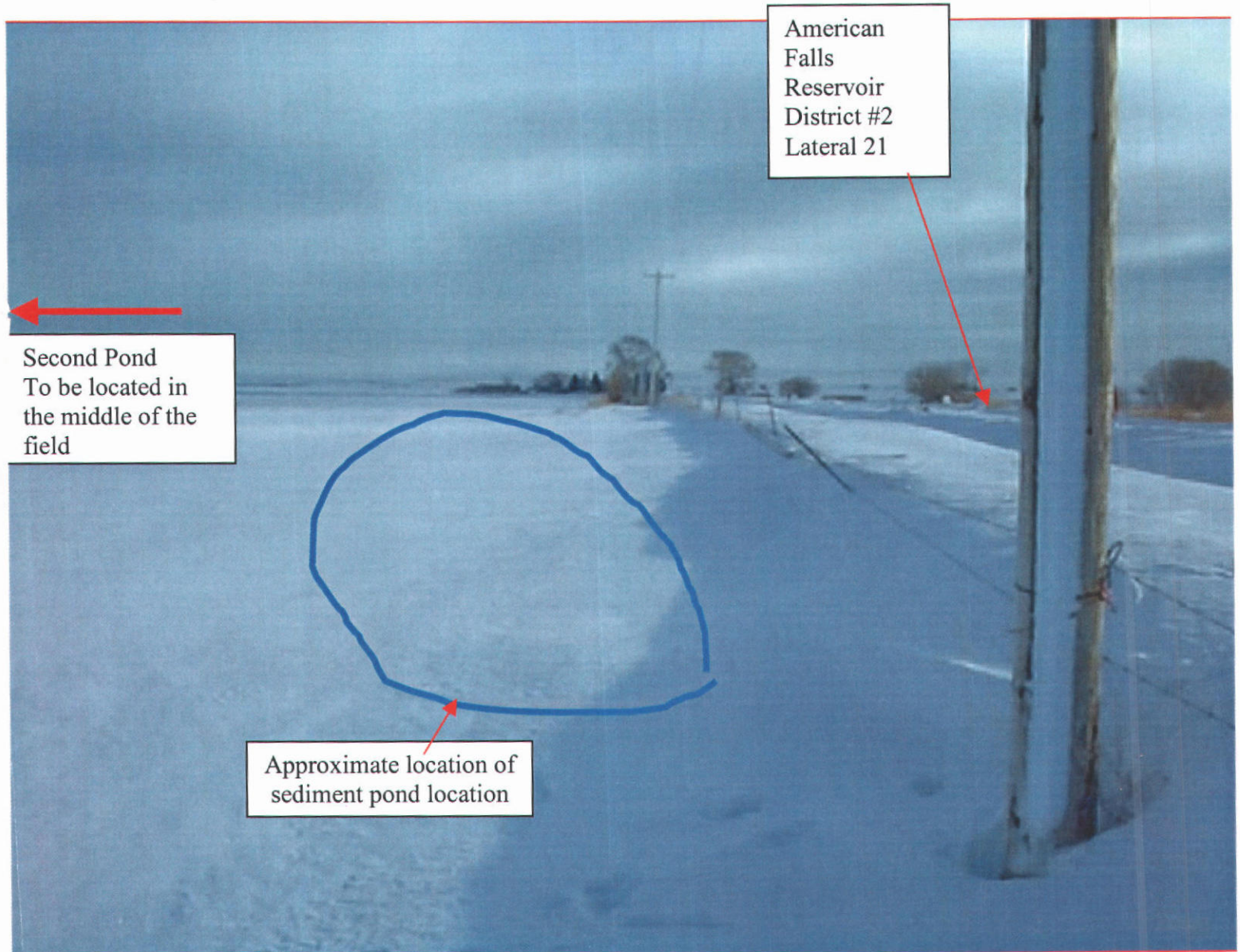
KARL J DREHER, Director

PUB: 2/21-2/28 N37035

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APR 03 2002

Pre-exam for 36-15986, Dean Dimond. Located in T08S, R19E, S32 and S33.
Done on 1-23-02 by John Freitag, accompanied by Dean Dimond.



Wastewater is to be diverted from American Falls Reservoir Dist. # 2 Lateral 21 into sediment pond. A 20 hp pump will then pump wastewater to a second pond where it will be mixed with groundwater and then be pumped into a mainline and spread over 322 acres. Any overflow will return to Lateral 21.

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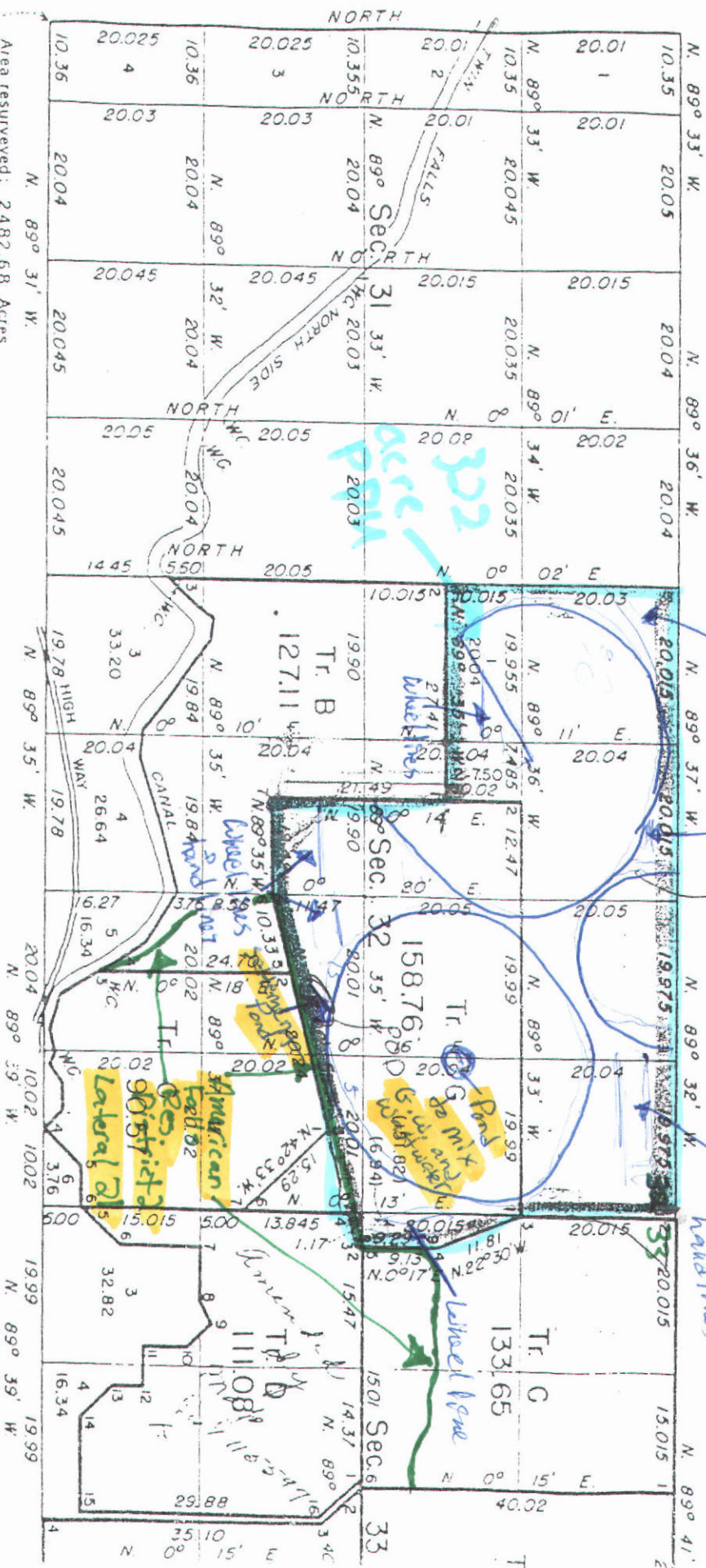
DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

GPS 0479120
D176024 for pond location

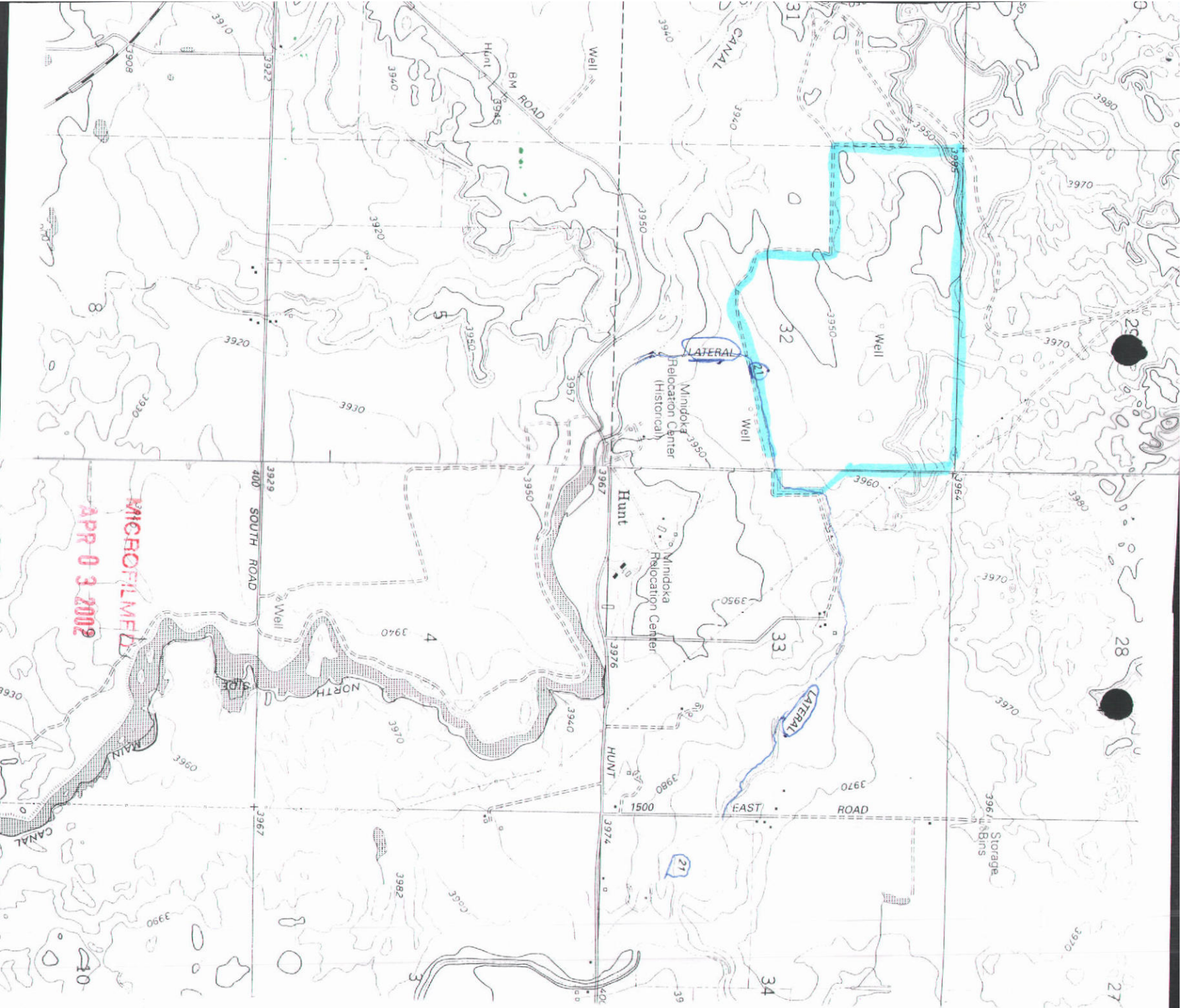
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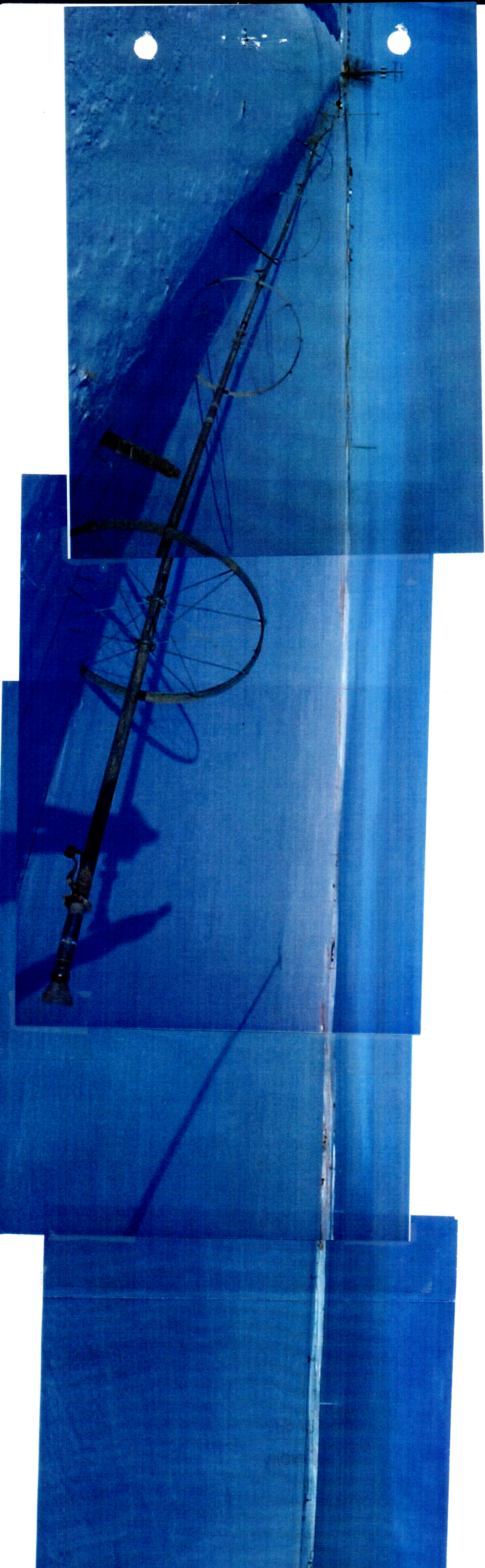
85 19E section 32
33

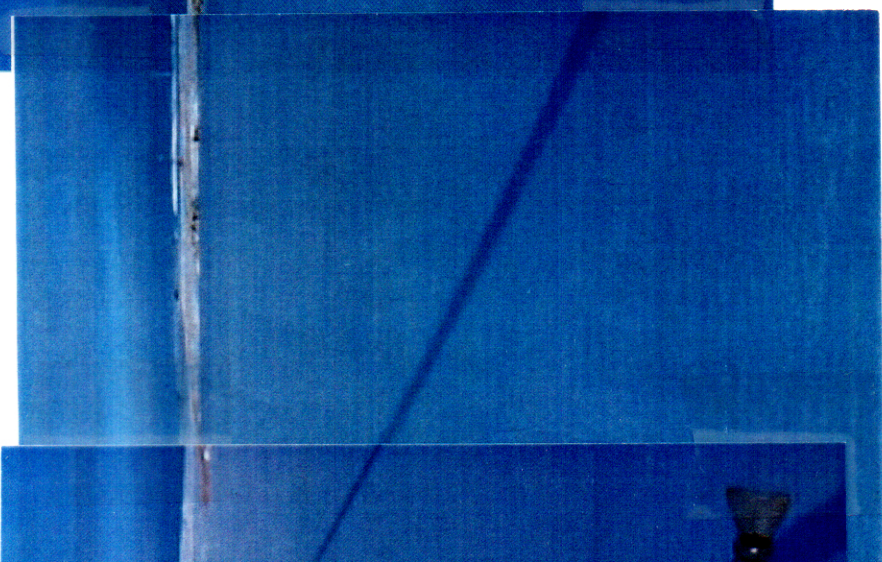
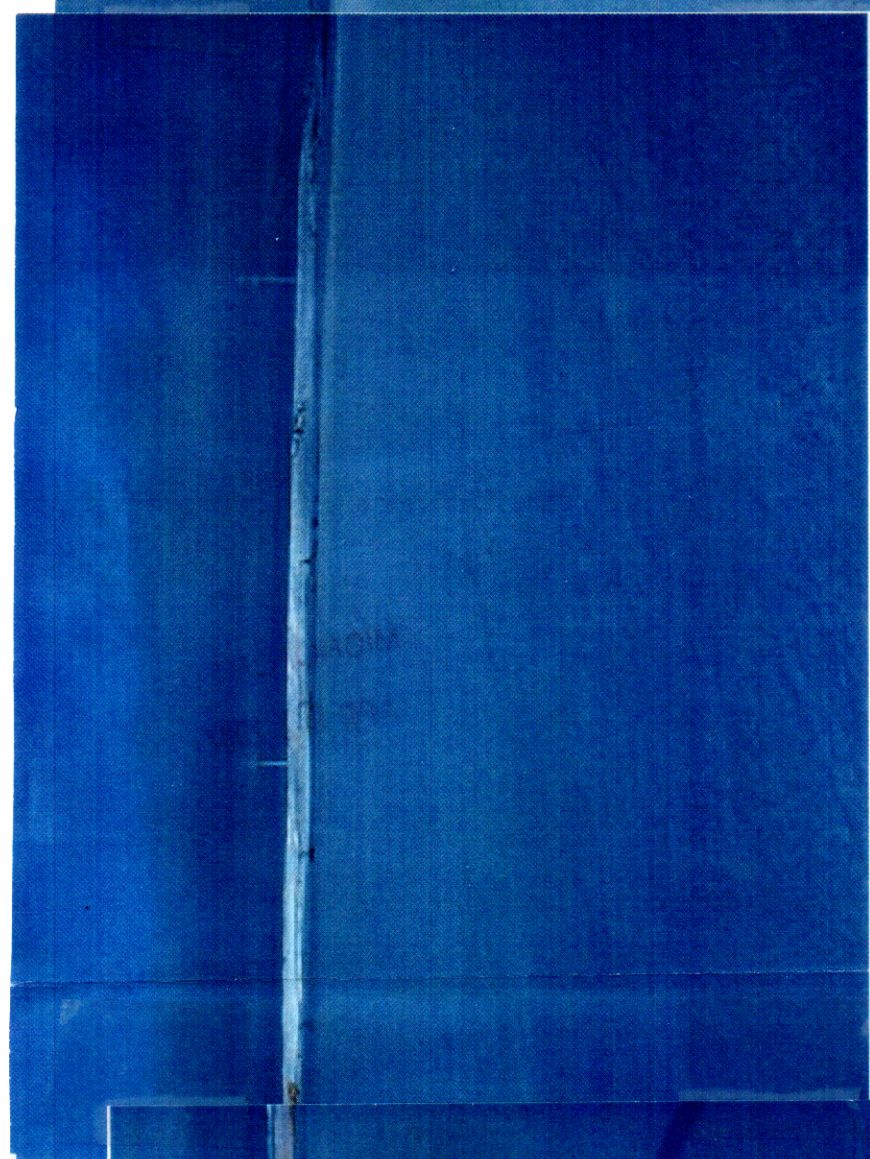
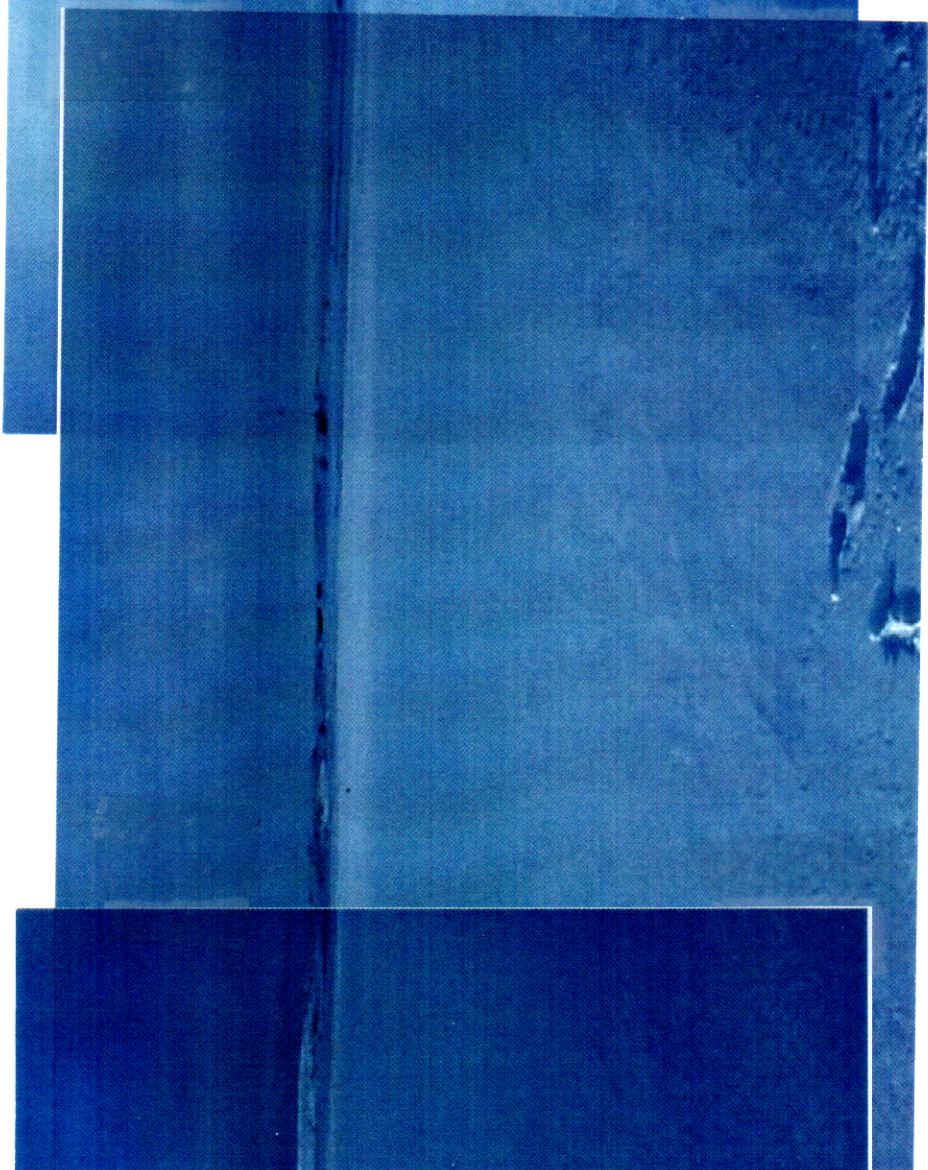
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APR 03 2002



Area resurveyed: 2482.68 Acres
Latitude 42° 41' N.
Longitude 114° 17' W.







STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 36-15986 Telephone No. 208(825-5055)

2. Name of Permit Holder(s): Dean T Dimond

3. Mailing Address: 1454 Hwy 25

City Jerome State ID Zip 83338

4. Source of Water: waste water If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 322 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 4 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes X or No _____

Has the measuring device been installed?

Yes X or No _____

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Dean Dimond Telephone Number: 208(825-5055)

Address: 1454 Hwy 25 Jerome ID 83338

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Dean Dimond Date: 3-8-03
(include your title, if on behalf of company or organization)

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MAY 21 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-15986

Priority: 01/17/2002

Maximum Diversion Rate: 4.00 CFS

This is to certify, that DEAN DIMOND
1454 HWY 25
JEROME ID 83338

has applied for a permit to appropriate water from:

Source: WASTE WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NW 1/4 Sec. 32, Twp 08S, Rge 19E, B.M. JEROME 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	
08S 19E 32	31.0	40.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0					5.0	16.0		317.0
08S 19E 33							5.0										5.0

Total Acres: 322

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2003.
2. Subject to all prior water rights.
3. Use of water under this right is affected by an agreement between the applicant and the American Falls Reservoir District #2.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right does not authorize the irrigation of land not previously irrigated from ground water under rights 36-7614 and 36-2460 as historically used.
7. Rights 36-2460, 36-7614 and 36-15986 when combined are limited to a combined total annual diversion volume of 1288 acre feet and the irrigation of a total of 322 acres.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director at Boise, this 29th day of March, 2002

MICROFILMED
APR 03 2002


for KARL J DREHER, Director

RECEIVED
JAN 17 2002
Department of Water Resources
Southern Region

Ident. No. 36-15986
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

MAR 12 2002

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Dean Dimond Phone 825-5055
Mailing address 1454 Hwy 25 Jerome ID 83338

2. Source of water supply canal (waste water) which is a tributary of _____

3. Location of point of diversion is Township 8 Range 19 Sec. 32 in the _____ 1/4,
NW 1/4, SE 1/4, Govt. Lot _____, B.M., Jerome County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4 cfs for Irrigation purposes from April 1 to October 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 4 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source We are just going to make
a Diversion in the canal to settlement pond pump with a Cornell 6hp 20 hp pump.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? NA

e. if well is already drilled, when? NA; Drilling firm NA

Well was drilled for (well owner) NA; Drilling Permit No. NA

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

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

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APR 03 2002

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8	19	32	31	37	40	40	40	38	20	33	14				5	18	DD		317
8	19	33		140			DD	4	5	DD						18	DD		7
8	19	33							5										5

Total number of acres to be irrigated 322 Assuming I had a Full ~~4~~ constant ~~4~~ CFS I could water approximately 180 acres with ~~out~~ the waste water. At any one time

10. Describe any other water rights used for the same purposes as described above. Well water is the primary water right permit # 36-7614 # 36-2460

11. a. Who owns the property at the point of diversion? Dean Diamond (applicant)
- b. Who owns the land to be irrigated or place of use? Dean Diamond (applicant)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: This is a waste water diversion. The water is to come out of American Fall Reservoir District #2 canal Lateral 21 and is to be used to reduce the ^{water} pump from ground water as well as a settlement pond for AFR #2

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

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

Dean Diamond Farmer
Signature of Applicant (and title, if applicable)

Received by J.F. Date 01/17/02 Time _____ Preliminary check by J.F.
Fee \$ 100 Receipt by J.F. # 5024544 Date 01/17/02
Publication prepared by MB Date 2/5/02 Published in North Side News
Publication approved _____ Date _____

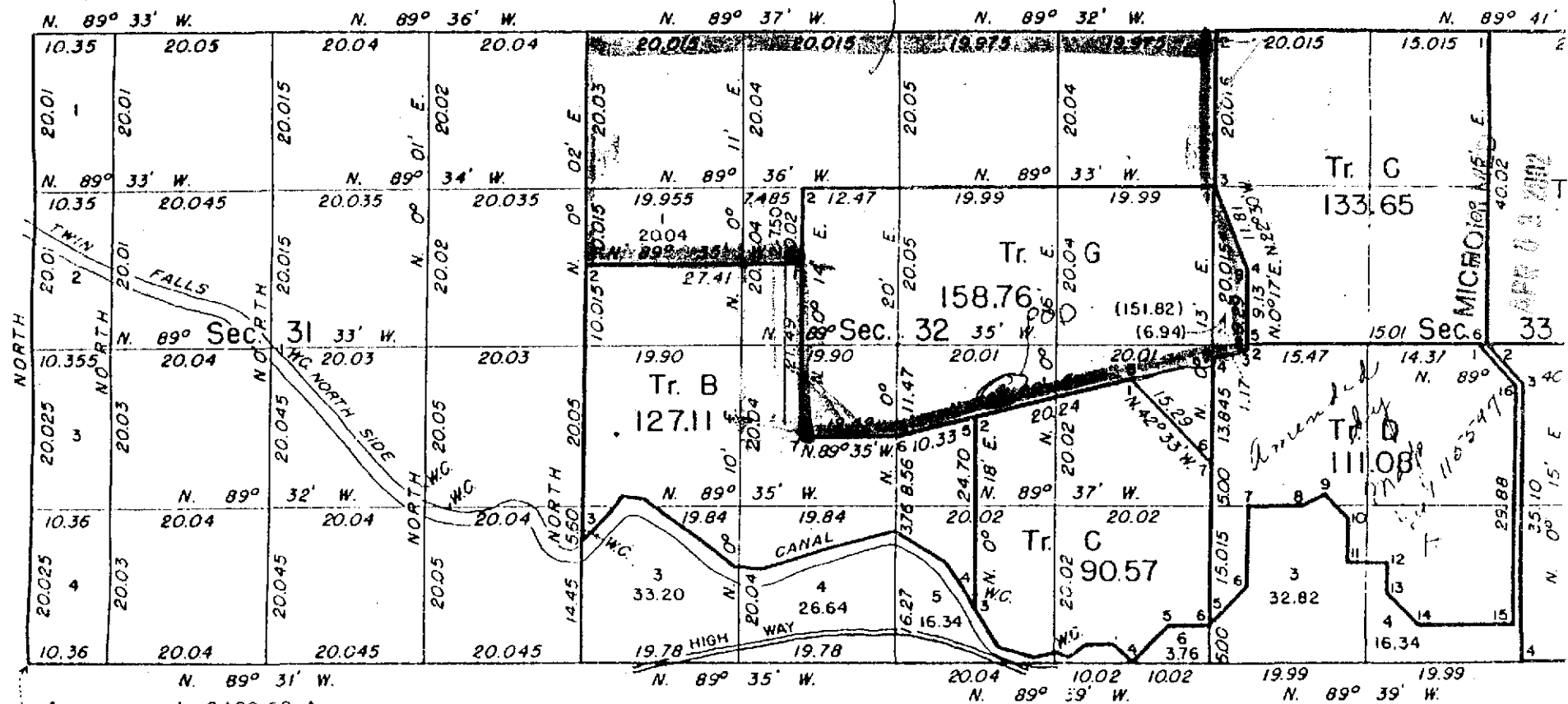
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APR 03 2002

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

12 E
85 19E
Section 32 33



Area resurveyed: 2482.68 Acres

Latitude 42° 41' N.
Longitude 114° 17' W.

10 5 0 10 20 40 80

Dean Diamond
280-1081 cell



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

DEAN T DIMOND
1454 HWY 25
JEROME ID 83338

RE: Water right number(s): 36 15986

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief



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

April 21, 2003

DEAN T DIMOND
1454 HWY 25
JEROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-15986

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

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MAY 21 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 36-15986

Reviewed By: dgibson

Date: April 18, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S024554, C068009	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		03/17/2003
Date proof due	-	04/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	01/17/2002
New priority date	=	01/17/2002

Deficiencies of Actions Items

Acknowledge proof.

January 31, 2003

DEAN T DIMOND
1454 HWY 25
JEROME, ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 36-15986

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 April 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

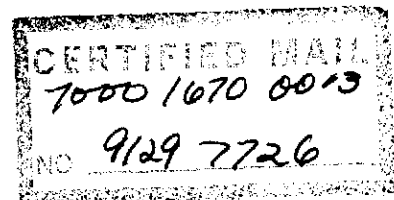
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



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MAY 21 2003



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

March 29, 2002

DEAN DIMOND
1454 HWY 25
JEROME ID 83338

RE: Permit No. 36-15986

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

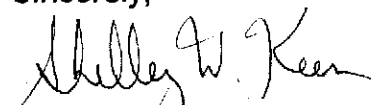
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, 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.

MICROFILMED
APR 9 3 2002

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

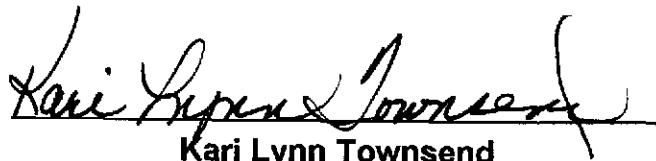
MICROFILMED
APR 03 2002

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 36-15986

**DEAN DIMOND
1454 HWY 25
JEROME ID 83338**


**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 03 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.

MEMORANDUM

To: File 36-15986

From: Sharla

Date: March 22, 2002

Re: Permit Processing

This application is for use of waste water through an agreement with American Falls Reservoir District #2. Waste water (AFRD calls it incidental operation spillage) will be diverted (no pump) from lateral 21 past AFRD's last diversion into the applicant's settlement pond. The waste water now ends up in the North Side Canal Co. lateral where the sediment has been a problem. Waste water will then be pumped from the settlement pond via a 20 hp pump (designed for 1800 gpm) to a second pond where the waste water is to be mixed with ground water (pumped from two wells under rights 36-2460 and 36-7614). The mixed waste water/ground water will then be pumped through a mainline to three center pivots and a number of wheel lines and hand lines. The waste water will be spread over a total of 322 acres

The place of use on the application and the place of use decreed in 1998 for 36-2460 and 36-7614 are slightly different. The differences are 37 acres in NWNE and 15 acres in NWSE, S32 and 4 acres in NWNW, S33 on the existing rights versus the actual use of 40 acres in NWNE and 16 acres in NWSE, S32 and no acres in the NWNW, S33. In speaking with Mr. Dimond, he told me that a previous owner of the farm (Mr. Waters -- who sold to Auker's who in turn sold to Dimond's) for a time had a line running to the NWNW, S33. When he sold to Auker's, that use stopped. I have confirmed with the county assessor that Mr. Waters is still the current owner of those 4 acres in the NWNW, S33. Mr. Dimond further told me that he has obtained in writing a statement from Mr. Waters' explaining that the 4 acres are no longer watered under those rights and that he has no problem with Mr. Dimond filing a transfer of the two existing ground water rights to correct the error. Mr. Dimond has also asked the bank who holds the lien on his farm loan to provide a statement giving their consent to a transfer. Mr. Dimond has been diligent in his efforts to get all the rights to match in legal descriptions and ownership. The change of ownership form submitted in 1998 has not been processed yet due to the 4 acres in the NWNW, S33 discrepancy. The ownership change can be accomplished with the approval of the transfer.

This application was processed by regional staff as being mitigated by the decreased pumping of ground water under rights 36-2460 and 36-7614; they are the primary water source for the 322 acres and the waste water is to be used to supplement the ground

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APR 03 2002

water when it is available. There may be some years that no waste water is available past AFRD's last diversion; other years the applicant may be able to pump it from the settlement pond the whole season and not have to turn on the pumps at the wells.

After discussing all of the above with the applicant, I recommend the permit be issued, not as something that is being mitigated, but rather as an application that can be reviewed for approval on a "case-by-case" basis because protection and furtherance of the public interest requires consideration and approval of the application irrespective of the general drought related moratorium as stated in the Amended Moratorium Order for the ESRPA. In this case, eliminating sediment in NSCC's lateral is certainly in the public interest and so is the reduction of ground water withdrawals when the waste water is available.

I recommend approval of the permit with the following conditions in addition to necessary standard conditions:

Totalizing measuring devices of a type acceptable to the department and to the watermaster of Water District 130 shall be installed and maintained on the pump at the settling pond and on the ground water wells.

Use of this right and ground water rights 36-2460 and 36-7614 are limited to a combined total annual diversion of 1288 acre feet and the irrigation of a total of 322 acres.

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APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 3/13/02

No. 36-15986 Name: Diamond Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes ESPA Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE/PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: \$ 1.01 12003

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response no objections
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# 130)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J spec det. dev.

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snow R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068,074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.0

OTHER CONDITIONS/REMARKS

COMMENTS

Carl @ NSCC last week ok'd w/ John Freitag.

36-7614
2460

Dean Diamond

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY John Freitag DATE 1/25/08

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 01/17/2002

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. *See memo*
☒ Overlapping point of diversion.
☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by John Freitag
☒ Yes ☐ No Field report attached?
☒ Yes ☐ No Critical Ground water area?
☒ Yes ☐ No Groundwater management area?
☒ Yes ☐ No Measurement District or Groundwater District?
What District? North Snake Groundwater District
☒ Yes ☐ No Send Dam safety information?
☒ Yes ☐ No Send power requirement letter?
☒ Yes ☐ No Send fish farm requirement letter?
☒ Yes ☐ No Power residency affidavit attached?
☒ Yes ☐ No Power efficiency form?
☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
☒ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	<u>2/13/02</u>	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
☒ American Falls Reservoir	<u>2/13/02</u>	_____
☐ District #2	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☐ Yes ☐ No Fee amount, receipt date & No. recorded?
☐ Yes ☒ No Has all requested additional information been received?
If not, describe action taken: Called

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: N/A

☒ Yes ☐ No Measuring device required?

☐ Yes ☒ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? 130

☒ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes, date of Memo 2/11/02

Date of priority recommended: 1/17/02

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

AD

Date

2/11/02

RECEIVED

MAR 12 2002

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: March 11, 2002

TO: Permit No: 36-15986

In the Name of: Dean Dimond

SUBJECT: Review and Recommendation

This application proposes to use waste water for irrigation in lieu of ground water. The waste water flows in a drain from American Falls Reservoir District #2 and eventually ends up in the North Side Canal Company lateral. Both entities encourage use of this water since sediment in the flow has been a problem. The applicant has signed an agreement with the AFRD#2 regarding use of the waste water (copy enclosed in file).

The lands proposed to be irrigated are essentially covered by rights 36-7614 and 36-2460. Note that the application differs slightly as to place of use as described in Freitag 1-24-02 memo. Approval should be limited to acres actually covered by 36-7614 and 36-2460 as they exist today or may exist after a future transfer.

The application was processed without protest.

The use of waste water in lieu of ground water should be encouraged and is in the public interest in most situations.

I understand that the Department is also considering a loan or grant through the energy division so the applicant and others in the department are anxious to have this permit processed ASAP. Contact Warren Weihing with Energy Division for more information.

Recommendation

I recommend that the application be approved subject to the following conditions:

- 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 020 Use of water under this right is affected by an agreement between the applicant and the American Falls Reservoir District #2.
- 074 This right does not authorize the irrigation of land not currently irrigated under rights 36-7614 and 36-2460 or as may be modified by future transfer.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.

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APR 9 2002

W27 This permit is limited to the irrigation of only 37 acres within the NWNE and 15 acres within the NWSE S32, T08S, R19E within the place of use described above until such time as a transfer of 36-7614 and 36-2460 is approved to cover 40 acres within the NWNE and 16 acres within the NWSE S32, T08S, R19E.

W52 The right holder shall maintain control of all of rights 36-7614 and 36-2460 from ground water for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the department.

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APR 03 2002

MEMORANDUM AGREEMENT

RECEIVED
MAR 08 2002
Department of Water Resources
Southern Region

This Agreement made and entered into this 1st day of February, 2002, by and between American Falls Reservoir District #2 (hereinafter AFRD#2) and DEAN DIMOND and EDEN DIMOND, husband and wife, 1454 Hwy 25, Jerome, Idaho, (hereinafter Dimond).

WITNESSETH:

WHEREAS, AFRD#2 operates a canal system, including lateral 21 in Township 8, Range 19 EBM, Jerome County Idaho; and,

WHEREAS, lateral 21 runs through property adjacent to Dimond for approximately one-half mile; and,

WHEREAS, about one-quarter mile after lateral 21 reaches Dimond's property it carries only water in excess of that used by AFRD#2 spaceholders; and,

WHEREAS, Dimond acknowledges that the flow in lateral 21, after it reaches Dimond's property, varies greatly from zero to one hundred CFS; and,

WHEREAS, Dimond would like to capture the excess water that may flow in lateral 21.

THEREFORE, it is agreed between the parties as follows:

1. Dimond may construct a pond on his property and divert water from lateral 21 to such pond.
2. The pond and diversion structure will meet with, and be constructed to, standards and specifications of the management of AFRD#2.
3. Dimond agrees to release and indemnify AFRD#2, its agents, employees, directors, successors and assigns, from any and all liability, causes of action, claims and/or damages, that may arise out this agreement, the diversion of water, or the construction of the pond or diversion structure.
4. Either party may terminate this Agreement upon thirty (30) days notice to the other party. Upon any termination it will be the responsibility of Dimond to restore the canal bank to its original condition, at Dimond's expense.
5. During the term of this Agreement, Dimond shall be responsible for maintaining the

diversion works, and the pond. Dimond agrees to indemnify AFRD#2, it's agents, employees, directors, successors and assigns from and all liability, causes of action, claims and/or damages, that may arise out of the maintenance of the diversion of water, the maintenance of the pond or the maintenance of the diversion structure.

6. In the event it becomes necessary for either of the parties to hire an attorney or to institute suit for enforcement of their rights hereunder, the defaulting party agrees to pay, in such case, a reasonable amount for attorney fees incurred by the prevailing party, in addition to other damages allowed by law. This provision shall survive the termination of this Agreement.
7. The terms and conditions of this Agreement shall extend to and bind the heirs, successors and assigns of the respective parties hereto.

AMERICAN FALL RESERVOIR DISTRICT #2
DISTRICT #2

Dean Dimond
Dean Dimond

By:

Bob Eberhardt

Eden Dimond
Eden Dimond

Its

President

AFRD#2

DIMOND

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho } ss.
County of Jerome

MAR 04 2002

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she 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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

21st day of February, 2002, and the date of the last publication was on the 29th day of February, 2002.

Norma DeVoe

On this 28th day of February

in the year of 2002, before me, a Notary Public, personally appeared

Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

#37035 / 9084

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

_____ Lines tabular at _____ 8.0¢/Pica

519.75 Lines straight at 36.38 7.0¢/Pica

519.75 Subsequent lines at 31.19 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 70.07

COPY OF NOTICE

(Paste Here)

Diamond 36-15986
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I. D. W. R.

BILL TO

NOTICE OF APPLICATION

The following application has been filed to appropriate the public waters of the State of Idaho, Jerome County:

36-15986

DEAN DIMOND
1454 HWY 25
JEROME ID 83338

Point(s) of Diversion: NWSE S32
T08S R19E
Source: WASTE WATER
Use: 04/01 To 10/31
IRRIGATION (4 CFS)
Date Filed: 01/23/2002
Place of Use: 322 Acres within portions of Sections 32 & 33, T08S

Remark: Location is 3 miles west and 6 miles north of Eden Idaho. Application is proposing to divert four cubic feet per second of waste water to supplement groundwater use for the irrigation of a 322 acre permissible Place of Use. Applicant is mitigating use by reducing amount of groundwater pumped when waste water is available.

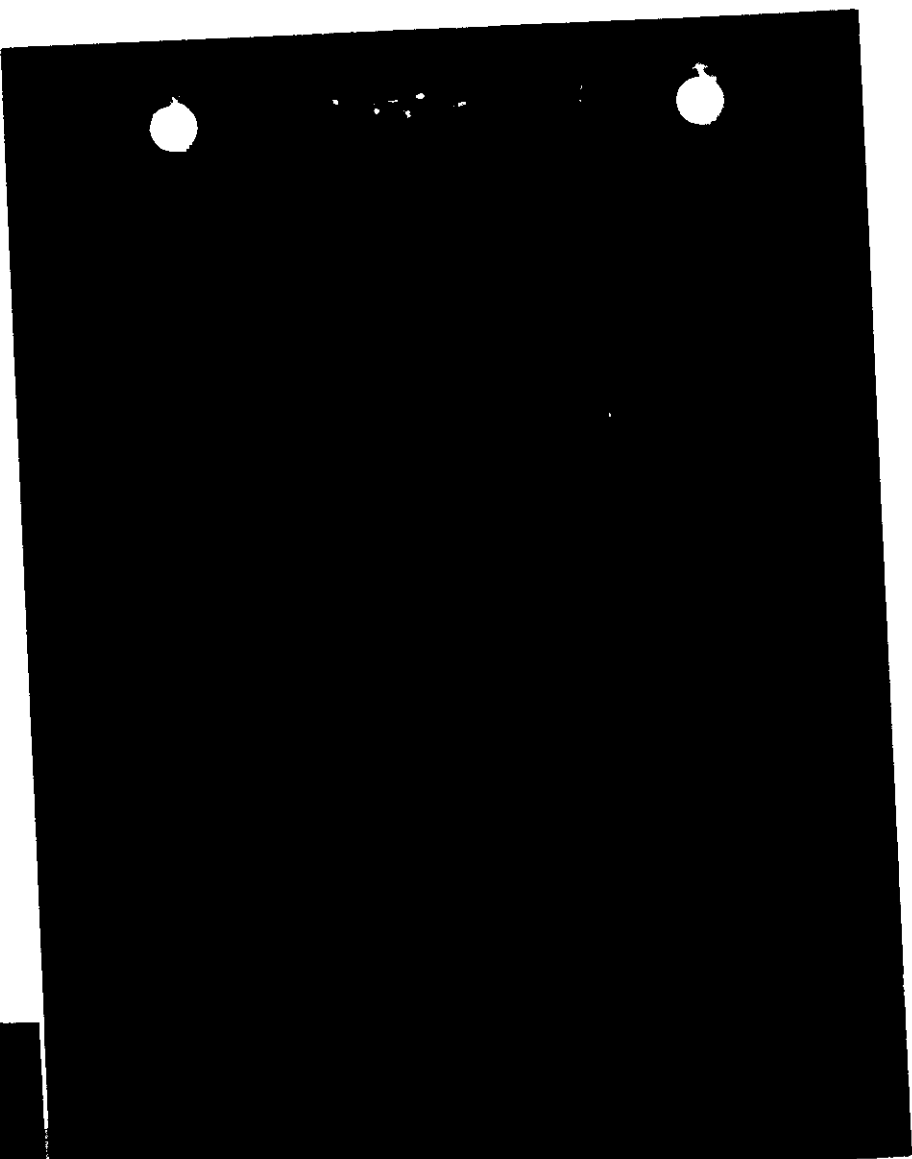
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.

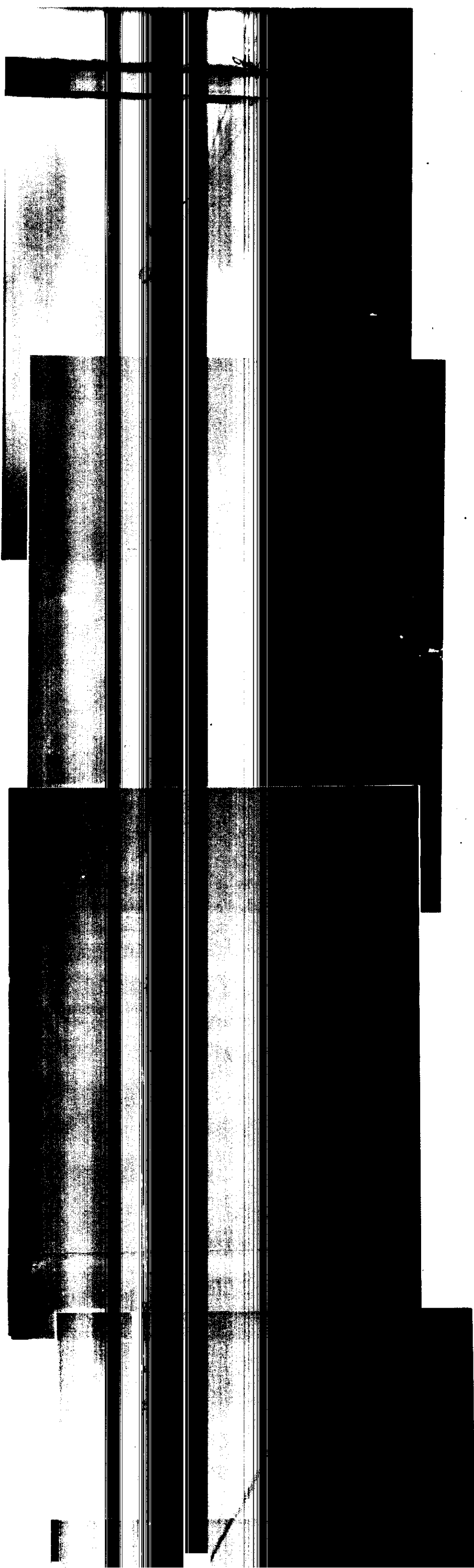
KARL J DREHER, Director

PUB: 2/21-2/28 N37035

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APR 03 2002





1-23-02 John Freitas

Pre-exam for Dan Dimond

Panoramic view of 322 acre

PPM for waste water.

36-15986

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APR 03 2002



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

February 22, 2002

Dirk Kempthorne/Governor
Al Van Vooren/Acting Director

Mary A. Baldwin
Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
FEB 26 2002
Department of Water Resources
Southern Region

Re: Application for Permit No. 36-15986, Dean Dimond

Dear Mary,

Our staff has reviewed the above referenced application to divert 4 cfs of water from a waste water ditch for irrigation purposes. Since there will be no additional diversion of water from the Big Wood River system to fulfill this water right, and the ditch from which the water will be diverted does not provide significant habitat for fish or wildlife, impacts to fish and wildlife should be minimal. We therefore have no further comments on the application at this time.

Sincerely,

David Parrish,
Magic Valley Regional Supervisor

CC: IDFG - NRPB
Dean Dimond
1454 Hwy 25
Jerome, ID 83338

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APR 03 2002

Keeping Idaho's Wildlife Heritage

**Big Wood Canal Company
American Falls Reservoir District No. 2
112 S Apple * Box C
Shoshone, Idaho 83352
(208) 886-2331 Fax (208) 886-2010**

RECEIVED
FEB 19 2002
Department of Water Resources
Southern Region

February 15, 2002

**Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380**

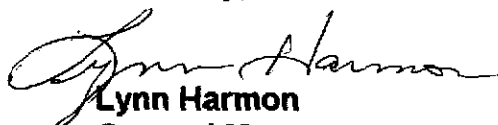
Re: Application Permit 36-15986 for Dean Dimond

Gentlemen:

Mr. Dimond has been contact with our organization and we have reached an agreement for him to use the incidental operational spill water from the Districts lateral 21. He understands that any water he may receive will be intermittent in flow and amount, as it is only operational spillage which will flow past our last diversion and into the pond he is constructing.

We have no objections to his application to use this operational spill water.

Sincerely,


**Lynn Harmon
General Manager**

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APR 03 2002

Pre-exam for 36-15986, Dean Dimond. Located in T08S, R19E, S32 and S33.
Done on 1-23-02 by John Freitag, accompanied by Dean Dimond.

American
Falls
Reservoir
District #2
Lateral 21

Second Pond
To be located in
the middle of the
field

Approximate location of
sediment pond location

Wastewater is to be diverted from American Falls Reservoir Dist. # 2 Lateral 21 into sediment pond. A 20 hp pump will then pump wastewater to a second pond where it will be mixed with groundwater and then be pumped into a mainline and spread over 322 acres. Any overflow will return to Lateral 21.

APR 03 2002

GPS 04791207 for pond location
D176024

85 19E section 32
33

Area surveyed: 2482.68 Acres

Latitude 42° 41' N.
Longitude 114° 17' W.

NORTH

Section 31

Section 32

Range 33

Township 10

Tr. B

Tr. C

Tr. A

Canal

Lined Road

127.11

133.65

158.76

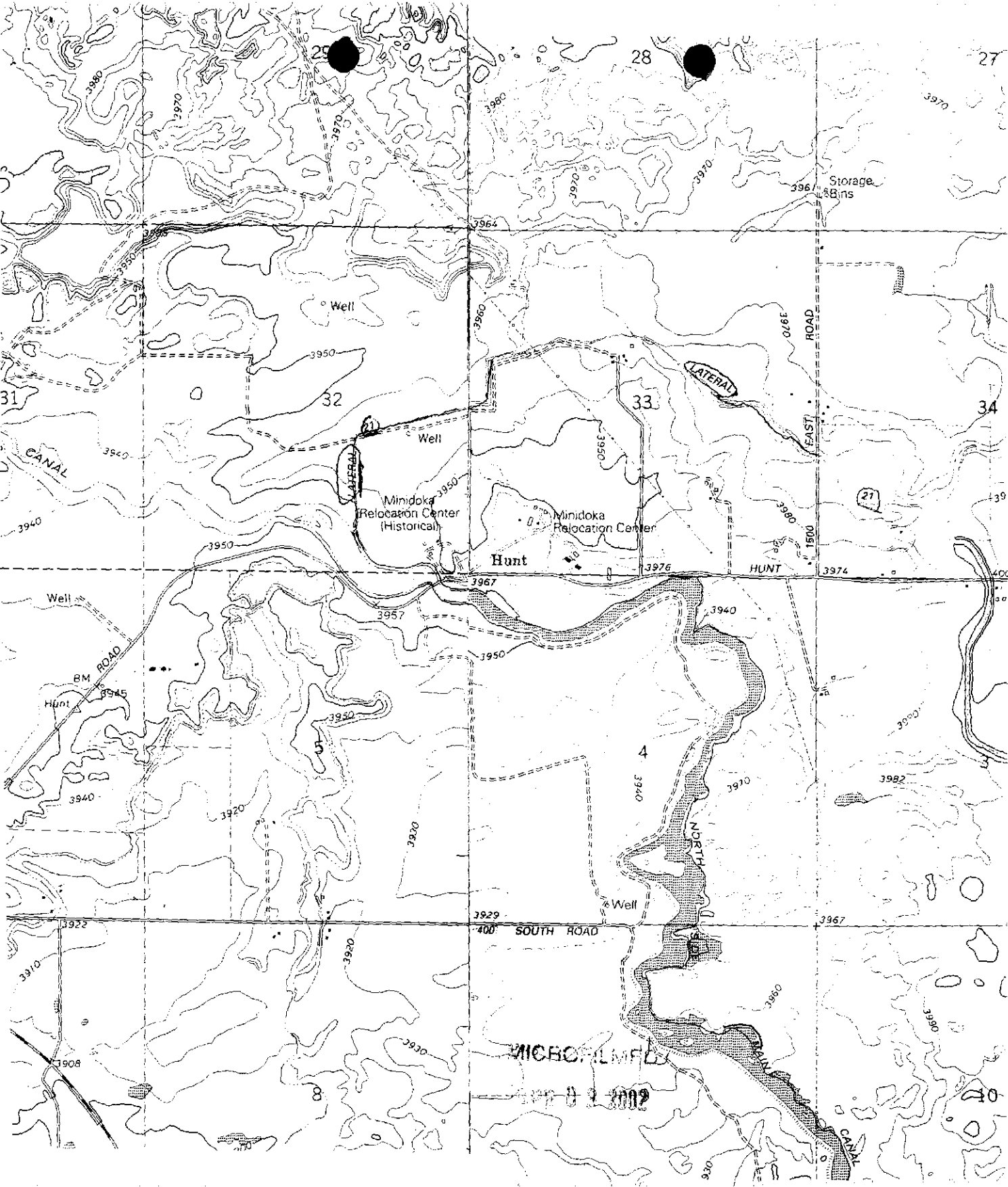
1902

1903

Latitude 42° 41' N.
Longitude 114° 17' W.

உயிரினங்கள்







State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

Memorandum

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To: 36-15986

From: John Freitag

Re: Review analysis

Date: 1-24-02

This application is for waste water through an agreement with American Falls Reservoir District #2. Waste water will be diverted from lateral 21 of AFR #2 to a settlement pond. Waste water will be pumped from the settlement pond via a 20 hp pump to a second pond. The waste water is to be mixed in the second pond with ground water (rights 36-2460 and 36-7614). The mixed waste water and ground water will then be pumped through a mainline to three center pivots and a number of wheel lines and hand lines. The waste water will be spread over a PPU of 322 acres. The applicant estimated that he could irrigate 160 acres with waste water only. It is the applicants intention to mix the waste water (when available) with ground water to irrigate a total of 322 acres.

This application is being processed with the understanding that it is mitigated by the decreased pumping of ground water, when waste water is available.

Rights 36-2460 and 36-7614 are the primary water source for the 322 acres and the waste water is to be used to supplement the ground water.

It should be noted that presently the POU on this application and the POU for 36-2460 and 36-7614 vary slightly. The variations in the POU's are: 36-2460 and 36-7614 show 37 acres in the NWNE of S32, 15 acres in the NWSE of S32 and 4 acres in the NWNW of S33; this application shows 40 acres in the NWNE of S32, 16 acres in the NWSE of S32 and no acres in the NWNW of S33, total acres remain the same. The POU on this application reflects the actual area being presently irrigated. The applicant has been informed that a transfer should be submitted for 36-2460 and 36-7614 to reflect the actual acres being irrigated and change the ownership.

It should also be noted that a change of ownership application has been submitted and is being held in Boise due to the fact that the applicant does not own the 4 acres of land in the NWNW of S33.

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APR 03 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

Memorandum

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To: 36-15986

From: John Freitag

Re: Legal Notice

Date: 01/24/02

Location is 3 miles west and 6 miles north of Eden Idaho.

Application is proposing to divert four cubic feet per second of waste water to supplement groundwater use for the irrigation of a 322 acre permissible place of use.

Applicant is mitigating use by reducing amount of groundwater pumped when waste water is available.

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APR 03 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

ATTN CHARLES WARREN
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 36-15986 filed in the name of Dean Dimond

Dear Mr. Warren:

The Department is seeking your comment and/or recommendations regarding the above referenced application; a copy is enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

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APR 03 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

AMERICAN FALLS RESERVOIR
DISTRICT NO. 2
PO BOX C
SHOSHONE ID 83352

Re: Application for Permit No. 36-15986 filed in the name of Dean Dimond

Gentlemen:

The Department is seeking your comment and/or recommendations regarding the above referenced application; a copy is enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

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APR 03 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

DEAN DIMOND
1454 HWY 25
JEROME ID 83338

RE: Application for Permit No 36-15986

Dear Mr. Dimond:

The Department of Water Resources acknowledges receipt of your water right application. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the **North Side News** for 2/21 & 2/28/02. A period of ten days following the second publication will be allowed for the submittal of protests. (March 11, 2002)

If an application is protested the applicant 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 an 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 the applicant of the outcome of this review. If a permit is issued, the applicant 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,

Mary A. Baldwin
Administrative Assistant

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APR 03 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

February 13, 2002

ATTN: Norma
MAGIC VALLEY PUBLISHING
North Side News
PO BOX 468
JEROME ID 83338

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

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APR 03 2002

The following application has been filed to appropriate the public waters of the State of Idaho, Jerome County:

36-15986

DEAN DIMOND
1454 HWY 25
JEROME ID 83338

Point(s) of Diversion: NWSE S32 T08S R19E
Source: WASTE WATER
Use: 04/01 To 10/31
IRRIGATION (4 CFS)
Date Filed: 01/23/2002
Place of Use: 322 Acres within portions of Sections 32 & 33, T08S

Remark: Location is 3 miles west and 6 miles north of Eden Idaho. Application is proposing to divert four cubic feet per second of waste water to suppeiment groundwater use for the irrigation of a 322 acre permissible Place of Use . Applicant is mitigating use by reducing amount of groundwater pumped when waste water is available.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the North Side News on 02/21 & 02/28/02.

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