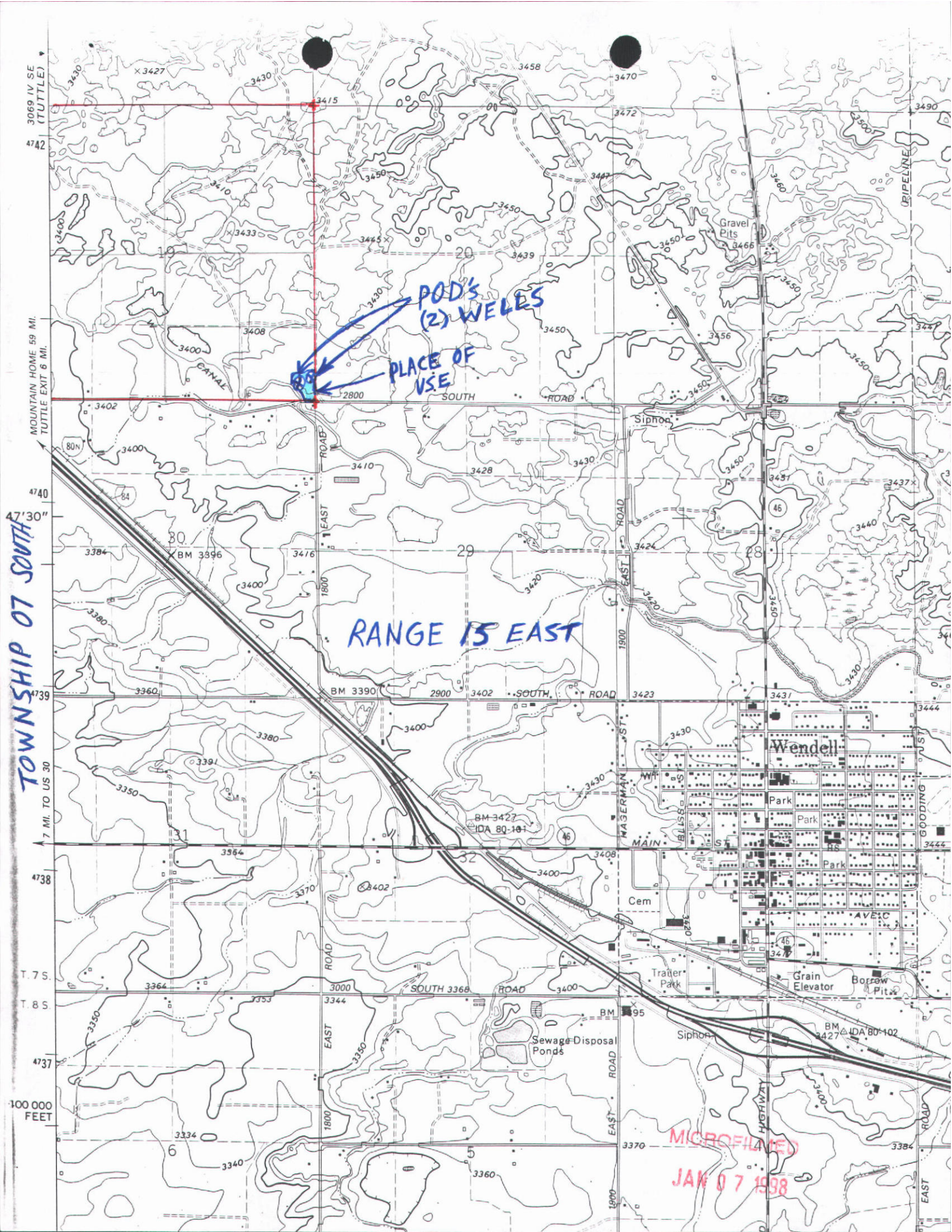




3069 IV SE (TUTTLE) 4742

MOUNTAIN HOME 59 MI. TUTTLE EXIT 6 MI.

TOWNSHIP 07 SOUTH

7 MI. TO US 30

T. 7 S. T. 8 S.

4737

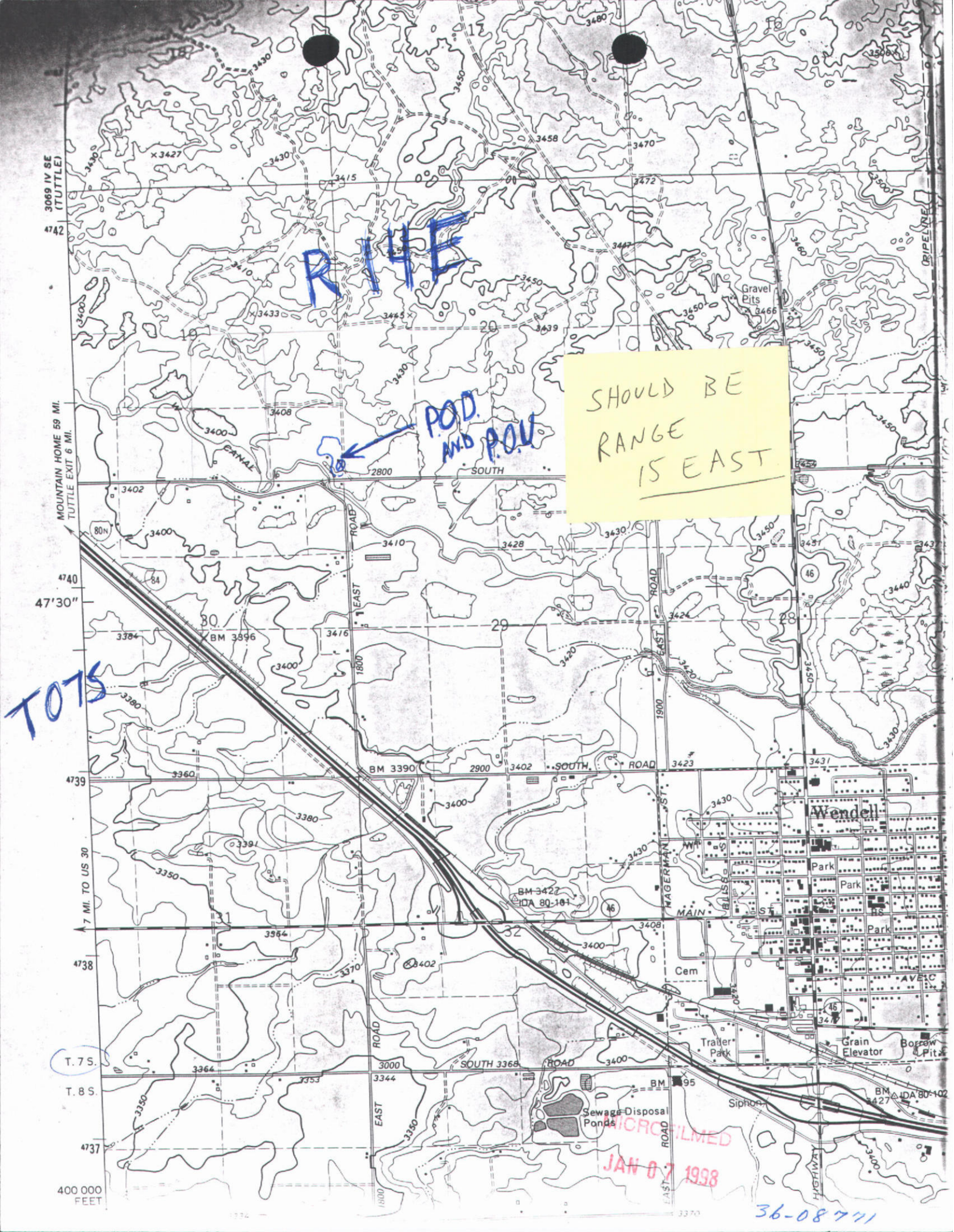
100 000 FEET

POD'S (2) WELES

PLACE OF USE

RANGE 15 EAST

MICROFILMED
JAN 07 1998



3069 IV SE
(TUTTLE)

4742

MOUNTAIN HOME 59 MI.
TUTTLE EXIT 6 MI.

4740

47'30"

4739

7 MI. TO US 30

4738

T. 7 S.

T. 8 S.

4737

400 000
FEET

RAHE

POD.
AND P.O.V.

SHOULD BE
RANGE
IS EAST

Wendell

Park

Park

Park

Grain Elevator

Borrow Pit

Siphon

Trailer Park

Cem.

MAIN ST

BLISS ST

WATERMAN ST

ROAD

ROAD

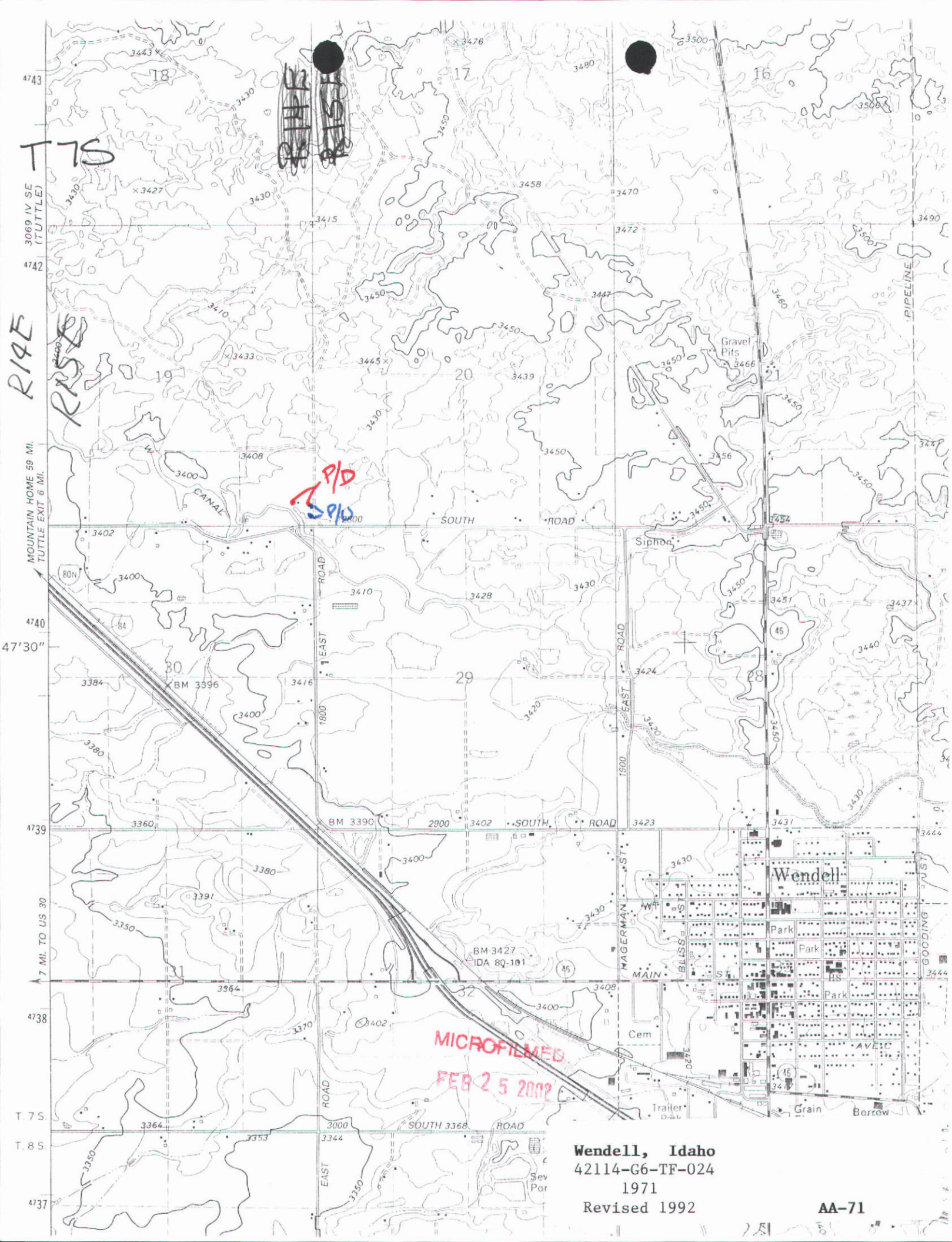
ROAD

ROAD

ROAD

MICROFILMED
JAN 07 1938

36-08771



Wendell, Idaho

42114-G6-TF-024

1971

Revised 1992

AA-71

T 7S

W
W
W
W

P/D
Dairy Well
GPS TAG #
A0007893

P/D
Domestic Well
GPS TAG #
A0007894

MICROFILMED
FEB 25 2002

Manuel and Maria Dinis

GPS TAG #s

Dairy A0007893

Domestic A0007894

36-08771

Corrals

Feed Barn

Corrals

Calf Pens

Dairy Well
GPS TAG#
A0007893

Pump House

Milking Barn

Calf Pens

Domestic Well
GPS TAG#
A0007894

House #1

200' = 20,000ft²

Watered
with Dairy
Well

Drive Way

MICROFILMED
FEB 25 2002

House #2

150'

15,000ft²

= 22,500ft²

NTS

2800S

36-08771



Looking NE'ly

Domestic Well

GPS TAG # A0007894

MICROFILMED
FEB 25 2002

Manuel Dinis
FE: Amanda Folsom
Date: 20 August 1999

36-8771



Milking Barn

West Side

Pump House

Dairy Well

GPS TAG# A0007893

Looking NE'ly

Looking NW'ly



Milking Barn

Calf Pens

Manuel Dinis
FE: Amanda Folsom
Date: 20 August 1999

MICROFILMED

FEB 25 2002

36-8771

Irrig Lawn

Domestic Well



House #1

Looking SW'ly

Milking Barn

8-20-99

8-20-99

Looking SE'ly



Irrig Lawn

House #2

House #1

Manuel Dinis
FE: Amanda Folsom
Date: 20 August 1999

MICROFILMED
FEB 25 2002

36-8771



Manuel Dinis
FE: Amanda Folsom
Date: 20 August 1999

MICROFILMED
FEB 25 2002
36-8771

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 25 1997

State of Idaho }
County of Gooding } ss.

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 a supplement; that the date of the first publication of said advertisement was on the 17 day of Sept, 1997, and the date of the last publication was on the 24 day of Sept, 1997.

Patty Nance
Subscribed and sworn to before me this 24th day of September, 1997.
(SEAL)

Norma DeVan
NOTARY PUBLIC

6623
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

Affidavit Fee \$2.25

Lines tabular at _____ 7¢/Pica
420.75 Lines straight at 25.25 6¢/Pica
420.75 Subsequent lines at 21.04 5¢/Pica
TOTAL COST 48.54

MICROFILMED

JAN 07 1998

COPY OF NOTICE

(Paste Here)

Permit - dinis
TITLE OF NOTICE 36-08771

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dep. of Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT
The following application has been filed to appropriate the public waters of the State of Idaho:
MANUEL DINIS &/OR MARIA DINIS
1796 E 2800 S
WENDELL ID 83355
Application for Permit No. 36-08771
Source: groundwater (existing development)
Diversion Pt(s): SE1/4SE1/4, S19, T07S, R14E; Gooding County.
Use: 1/1-12/31 Domestic (0.04 cfs)
In: SE1/4SE1/4, S19, T07S, R14E; Gooding County
Date Filed: 8/25/97
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 October 6, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director
Published in the Gooding County Leader on 9/17 & 9/24/97.

No 6623

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08771

Priority: August 25, 1997

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 2.4 AF

It is hereby certified that MANUEL DINIS And/Or
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 25, 1997; and have
submitted Proof of Beneficial Use on January 26, 1998. An examination indicates that the works have a
diversion capacity of 0.15 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	1/01 to 12/31	0.06 CFS	2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, Twp 07S, Rge 15E, B.M. GOODING County

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, Twp 07S, Rge 15E, B.M. GOODING County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	19																	X

CONDITIONS OF APPROVAL

1. Domestic use is for 2 homes.
2. Rights 36-10656 and 36-07460S are also diverted through the points of diversion described above.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre per home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 15TH day of FEBRUARY, 2002.

MICROFILMED
FEB 25 2002

Acting for
KARL J. DREHER
Director

RECEIVED
JAN 26 1998STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 28 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 36-08771 Telephone No. ⁽²⁰⁸⁾ 536-6425
2. Name(s) of Permit Holder(s): MANUEL f/or MARIA DINIS
3. Mailing Address: 1796 E 2800 S WENDELL, ID 83355
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 09 / yr. 94
- * a. Well Driller: #0026 (EATON) Drilling Permit Number: 36-94-S-0232-000
- b. OPTIONAL: ?
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 2 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1.0 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.09 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 X

Has the measuring device been installed?

Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No X

Has the measurement port been installed?

Yes _____ or No X8. Fee Enclosed: \$ 50.00 (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: MANUEL f/or MARIA DINIS Telephone Number: (208) 536-6425Address: 1796 E 2800 S WENDELL, ID 83355

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:

C. Skinner
(include your title, if on behalf of company or organization)

Date:

1-26-98

MICROFILMED

* NOTE AN ADDITIONAL WELL
IS ALSO PART OF THIS PERMIT, BUT THE
DATE/DRILLER INFORMATION IS UNKNOWN.
PERMIT AND PROOF IS FOR TWO
WELLS.

TWO MAR 26 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 36-08771

Proposed Priority: August 25, 1997

Maximum Diversion Rate:

0.09 CFS

This is to certify, that **MANUEL DINIS**

MARIA DINIS

1796 E 2800 S

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	0.03 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
	Totals	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 19, Township 07S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	15E	19	SESE	1.0		1.0

Total number of acres irrigated: 1.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1998.
2. Subject to all prior water rights.
3. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Two points of diversion are located within SESE, S19, T07S, R15E.
6. Rights 36-07460S and 36-10656 are also diverted through the points of diversion described above.
7. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
8. The irrigation occurring under this right shall not exceed 1/2 acre per home.
9. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

MICROFILMED

JAN 8 7 1998

State of Idaho
Department of Water Resources

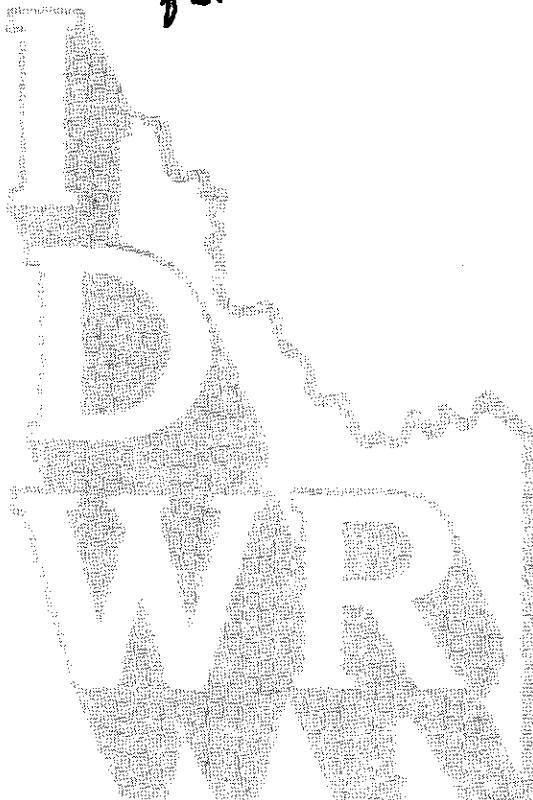
Permit To Appropriate Water

NO. 36-08771

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

18 th day of December, 1997.

Karl J. Dreher
for Karl J. Dreher, Director



MICROFILMED
JAN 27 1998

RECEIVED

FORM 202
1/96

OCT 08 1997

Ident. No. 36-08771Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED****APPLICATION FOR PERMIT**

RECEIVED

DEC 01 1997

To appropriate the public waters of the State of Idaho

Department of Water Resources

Phone 536-6425

1. Name of Applicant MANUEL & /OR MARIA DINIS
Post Office address 1796 EAST 2800 SOUTH WENDELL, ID 83355
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 19 Township 07S Range 15E B.M. GOODING County; additional points of diversion if any: 2ND POINT OF DIVERSION LOCATED WITHIN SESESE 1/4 SECTION 19
(TOTS, RISE)

4. Water will be used for the following purposes:

- Amount 0.06 cfs for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.03 cfs for IRRIGATION purposes from 04/01 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)

5. Total quantity to be appropriated is (a) 0.09 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. TWO EXISTING WELLS THAT WILL BE INTERCONNECTED INTO ONE COMMON SYSTEM
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? _____

- e. If well is already drilled, when? 09/12/1994; Drilling firm EATON (36-94-S-0232-000):
Well was drilled for (well owner) MANUEL DINIS

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 if KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 2 HOMES WITH YARDS (IRRIGATION)
- e. Other; describe fully. _____

MICROFILMED

JAN 07 1998

*6e reflects when 2nd well (eastmost) well was drilled, it is unknown when the 1st well (westmost, by barn) was drilled.

2nd *
well

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	19																D	
																		I	1

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. 36-10656 IS CURRENTLY DECREEED OUT OF THE OLD WEST WELL, BUT IS INVOLVED WITH A TRANSFER APPLICATION.

11. a. Who owns the property at the point of diversion? APPLICANT(S)

b. Who owns the land to be irrigated or place of use? APPLICANT(S)

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

12. Remarks: A TRANSFER APPLICATION HAS RECENTLY BEEN FILED BY THE APPLICANTS TO COVER THE DAIRY FACILITY THAT EXISTS ON THIS PROPERTY. THIS TRANSFER INVOLVES RIGHTS 36-10656 AND A PART OF 36-07460 TO BE DIVERTED OUT OF THE SAME TWO WELLS LISTED ON THIS APPLICATION. APPLICANTS PLAN ON HOOKING WELLS TOGETHER INTO ONE SYSTEM. IRRIGATION USE IS LAWNS AND LANDSCAPING.

13. MAP OF PROPOSED PROJECT ATTACHED X Show clearly the proposed point of diversion, place of use, section number, township and range number. RELATING TO DOMESTIC USE.

(1 ACRE = 1/2 ACRE * 2 HOMES)

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.

Orlando Dini
(Applicant)

Received by MB Date 10/8/97 Time 10:45am Preliminary check by CS
Fee \$ 50.00 of 3650 Received by L. SKINNER # 5020623 Date 10/18/97
Publication prepared by MB Date 10/21/97 Published in Booming Co. Leader
Publication approved MB Date 11/10/97

MICROFILMED

JAN 07 1998

TOWNSHIP 07 SOUTH

✓ MOUNTAIN HOME 59 MI.
TUTTLE EXIT 6 MI.

3069 IV SE
(TUTTLE)

RANGE 15 EAST

POD'S
(2) WELES
PLACE OF
USE

PIPELINE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT AUG 25 1997

To appropriate the public waters of the State of Idaho Department of Water Resources
Southern Region

Ident. No. 36-08771
RECEIVED

1. Name of Applicant MANUEL & OR MARIA DINIS Phone 536-6425
Post Office address 1796 EAST 2800 SOUTH WENDELL, ID 83355
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 19 Township 07S Range 14E B.M. GOODING County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 cfs for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ (both dates inclusive)
(cfs or acre-feet per annum) SHOULD BE
Amount _____ for _____ purposes from _____ (both dates inclusive)
(cfs or acre-feet per annum) TOTS RISE
Amount _____ for _____ purposes from _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. existing well to home and stock water tanks
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. ~~Proposed~~ ^{existing} well diameter is 6 inches; proposed depth of well is 205 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? 09/12/1994, Drilling firm EATON 36-94-S-0232-000:
Well was drilled for (well owner) MANUEL DINIS
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 if KW. _____
 - b. Stockwatering; list number and kind of livestock. ~ 150 DRY AND 120 MILKING CATTLE
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. TWO HOMES WITH YARDS
 - e. Other; describe fully. _____

MICROFILMED
JAN 07 1998

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	19																D	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 36-10656 (SEE REMARKS)

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

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

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

12. Remarks: DECREE
36-10656 ONE DOMESTIC WELL (1981 PRIORITY) IS ALSO
USED IN THE SESE 1/4 OF SECTION 19. HOWEVER, THIS RIGHT IS
A SEPERATE SYSTEM DEVELOPED IN YEARS PAST. CURRENTLY THIS RIGHT
ONLY SERVES DAIRY USE. APPLICANTS WILL FILE A TRANSFER TO CORRECT POD
AND POW ON THIS RIGHT AND RECORD ACTUAL USE. APPLICANTS ARE CURRENTLY ATTEMPTING

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number. TO LOCATE WATER RIGHTS TO COVER THEIR EXISTING DAIRY.

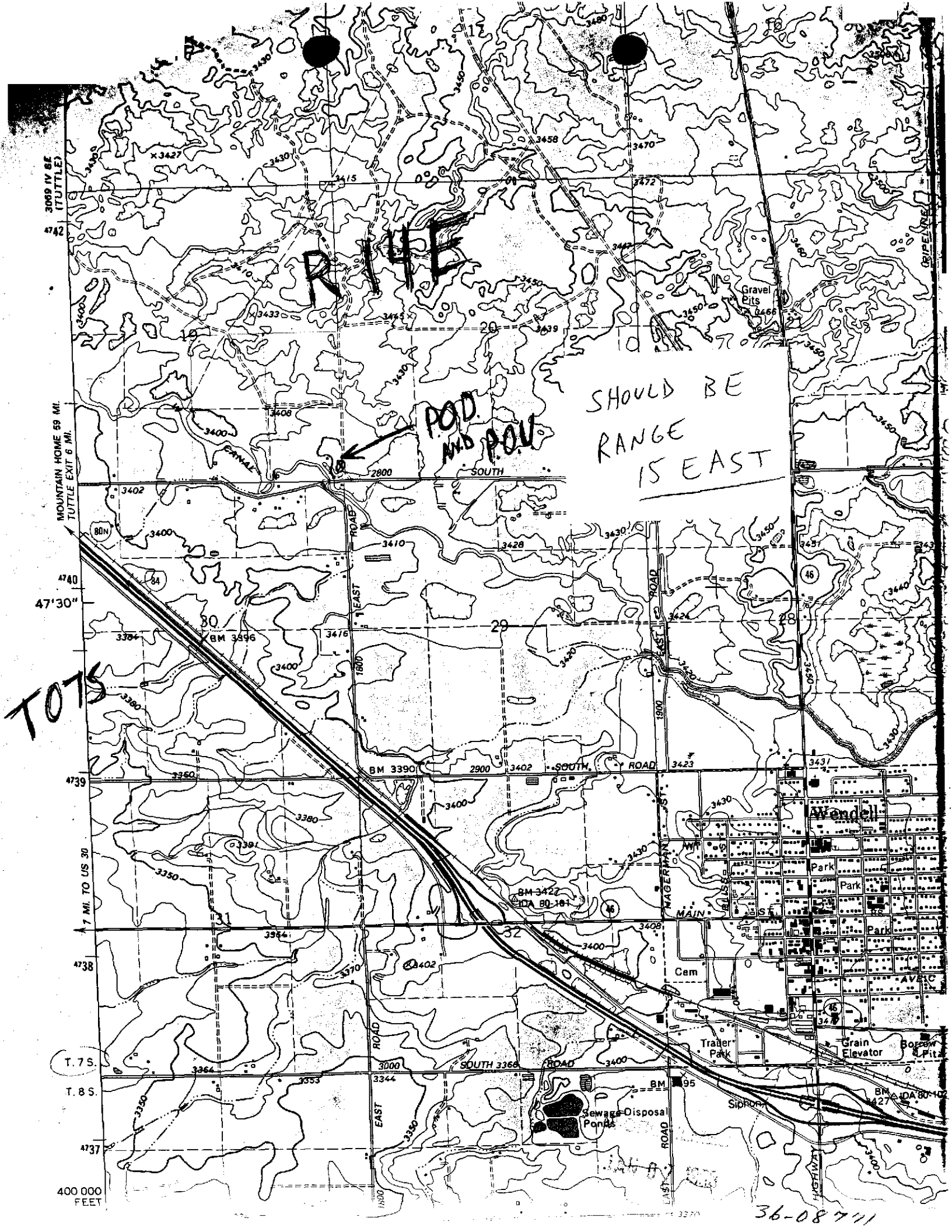
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Melvin Davis
 (Applicant)

Received by P. SKINNER Date 08/25/97 Time 7:30 pm Preliminary check by P. SKINNER
 Fee \$ 50.00 Receipted by C. SKINNER # 5020508 Date 08/25/97
 Publication prepared by MB Date 9/5/97 Published in Gooding Co. Reader
 Publication approved MB Date 9/29/97

MICROFILMED

JAN 07 1998



R 14 E

POD AND POU

SHOULD BE
RANGE IS EAST

T 075

T 085

400 000
FEET

36-08711



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

February 19, 2002

MANUEL DINIS
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355

RE: License No. 36-8771 - Issuance of License

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

FEB 25 2002

CERTIFICATE OF MAILING

I hereby certify that on February 19, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8771

MANUEL DINIS
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED

FEB 25 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

FEB 23 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).

Comment Report

36-8771

1. CZIMMERM 12/02/1997 DIVERSION DESCRIPTION

Comment: Two existing wells that will be interconnected into one common system. 2nd well, AKA eastmost well, drilled 9/12/94 by Eaton under 36-94-S-0232-000. It is unknown when 1st well, AKA westmost well, was drilled or who drilled it. One p/d (westmost well) overlaps with 36-10656. Transfer 5160 is will also overlap p/ds only.

2. VAULT 01/28/1998 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

3. JYARBROU 03/26/1998 additional DRILLING PERMIT FEE

Comment: ADDITIONAL \$165.00 DRILL PERMIT FEE PAID TO UPGRADE PERMIT

4. S. Keen 02/11/2002 Licensing Review

Comment: Irrigation of 1/2-acre per home can be shown as domestic use. The examiner measured 0.06 cfs from one well. The capacity will be listed as 0.15 cfs, the sum from the two wells under Transfer 5160.

MICROFILMED
FEB 25 2002

<u>WR Number</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u>	<u>Water Use List</u>	<u>Owner List</u>
36-7460S	Decreed	3/25/1974	0.11	COMMERCIAL, STOCKWATER	DINIS, MANUEL (Current); DINIS, MARIA (Current)
36-8394	Permit	8/25/1988	0.10	COMMERCIAL	VIEIRA, JOE (Current); VIEIRA, MARIE (Current)
36-8771	License	8/25/1997	0.06	DOMESTIC, IRRIGATION	DINIS, MANUEL (Current); DINIS, MARIA (Current)
36-10656	Decreed	3/1/1981	0.04	DOMESTIC, STOCKWATER <i>Commercial</i>	DINIS, MANUEL A (Current); DINIS, MARIA (Current)

Uses found on property: Domestic use for 2 homes, Irrigation of 1 acre and Commercial use in Dairy

Domestic use

2 home - 36-8771 0.06 cfs } 0.06 cfs
 1 home - 36-10656 0.04 cfs }

Stockwater use

36-10656 0.04 cfs } 0.15 cfs
 36-7460S 0.11 cfs }

Commercial use

36-7460S 0.11 cfs } 0.15 cfs
 36-10656 0.04 cfs }

Irrigation use

~~36-8771 0.03 cfs~~

All uses covered under above rights 36-7460S, 36-8771 and 36-10656 - no need for permit 36-8394
 For further information see memos of 10/9/1997 by Corey Skinner

LICENSE REVIEW CHECKLIST

Permit No. 36-8771

Date: 1-31-02 ~~12-12-00~~ Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 36-10656 36-7460S
File reviewed Profile reports printed (same pld)

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

Rate of Diversion:

Permitted rate 0.09 cfs
Fee Limit 0.2 cfs
Measured 0.06 cfs
Theoretical cfs

Recommended Total Diversion Rate 0.06

Water Uses OK Change (P46)

Season of Use per new Standards

3/15 11/15

Irrigation 0.03 cfs 4.0 af
Stockwater cfs af
Domestic 0.04 cfs 2.4 af 0.6
0.04 cfs af
Total 0.06 cfs 5.2 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (W57/065/104)
overlap spec combined rts (W35)
≥ 1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.03 cfs x 1.9835 x 214 days = 12.7 af (vs) 1 acres x 4.0 (FHR) = 4.0 af
3.0 (con)

Remarks: NB5

Additional Conditions OK Watermaster Control
 GW Measurement/Measuring Device
 Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

GW Dist? yes - North Snake GW Dist
Water Msmt. Dist? West
Crit. GWMA? OK
GWMA? OK
Government Lots? No

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? Not Req'd

Adjust memo map attached to exam shows plu in SESE (not SESW as on item 2 of exam)

Amend Letters P87, S06 Second Amendment Notice S06

2 homes w/ lawns - allow 2.2 x 2.2 = 4.84 af
1 home under 36-10656

Water Right Report 36-10656

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANUEL A DINIS 1796 E 2800 S WENDELL, ID 83355
Current Owner	MARIA DINIS 1796 E 2800 S WENDELL, ID 83355
Original Owner	JOE VIEIRA 1796 E 2800 S WENDELL, ID 83355 (208)536-6638
Original Owner	MARIE VIEIRA 1796 E 2800 S WENDELL, ID 83355 (208)536-6638

Status: Active

Tributary

Annual Volume

← Annual Volume 1 home w/ lawn
per "A" record
in VAX

0.040 CFS

Total Diversion: 0.040 CFS

Sec. 19, Twp 07S, Rge 15E, B.M.

P/DOL

DOMESTIC

[illegible][illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-10656

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP07S15E199001 LIVESTOCK, 100 DAIRY, 20 RANGE

Comments:

1. SMITH 7/31/1992 COPIED FROM REMARKS
Comment: SYSTEM WAS DEVELOPED IN 1981 FOR DAIRY USE, BUT NO WATER PERMIT WAS OBTAINED. WE RECENTLY PURCHASED THE PROPERTY. WE WILL APPLY FOR A WATER PERMIT FOR COMMERCIAL USE IN THE DAIRY. | CHANGE OF OWNER - VIEIRA TO DINIS, 6/18/92 RWW. CORRECTION COPIED REMARKS TO COMMENTS

Dates and Other Information:

Licensed Date:
Decreed Date: 1/10/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7460S

WATER RIGHT NUMBER: 36-7460S

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARIA DINIS 1796 E 2800 S WENDELL, ID 83355 (208)536-6425
Original Owner	JANSS FARMS C/O PETER JANSS PO BOX 99 BLISS, ID 83314 (208)352-4657
Current Owner	MANUEL DINIS 1796 E 2800 S WENDELL, ID 83355 (208)536-6425

Priority Date: 03/25/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

diff uses →

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.110 CFS	23.00 AF
COMMERCIAL	1/01 to 12/31	0.110 CFS	1.00 AF
<u>Total Diversion:</u>		0.110 CFS	24.00 AF

Location of Point(s) of DiversionGROUND WATER
GOODING County

SE1/4SE1/4

Sec. 19, Twp 07S, Rge 15E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	19																	X

COMMERCIAL same as STOCKWATERConditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7460S

3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer 5160 shall not exceed 0.15 cfs, nor total combined annual volume of 24.0 af.
Rights 36-07460S and 36-10656 when combined shall not exceed a total annual diversion volume of 24.0 af; 23.0 af for stockwater use and 1.0 af for commercial use.
Approval of Transfer 5160 does not confirm SRBA Claim 36-10656. Two points of diversion are located within SESE, S19, T07S, R15E.

Comments:

1. CLELLAND 11/26/1991 COPIED FROM REMARKS
Comment: ACREAGE DISTRIBUTION ON LICENSE APPEARS TO BE INCORRECT, AS WE HAVE NOT CHANGED THE IRRIGATION SYSTEM SINCE WE BOUGHT THE FARM IN 1979. LAND IN SESW SEC. 21 & NENW SEC. 28 WAS DRIED UP IN 1982 SO SENE & NESE SEC. 29 COULD BE IRRIGATED. APPLICATION FOR PERMIT WAS MADE IN 1985 TO COVER THESE LANDS. WATER RIGHT SPLIT: TRANSFER #3684 JANSS-- 13.16 CFS, A36-07460A BRANCHFLOWER--1.04 CFS, A36-07460B
2. CLELLAND 12/23/1991 TRANSFER 3767 INFO
Comment: THE RECOMMENDATIONS LISTED HERE ARE THE SAME AS IN R36-07460A. HOWEVER, TRANSFER 3767 HAS BEEN ALLOWED SINCE THE PERIOD OF FIVE YEAR NON-USE OF PORTIONS OF THIS RIGHT RANGED FROM 1987 TO 1991 AND THE TRANSFER WAS FILED IN 1990. IT APPEARS THAT IS THE LAST PENDING TRANSFER AGAINST THE FORFEITED/ABANDONED PORTION OF THIS RIGHT. ANY FURTHER TRANSFERS ON THE NON-IRRIGATED PORTION OF THIS RIGHT SHOULD NOT BE ALLOWED.
3. SKAGGS 3/18/1994 TRANSFER NO. 4051
Comment: Transfer No. 4051 was filed to change the point of diversion and the place of use under a portion of Right No. 36-07460C, splitting the right into parts H and J. The transfer was processed using the SRBA Claim as recommended to the court and will be stored under an X prefix on the water right database pending conclusion of the adjudication.
4. MBALDWIN 1/31/1996 TRANSFER NO. 4761
Comment: T# 4761 filed on 12/22/95 proposes to add diversion point(s), change place of use, change nature of use, change period of use, under a portion of Right 36-07460H, splitting the right into Parts K & L. Based on adjusted rates per SRBA stipulation agreement. SEE X36-07460K & X36-07460L.
5. MBALDWIN 2/8/1996 TRANSFER NO. 4765
Comment: T# 4765 filed on 1/29/96 proposes to to add diversion point(s), change place of use, change nature of use, change period of use, under a portion of Right X36-07460K, splitting the right into parts M & N. SEE X36-07460M & X36-07460N.
6. PSKAGGS 10/1/1997 TRANSFER NO. 5114
Comment: Transfer No. 5114 changes the point of diversion, place, season & nature of use under a portion of Right No. X36-07460M, splitting the right into Parts P & Q. SEE RIGHTS X36-07460P & X36-07460Q.
7. PSKAGGS 12/16/1997 TRANSFER 5160
Comment: Transfer 5160 adds a point of diversion, changes the nature, season & place of use under all of Right 36-10656 & a portion of Right X36-07460P, splitting the right into parts R & S. SEE RIGHTS X36-07460R, X36-07460S & X36-10656.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-7460S

Dates and Other Information:

Licensed Date:
Decreed Date: 3/31/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

POD OL per VAX 1/31/02

SD-0605-2 Township: 07S Range: 15E Section: 19 Tract: SESE Lot: 7
S L R STATE O S Max # Records 7
E O D Water Name W T Priority Total
L Tract T V Right No. Last, First N G Date Source Diversion

SESE	X36-07460S	DINIS, MANUEL	C L	03/25/1974	GROUNDWATER	0.11
		DINIS, MARIA	C			
		JANSS FARMS,	O			
SESE	X36-10656	DINIS, MANUEL	C J	03/01/1981	GROUNDWATER	0.04
		DINIS, MARIA	C			
		VIEIRA, JOE	O			
		VIEIRA, MARIE	O			
✓ SESE	36-08394	VIEIRA, JOE	C P	08/25/1988	GROUNDWATER	0.10
		VIEIRA, MARIE	C			
{ SESE	36-08771	DINIS, MANUEL	C P	08/25/1997	GROUNDWATER	0.09
		DINIS, MARIA	C			
{ SESE	L36-08771	DINIS, MANUEL	C L	08/25/1997	GROUNDWATER	0.06
		DINIS, MARIA	C			

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

POU OL per VAX 1/31/02

SD-0604-2 Township: 07S		Range: 15E		Section: 19		Tract: SESE		Lot:	
S	L	STATE	Name	O	S	Max # Records	15		
E	O	Water	Name	W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code Desc
-	-	-	-	-	-	-	-	-	-
-			01-00005	NORTH SIDE CANAL CO.	C		D	12/23/1915	01 IRR
-			01-00016	NORTH SIDE CANAL CO.	C		D	12/23/1915	01 IRR
-			01-00212	NORTH SIDE CANAL CO.	C		D	10/07/1905	01 IRR
-				TWIN FALLS NORTH SIDE	C				
-			01-00213	NORTH SIDE CANAL CO.	C		D	06/16/1908	01 IRR
-				TWIN FALLS NORTH SIDE	C				
-			01-00215	NORTH SIDE CANAL CO.	C		D	06/02/1909	01 IRR
-				TWIN FALLS NORTH SIDE	C				
-			01-00220	NORTH SIDE CANAL CO.	C		D	06/29/1910	01 IRR
-				TWIN FALLS NORTH SIDE	C				
-	SESE		36-08394	VIEIRA, JOE	C		P	08/25/1988	10 COMMER
-				VIEIRA, MARIE	C				
-	SESE		36-08771	DINIS, MANUEL	C	1	P	08/25/1997	01 IRR
-				DINIS, MARIA	C				43 DOMEST
-	SESE		X36-07460S	DINIS, MANUEL	C		L	03/25/1974	04 STOCK
-				DINIS, MARIA	C				10 COMMER

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(Enter=Continue) (GOLD 7=This Query) (Menu _____)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 21 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08771

1. Owner: Manuel + Maria Dinis Phone No. 536-6425

Current Address: 1796 E 2800 S Wendell ID 88355

2. Accompanied by: Maria + Manuel Dinis EXAM DATE: 20 Aug 99

Address: SAME Phone No. SAME

Relationship to Permit Holder: OWNERS

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SESE		19	07S	~~15E~~	Gording	Quad Map
							15E		GPS TAG# A0007894

2. Place(s) of Use:

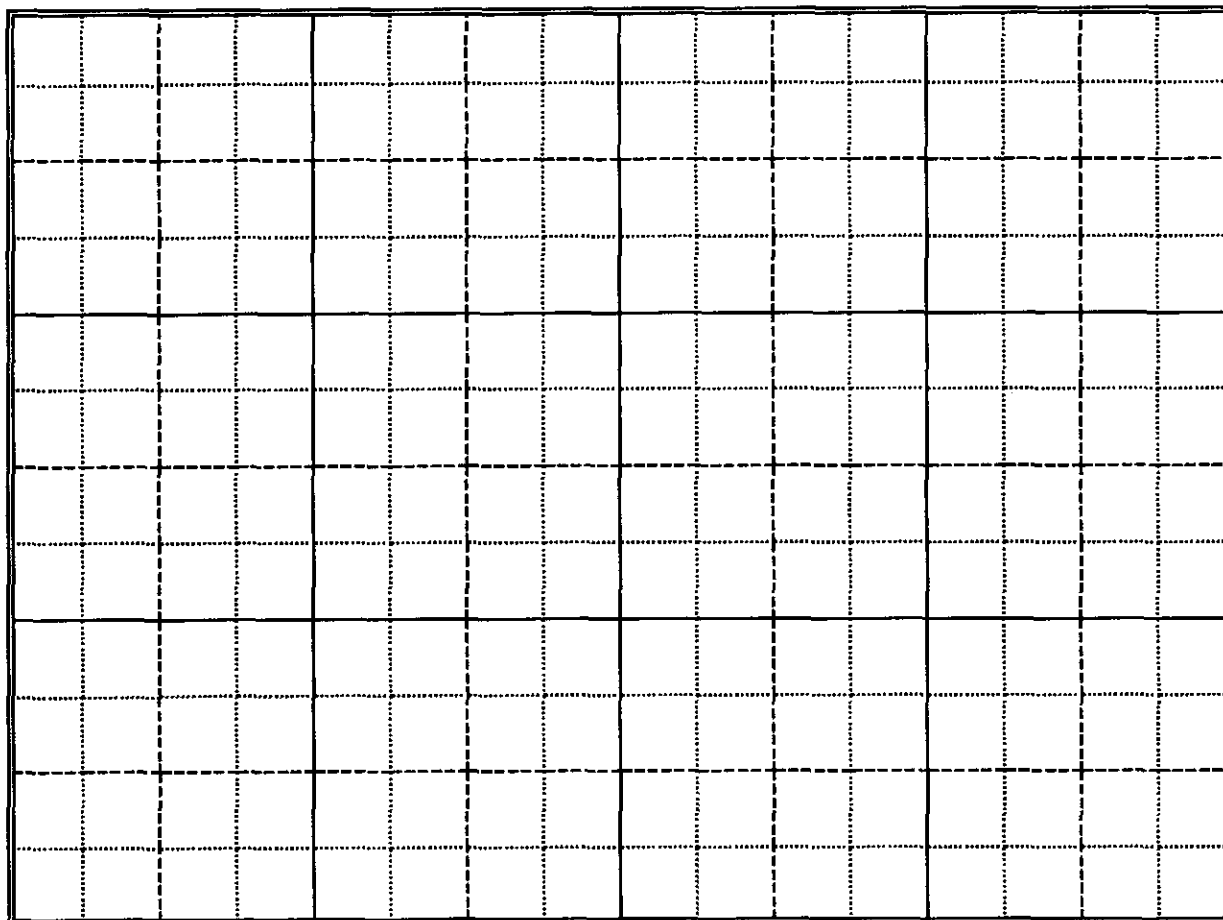
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	~~15E~~	19												1.0					1.0
	15E													D					

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SEP 25 2002

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



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		3	282302831	Sta-Rite	

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

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D. FLOW MEASUREMENTS

1.

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

2. Measurements: I performed a bucket & stop watch measurement of the spigot closest to the well. The first time 3gal @ 6.8 sec, second time 3gal @ 6.3 sec

FILE: 36-08771
FROM: AMANDA FOLSOM
DATE: 26 AUGUST 1999

Currently, there are two transfers licensed for the dairy well, X36-07460S and X36-10656; and another permit for the dairy well still in the name of the original owners, 36-08394.

I took a bucket and stop watch measurement from the closest spigot to the well. I averaged 6.6sec per 3gal. When converted it equals 0.06cfs. I am recommending the 0.03cfs for irrigation and 0.06 for domestic, however, restricting the pump capacity to 0.06cfs.

REC 2 5 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\frac{3 \text{ gal}}{6.6 \text{ sec}} \left(\frac{60 \text{ sec}}{1 \text{ min}} \right) = \frac{27.27 \text{ gpm}}{448.83} = \boxed{0.06 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1 \text{ acre}) 4 = 4 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.06)(184)(1.9835) = 21.9 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4 \text{ afa}$$

2. Volume Calculations for Other Uses:

Exam Limit — 0.09
 Permit Limit — 0.09
 Measured Rate — 0.06
 Recommended — 0.06 cfs

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	0.03	4.0
Domestic	1-1	12-31	0.06	0.6
Totals:			0.06	4.6

2. Recommended Amendments

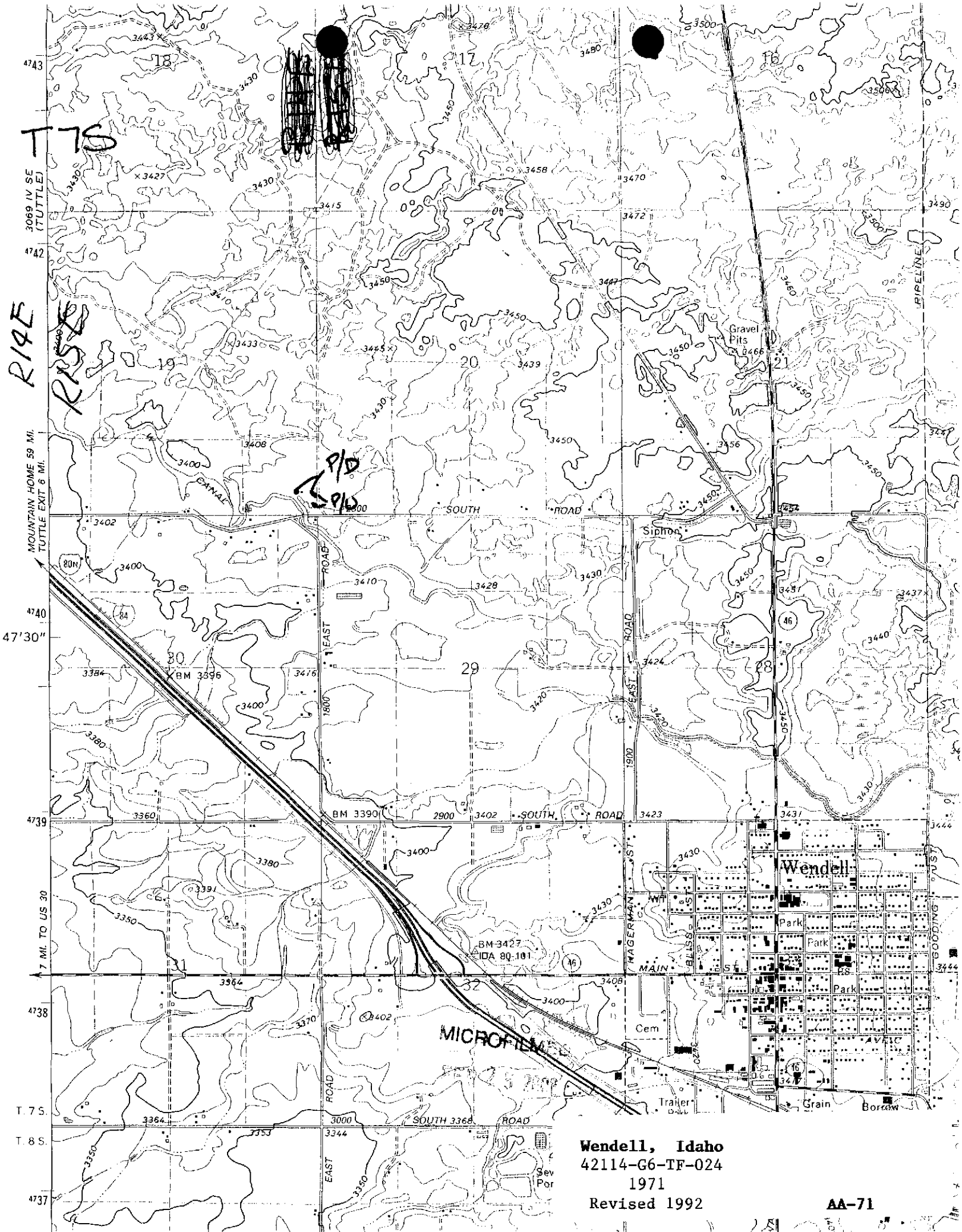
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Quanda F. [Signature] Date 9-9-99

Reviewer _____ Date _____

MICROFILMED
 SEP 13 1999
 SEAL



Wendell, Idaho

42114-G6-TF-024

1971

Revised 1992

AA-71

Dairywell

789.3

MICROFILMED

NOV 25 2002

Manuel and Maria Dinis

GPS TAG #s

Dairy A0007893

Domestic A0007894

36-08771

Corrals

Feed Barn

Corrals

Calf pens

Dairy well
GPS TAG#
A0007893

Rump house

Milking Barn

Calf Pens

House #1

Domestic well
GPS TAG#
A0007894

200' = 20,000 ft²

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FEB 20 2002

Drive Way

Watered with Dairy well

House #2

15000 ft²

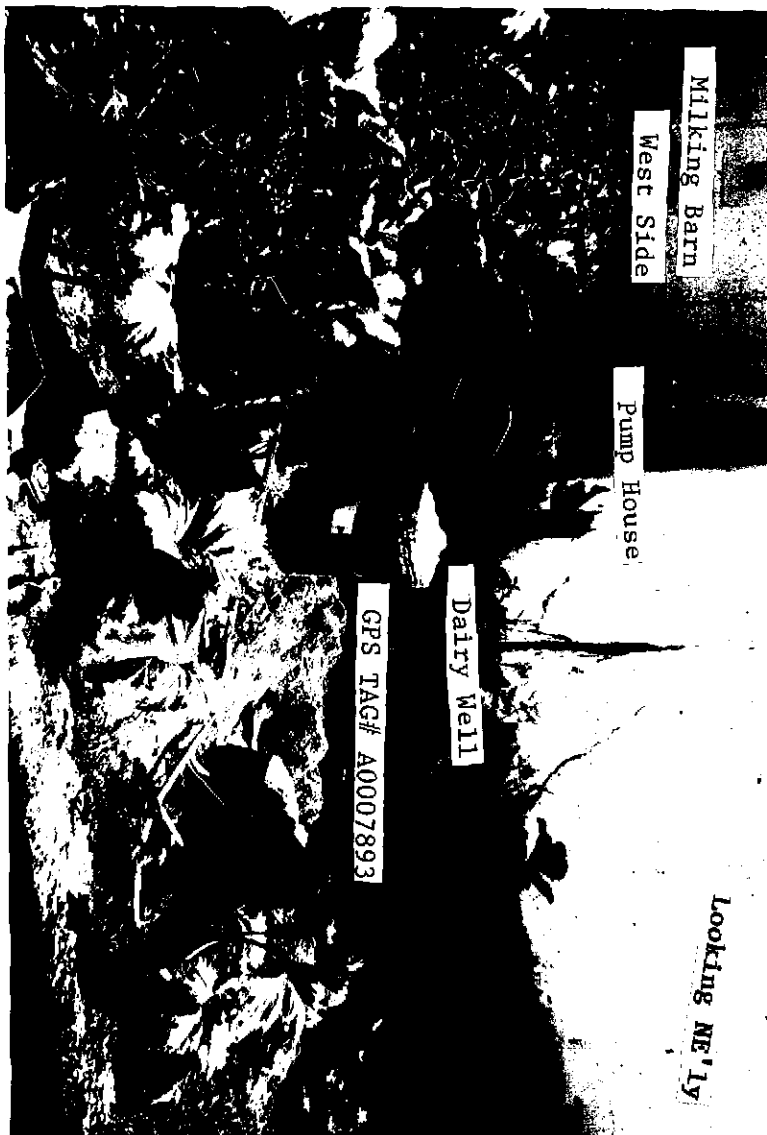
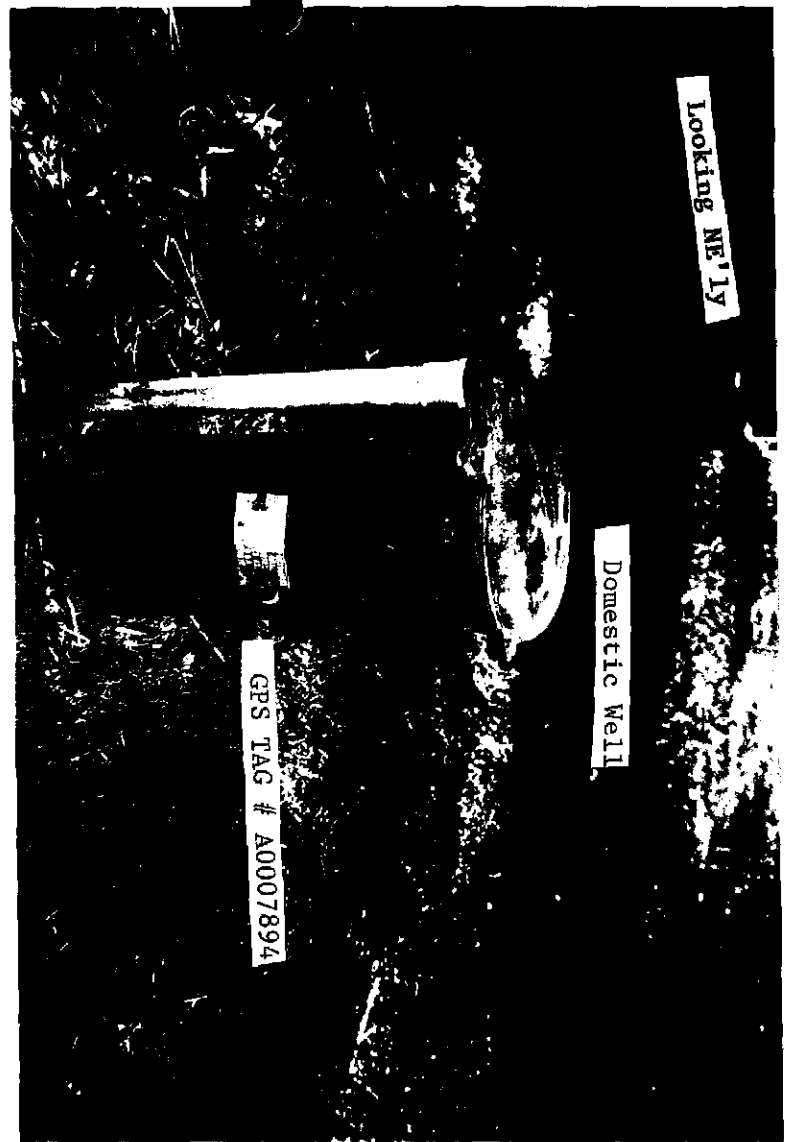
= 22,500 ft²

N

NTS

2800 S

36-08771

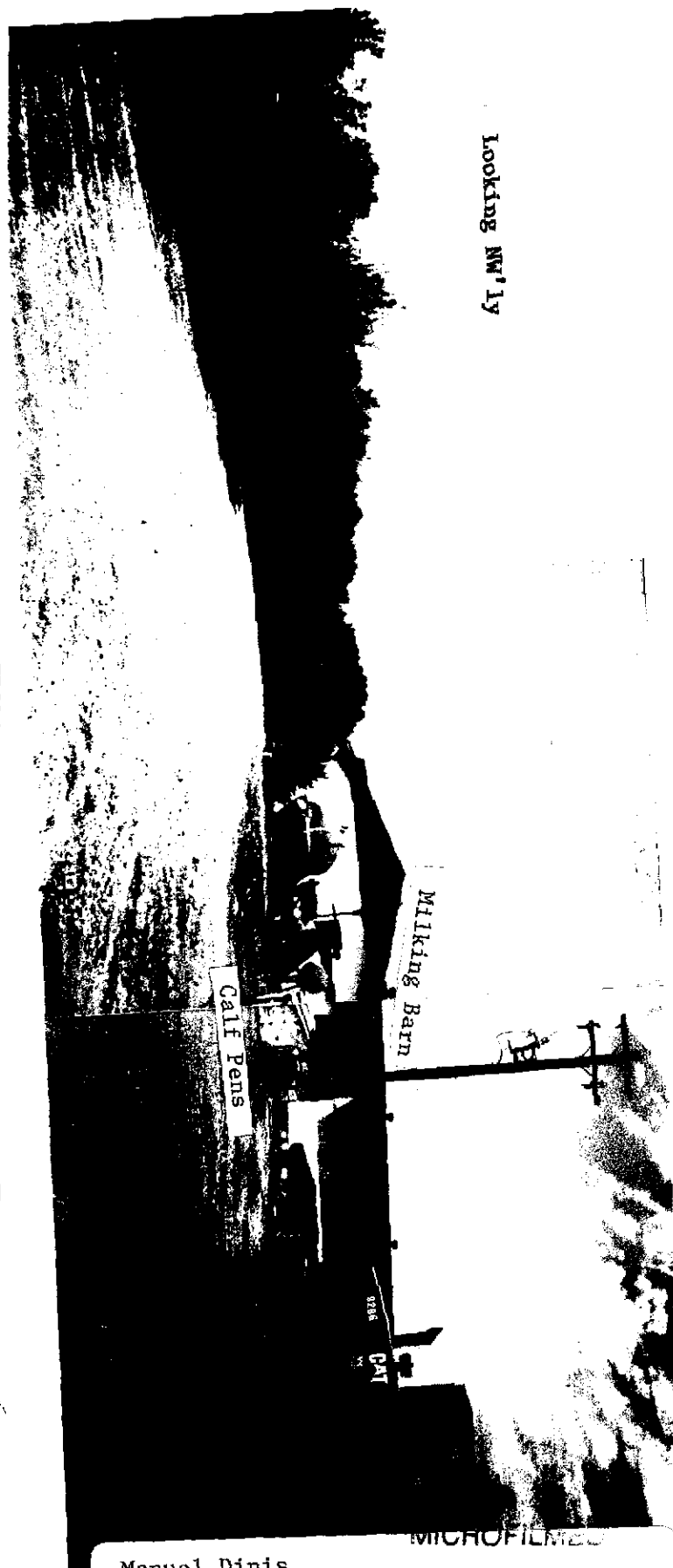


MICROFILM

SEP 25 2002

Manuel Dinis
FE: Amanda Folsom
Date: 20 August 1999

36-8771



Manuel Dinis
 FE: Amanda Folsom
 Date: 20 August 1999

MICROFILMED

SEP 25 2002

36-8771

Looking SE'ly

Iris Lawn

House #2

House #1

MICROFILMED

SEP 25 2002

Manuel Dinis
FE: Amanda Folsom
Date: 20 August 1999

36-8771



Looking NE'ly



Looking North

Manuel Dinis
 FE: Amanda Folsom
 Date: 20 August 1999

MICROFILMED
 FEB 25 2002
 36-8771

INDIAN DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 36-08771

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler:

- (☒) Blank Field Report & Notice of Completed Exam
- (☒) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.
Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
- (☒) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- () Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (☒) Copy of Orthophotoquad Map.
- () 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- () Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: () Add Acres or Uses to Existing System
() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: () Increase Rate of Flow or Volume
(☒) Add Supplemental Water Source
() Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 20 Aug 99 Time 11:00 Place Dairy

Contact Person & Phone Mario 536-6425

D. Post-Exam Review & Processing

Exam Completed 20 Aug 99 Notice of Completion Turned In _____

Field Report Completed _____ Signature of examiner & Date _____

Field Report Reviewed by Sr. Agent _____ (Initial & Date: _____)

Field Report Reviewed by Region Mgr. Ada 12/17/99 (Initial & Date: _____)

Field Report Sent to S.O. _____ Region Card File Updated _____



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

PHILIP E. BATT
GOVERNOR

March 20, 1998

KARL J. DREHER
DIRECTOR

Manuel and Maria Dinis
1796 E 2800 S
Wendell ID 83355

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08771

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 department's SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
MAR 26 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08771 Reviewed by Jay Date 2-25-98

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
yes Drilling permit required?
NO Copy in the file? Drilling Permit No. 36-94-S-0232-000
3500 Amount paid for permit NO Correct?
NO Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

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

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Request add. \$165.00 drill perm fee
fee paid / Proof acceptable

DATA ENTRY

New Address _____ Proof Made 1-26-98



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

February 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Manuel Dinas
Maria Dinas
1796 E 2800 S
Wendell ID 83355

RE: Water Right No. 36-08771
Drilling Permit No. 36-94-S-0232-000

Dear Permit Holder:

I have enclosed a copy of the above referenced drilling permit and a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right. The proof statement and your permit to appropriate water indicate that water is being diverted for irrigation and domestic use, with a total rate of diversion of 0.09 cfs. However, the drilling permit issued for this water right only authorizes a single family domestic use. Single family domestic use constitutes the diversion of 0.04 cfs or less and/or the use for one home and irrigation of up to ½ acre of land.

The fee for a domestic well drilling permit is \$35.00. However, because of the use and amount you have indicated, the drilling permit is no longer considered domestic and must be upgraded to non-domestic status. The fee for a non-domestic (above 0.04 cfs) drilling permit is \$200.00.

Before the department can accept the proof of beneficial use as filed, you will need to submit the additional \$165.00 fee to upgrade the drilling permit. Please submit the fee within **60 days** of receipt of this letter and address your correspondence to my attention.

Please contact me at (208)327-7953, if you have any questions regarding this matter. If you need any information regarding the drilling permit, you should contact the department's Southern Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

MAR 26 1998



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

December 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MANUEL DINIS
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08771

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.

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 form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

ENCLOSURE

1997 12 18

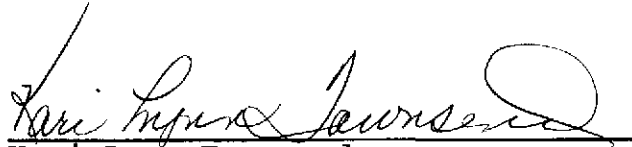
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of December, 1997, 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. 36-08771

MANUEL DINIS
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355


Kari Lynn Townsend
Secretary

RECEIVED - 12/18/97

JAN 6 7 1998

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.

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.

RECEIVED

JAN 07 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No.: 36-8771 Name: Linix Date: 12/2/97 Ad OK? ✓ / Gvmt Lts: ✓

AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

~~4 year~~/no proof
>1 year

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD

>0.24 cfs/5 acres

Supplemental use

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

Existing well

Included w/permit

No drilling permit?

irr. in WD

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest area

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stock

Storage (✓3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**

- No/Yes: ESRP Mor / GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

P18
- 26A-P17

- 067 or No MD (in-stream stock or power)
- No MD
- 01M (report when notified)
- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- No MD

- NA (pre 7/1/87; ✓ WDQ3)
- Permit No. 36 - 94 - S - 0232 - 000 ~~000~~
- 046-46B-P23 (post 7/1/87)
- P05 (new well location)

- *WB9
- R04 (WD #) - 01J-P08 (MD)
- 01H-P01 (LD & MD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)
- No MD

- 01M or No MD (in-stream stock or power)
- No MD

- *W22 - P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- ~~071-076-052~~ NA
- 029-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- 054(req)-081-P10
- 022, 075, 004 (+memo?), NA (not in restricted area)
- 17H/17K(+uses)-08A-025-01N(P19)-028-081-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- R37 (BLM/USFS); NA
- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 (in 20/30/40/50/60/70/80 (87) basin)
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)

-
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

- 068
- W36/36-74(6DM) 36-10656 W85/2
- W32/2 W32/2 W32/2
- 12/1/1998

FROM: Allen Merritt *AM*

DATE: November 21, 1997

TO: Transfer File No. 5160
Water Right(s): 36-07460U & 36-10656

Application for Permit: 36-08771

In the Name of: Manuel &/or Maria Dinis

SUBJECT: Review and Recommendation

Both the transfer and permit applications deal with the same site and points of diversion so should be reviewed together.

See Corey Skinner's memo dated 10/9/97 for detailed review of issues.

Both applications were processed without protest.

RECOMMENDATION

I recommend that Permit 36-08771 be approved subject to the following conditions:

- No new wells authorized.
- Use limited to 2 homes with irrigation of 1/2 acre per home.
- Rights under transfer also diverted from same two wells.

I recommend that Transfer 5160 be approved subject to the following conditions:

- Subject to SRBA.
- No new wells authorized.
- Use of 36-07460U & 36-10656 when combined is limited to:

Stockwater	0.15 cfs	23.0 afa
Commercial	0.15 cfs	1.0 afa
Total	0.15 cfs	24.0 afa
- For use in a dairy with 405 milking and 150 dry herd.

I recommend that a show cause order be issued to see why permit 36-08394 should not be cancelled.

RECORDED

JAN 07 1998

FILE PROGRESS SUMMARY

APPLICANT: MANUEL F/ OR MARIA DINIS

WATER RIGHT NO. 36-08771

INIT.	DATE	COMMENT
PS	08/26/97	STAFFED TO COREY
P.S.	08/27/97	GAVE TO MARY TO PREPARE ADVERTISING
MB	9/5/97	Adv. Sch - GCL 9/17 & 9/24/97; 10/6/97
PS	9/25/97	MET WITH MR. & MRS. DINIS REGARDING TRANSFERRING WATER RIGHTS TO THEIR DAIRY (POTENTIAL OVERLAP WITH THIS APPLICATION) ALSO DISCOVER THAT LEGAL DESCRIPTIONS SHOULD BE (TOWNSHIP 07S, RANGE 15E). DISCUSS AMENDING APPLICATION WITH MR. AND MRS. DINNIS TO CORRECT LEGAL AND ~~REUSE~~ TO AGREE WITH TRANSFER APPLICATION THAT THEY SUBMITTED.
PS	9/26/97	SENT AMENDED APPLICATION FOR PERMIT ALONG WITH LETTER TO MR. & MRS. DINNIS. ~~REUSE~~
MB	9/29/97	Pub. off. received
PS	10/08/97	AMENDED APPLICATION AND FEE RECEIVED BY SOUTHERN REGION OFFICE.
PS	10/10/97	GAVE AMENDED APPLICATION, ALONG WITH TRANSFER, TO MARY TO PREPARE ADVERTISING.
MB	10/21/97	Adv. Sch. GL 10/29 & 11/5; 11/17/97
MB	11/07/97	Pub. off. rec.
AD	11/21/97	→ Don, Jones
JS	11/24/97	Reviews relative to SRBA - OK

104 02 163

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 01 1997

Amended
INITIAL REVIEW BY Cathy Skinner
APPLICATION NO. 36-08771

DATE 10/09, 1997
Department of Water Resources

REQUIRED INFORMATION

- ☒ 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, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume) 2 HOMES, 1/2 ACRE EACH @ 0.03 cfs/acre
☒ 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, of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

---PROPOSED PRIORITY DATE
10/08, 1997

AMENDED

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to press application on the back. 36-10656 AND PART OF 36-07460
☒ Overlapping point of diversion. COVERED IN COMPANION TRANSFER
Yes ☒ No ☐ Field check required OVERLAP POD & POV
Field check by ALSO 36-08394
Yes ☒ No ☐ Field report attached (SEE ATTACHED MEMO)
Yes ☒ No ☐ Critical Ground water area
Yes ☒ No ☐ Groundwater management area
Yes ☒ No ☐ Send Dam safety information
Yes ☒ No ☐ Send power requirement letter
Yes ☒ No ☐ Send fish farm requirement letter
Yes ☒ No ☐ Power residency affidavit.
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

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

NONE

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No ~~Is~~ Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

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 on App.
☐ Yes ☒ No Protests received
Final date for Protest _____
M/A ☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☒ Yes ☐ No Recommendations attached
☐ 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 of approval or cover letter below. _____

See below for additional information

Date of priority recommended 10/8, 19 97
By APL Date 11/21, 19 97

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

NOV 07 1997

Patty Maurice 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 a supplement; that the date of the first publication of said advertisement was on the 29th day of October, 1997 and the date of the last publication was on the 5th day of November, 1997

Patty Maurice
Subscribed and sworn to before me this 6th day of November, 1997
(SEAL)

Thomas W. Doe
NOTARY PUBLIC

#6661
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x
affidavit fee 2.25

Lines tabular at _____ 7¢/Pica
1163.25 Lines straight at 69.80 6¢/Pica
1163.25 Subsequent lines at 58.16 5¢/Pica
TOTAL COST 130.21

COPY OF NOTICE

(Paste Here)

#5160-Denis
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

EDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. T# 5160
Notice is hereby given that Manuel &/or Maria Denis, 1796 E 2800 S, WENDELL ID 83355 have applied to the Department of Water Resources for changes to the rights listed below.

The purpose of Transfer No. 5160 is to convert a portion of water rights from irrigation use and domestic use to stockwater and commercial use in an existing dairy by drying up 6.0 acres and elimination of an old domestic use. PRESENTLY, Licensed Water Right No. X36-07460M (10.74 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4, both S28, all T07S, R14E; Gooding County for irrigation of 604 acres within parts of Sections 20, 21, 28 & 29, T07S, R14E; Gooding County.

PRESENTLY, Snake River Basin Adjudication Claim No. 36-10656 (0.04 cfs) with a priority date of 03/01/1981 is diverted from groundwater within SE1/4SE1/4, S19, T07S, R15E; Gooding County for stockwater and domestic use within SE1/4SE1/4, S19, T07S, R15E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a total of 0.15 cfs of water from two wells within SE1/4SE1/4, S19, T07S, R15E; Gooding County for stockwater and commercial use from 1/1-12/31 within SE1/4SE1/4, S19, T07S, R15E; 6.0 acres will be dried up within the NW1/4SE1/4, S28, T07S, R14E; Gooding County. The new uses will be described as the following rights.

Rt No.*Priority*Am(cfs)*Use
36-07460U*03/25/1974*0.11*Stockwater
3607460U*03/25/1974*0.11*Commercial
36-10656*03/01/1981*0.04*Stockwater
36-10656*3/1/1981*0.04*Commercial

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

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

Applicants: Manuel &/or Maria Denis
Application for Permit No. 36-08771

Source: groundwater
Diversion Pt(s): SE1/4SE1/4, S19, T07S, R15E; Gooding County (two existing wells).

Use: 1/1-12/31*Domestic (two homes)(0.06 cfs)
4/1-10/31*Irrigation (1 acre total)

(0.03 cfs)
Total quantity: 0.09 cfs

In: SE1/4SE1/4, S19, T07S, R15E; Gooding County

Date Amended: 10/8/97

The amendment corrects the range designation from 14E to 15E. *Note that transfer #5160 and amended application for permit 36-08771 deal with the same dairy site and same two wells.

Any protest against the proposed changes 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 November 17, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed changes. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 10/29 & 11/5/97.

UNRECORDED

JAN 07 1998

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

No. T# 5160

Notice is hereby given that Manuel &/or Maria Dinis, 1796 E 2800 S, WENDELL ID 83355 have applied to the Department of Water Resources for changes to the rights listed below.

The purpose of Transfer No. 5160 is to convert a portion of water rights from irrigation use and domestic use to stockwater and commercial use in an existing dairy by drying up 6.0 acres and elimination of an old domestic use. PRESENTLY, Licensed Water Right No. X36-07460M (10.74 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4, both S28, all T07S, R14E; Gooding County for irrigation of 604 acres within parts of Sections 20, 21, 28 & 29, T07S, R14E; Gooding County.

PRESENTLY, Snake River Basin Adjudication Claim No. 36-10656 (0.04 cfs) with a priority date of 03/01/1981 is diverted from groundwater within SE1/4SE1/4, S19, T07S, R15E; Gooding County for stockwater and domestic use within SE1/4SE1/4, S19, T07S, R15E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a total of 0.15 cfs of water from two wells within SE1/4SE1/4, S19, T07S, R15E; Gooding County for stockwater and commercial use from 1/1-12/31 within SE1/4SE1/4, S19, T07S, R15E; 6.0 acres will be dried up within the N1/2SE1/4, S28, T07S, R14E; Gooding County. The new uses will be described as the following rights.

Rt No.*Priority*Amt(cfs)*Use

36-07460U*03/25/1974*0.11*Stockwater

36-07460U*03/25/1974*0.11*Commercial

36-10656*03/01/1981*0.04*Stockwater

36-10656*3/1/1981*0.04*Commercial

**NOTICE OF AMENDED
APPLICATION FOR WATER
PERMIT**

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

Applicants: Manuel &/or Maria Dinis
Application for Permit No. 36-08771

Source: groundwater

Diversion Pt(s): SE1/4SE1/4, S19, T07S, R15E; Gooding County (two existing wells).

Use: 1/1-12/31*Domestic (two homes)(0.06 cfs)

4/1-10/31*Irrigation (1 acre total)
(0.03 cfs)

Total quantity: 0.09 cfs

In: SE1/4SE1/4, S19, T07S, R15E;

Gooding County

Date Amended: 10/8/97

The amendment corrects the range designation from 14E to 15E. *Note that transfer #5160 and amended application for permit 36-08771 deal with the same dairy site and same two wells.

Any protest against the proposed changes 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 November 17, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed changes. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County
Leader on 10/29 & 11/5/97.

RECORDED
JAN 07 1998



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

October 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MANUEL DINIA &/OR
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355

Re: Application for Transfer No. 5160 (36-07460 Part, 36-10656) &
Amended Application 36-08771

Dear Applicants:

The Department of Water Resources acknowledges receipt of your applications as referenced above.

This office has scheduled advertising the applications in The Gooding County Leader for 10/29 and 11/5/97.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

State Office personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of these reviews.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

NOV 11 1997
10/27/97



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

October 22, 1997

PHILIP E. BATT
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
Sr. Secretary

Enclosure

MAILED

JAN 07 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. T# 5160

Notice is hereby given that Manuel &/or Maria Dinis, 1796 E 2800 S, WENDELL ID 83355 have applied to the Department of Water Resources for changes to the rights listed below.

The purpose of Transfer No. 5160 is to convert a portion of water rights from irrigation use and domestic use to stockwater and commercial use in an existing dairy by drying up 6.0 acres and elimination of an old domestic use.

PRESENTLY, Licensed Water Right No. X36-07460M (10.74 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4, both S28, all T07S, R14E; Gooding County for irrigation of 604 acres within parts of Sections 20, 21, 28 & 29, T07S, R14E; Gooding County.

PRESENTLY, Snake River Basin Adjudication Claim No. 36-10656 (0.04 cfs) with a priority date of 03/01/1981 is diverted from groundwater within SE1/4SE1/4, S19, T07S, R15E; Gooding County for stockwater and domestic use within SE1/4SE1/4, S19, T07S, R15E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a total of 0.15 cfs of water from two wells within SE1/4SE1/4, S19, T07S, R15E; Gooding County for stockwater and commercial use from 1/1-12/31 within SE1/4SE1/4, S19, T07S, R15E; 6.0 acres will be dried up within the N1/2SE1/4, S28, T07S, R14E; Gooding County. The new uses will be described as the following rights.

<u>Rt No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>	<u>Use</u>
36-07460U	03/25/1974	0.11	Stockwater
36-07460U	03/25/1974	0.11	Commercial
36-10656	03/01/1981	0.04	Stockwater
36-10656	03/01/1981	0.04	Commercial

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

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

Applicants: Manuel &/or Maria Dinis

Application for Permit No. 36-08771

Source: groundwater

Diversion Pt(s): SE1/4SE1/4, S19, T07S, R15E; Gooding County (two existing wells).

Use: 1/1-12/31 Domestic (two homes) (0.06 cfs)
4/1-10/31 Irrigation (1 acre total) (0.03 cfs)

Total quantity: 0.09 cfs

In: SE1/4SE1/4, S19, T07S, R15E; Gooding County

Date Amended: 10/8/97

The amendment corrects the range designation from 14E to 15E. *Note that transfer #5160 and amended application for permit 36-08771 deal with the same dairy site and same two wells.

Any protest against the proposed changes 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 November 17, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed changes. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 10/29 & 11/5/97.

RECORDED

NOV 8 1997

MEMORANDUM

TO: Manuel &/or Maria Dinis Transfer and Amended Application for Permit (36-08771) Files

FROM: Corey Skinner *CS*

DATE: October 9, 1997

SUBJECT: Staff Review

The enclosed Application for Transfer and Amended Application for Permit (36-08771), both filed in the name of Manuel &/or Maria Dinis, were filed to cover existing water uses on property just northwest of Wendell.

Mr. & Mrs. Dinis own 34 acres located within the SESE $\frac{1}{4}$ of Section 19 (T07S, R15E). Two wells are located on the Dinis property. Currently, one well (the old, westmost well) is used to provide water for a dairy operation (stockwater & commercial barn use). The dairy operation consists of about 405 milking cows and 150 dry cows. The second well (eastmost well drilled in 1994) is used to provide domestic water (in house use & yard irrigation) for two homes and also provides stockwater for a few calves.

Due to the recent regulatory efforts by the Gooding County Planning & Zoning, Mr. & Mrs. Dinis are attempting to obtain valid water rights for their existing dairy in order to obtain a CAFO permit from the county.

A SRBA beneficial use claim, 36-10656, is appurtenant to the Dinis property. The director's report recommendation for this 1981 priority claim included stockwater and domestic use(s). This particular claim has not been decreed, apparently due to an objection to the Director's Report recommendation filed by the Bureau of Land Management. In reviewing the claim file, it appeared that the BLM had filed the objection because they thought that the recommended place of use may be on BLM ground. A call to the Gooding County Assessor's office revealed that the BLM does not have any land located within the SESE $\frac{1}{4}$ Section 19 (T07S, R15E). Therefore, it appears that the BLM objection may not be relevant.

An old water right permit, 36-08394, for commercial use for a dairy located in the SESE $\frac{1}{4}$ of Section 19 (T07S, R15E) also exists. This permit is in the name of Joe & Maria Vieria who are the individuals that Mr. & Mrs. Dinis purchased their place from. However, this particular permit was never assigned to Mr. & Mrs. Dinis even though it was more than likely intended for the dairy on the Dinis property. Because the Vierias now live somewhere in California, and this particular permit was proved up on in 1990 before Mr. & Mrs. Dinis bought and expanded the dairy to its current size, pursuing this permit would be difficult and would not cover the existing Dinis dairy when it would be licensed.

MICROFILMED

JAN 8 7 1998

In order to help to meet Gooding County's, and the Department's, requirements, Mr. and Mrs. Dinis filed an application for permit 36-08771 to attempt to cover the water uses on their property. This application was initially proposed as a second domestic water right (in addition to 36-10656) for the Dinis property. During our initial meeting, I explained to Mr. & Mrs. Dinis that this particular application may be viewed as a violation of the "spirit of §42-111" and may not be approved, or may be approved with special conditions or limits that may not cover all the water use(s) on their property. I encouraged Mr. and Mrs. Dinis to try and obtain a valid water right to try and transfer to their property, in particular to cover the existing dairy operation.

Mr. and Mrs. Dinis were able to obtain a portion of Mike Branchflower's portion of the 36-07460 water right that was determined valid in a stipulation agreement between IDWR, Janns Farms, and Mr. Branchflower (in addition to a recently approved Extension of Time to Avoid Forfeiture). Obtaining a portion of this water right enabled Mr. and Mrs. Dinis to file the enclosed transfer application.

The enclosed Amended Application for Permit and transfer application seek to record all existing water uses on the Dinis property. Mr. Dinis said that he would like to tie the two wells together on his property so that they can serve as backups to each other. The transfer application was filed to cover the water uses at the dairy and the Amended Application for Permit was filed to cover the domestic use (two homes with yard irrigation) on the Dinis property. The applications were prepared showing both wells as points of diversion since they are proposed to be tied together into one common system.

It appears that there is no reason why the enclosed applications could not be approved. The Amended Application for Permit seeks to record domestic use(s) and should be exempt from the moratorium. The transfer application involves a valid water right, the Branchflower portion of 36-07460 that has been successfully transferred in the recent past.

About the only potential problem involves the SRBA beneficial use claim, 36-10656. This claim was included in the transfer application because it is part of the same system, and its current use is actually more related to the dairy since its point of diversion (the old westmost well) currently only serves the dairy and not the domestic (household) uses. The BLM objection may cause a problem if it has not already been resolved, but the basis for the objection does not seem relevant, so some sort of an agreement should be fairly easy to obtain if necessary.

MOOD-10/10/97
JAN 07 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1997

Manuel & Maria Dinis
1796 East 2800 South
Wendell, ID 83355

Dear Mr. & Mrs. Dinis

Please find enclosed a completed Amended Application for Permit. I have prepared this application to reflect the changes that we discussed yesterday, during our meeting.

Note that the correct Range, 15 East, has been added to this amended application. I have also listed both of the wells as points of diversion on this particular application. Yesterday, you mentioned that you would like to hook the two wells on your property together into one common system, enabling one well to serve as a backup for your dairy operation. Doing this would make it possible for either well to provide water to the two homes or yards on your property. Therefore, both wells have been included on the amended application.

This amended application will now agree with the transfer application that you submitted yesterday. You have proposed hooking your two wells together to provide water for your needs. The transfer application that you submitted yesterday should cover your existing dairy. The enclosed amended application for permit should cover the domestic use (two homes with irrigation of yards and landscaping) on your property.

I discussed the matter of amending the application that you originally submitted with our regional manager, and he said that the amended application would have to be readvertised. As we discussed, the fee for readvertising an application, or amending a permit, is \$50.00.

If you agree with the amended application I have enclosed, please sign the application, and return it to our office (Attention: Corey Skinner) along with the \$50.00 fee.

If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosure

MICROFILMED

JAN 07 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY P. SKINNER DATE 08/26/ 1997
APPLICATION NO. 36-08771

REQUIRED INFORMATION

- ☒ 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, 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, of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

-----PROPOSED PRIORITY DATE
AUGUST 25 1997

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to press application on the back. 36-10656 ? SAME ~~40~~ 40 ACRE TRACT (SEE ATTACHED) MEMO
☒ Overlapping point of diversion. NONE
Yes ☒ No Field check required
Field check by _____
Yes ☒ No Field report attached
Yes ☒ No Critical Ground water area
Yes ☒ No Groundwater management area
Yes ☒ No Send Dam safety information
Yes ☒ No Send power requirement letter
Yes ☒ No Send fish farm requirement letter
Yes ☒ No Power residency affidavit.
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)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING

☒ Yes ☐ No
☐ Yes ☒ No
☒ Yes ☐ No

In form for Advertising

~~No~~ Statewide Advertising

Fee amount, receipt date & No. recorded on app.

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare
☐ Idaho Dept of Fish & Game
☐ Idaho Dept of Lands
☐ Adjudication Bureau Unit

☐ USDI BLM
☐ USFS
☐ Water Dist.
☐ Other _____

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 on App.
☐ Yes ☐ No Protests received
Final date for Protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☐ No Recommendations attached
☐ 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 of approval or cover letter below. _____

See below for additional information _____

Date of priority recommended _____, 19____
By _____ Date _____, 19____

STATE OFFICE REVIEW

See below for additional information _____

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

SEP 25 1997

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 a supplement; that the date of the first publication of said advertisement was on the

17 day of Sept, 1997.

and the date of the last publication was on the 24 day of

Sept, 1997.

Patty Nance

Subscribed and sworn to before me this 24th day of

September, 1997.

(SEAL)

Dorinda DeVan
NOTARY PUBLIC

6623
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

affidavit fee \$2.25

Lines tabular at _____ 7¢/Pica
420.75 Lines straight at 25.25 6¢/Pica
420.75 Subsequent lines at 21.04 5¢/Pica
TOTAL COST 48.54

MICROFILMED

146 07 1998

COPY OF NOTICE

(Paste Here)

Permit - Dinis
TITLE OF NOTICE 36-08771

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

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

MANUEL DINIS &/OR

MARIA DINIS

1796 E 2800 S

WENDELL ID 83355

Application for Permit No. 36-08771

Source: groundwater (existing development)

Diversion Pt(s): SE1/4SE1/4, S19, T07S, R14E; Gooding County.

Use: 1/1-12/31 Domestic (0.04 cfs)

In: SE1/4SE1/4, S19, T07S, R14E; Gooding County

Date Filed: 8/25/97

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 October 1, 1997. It is requested that the applicant be notified of the results of its application as soon as possible.

The applicant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 9/17 & 9/24/97.

No 6623

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

MANUEL DINIS &/OR

MARIA DINIS

1796 E 2800 S

WENDELL ID 83355

Application for Permit No. 36-08771

Source: groundwater (existing
development)

Diversion Pt(s): SE1/4SE1/4, S19,
T07S, R14E; Gooding County.

Use: 1/1/-12/31 Domestic (0.04 cfs)

In: SE1/4SE1/4, S19, T07S, R14E;
Gooding County

Date Filed: 8/25/97

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 October 6, 1997 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County
Leader on 9/17 & 9/24/97.

MICROFILMED

JAN 07 1998



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

September 9, 1997

PHILIP E. BATT
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
Sr. Secretary

Enclosure

MICROFILMED

SEP 9 7 1997

NOTICE OF APPLICATION FOR WATER PERMIT

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

MANUEL DINIS &/OR
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355

Application for Permit No. 36-08771

Source: groundwater (existing development)

Diversion Pt(s): SE1/4SE1/4, S19, T07S, R14E; Gooding County.

Use: 1/1/-12/31 Domestic (0.04 cfs)

In: SE1/4SE1/4, S19, T07S, R14E; Gooding County

Date Filed: 8/25/97

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 October 6, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 9/17 & 9/24/97.

MICROFILM
JAN 07 1998



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

September 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MANUEL DINIS &/OR
MARIA DINIS
1796 E 2800 S
WENDELL ID 83355

Re: Application for Permit No. 36-08771

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. 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 Gooding County Leader for 9/17 & 9/24/97. A period of ten days following the second publication will be allowed for the submittal of protests.

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

If 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 you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

MAILED
JAN 07 1998

MEMORANDUM

TO: Manuel &/or Maria Dinis Application for Permit File, 36-08771
FROM: Corey Skinner *CS*
DATE: August 27, 1997
SUBJECT: Staff Review

The enclosed application for permit, filed by Manuel &/or Maria Dinis, seeks to record a domestic use water right that was recently developed. Mr. and Mrs. Dinis drilled the domestic well listed as a diversion on this application in 1994 (drilling permit #36-94-S-0232-000). The use proposed by this application should fall under the 13,000 gallon a day domestic limit.

Mr. and Mrs. Dinis own about 35 acres located within the SESE $\frac{1}{4}$ of Section 19 (T07S, R14E). They operate a 550 head dairy on their acreage. A well covered under recently decreed water right 36-10656 with a 1981 priority is used to service the dairy barn and provide stockwater. This particular right, 36-10656, lists a domestic (household) use and lists the point of diversion and place of use in the wrong Range. I advised Mr. and Mrs. Dinis that they should file a transfer application to properly record the use of this particular right. The 13,000 gallon a day limit for this particular right is not enough to cover the total uses on the Dinis acreage.

The 1994 well (listed as a point of diversion under the enclosed application) was drilled to provide water for two homes (with yards) on the property and to provide additional stockwater. Mr. and Mrs. Dinis stated that this particular system is separate to, and is not plumbed into, the system covered under 36-10656.

The particular application may possibly be viewed as a stacking of two domestic rights, in violation of §42-111, IDAHO CODE. However, the application could also possibly be viewed as the recording of a separate distinct water right developed separately, both physically and chronologically, than a previously developed, and decreed, water right (36-10656).

I advised Mr. and Mrs. Dinis of the possibility of the application as a possible circumvention of §42-111 and the possibility that the application could be denied or approved with a condition limiting it with all other rights to 13,000 gallons a day. We discussed the water right transfer process and I encouraged them to try and obtain a water right that they can transfer to their dairy enabling them to have a more appropriate and suitable water right for their dairy. They said that they would begin looking for a water right to buy to try and transfer to their dairy. *JAG 87 DEC*

36-08771



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1997

Manuel and Maria Dinis
1796 East 2800 South
Wendell, ID 83355

HAND
DELIVERED
TO APPLICANTS
08/25/97 P.S.

Dear Mr. and Mrs. Dinis:

This letter is to reiterate today's conversation we had concerning the review of the water rights appurtenant to your dairy located near Wendell, Idaho. You stated that you have 405 milking cows and approximately 150 dry cows on your dairy. Based on your method of dairy operation, we estimated that your dairy requires/uses approximately 23.6 acre feet of water per year. Converting this number to gallons, and dividing by 365 days, yields just over 21,000 gallons per day.

As we discussed, you currently have a decreed water right, 36-10656 that allows water use from your well up to 13,000 gallons per day. This particular water right has a priority date of March 1st, 1981 and is diverted out of the well located just west of your dairy barn. You stated that this well only serves the dairy barn and stock water troughs. As I mentioned, this particular water right reflects an incorrect location (Township 15 East) and use (domestic/one home). As we discussed, a transfer application should be filed to correct this information.

As you mentioned, you also drilled a domestic well, located east of the dairy barn, in 1994. This particular well is used to serve the two homes (with yards) located on your property. In addition, you mentioned that this well also serves some of the stock water used on your dairy.

This day, you filed an application for permit with our office for a water right out of this second (1994) well. This application will attempt to record a domestic use, separate from the presently recorded dairy well, covered under 36-10656. As mentioned, this application is subject to public notice and protest, and may or may not be approved.

As we discussed, I encourage you to attempt to try and locate an existing water right and transfer it to your dairy. This would enable you to have a more appropriate and suitable water right for your dairy operation.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

ENCLOSURE

SEP 2 1997

36-08771

FILE NUMBER _____
REVIEWER _____ CWS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 405
NUMBER OF NONMILKING CATTLE _____ 150
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____ 1.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 1
NUMBER OF MILKINGS PER DAY _____ 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.26
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ____ 0.32
NONMILKING CATTLE @12 GPD/HD _____ 0.03
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ____ 0.04
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.37

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD _____ 15.9
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ____ 20.0
NONMILKING CATTLE @12 GPD/HD _____ 2.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ____ 2.7
TOTAL (BASED UPON ROUNDED NUMBERS) _____ **22.7**

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 0.6
TOTAL _____ **0.9**

TOTAL DIVERSION VOLUME _____ **23.6**

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING _____ 2.9
NONMILKING _____ 0.0
TOTAL _____ 2.9

COMMERCIAL _____ 0.9
TOTAL CONSUMPTIVE USE _____ 3.8

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	0.00	0.00	0.00
LIFT (FT) _____	0	0	0
DISCHARGE PRESSURE (PSI) _____	0	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____ **0.00 0.00 0.00**

DIVERSION VOLUME (AFA) ** _____ 0.0 0.0 0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

*21,069 gallons per day
23.6 acre feet per year*

*⇒ ≈ 6 acres worth
of irrigation*

*COPY GIVEN TO
APPLICANT'S DAY OF FILING
APPLICATION. DISCUSSED NEED
FOR OBTAINING A MORE "SOLID"
WATER RIGHT TO COVER
THEIR DAIRY.*

36-08971