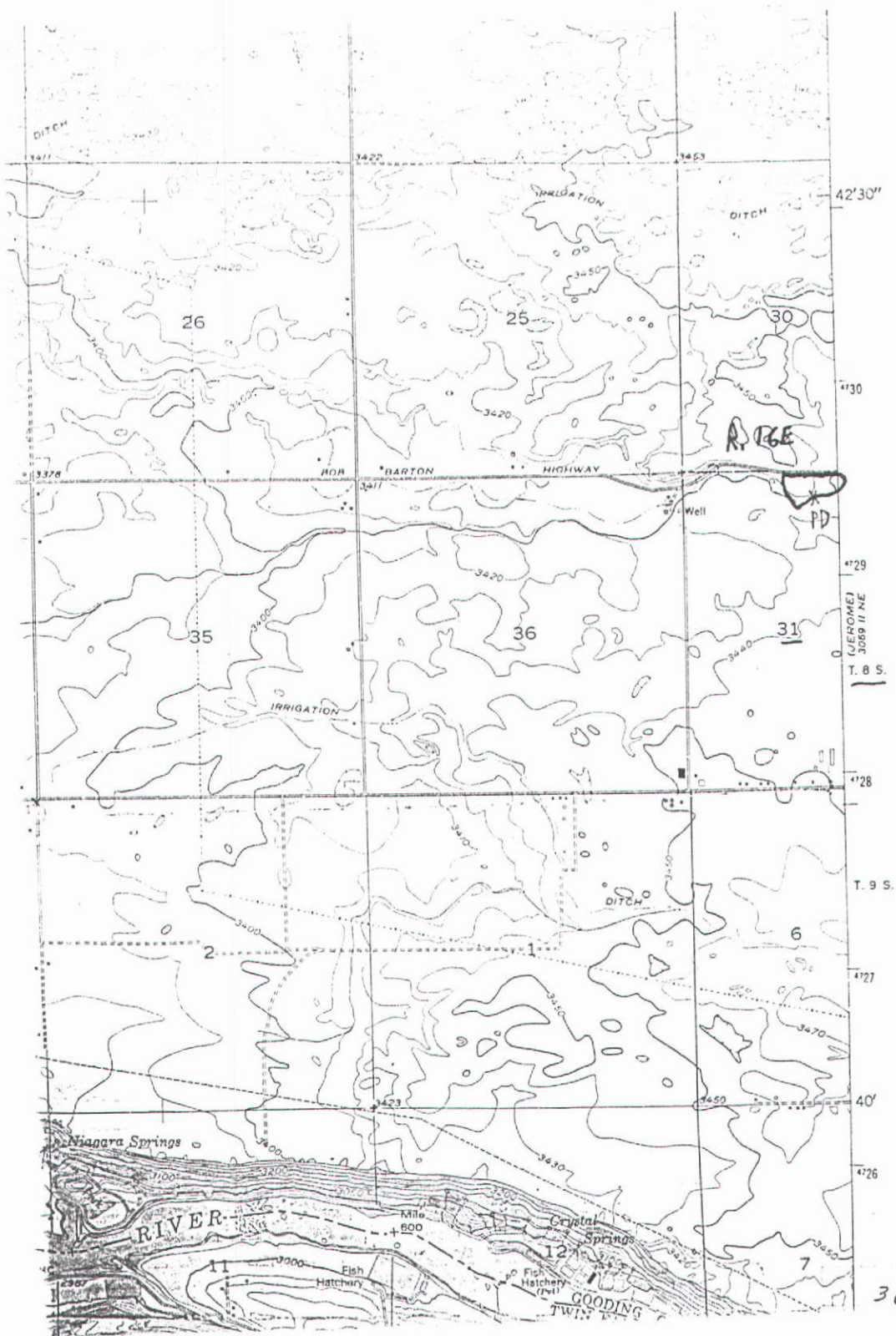
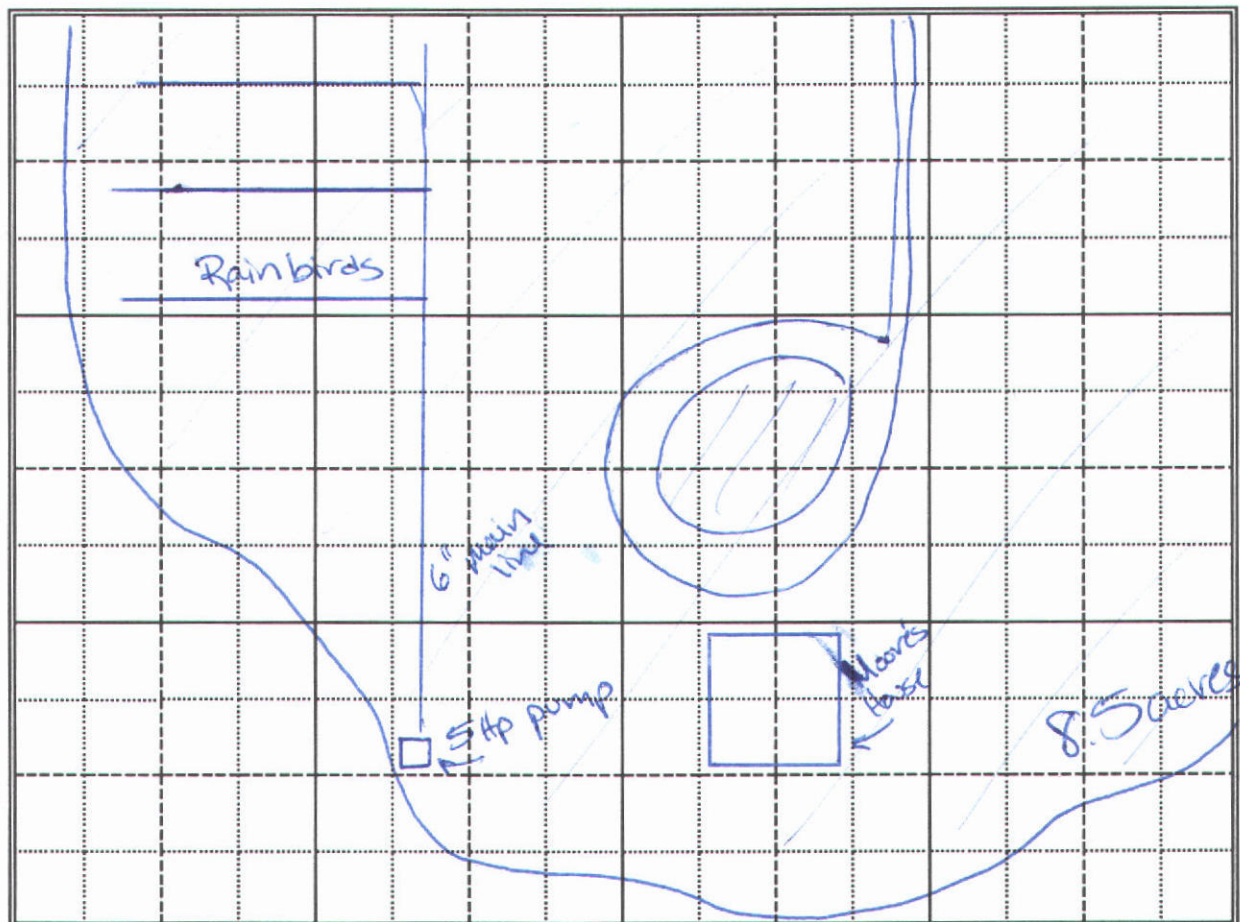




36-08594

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
	Baklor	5			

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	FLC			TK0085TB		May 2001

2. Measurements: I measured this system using the fuji on the 6" aluminum main line.

MICROFILMED

APR 23 2002



42'30"

47'30

47'29

(JEROME)
3069 11 NE
T. 8 S.

47'28

T. 9 S.

47'27

40'

47'26

MICROFILMED
APR 23 2002

36-08594

Idaho Department of Water Resource

Recommendation for 36-8594

Jarrel Moore

T08S

R16E



● Points of Diversion

□ Quarter-quarter Lines

□ Section Lines

□ Place of Use

MICROFILMED

APR 23 2002



Point of Diversion

T08S R16E S31

Data entry on June 31, 2001

Point of Diversion Presentation

1987/1988 NAPP Photography

Data Entry By: Amanda Folsom



5hp pump to main
line



6" aluminum main line
and Fuji



J-Coulee



Main line and pasture under irrigation
Rainbirds running

MICROFILMED
APR 23 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08594

Priority: June 27, 1991

Maximum Diversion Rate: 0.17 CFS
Maximum Diversion Volume: 34.0 AF

It is hereby certified that JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 27, 1991; and has
submitted Proof of Beneficial Use on December 30, 1993. An examination indicates that the works have
a diversion capacity of 0.17 cfs of water from:

SOURCE

WASTE WATER

Tributary: SNAKE RIVER

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>
IRRIGATION	3/15 to 11/15	0.17 CFS	34.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 Twp 08S, Rge 16E, B.M. GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	16E	31					8.5												8.5

Total Acres: 8.5

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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.

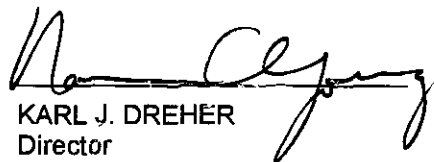
Signed and sealed this 14TH day of MARCH, 2002.

MICROFILMED

APR 23 2002

Acting for

KARL J. DREHER
Director



NOTICE

This file has been REPRODUCED
from MICROFICHE because :

The original file turned up
missing.

Daryl J. Black
Person Recreating File

March 16, 2002
Date

Form 217
11/91

RECEIVED

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 12-30-93
Receipt No. 5016460
Receipt by 95-12-26

DEC 30 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

Department of Water Resources
Southern Region Office

IAN 03 1994

PROOF OF BENEFICIAL USE

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

1. Permit No. 56-08574 Telephone No. 324-7375
2. Name(s) of Permit Holder(s): JARREL C. MOORE
3. Mailing Address: 2337 1303 Barton Rd, Jerome, ID 83338
4. Source of Water: WASTE WATER

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: 5 HP Pressure (psi): 45 or more Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation 2.5 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .19 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes _____ No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

JARREL C. MOORE 324-7375
Name Telephone No.

2337 1303 Barton Rd, Jerome, ID 83338
Address

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

12-30-93
Date

J. Moore
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08594

Proposed Priority: June 27, 1991 Maximum Diversion Rate: 0.19 CFS

This is to certify, that JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

has applied for a permit to appropriate water from:

WASTE WATER tributary of SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.19 CFS

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 31, Township 06S, Range 16E
GOODING County

<u>PLACE OF USE:</u> IRRIGATION	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>				
08S 16E 31	NENW 9.5			9.5

Total number of acres irrigated: 9.5

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 3, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08594

CONDITIONS/REMARKS:

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

19th day of December, 1991.

J. Glen Saxton

for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 36-08594

To appropriate the public waters of the State of Idaho

1. Name of applicant Jarrel C. Moore Phone 224-7275
Post office address 2327 Bob Barton Road, Jerome, ID 83338
2. Source of water supply Waste Water which is a tributary of Snake River
3. Location of point of diversion is _____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____
Sec. 31 Township 8S Range 16E B.M. Gooding County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.19 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.19 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Waste Water from Jerome Treatment Plant discharges into the J Coulee. A pump in the coulee will divert water into sprinkler for use on land adjacent to J Coulee on the north.
 - 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 90°F being sought? -
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year).

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

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

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	16E	31					9.5												9.5

Total number of acres to be irrigated 9.5

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

- Who owns the property at the point of diversion? North Side Canal Co.
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: I have been told that the discharge from The Jerome sewer plant is at least 0.77 cfs. I would like to use a portion of this for irrigation of pasture.

A full-page sheet of white graph paper featuring a uniform grid of thin black horizontal and vertical lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. The lines are evenly spaced and extend across the entire page, leaving no margins or additional markings.

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

James C. Moore
(Applicant)

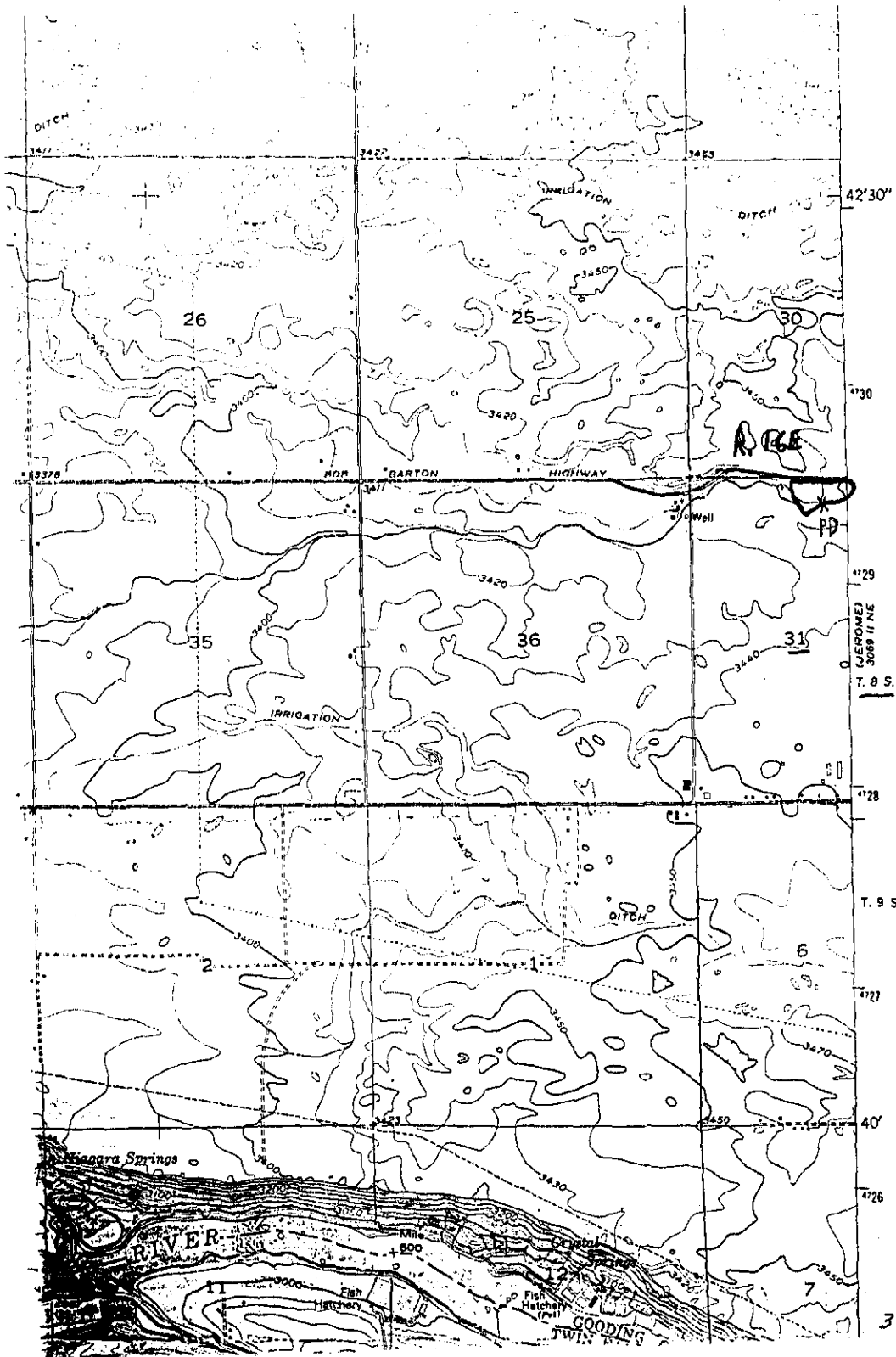
Received by J. F. Stenter Date 6-27-91 Time 2:10 pm Preliminary check by AD
Fee \$ 30.00 Receipted by mb # 5012488 Date 6-27-91
Publication prepared by mb Date 7-15-91 Published in Gooding Co. Leader
Publication approved M. Baldwin Date 9-20-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:



36-08594



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RE: Water right number(s): 36 8594

Dear Water Right Holder(s):

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

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

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

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

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

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

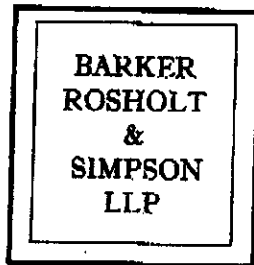
PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RECEIVED
OCT 30 2002
Department of Water Resources
Southern Region

RECEIVED
JAN - 8 2003
Department of Water Resources

John A. Rosholt



233 Second Street North, Suite D
Twin Falls, Idaho 83301
208-733-0700-telephone
208-735-2444-facsimile
jar@idahowaters.com

10/30/02

Fmt 734-5605

Dear Jason, License 36-08594
Re: JARREL MOORE

Thanks for Your Oct 25, 2002
LTR. Can You provide me with
A copy of the Permit and the
Beneficial use proof that led
to a license? I've never heard of
IDWR licensing a permit that
wasn't diverted and applied
to Beneficial use. This may be
a case for the Sup. Ct. over a claim
over 9 inches of water.

Regards,
Jar

RECEIVED

OCT 30 2002

JASON R. MICIAK, P.C.

Attorney at Law

Department of Water Resources
Southern Region

139 River Vista Place, Suite 102 Phone: (208) 734-5444
P.O. Box 2632 FAX: (208) 734-5605
Twin Falls, Idaho 83303-2632 Email: jmiciaak@yahoo.com

October 25, 2002

John Rosholt
BARKER, ROSHOLT & SIMPSON, L.L.P.
233 2ND Street North, Suite D
Twin Falls, ID 83301

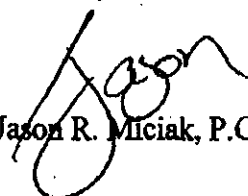
RE: License #36-08594

Dear John,

I am writing in response to your letter dated June 27, 2002, on behalf of Jarrel Moore. Contrary to your statement Mr. Moore had contacted NSCC and offered to pay headgate O.M. I question your conclusion that a conveyancing agreement is required for this right, as the waste water flows down a natural drainage – that being Cedar Draw.

Please provide us with the right numbers of any claimed superior rights so that we may determine whether excess water exists. If you could provide this information we can better assess our relationship with NSCC.

Sincerely,


Jason R. Miciak, P.C.

JRM/anc

RECEIVED

JAN - 8 2003

Department of Water Resources

OCT 28 2002

*File - TLT
Don't leave this
Guy a license
to Jerome City
waste water -
NSCC has a
"K" with fee money
But no water
Right. Part of
deliberate Thompson
consistently ditch?*

Young, Norm

From: Merritt, Allen
Sent: Friday, June 21, 2002 7:48 AM
To: 'jar@idahowaters.com'
Cc: Young, Norm; Keen, Shelley; Peppersack, Jeff; Saxton, Glen; Southern Region
Subject: Processing of wastewater license ~~36-8594~~ in the name of Moore

Dear John,

This message is in response to your letter dated 6/17/2002 requesting a review of the above described water right file to see if the North Side Canal Company (NSCC) was notified during processing.

I have had the opportunity to review the micro-film file in our office and it does not appear (It is not clearly documented) that the NSCC was ever notified or contacted. I have also had Shelley Keen in the state office review the original paper file and his finding is the same.

It appears that the application was processed as "trust water" in 1991. The permit was issued with numerous conditions including:

#6 The director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

#7 The issuance of this permit in no way grants any right-of-way or easement across the land of another. The permit was field examined in 2001 and the license subsequently issued. (The license does not include the language of #6 or #7)

By copy of this e-mail I will again remind this region's staff of the need to notify canal companies when processing new water filings as outlined in the September 8, 1981 memo from Ken Dunn regarding "Appropriation of Water Within Irrigation District & Canal Company Areas". As you may know the workflow computer system currently being utilized allows for generation of such notification letters at the time of application review. We will strive to be diligent in this matter.

In reviewing your letter to Mr. Moore you assert a long standing water right by the NSCC for use of the waste water from the City of Jerome. I have reviewed our records and find no filing for this waste water use. You may need to review this matter.

If you have questions please feel free to contact me at this office.

Allen

MICROFILMED

JUN 19 2002

Keen, Shelley

To File 36-8594

From: Merritt, Allen
Sent: Friday, June 21, 2002 7:48 AM
To: 'jar@idahowaters.com'
Cc: Young, Norm; Keen, Shelley; Peppersack, Jeff; Saxton, Glen; Southern Region
Subject: Processing of wastewater license 36-8594 in the name of Moore

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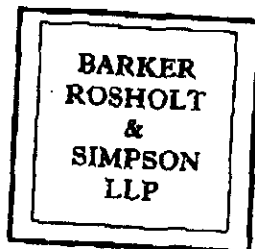
If you have questions please feel free to contact me at this office.

Allen

MICROFILMED

JUN 10 2002

John A. Rosholt



233 Second Street North, Suite D
Twin Falls, Idaho 83301
208-733-0700-telephone
208-735-2444-facsimile
jar@idahowaters.com

RECEIVED

JUN 19 2002

Department of Water Resources
Southern Region

6/17/02

Allen Meritt

Idwr - TWF

Re: Moore - 36-08594

FBI ..

Would You have Someone
Check the file to See if
Nscc Received Notice of
This Application.

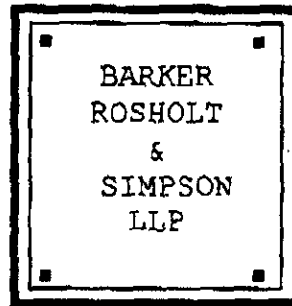
Thanks,

John Rosholt

MICROFILMED

JUN 19 2002

John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson



205 North 10th Street Suite 520
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-8034 facsimile
bra@idahowaters.com

233 2nd Street North Suite D
Twin Falls, ID 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile
jan@idahowaters.com

John A. Rosholt
jar@idahowaters.com

June 17, 2002

RECEIVED

JUN 19 2002

Department of Water Resources
Southern Region

Jarrel C. Moore
2337 Bob Barton Rd
Jerome ID 83330

Re: Permit 36-08594

Dear Mr. Moore:

The Board of Directors of the North Side Canal Company (NSCC) have asked me to respond on their behalf to your request to have NSCC deliver water from the Jerome City Wastewater Plant to your pasture.

The Company's records do not show any previous contact from you in regard to this matter. Your proposed use of NSCC's coulee requires formal approval and a Conveyancing agreement with the Company. Also, the Company has a superior right to this wastewater to your 6/27/91 priority permit. NSCC has diverted and delivered Jerome's wastewater to NSCC stockholders as part of NSCC's water supply for over twenty years.

IDWR in granting you a permit or awarding you a license cannot give you permission to use the property of another to convey the claimed water.

NSCC's advice would be to encourage you to locate, purchase, and seek the transfer of the water represented by NSCC shares of stock to your property. Both the transfer and the diversion must be first approved by NSCC. NSCC water may only be delivered through at NSCC approved headgate by a NSCC ditchrider.

You presently have no right to divert water from the J Coulee. Any pump installation will be removed by NSCC personnel so that further legal action will not be necessary.

Respectfully,

John A. Rosholt
JOHN A. ROSHOLT

cc: NSCC Board of Directors

MICROFILMED

100 10 2002

MEMORANDUM

RECEIVED

OCT 13 1981

Department of Water Resources
Southern District Office

TO: Staff

FROM: A. Kenneth Dunn
Director *A. Kenneth Dunn*

DATE: September 8, 1981

RE: Appropriation of Water Within Irrigation District & Canal Company Areas

Applications to appropriate water within the boundaries of irrigation districts and within the service areas of canal companies cause several uncertainties in administration;

1. Is the water under the control of the district or canal company and not available for appropriation?
2. Is return flow available for appropriation if some water leaves the service area?

A proper and equitable administration of water demands that we adopt guidelines for the appropriation of water within the service area of canal companies and irrigation districts. The following guidelines will be followed in all permits issued in the future:

1. Constructed conveyances. When an additional use is to be made of water from a manmade canal, ditch or other constructed conveyance, whether for consumptive or nonconsumptive use, the appropriator must obtain the permission of the conveyance owner before he can divert any water. The source of water is the natural stream or river from which the conveyance heads. Therefore, the department will not issue a permit without evidence of a right of way to use the point of diversion and conveyance system and/or the written

MICROFILMED

JUL 10 2002

- 2 -

permission of the owner of the conveyance works.

2. Natural channel conveyances or constructed drains. In many irrigation districts and canal companies, constructed drains and natural channels are used as integral parts of the delivery system. Runoff and seepage water collected in the drains and channels are used to supply water to shareholders lower in the project.

- a. When an appropriation from a natural channel, within which a substantial proportion of the flow is water injected into the channel and diverted from the channel by the irrigation district or canal company, is proposed for consumptive or nonconsumptive use, the potential exists for interference with the operation of the irrigation district or canal company. To insure that this local public interest is protected, any such permit issued will be conditioned as follows:

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the department providing for coordination of the permitted use with the irrigation district or canal company operation.

- b. Usually the canal company either owns the land through which a constructed drain flows or has an easement for the drain. Any permit issued to appropriate water from a constructed drain within a canal company service area or an irrigation district boundary will carry the following condition:

Water shall not be diverted under this permit until

MICROFILMED

1991 10 2002

- 3 -

an easement or right of way with the owner of
the drain providing for access to the drain is
filed with the department.

The natural channel and drain is no longer considered a part of the
conveyance system below the last point of diversion from which the canal
company or irrigation district delivers water.

MICROFILMED

JUL 10 2002

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10 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

12 * * * * *

13 TWIN FALLS CANAL COMPANY,)

Case No. 69003

14 Plaintiff,)

15 vs.)

STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE

16 THE STATE OF IDAHO, by and)
17 through the DEPARTMENT OF)
18 WATER RESOURCES,)

19 Defendant.)

20 * * * * *

21 COMES NOW the Plaintiff, Twin Falls Canal Company,
22 and the Defendant, the Department of Water Resources, and
23 hereby stipulate and agree that the above-referenced action
24 may be dismissed without prejudice subject to the following
25 conditions and agreements:

26 The Department of Water Resources hereby agrees that
27 the following conditions and guidelines will be applied to
28 all appropriations of water within the service area of the
29 Twin Falls Canal Company and that all permits issued within
30 such area shall be subject to such conditions:

31 1. Constructed Conveyances. When an additional use
32 is to be made of water from a manmade canal, ditch or other
constructed conveyance, whether for consumptive or noncon-

STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE

-1-

MICROFILMED

101 10 2002

1 the Twin Falls Canal Company before he can divert any water.
2 It is agreed that the source of water is the natural stream
3 or river from which the conveyance heads. Therefore, the
4 department will not issue a permit without evidence of a
5 right-of-way to use the point of diversion and conveyance
6 system and/or the written permission of the Twin Falls Canal
7 Company, the owner of the conveyance works.

8 2. Natural Channel Conveyances or Constructed
9 Drains. It is recognized by the parties hereto that within
10 the Twin Falls Canal Company system, constructed drains and
11 natural channels are used as integral parts of the delivery
12 system. Runoff and seepage water collected in the drains and
13 channels is used to supply water to shareholders lower in the
14 project.

15 Therefore, when an appropriation from a natural
16 channel is proposed for consumptive or nonconsumptive use
17 within which a substantial proportion of the flow is water
18 injected into the channel and diverted from the channel by
19 the canal company, the potential exists for interference with
20 the operation of the Twin Falls Canal Company. To insure
21 that the Company's interest is protected, any such permit
22 issued by the Department of Water Resources within the Twin
23 Falls Canal Company system will be conditioned as follows:

24 "Water shall not be diverted under this permit until
25 a written agreement with the irrigation district or
26 canal company serving the area containing the point
27 of diversion is filed with the Department of Water
Resources providing for coordination of the per-
mitted use with the irrigation district or canal
company operation."

28 If the canal company either owns the land through
29 which a constructed drain flows or has an easement for the
30 drain, a permit issued to appropriate water from a con-
31 structed drain so situated will carry the following condition:

32 "Water shall not be diverted under this permit until
an easement or right of way with the owner of the

STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE

-2-

MICROFILMED

1997 10 2002

1 drain providing for access to the drain is filed
2 with the department."

3 It is further agreed that the natural channel and
4 drain shall not be considered a part of the conveyance system
5 below the last point of diversion from which the canal com-
6 pany delivers water.

7 In the event that the Department of Water Resources
8 fails to follow and impose the above-referenced guidelines
9 and conditions, the parties further stipulate and agree that
10 Twin Falls Canal Company may initiate a new action and that
11 this Stipulation for Dismissal without Prejudice entered into
12 herein by the parties shall not operate as a bar or be con-
13 sidered to be res judicata as to the issues raised in any
14 such new action.

15 DATED this 22 day of Oct 1981.

16 NELSON, RUSHOLT, ROBERTSON,
17 TOLMAN & TUCKER

18 By: [Signature]
19 James C. Tucker

20 TWIN FALLS CANAL COMPANY

21 By: [Signature]
22 Bryan Harris, Jr., President

23 ATTEST:

24 [Signature]
25 Maurice Klass, Secretary

26 STATE OF IDAHO
27 DEPARTMENT OF WATER RESOURCES

28 By: [Signature]
29 A. Kenneth Dunn, Director

30 By: [Signature]
31 Deputy Attorney General

32 STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE

-3-

MICROFILMED

DEC 10 2002

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * * * *

TWIN FALLS CANAL COMPANY,

Case No. 69005

Plaintiff,

vs.

ORDER FOR DISMISSAL
WITHOUT PREJUDICE

THE STATE OF IDAHO, by and
through the DEPARTMENT OF
WATER RESOURCES,

Defendant.

* * * * *

The Court having read and considered the Stipulation for Dismissal Without Prejudice dated October 22, 1981, and executed by the parties named herein, and finding that said parties have reached a compromise solution to the subject litigation,

IT IS THEREFORE ORDERED that this action is dismissed without prejudice, subject to the conditions and agreements contained in the Stipulation for Dismissal Without Prejudice executed by the parties on October 22, 1981, with each party to bear their own costs.

DATED this 20 day of Oct, 1981.

1st
District Judge

MICROFILMED
ORDER FOR DISMISSAL

SEP 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2002

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RE: License No. 36-8594 - Issuance of License

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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APR 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).

MICROFILMED
APR 23 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
APR 23 1987

Comment Report

36-8594

1. afolsom 08/01/2001 Field Exam Narrative

Comment: I met with Jarrel Moore and his brother on July 12, 2001. This permit was issued for use of wastewater from the J-Coulee to irrigate pastureland surrounding Mr. Moores home.

POINT OF DIVERSION

Mr. Moore is using a 5 horsepower pump to pull water out of the J-Coulee. The pump is located in the NENW ¼ of Sec 31, Twp 08S, Rge 16E. There is a six-inch aluminum main line that runs to several hand lines around the property. Mr. Moore uses a total of 24 Rainbirds when he irrigates. I took a measurement of the system using the Fuji on the main line. My measurement was recorded at 76.8gpm or 0.17cfs.

PLACE OF USE

The place of use is also located in the NENW ¼ of Sec 31. Using GIS, I calculated the total acres to be 8.5.

I am recommending the 0.17cfs that was measured with the Fuji, and 34afa.

2. skeen 03/07/2002 License Review

Comment: License review by S. Keen on 3/7/2002. No place of use or point of diversion overlaps identified.

MICROFILMED
APR 23 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 28 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-8594

1. Owner: Jarrel C Moore Phone No. 324-1375

Current Address: 2337 Bob Barton Rd Jerome ID 83338

2. Accompanied by: Jarrel Moore EXAM DATE: July 12, 2001

Address: same Phone No. same

Relationship to Permit Holder: Owner

3. Source: Waste Water tributary to Snake River

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: _____

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
			NE	NW	31	08S	16E	Gooding	GPS & GIS

2. Place(s) of Use:

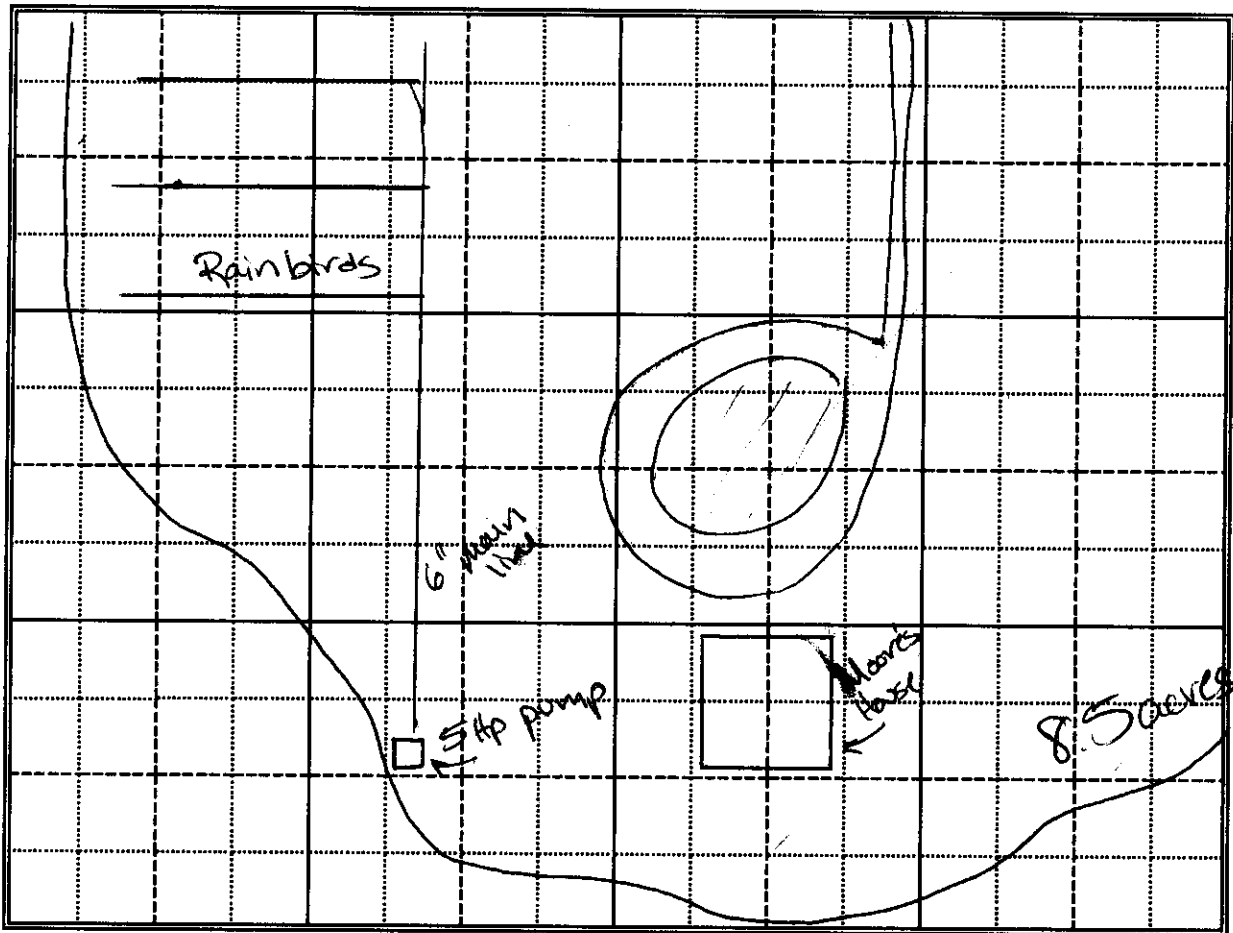
Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	16E	31	8.5																8.5

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AUG 28 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
	Baklor	5			

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	FLC			TK0085TB		May 2001

2. Measurements: I measured this system using the Fuji on the 6" aluminum main line.

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1998 2 3 2002

E. NARRATIVE/REMARKS/COMMENTS

PERMIT: 36-8594
FROM: Amanda Folsom
DATE: July 31, 2001

I met with Jarrel Moore and his brother on July 12, 2001. This permit was issued for use of wastewater from the J-Coulee to irrigate pastureland surrounding Mr. Moore's home.

POINT OF DIVERSION

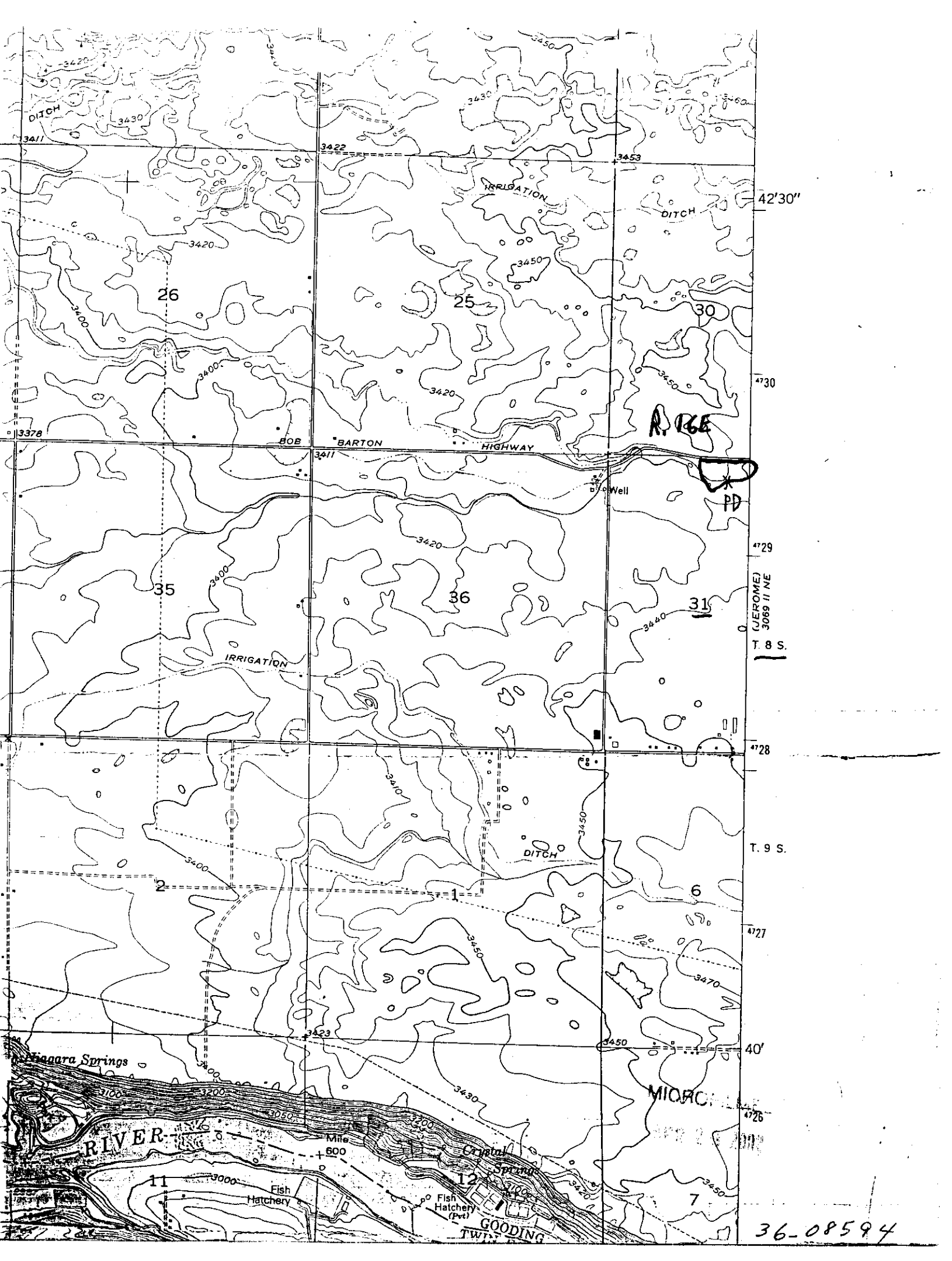
Mr. Moore is using a 5 horsepower pump to pull water out of the J-Coulee. The pump is located in the NENW $\frac{1}{4}$ of Sec 31, Twp 08S, Rge 16E. There is a six-inch aluminum main line that runs to several hand lines around the property. Mr. Moore uses a total of 24 Rainbirds when he irrigates. I took a measurement of the system using the Fuji on the main line. My measurement was recorded at 76.8gpm or 0.17cfs.

PLACE OF USE

The place of use is also located in the NENW $\frac{1}{4}$ of Sec 31. Using GIS, I calculated the total acres to be 8.5.

I am recommending the 0.17cfs that was measured with the Fuji, and 34afa.

MICROFILMED
APR 23 2002



DITCH

3430

26

25

30

42'30"

47'30

R. 165

BOB

BARTON

HIGHWAY

Well

PD

47'29

(JEROME)
3069 11 NE
T. 8 S.

47'28

T. 9 S.

47'27

40'

47'26

Niagara Springs

RIVER

600

Crystal Springs

11

Fish Hatchery

Fish Hatchery (Pvt)

GOODING

7

36-08594

No.07
LOG NAME:MOORE
START :07-12 09:50
END :07-12 10:00
INTERVAL:00:01:00

07-12 09:50:00
+1.093E+0 ft/s
+7.631E+1 gal/m
+TOTAL 0000000 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:51:00
+9.891E-1 ft/s
+6.904E+1 gal/m
+TOTAL 0000067 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:52:00
+9.331E-1 ft/s
+6.514E+1 gal/m
+TOTAL 0000134 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:53:00
+9.815E-1 ft/s
+6.851E+1 gal/m
+TOTAL 0000201 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:54:00
+9.471E-1 ft/s
+6.611E+1 gal/m
+TOTAL 0000268 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:55:00
+1.077E+0 ft/s
+7.521E+1 gal/m
+TOTAL 0000336 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:56:00
+1.187E+0 ft/s
+8.292E+1 gal/m
+TOTAL 0000414 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:57:00
+1.222E+0 ft/s
+8.533E+1 gal/m
+TOTAL 0000499 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:58:00
+1.226E+0 ft/s
+8.561E+1 gal/m
+TOTAL 0000584 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 09:59:00
+1.225E+0 ft/s
+8.553E+1 gal/m
+TOTAL 0000669 gal
-TOTAL 0000000 gal
ABNORMAL

07-12 10:00:00
+1.215E+0 ft/s
+8.483E+1 gal/m
+TOTAL 0000754 gal
-TOTAL 0000000 gal
ABNORMAL

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APR 23 2002

Idaho Department of Water Resource

Recommendation for 36-8594

Jarrel Moore

T08S

R16E

8.5 acres

P/D from J-Coulee

⊙ Points of Diversion

□ Quarter-quarter Lines

□ Section Lines

Place of Use

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N

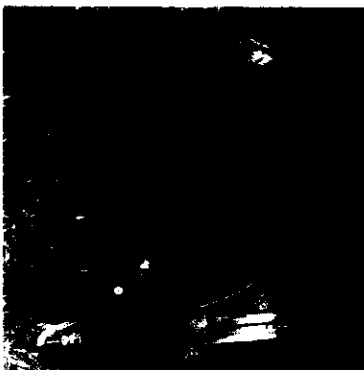
Point of Diversion

T08S R16E S31

Data entry on June 31, 2001

Point of Diversion Presentation
1987/1988 NAPP Photography

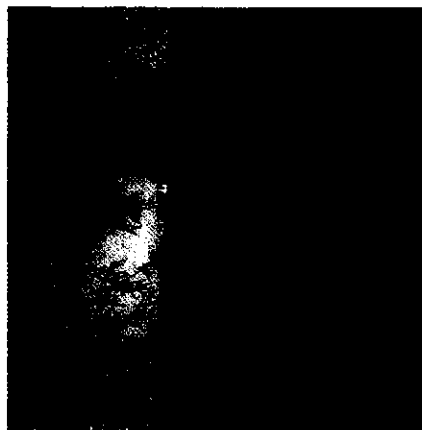
Data Entry By: Amanda Folsom



5hp pump to main
line



6" aluminum main line
and Fuji



J-Coulee



Main line and pasture under irrigation
Rainbirds running

36-8594
Jarrel Moore
July 12, 2001

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SEP 14 2001

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\text{Fuji} \rightarrow \frac{76.8 \text{ gpm}}{448.83} = 0.17 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 8.5 (4.0) = 34$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.17 (246) (1.9835) = 82.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 34$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	0.17	34
Totals:			0.17	34

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 Amanda Loban Date 7/31/01

Reviewer _____ Date _____

SEAL

MICROFILMED

APR 23 2002

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

 no

APR 23 2002

NOTICE

This file has been REPRODUCED
from MICROFICHE because :

The original file turned up
missing.

Paul J. Block
Person Recreating File

March 10, 2002
Date

January 11, 1994

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08594

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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

October 31, 1993

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RE: PERMIT NO. 36-08594 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 140855

June 12, 1992

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RE: Water Right No. 36-08594

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

June 8, 1992

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RE: Water Right No. 36-08594

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

May 19, 1992

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

RE: Water Right No. 36-08594

Dear Water Right Holder(s):

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

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

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

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

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

existing water users and reduce the need to curtail diversions.

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

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

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

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 31, 1991

JARREL C MOORE
2337 BOB BARTON RD
JEROME ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08594

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under Condition No. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 36-8594/Trust Water Processing

DATE: 12-18-91

The above application is a trust water filing which has been forwarded to the state office for final review and processing.

There is no indication on the application that the 9.5 acres under the filing have been previously developed or are irrigated with existing surface water rights. All acreage therefore will be counted as trust acreage.

Continued processing of the application is recommend. Trust conditons are applicable.

APPLICATION FOR PERMIT REVIEW

Application #: 36-8594
 Date: 12-17-91

Reviewer: Pam Skaggs *PS*

✓ Existing:
 ✓ No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A
 Groundwater:
 GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)
 LT. 0.2 cfs - N/A
 Drilling Permit:
 Approved w/permit - P99
 Not included - 046-P23 (All GW, even existing wells)
 ✓ Location:
 Water Districts - WD No. _____
 Surface water - 005, 005-01H-P01 (LT.2 w/pump)
 005-01J-P08 (GT.2)
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 ✓ Swan Falls Flag - 7 (1, Blank or Other)
 ✓ Trust - 051-052-053-P74 (Consumptive Uses)
 Non Trust - 048-049
 River Basins:
 (Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D. Cond.)
 Use:
 Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042 (req.), 002-P06 (MD), 07A (Spec.),
 044 (Policy 5G)
 Power - _____ Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054 (req.)
 Storage - 18A-for multiple measuring devices (In WD),
 18B-P09 (Size)
 Rec. & Aesthetic - 027 (Non-Consumptive)
 Domestic - 021 (restricted areas)
 ✓ Ownership:
 ✓ Non land owner - 004
 Protested:
 Agreement - 020

✓ Beneficial Use Due Date: - 01-03-1994
 Other Conditions Recommended Route to T. Lake for Trust Review *12-14-91*

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08594

MOORE, JARREL C.
2337 BOB BARTON RD.
JEROME, ID 83338

Source: WASTE WATER

Tributary: SNAKE RIVER

Diversion Pt: NENW Sec 31 T 08S R 16E

Use: IRRIGATION (.190 CFS)
Total Diversion: (.190 CFS)

Date Filed: 6/27/ 1991

In: T08S R16E S31 NENW

9.5 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before AUGUST 26, 1991.

R. Keith Higginson, Director

Published 8/ 7/1991 & 8/14/1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208) 734-3578

JULY 15, 1991

GOODING COUNTY LEADER
BOX 56
GOODING, ID 83330

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before AUGUST 26, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

AFFIDAVIT of PUBLICATION D

State of Idaho }
County of Gooding }

AUG 14 1991

Dep. of Resources
Office

Patty Spence, 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 7th day of Aug, 1991 and the date of the last publication was on the 14th day of Aug, 1991.

Subscribed and sworn to before me this 14th day of Aug, 1991.
(SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

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

Lines tabular at _____ 6¢/Pica
309.3 Lines straight at 15.47 5¢/Pica
Subsequent lines at 12.38 4¢/Pica
TOTAL COST 27.85

COPY OF NOTICE

(Paste Here)

Not. Appl. Trust Water Rt.
TYPE OF NOTICE
Jarrel Moore
36-08594
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08594

MOORE, JARREL C.
2337 BOB BARTON RD.
JEROME, ID 83338
Source: WASTE WATER
Tributary: SNAKE RIVER
Diversion Pt: NENW Sec 31 T
08S R 18E
Use: IRRIGATION (.100 CFS)
Total Diversion: (.100 CFS)
Date Filed: 8/7/1991
In: T08S R18E S31 NENW
9.5 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho on or before AUGUST 28, 1991.
R. Keith Higginson, Director
Pub: 8-7, 14 G6999

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)
7-8 pt. per line tabular..... 6¢/Pica
7-8 pt. per line straight..... 5¢/Pica
7-8 pt. per line successive insertions..... 4¢/Pica

No 5105

5999