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MICROFILMED

APR 13 1999

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AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

MAR 16 1999

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 supplement; that the date of the first publication of said advertisement was on the 4th day of March, 1999

and that date of the last publication was on the 11th day of March, 1999.

On this 11th day of March, 1999, before me, a Notary Public, personally appeared Patty Nance, 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 acknowledge to me that she executed the same.

Roberta Lee
Notary Public for Idaho
Residing at Jerome, ID

My commission expires: 3/6/01

#7015/24587
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

587.81 Lines straight at 35.27 6¢/Pica

587.81 Subsequent lines at 29.39 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 66.91

Davis #36-08787

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

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

JAMES W. DAVIS &/OR

CHERYL DAVIS

3060-A S 2200 E

WENDELL ID 83355

Application for Permit No. 36-08787

Source: groundwater (existing development)

Diversion Pt(s): NW1/4SW1/4, S01, T08S, R15E; Gooding County.

Use: irrigation (1.05 cfs) 04/01-10/31

In: 152 acres within SW1/4, S01, T08S, R15E; Gooding County.

Date Filed: 01/22/1999

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application.

PUB (Idaho)

7-8 p 7¢/Pica
7-8 p 6¢/Pica
7-8 p 5¢/Pica
ins Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 22, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

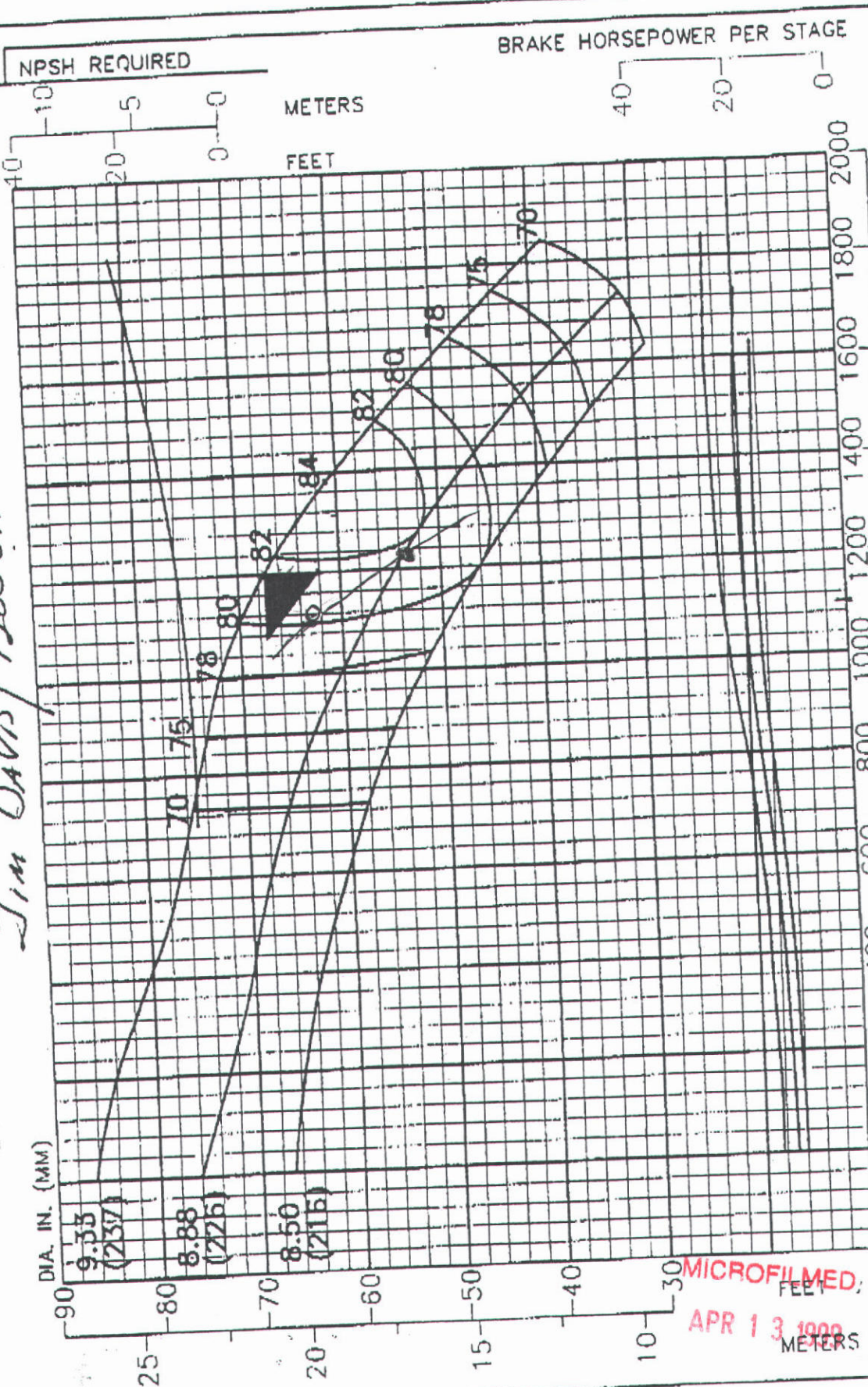
PUB: 3/4

G24587

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APR 13 1999

Jim Davis / 12000 GPM @ 200'



PUMP		12H135		CURVE NO.		EC--2388	
THRUST FACTORS AT BEP		RPM		ENCLOSED IMPELLER		N _s = 3010	
IMPELLER LBS/FT ² /KG/M		1770		STANDARD		7.48	
BALANCED		---		EYE AREA -		21.5 SQ. IN.	
CHANGE IN EFF. STAGES		POINTS		PERFORMANCE BASED ON PUMPING CLEAR WATER BELOW 85°F. WITH LISTED MAT'L'S. COLUMN LOSSES NOT INCLUDED		BOWL - CAST IRON - LINED	
1		-2		IMPELLER - BRONZE			
2		-1					
3		-5					

© 1993 Ingersoll-Dresser Pump Company
Printed in U.S.A.

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APR 13 1999

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RECEIVED

MAR 20 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region**Notice of Security Interest in a Water Right**And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water RightPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 36-8787 & 36-7513
- Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
- A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
- MAGIC VALLEY BANK
- PO BOX 489
- TWIN FALLS, ID 83303
4. Name of Water Right Owner/Claimant(s) JAMES W. DAVIS
5. Expiration Date of Notification Period 3-1-2012
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) James W. Davis
Chm. Asst. - V.P. Magic Valley Bank

For Office Use Only

Received by <u>JS</u>	Date <u>3-20-02</u>	Fee <u>\$50.</u>
Received by <u>JS</u>	Date <u>3-20-02</u>	Receipt No. <u>5024659</u>
Processed by _____	AJ Date _____	WR _____ Date _____

Amt. of Fee \$: 125
Receipt No. 0045439
Receipt By: Fuller
Date Received: 5/14/99

RECEIVED

MAY 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 who has been appointed by the department.

1. Permit No. 36-08787 Telephone No. 536-6485

2. Name(s) of Permit Holder(s): James W & Cheryl Davis

3. Mailing Address: 3060-A S 2200 E, Wendell, ID 83355

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 11 - 29 / yr. 1994

a. Well Driller: Arnold Elsing Drilling Permit Number: - -

b. OPTIONAL:
Pump Horsepower: 125 Pressure (psi): 80 or less Dynamic pumping level (ft): 142

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

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

Irrigation (No. of acres): 152 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 1.05 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 or No ✓

Has the measuring device been installed? Yes or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes or No ✓

Has the measurement port been installed? Yes or No ✓

8. Fee Enclosed: \$ 125⁰⁰ (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: Permittee Telephone Number:

Address:

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

Signature of permit holder: James W Davis
(Include your title, if on behalf of company or organization)

MICROFILMED
Date: Aug. 23, 1999
AUG 23 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08787

Proposed Priority: January 22, 1999 Maximum Diversion Rate: 1.05 CFS

This is to certify, that CHERYL DAVIS
JAMES W DAVIS
3060-A S 2200 E
WENDELL ID 83355

has applied for a permit to appropriate water from: GROUNDWATER

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	04/01 to 10/31	1.05 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 1, Township 08S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S 15E 1	NESW 40.0	NWSW 35.0	SWSW 37.0	152.0
	SESW 40.0			

Total number of acres irrigated: 152.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1999.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

MICROFILMED

APR 13 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

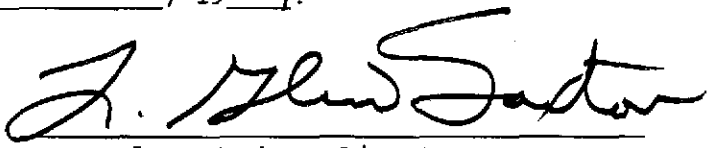
NO. 36-08787

CONDITIONS OF APPROVAL AND REMARKS

9. This right does not authorize the irrigation of land not previously irrigated.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

2 nd day of April, 1999.


for Karl J. Dreher, Director

MICROFILMED

APR 13 1999

RECEIVED

MAR 26 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 36-08787

RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

1. Name of Applicant James W. & Cheryl Davis Phone 536-6485
Mailing address 3060-A S 2200 E, Wendell, ID 83355
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 8S Range 15E Sec. 1 in the SW 1/4.
NW 1/4, SW 1/4, Govt. Lot _____, B.M., Gooding County:
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.05 ~~0.91~~ cfs for Irrigation purposes from 4-1 to 10-31 (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) ~~0.91~~ 1.05 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 Existing well, motor, pump, sprinklers
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 20 inches; proposed depth of well is 200 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 3-30-75; Drilling firm E/sing Drilling
Well was drilled for (well owner) Ed Gunning; Drilling Permit No. N/A
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):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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APR 13 1999

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	15E	1									40	35	37	40					152

Total number of acres to be irrigated 152

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

36-07513

11. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated or place of use? "

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: The purpose of this application is to legalize the pumping capacity that was developed under Permit 36-07513 but not recognized on the license due to a faulty flow meter. The licensing exam was done in 1977, and the system has not changed since then. Well was measured on 6-29-95 by Burke Scholer of IDWR at 446 gpm (3.6 cfs), at 51 psi. A pivot replaced some handlines in 1998, but water use is about the same.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

MICROFILMED
APR 13 1999

James W Davis
Signature of Applicant (and title, if applicable)

Received by J. Stanton Date 1-22-99 Time 1:10 pm Preliminary check by J
Fee \$ 100.00 Receipted by J # 5021745 Date 1-23-99
Publication prepared by MB Date 2/18/99 Published in Gooding Co. Leader
Publication approved MB Date 3/22/99

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APR 13 1999

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**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08787 Reviewed by [Signature] Date 8-11-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
 / Ground water source
NO Drilling permit required? prc 87
 / Copy in the file? Drilling Permit No.
 / Amount paid for permit Correct?
 / Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
125- Amount Submitted
yes Correct?
NO Required?
 / Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 5-13-99



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

August 17, 1999

James and Cheryl Davis
3060 A S 2200 E
Wendell ID 83355

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08787

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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 concerning the field examination, please contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208)736-3033

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 23 1999



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

April 2, 1999

CHERYL DAVIS
JAMES W DAVIS
3060-A S 2200 E
WENDELL ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08787

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting

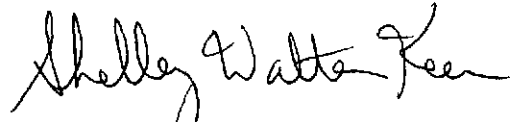
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APR 13 1999

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

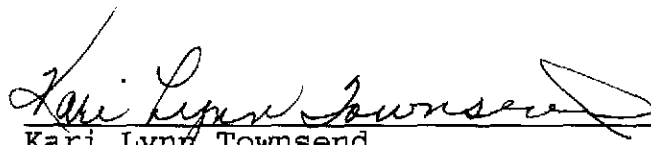
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 36-08787

CHERYL DAVIS
JAMES W DAVIS
3060-A S 2200 E
WENDELL ID 83355


Kari Lynn Townsend
Secretary

MICROFILMED

APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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APR 13 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

APR 13 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CindyNo.: 36-8787 Name: Davis Date: 3/31/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDAQ3) - 046-P23

In Basin 34? - 085

Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

WMD

Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)

Supp. irr. + uses - 100-101

> 0.24 cfs/5 acres - 01M (report when notified)

≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - Yes / No; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # _____)

> 0.20 cfs - 01J-P08 (MD & LD)

≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22 -P04, NA

(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA

Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's) - 029 (fish screens), NA

Weiser R (67) - 086, 087

USE:

STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

STOCKWATER - R37 (BLM/USFS); NA

MINING - 054(req) -081-P10

FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10

HEATING/COOLING - R07 (injection well)

POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081 (P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area? - 022, 075, 004 (+memo?)

Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

> 1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)

MITIGATION - 120

42-248 AREA - P84 in 20/30/40/50/60/70/80 (87) basin

SWAN FALLS FLAG (✓ Code)

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

- 004

STANDARD REMARKS:

BENEFICIAL USE DUE:

- 8 / 1 / 1999

COMMENTS:

James M. Davis

APPLICATION NO. 36-08787

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

MAR 26 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY J. E. Stanton DATE 1-25-99

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* Is form to receipt?

++++ PROPOSED PRIORITY DATE 1-22 1999

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ 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 _____
- ☐ 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? West Mesa District & N. Snake GW 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.

Advertise as Pre-1987 Development

* 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
USFS
Idaho Dept of Lands
Water Dist. No.
Adjustment Bureau Unit
West Mts. Dist.
N. Snake River Dist.

PROCESSING ☒ Yes ☐ No In form for Advertising?

Statewide Advertising? ☒ Yes ☐ No

Fee amount, receipt date & No. recorded? ☒ Yes ☐ No

Yes ☒ No ☐ Has all requested additional information been received?
If not, describe action taken: See enclosed memo.

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?

Describe Resolution: _____

Yes ☒ No ☐ Measuring device required?

Yes ☒ No ☐ Access port required?

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

Yes ☒ No ☐ Special conditions codes: _____

Yes ☒ No ☐ Is Evaluation Memo Attached? 3/22/99

Date of priority recommended: 1/22/99

COMMENTS:

RECOMMEND

Approval

Denial

By _____ Date 3/23/99

FROM: Allen Merritt *AM*

DATE: March 23, 1999

TO: Application No. 36-08787
In the Name of: Davis

SUBJECT: Review and Recommendation

This application is for a pre-1987 flow rate. No additional acres are being irrigated. Included in the file are documents evidencing or supporting the pre-87 use. The system is currently covered by recently decreed right 36-07513 for irrigation of 152 acres at a rate of 1.73 cfs. Evidence supports that the historical rate has been 2.78 cfs. This application attempts to make up the difference or 1.05 cfs.

The application was advertised without protest.

- Limit this permit when combined with 36-07513 to the 2.78 cfs for irrigation of 152 acres.
- No new wells authorized or expansion of use beyond pre-1987 development.
- Use subject to measurement and reporting through West ESPA Measurement District or North Snake Groundwater District.
- An acceptable means of measurement must be maintained at the point of diversion.

MICROFILMED

APR 13 1999

FILE PROGRESS SUMMARY

APPLICANT:

WATER RIGHT NO. 36-08787

[illegible]

RETURN SERVICE REQUESTED

RECEIVED

MAR 01 1999

Department of Water Resources
Southern Region

MICROFILMED

1999
3
1999

ATTN ~~JEFF~~ MARTIN

STEP HEAD INSTRUCTIONS

101

JERC

STEE101 833382005 1798 05 02/26/99
RETURN TO SENDER
:STEELHEAD ENGIN
175 W 400 S
JEROME ID 83338-5949

83301/8380

[illegible]

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

MAR 16 1999

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn,
deposes and says that she is the printer (publisher) of the Gooding County Leader, a
newspaper published every week in Gooding, County of Gooding, 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
supplement; that the date of the first publication of said advertisement was on the
4th day of March, 1999

and that date of the last publication was on the 11th day of
March, 1999

On this 11th day of March
in the year of 1999 before me, a Notary Public, personally appeared
Patty Nance, 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 acknowledge to me that she executed
the same.

Robb McVee
Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

7015/24587
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

587.81 Lines straight at 35.27 6¢/Pica

587.81 Subsequent lines at 29.39 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 66.91

Davis #36-08787

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

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

JAMES W. DAVIS &/OR

CHERYL DAVIS

3060-A S 2200 E

WENDELL ID 83355

Application for Permit No. 36-08787

Source: groundwater (existing development)

Diversion Pt(s): NW1/4SW1/4, S01, T08S, R15E; Gooding County.

Use: irrigation (1.05 cfs) 04/01-10/31

In: 152 acres within SW1/4, S01, T08S, R15E; Gooding County.

Date Filed: 01/22/1999

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application.

PUB (Idah 7-8 p 7-8 p 7-8 p ins: 5¢/Pica

Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 22, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUB: 3/4 G24587

MICROFILMED

APR 13 1999

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Karl J. Dreher, Director

Published in the Gooding County
Leader on 03/04 & 03/11/99.

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APR 13 1999



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

February 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN **Gooding County Leader**
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

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APR 13 1999

NOTICE OF APPLICATION FOR WATER PERMIT

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CHERYL DAVIS
3060-A S 2200 E
WENDELL ID 83355

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Karl J. Dreher, Director

Published in the Gooding County Leader on 03/04 & 03/11/99.

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APR 13 1999



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

February 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES W. DAVIS &/OR
CHERYL DAVIS
3060-A S 2200 E
WENDELL ID 83355

Re: Application for Permit No. 36-08787

Dear Applicants:

Preliminary review of your application indicates that it may qualify for an exception from the Snake River Basin Moratorium on approval of new consumptive-use permits if the **development of your irrigation system was completed by November 19, 1987**

This office acknowledges that you have submitted documents supporting evidence of the prior development. Note that the application can only be approved for the water usage that existed in 1987; any increases since then would not be exempt from the Moratorium.

Legal advertising of the application has been scheduled to appear in the Gooding County Leader for 03/04 & 03/11/99. A period of ten days following the second publication will be allowed for the submittal of protests.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB
cc:

NORTH SNAKE GROUNDWATER
DISTRICT
ATTN JEFF MARTIN
STEELHEAD ENGINEERING
101 WEST MAIN #9
JEROME ID 83338

WEST MEASUREMENT DISTRICT
ATTN ARNOLD WETZSTEIN
IDAHO DEPARTMENT OF WATER
RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301-3380

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See P.O. return env.

APR 13 1999



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 18, 1999

WEST MEASUREMENT DISTRICT
ATTN ARNOLD WETZSTEIN
IDAHO DEPARTMENT OF WATER
RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301-3380

NORTH SNAKE GROUNDWATER
DISTRICT
ATTN JEFF MARTIN
STEELHEAD ENGINEERING
101 WEST MAIN #9
JEROME ID 83338

*Re. Sent
3/2/99
See P.O. correction
enw.*

Re: Application for Permit No. 36-08787 - James W. &/or Cheryl Davis

Gentlemen:

Enclosed is a copy of an Application for Permit within your District for your information &/or files.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosure(s)

MICROFILMED

APR 13 1999

MEMORANDUM

To: File
From: Burke Scholer
Subject: Rate of diversion - 36-07513
Date: January 21, 1999

This water right was licensed for 1.73 cfs with a priority date of November 29, 1974. The flow rate was measured June 29 and 30, 1995 as required by the water measurement program. The average flow rate was 1186 gpm or 2.64 cfs. @ 71 psi @ Pump

While reviewing this file to determine the circumstances why the farmer would be over pumping, I determined that this flow rate (2.64) most likely was being pumped at the time of the field licensing examination. The field examiner stated that there was nine laterals with 32 sprinkler heads (288 total) each in place and operating at 80 psi. To operate this many sprinkler heads with 1.73 cfs, each nozzle would run only 2.7 gpm per nozzle. This is not likely since it would indicate an $\frac{1}{8}$ inch nozzle @ 35 psi. A more logical configuration would be 9/64-inch nozzles with 55 psi at the nozzle would be about 4.2 gpm per nozzle or a total flow of about 1200 gpm.

Also the field examiner used a theoretical calculation to check the flow rate.

$CFS = hp \times \text{efficiency} \times 8.823 / \text{tdh}$

The calculation the examiner used was okay except for one point. While determining the tdh he combined lift with discharge pressure to obtain the total dynamic head (tdh). When he did this he multiplied the lift by 2.33 (should have been 2.31) then added the discharge pressure to the result. When he combined these numbers wrong and made the calculation he came up with 1.65 cfs (I am not sure how). The correct answer would have 2.306 cfs.

The farmer was sent a letter giving him the opportunity to dispute the findings but he never did and therefore it was licensed as is.

Note: Regarding post licensing letter [↑], letter was sent to old owner. Licensing exam stated Davis was new owner, but apparently our records were not updated, and letter re: licensing findings sent to Gunning, who did not reply.
Steve King 4/22/99

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APR 13 1999

36-08787

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Measurement Program

**POWER CONSUMPTION COEFFICIENT
REPORTING FORM 1995**

6-29-95
BHS

Name: <u>JAMES DAVIS</u>
Water Right No: <u>36-07513</u>
Legal Description: <u>T08SR15E Sec. 1 SW 1/4 NW 1/4 SW 1/4</u>

Current Owner

Name _____ Phone _____
 Last, First, MI
 Address _____ City _____ State _____ Zip _____

Operator (if leased or operated by someone else)

Name _____ Phone _____
 Last, First, MI

Well Site Identification - R062922A - B' NE OF PUMP

Uncorrected: Longitude 114° 39' 11.74" Latitude 42° 45' 35.10"

Corrected: Longitude _____ Latitude _____

PLS/USGS Locator: _____ Site Tag Id. No. A0001554

Site Tag location description: ON SERVICE POLE 6' N. OF WELL

Pump and Motor Information

PUMP DATA		MOTOR DATA	
Manufacturer	SINGER WELLLINE	Manufacturer	U.S. MOTORS
Serial Number	45475 *	Serial Number	2521-990 *
Model Number	↑	Rated Horsepower	125
Type	N/A	Rated Amps	150
Impeller Diameter		Rated Volts	MICROFILMED
Rated Speed		Rated Speed	APR 3 1999
Rated Discharge		Phase	3
Rated Head		Service Factor	1.15

CHARGE
IN FILE

* Same as identified on 1978 etam
on 36-7513. c.s. 3/31/99.

Determination of Power Consumption Coefficient (PCC)

KILOWATT HOUR METER		WATER MEASUREMENT METER and MOUNTING PIPE INFORMATION	
Utility	IDAHO POWER	METER INFORMATION	
Manufacturer	GE	Manufacturer	
Meter Serial No.	62085186	Model Number	
Disc Constant(Kh)	4.8	Type	
Meter Multiplier	40	PIPE INFORMATION	
Rated Voltage	480	Pipe material	
Demand	2.498 x 40 = 99.92	Outside Diameter	
Multiplier (Mult)	40	Inside Diameter	
CTR (Current)	200	Distance of straight pipe upstream from meter	
PTR (Voltage)	0	Distance of straight pipe downstream from meter	

Kilowatts

$$KW = 3.6 \times Kh \times Mult \times N \div T = KW$$

$$N = \text{<number of disc revolutions>} \underline{5} \text{ Rev.}$$

$$T = \text{<time = seconds per N>}$$

$$\text{Sec } (35.21 + 35.12 + 35.33) / 3 = 35.22 \text{ (ave)}$$

$$KW =$$

$$3.6 \times 4.8 \text{ (Kh)} \times 40 \text{ (Mult)} \times \underline{5} \text{ (N)} \div 35.22 = 98.12$$

$$\#1 \ 98.12 \text{ KW} = 131.48 \text{ IHP}$$

$$\#2 \ 98.94 \text{ KW} = 132.58 \text{ IHP}$$

Measured Flow rate

Enter flow rate as determined by the water meter either in gallons per minute or cubic feet per second. Attach documentation to support data such as notes, printout tapes etc.

$$\#1 \ 1124 \text{ GPM } 71 \text{ PSI DISCH. PRESS.}$$

$$\#2 \text{ or } 1024 + 225 = 1249$$

$$\#2 \ 1249 \text{ GPM } 51 \text{ PSI DIS. PRESS.}$$

NORMAL OPERATION

Power Consumption Coefficient (PCC)

$$\text{Using GPM ---- } PCC = KW \times 5433 \div GPM$$

$$\#1 \ PCC = \frac{98.12 \text{ (KW)} \times 5433}{1124 \text{ (gpm)}} = 474.28 \text{ (kWh/ac.ft)}$$

$$\#2 \ \frac{98.94 \text{ (KW)} \times 5433}{1249 \text{ (gpm)}} = 430.38$$

$$\text{AVE } 451.2$$

$$\text{Using CFS ---- } PCC = KW \times 12.1 \div CFS$$

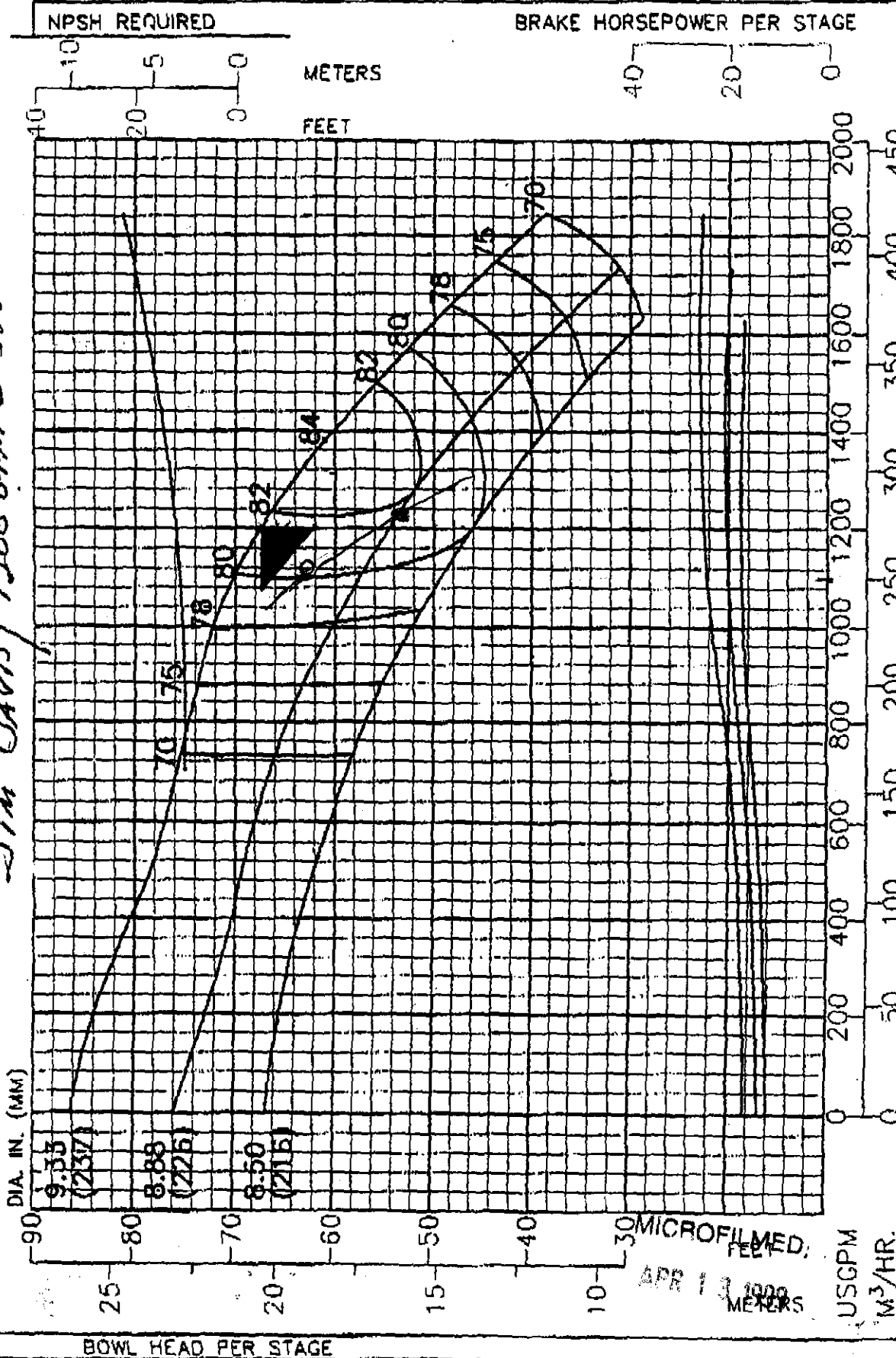
$$PCC = \text{_____ (KW)} \times 12.1 \div \text{_____ (gpm)} = \text{_____ (kWh/ac.ft)}$$

$$PCC =$$

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APR 13 1999

Jim Davis / 1200 6001 519



Ingersoll-Dresser Pumps		THRUST FACTORS AT BEP		RPM	PUMP
IMPELLER (LBS/FT/KG/A)		STANDARD		1770	12H135
BALANCED		---		ENCLOSED IMPELLER	CURVE NO.
EYE AREA - 21.5 SQ. IN.		---		N ₂ = 3010	EC-2388

©1993 Ingersoll-Dresser Pump Company
Printed in U.S.A.

2

5.9

15
T-98

T-1087

37.4
HEL

3
10.8

2
70.1

Jim Davis

21.9
HEL

4
35.2
RISE

5
1.5

17.3
HEL

722
T-976

820
T-108

18.1

1
145.5

1330

31.0 2
54.1

39
HEL

1747
T-1059

MICROFILMED
HEL

APR 13 1999

966
T-783

16
T

DATE: 01/21/99
PAGE: 1

difference is $0.9 \frac{1}{2}$ of 1.05