


AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

Patty Snance, 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

1st day of May, 1991.

and the date of the last publication was on the 8th day of

May, 1991.

Patty Snance

Subscribed and sworn to before me this 8th day of

May, 1991.

(SEAL)

Vivian Gandiaga
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

351.5 Lines straight at 17.58 5¢/Pica

_____ Subsequent lines at 14.06 4¢/Pica

TOTAL COST 31.64

COPY OF NOTICE

(Paste Here)

Not. Appl. Tr. Wat. Rt.
TYPE OF NOTICE

J. Evers
36-08584
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J D W R. T.F.
BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 36-08584

EVERS, JOHN
EVERS, KAY
EVERS, JERRY
3109 S. 2000 E.
WENDELL, ID 83355
Source: GROUNDWATER
Diversion Pt: NENENE Sec 11 T 08S R

15E

Use: IRRIGATION (2.880 CFS)

Total Diversion: (2.880 CFS)

Date Filed: 2/26/ 1991

In: T08S R15E S11 NENE NWNE SWNE

SENE

144.0 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 MAY 20, 1991.

R. Keith Higginson
Director
G5620

Pub: 5-1, 8

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

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JAN 21 1992

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MAY 09 1991
No 5023

Department of Water Resources
Southern Region Office

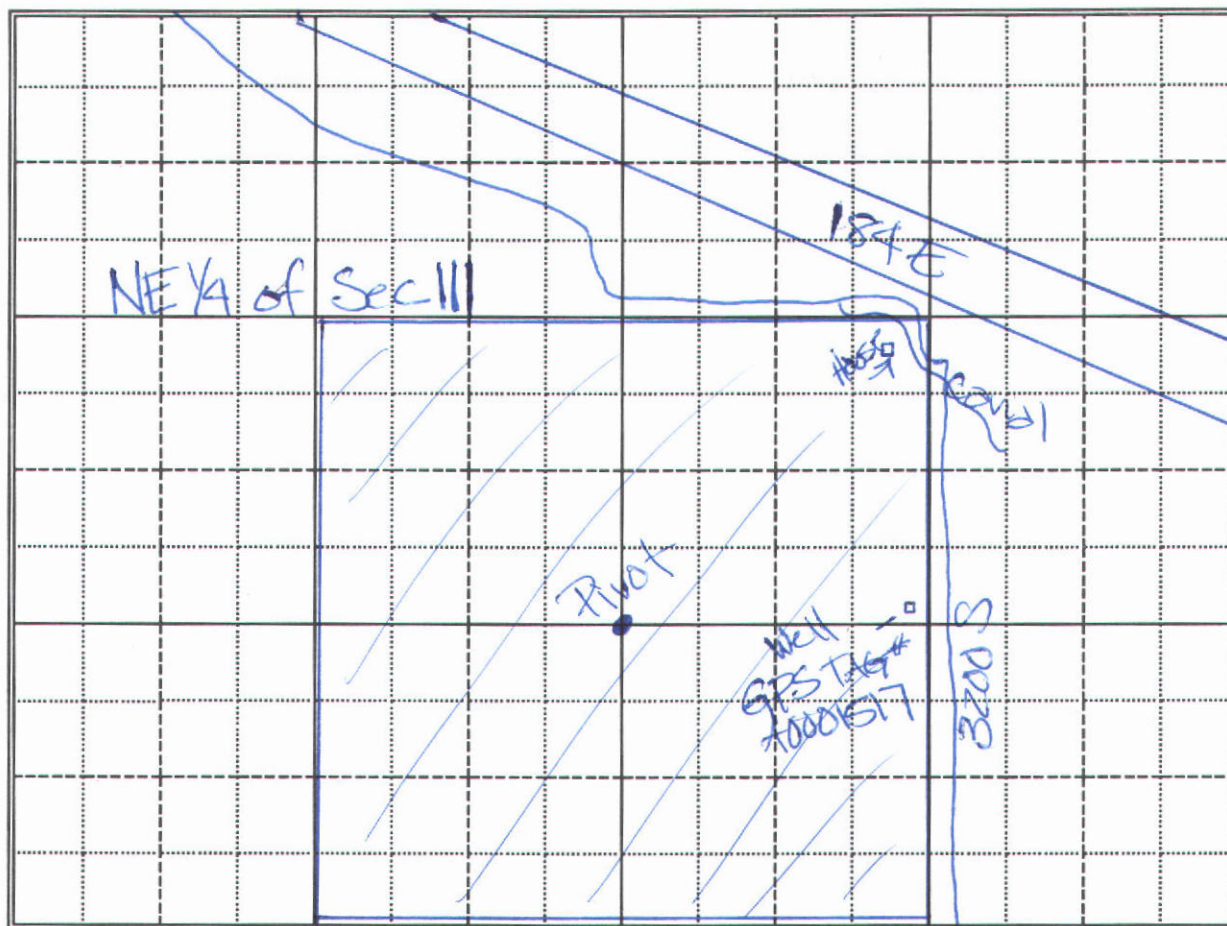
5620

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	36 8584	NORTHWEST FARM CREDIT SERVICES FLCA, JERRY EVERS, JOHN EVERS, RAY EVERS,	GROUND WATER	08S15E11	36	36	36	36													144
Right	36 8584	EVERS BROTHERS PARTNERSHIP, NORTHWEST FARM CREDIT SERVICES FLCA,	GROUND WATER	08S15E11	37	40	40	40													157
Right	1 16	NORTH SIDE CANAL CO,	SNAKE RIVER	08S15E11																	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	08S15E11																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	08S15E11																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	08S15E11																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	08S15E11																	0
Right	1 5	NORTH SIDE CANAL CO,	SNAKE RIVER	08S15E11																	0

no OL

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.

GIS

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
A0001517	VS Elect	125		Wellline	LP 93093

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

→ ID# 99824/V12V301R121R-4

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	81011		MICROF L MED	7K00851B		June 1999 & May 2000
			JAN 24 2002			

2. Measurements:

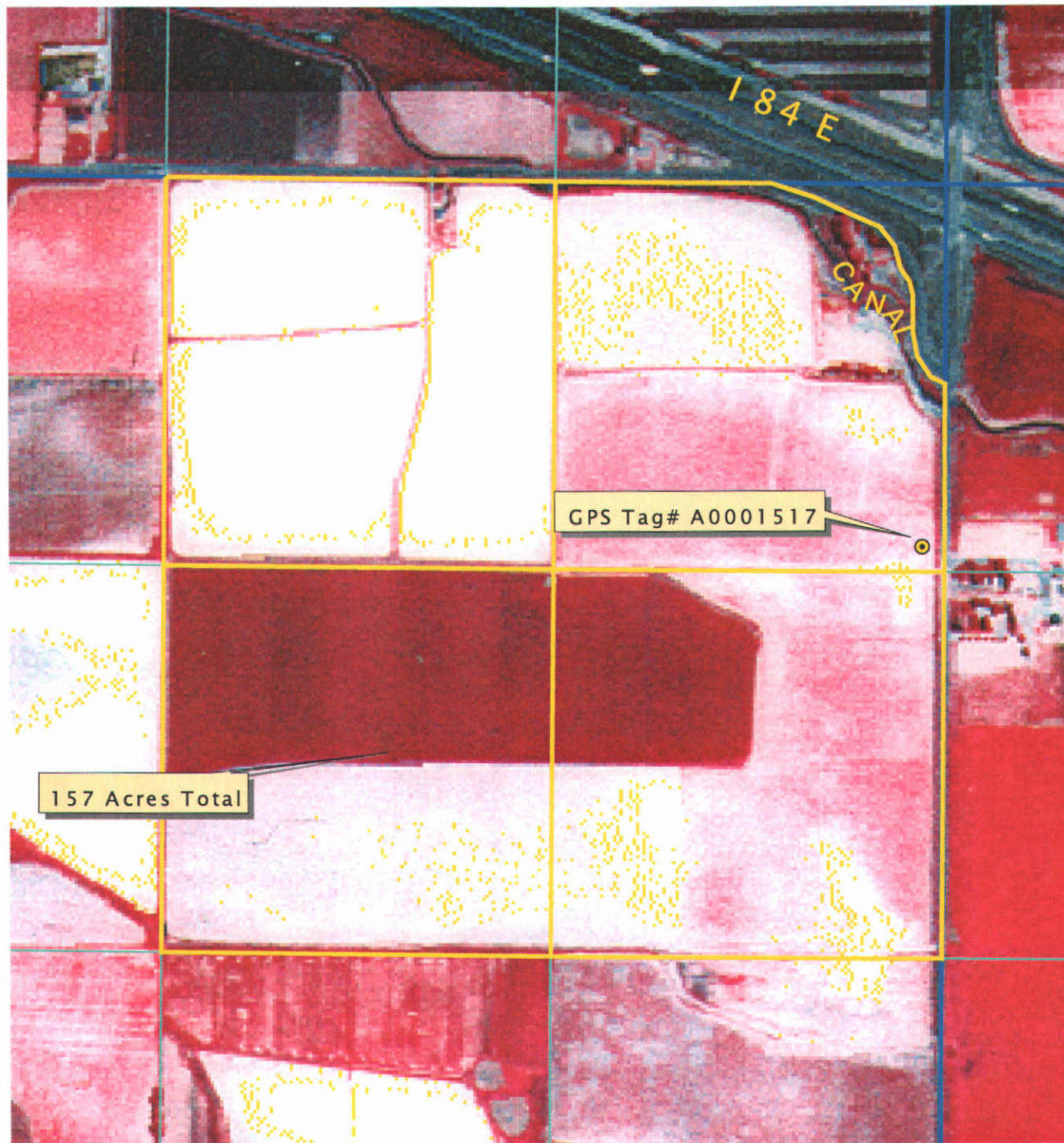
1995 Scholer
1999 Satterlee
2000 Folsom

} All measurements taken with the Fuji or Polysonic

Idaho Department of Water Resource Recommendation for 36-08584 Northwest Farm Credit Service

T08S

R15E



● Points of Diversion

□ Quarter-quarter Lines

□ Section Lines

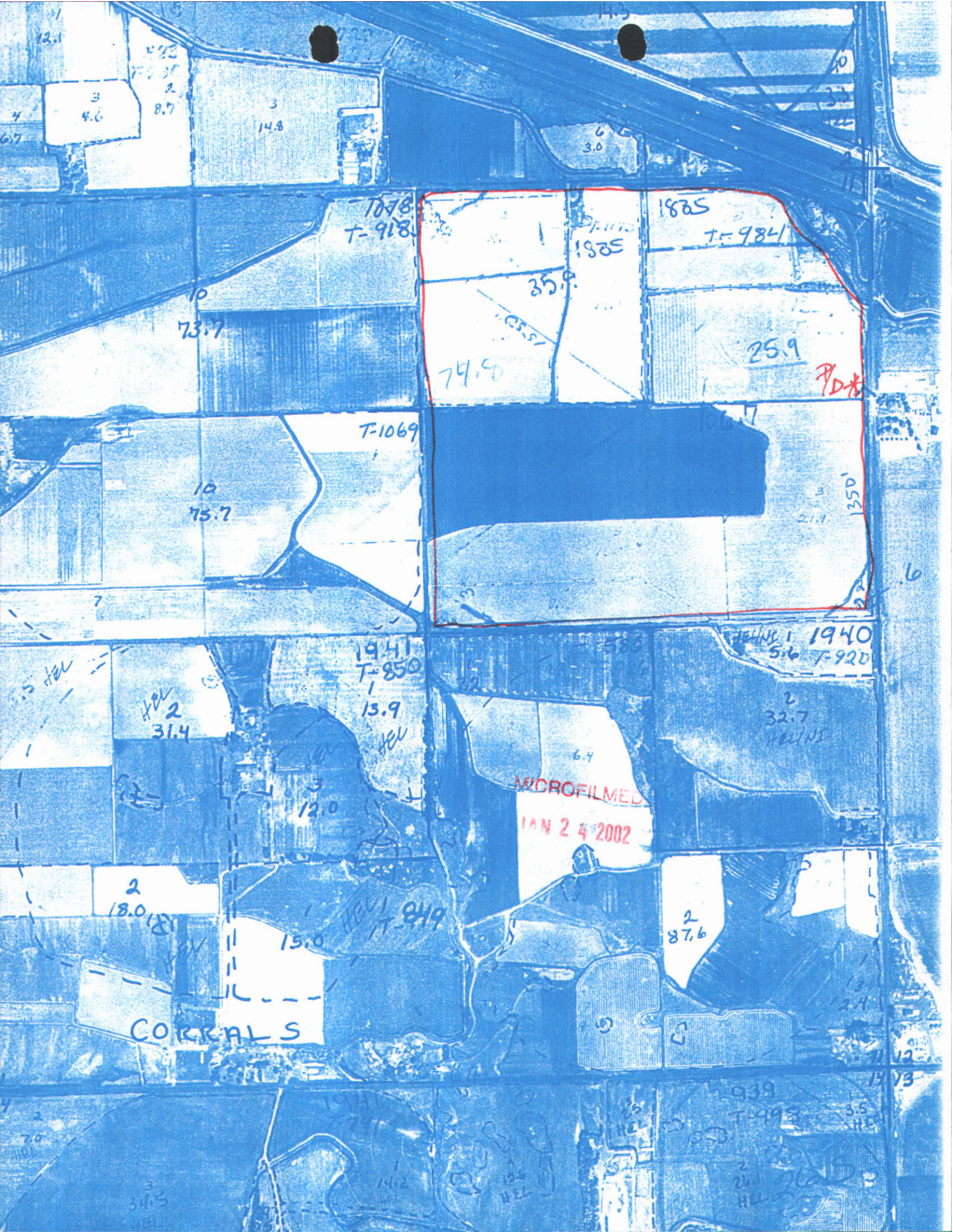
□ Place of Use

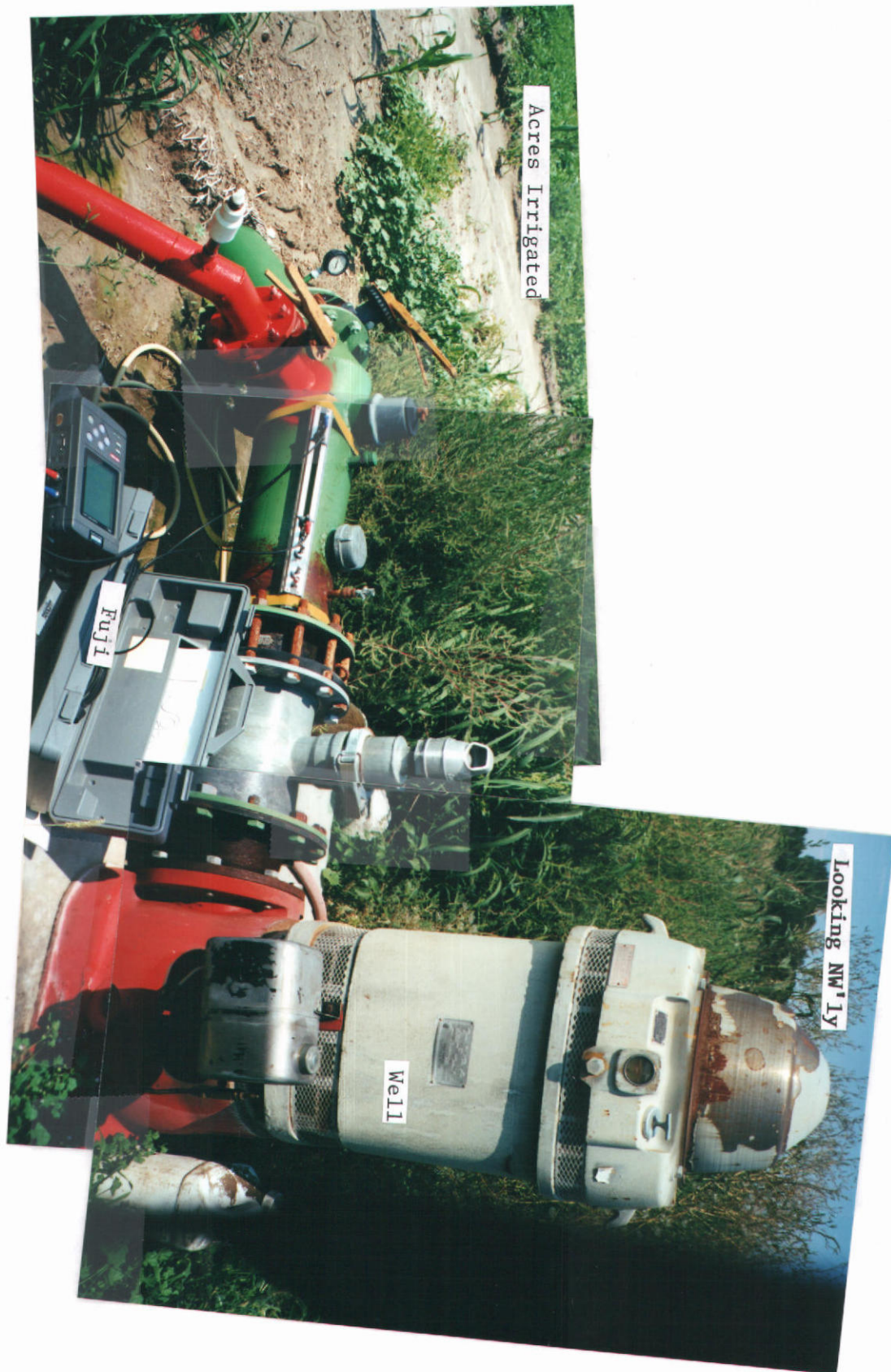
MICROFILMED
JAN 24 2002



Point of Diversion
T08S R15E S11
Data entry on Oct 25, 2000

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom





Acres Irrigated

Looking NW'ly

Well

Northwest Farm Credit Farm Services
& Evers
FE: Amanda Folsom
DATE: August 2, 2000 36-08584

MICROFILMED
JUN 24 2002



GPS Tag

Well

Acres Irrigated

Looking W'ly



Well

GPS Tag# A0001517

Looking NE'ly

MICROFILMED
JAN 24 2002

Northwest Farm Credit Services
& Evers
FE: Amanda Folsom
DATE: August 2, 2000

36-08584



MICROFILMED
JAN 24 2002

36-08584

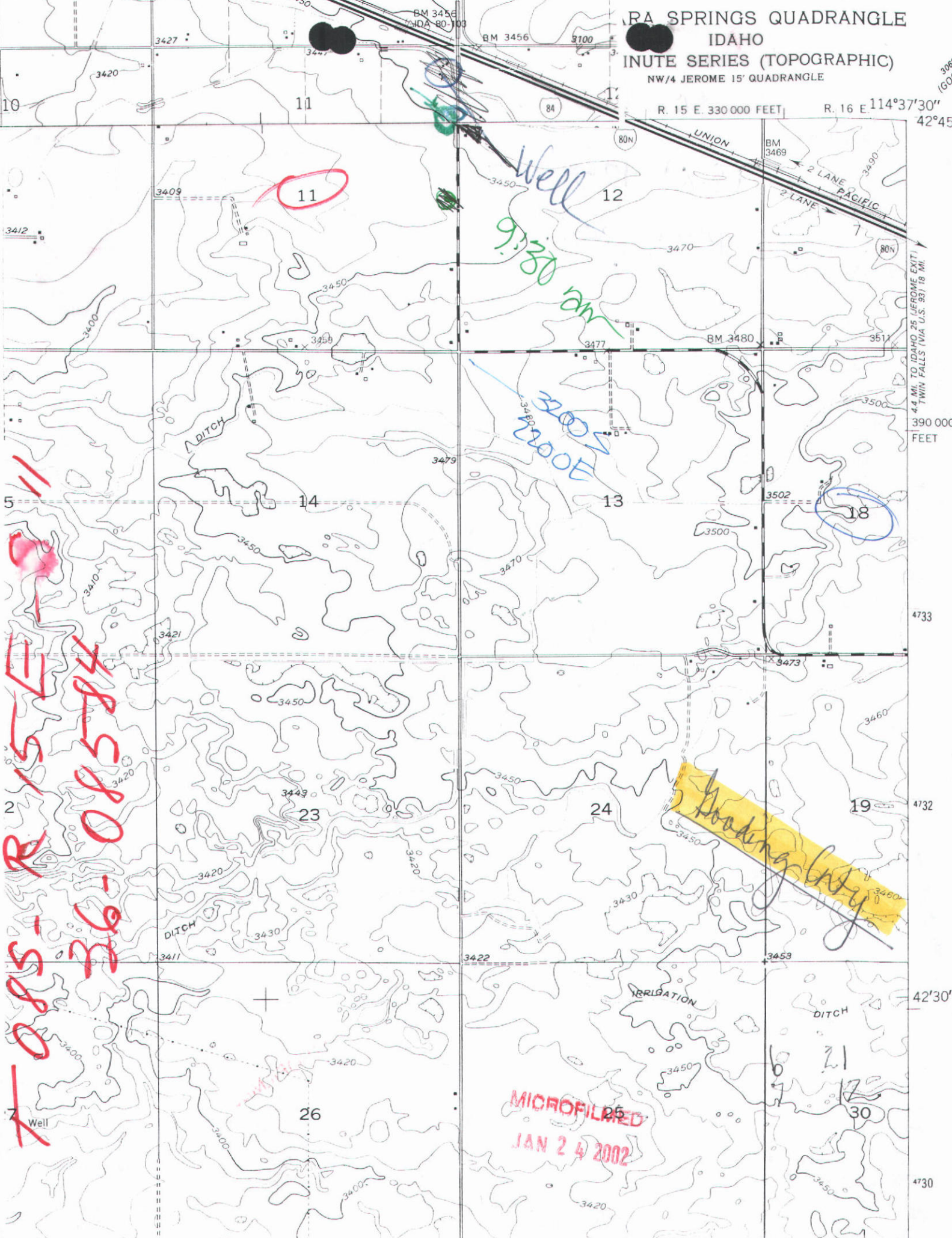
Photos taken by
Georgia Satterlee '99

RA SPRINGS QUADRANGLE
IDAHO
INUTE SERIES (TOPOGRAPHIC)
NW/4 JEROME 15' QUADRANGLE

3089
16000'

R. 15 E. 330 000 FEET

R. 16 E. 114°37'30" 42°45'



4.4 MI. TO IDAHO 25 JEROME EXIT
TWIN FALLS (VIA U.S. 93) 18 MI.

4733

4732

42'30"

4730

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08584

Priority: February 26, 1991

Maximum Diversion Rate: 2.08 CFS
Maximum Diversion Volume: 576.0 AF

It is hereby certified that EVERS BROTHERS PARTNERSHIP
3109 S 2000 E
WENDELL ID 83355

And

NORTHWEST FARM CREDIT SERVICES FLCA
1363 FILLMORE
PO BOX 5059

TWIN FALLS ID 83303-5059 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 26, 1991; and have submitted Proof of Beneficial Use on December 01, 1993. An examination indicates that the works have a diversion capacity of 2.08 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>
IRRIGATION	03/15 to 11/15	2.08 CFS	576.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, Twp 08S, Rge 15E, 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	15E	11	30.0	34.0	40.0	40.0													144.0

Total Acres: 144

CONDITIONS OF APPROVAL

1. 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.
2. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

MICROFILMED

JAN 24 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08584

3. 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.

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 10th day of January, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED

JAN 24 2002

RECEIPT# SD 22184
5.26.99
GLS

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

We, Evers Bros., a partnership, hereby assign to Evers Bros., a partnership

of <u>3109 S 2000 E</u>	<u>Wendell,</u>	<u>ID</u>	<u>83355</u>
Address	City	State	Zip

AND
Northwest Farm Credit Services, ACA

of <u>1363 Fillmore, PO Box 5059</u>	<u>Twin Falls,</u>	<u>ID</u>	<u>83303-5059</u>
Address	City	State	Zip

X All my right, title, and interest in and to Permit No. 36-08584 to appropriate the public waters of the State of Idaho.

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

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

Made May 17, 1999.

Permit Holders

Evers Bros., a partnership

By: John E. Evers
John E. Evers, a general partner

By: Jerry R. Evers
Jerry R. Evers, a general partner

STATE OF IDAHO)
)ss.
County of Twin Falls)

On May 17, 1999, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

SEAL

William V. Hickby
Notary Public State of Idaho
Residing at Jerome
My commission expires 11-12-03

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
FLOW MEASUREMENT PORT OR)
MEASURING DEVICE CONDITION)
OF APPROVAL FOR PERMIT NO.)
36-08584.)

ORDER

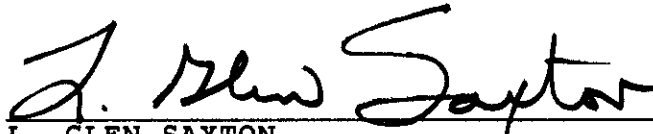
WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a flow measurement port or other device to facilitate the measurement and determination of the rate of diversion by the department; and

WHEREAS, the department has determined that the rate of diversion for certain ground water uses can be estimated by the department without the use of an installed flow measurement port; and,

WHEREAS, the department has determined that the rate of flow for the above captioned permit can be estimated without the use of a flow measurement port;

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of a flow measurement port or other device for the above captioned permit is WAIVED. The department retains the jurisdiction to require the condition be reinstated in the future upon a finding of need by the department.

Dated this 24th day of January, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

04 1994

RECEIVED
DEC 02 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 150
Date 12-1-93
Receipt No. 5016404
Receipt by MTZ

RECEIVED

DEC 01 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 18 1994

Department of Water Resources
Southern Region Office

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. 36-08584 Telephone No. 536-2612
2. Name(s) of Permit Holder(s): John, Jerry, & Ray Evers
3. Mailing Address: 3109 S 2000 E, Wendell ID 83355
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Eaton Date Drilled: 1993

OPTIONAL:

80-end gun

Pump horsepower: 125 Pressure (psi): 20 Dynamic pumping level (ft.): _____

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

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

Irrigation 144 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 2.88 cfs OR _____ acre/feet

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

Measuring device: Required? ____ Yes L No Installed? ____ Yes ____ No

OR

Flow Measurement Port: Required? L Yes ____ No Installed? ____ Yes X No

8. Fee Enclosed: \$ 150 (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.

Name

Applicant

Telephone No.

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.

Date

Dec 1-93

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

J Ray Evers

FEB 04 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08584

Proposed Priority: February 26, 1991 Maximum Diversion Rate: 2.88 CFS
This is to certify, that **JOHN EVERS**

JERRY EVERS

RAY EVERS

3109 S 2000 E

WENDELL ID 83355

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	2.88 CFS

LOCATION OF POINT(S) OF DIVERSION: NENENE , Sec. 11, Township 08S, 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>
08S	15E	11	NENE 36	NWNE 36	SWNE 36	144
			SENE 36			

Total number of acres irrigated: 144

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. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

RECORDED

JAN 21 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

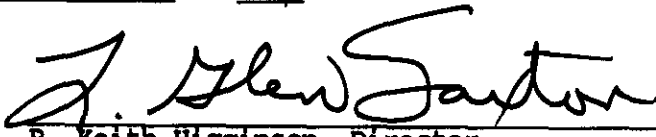
NO. 36-08584

CONDITIONS/REMARKS:

8. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. 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.

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.

for 
R. Keith Higginson, Director

MICROFILMED

JAN 21 1992

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

FEB 26 1991 To appropriate the public waters of the State of Idaho

Department of Water Resources

Southern Region Office

John Yer Jerry Yer Ray Evers

Phone 536-2612

Post office address 3109 S 2000 E Wendell, ID 83355

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 11 Township 8S Range 15E B.M. Gooding County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.88 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) 2.88 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline, pivot

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 12 inches; proposed depth of well is 250' feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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).

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JAN 21 1992

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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
85	15E	11	36	36	36	36													144

Total number of acres to be irrigated 144

10. Describe any other water rights used for the same purposes as described above. Northside canal shares
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 enabling the applicant to make this filing. _____

12. Remarks: Canal shares would be retained and corners continued to be irrigated by shares.

RECORDED
JAN 21 1992

Received by J.F. Stanton Date 2-26-91 Time 11:13 am Preliminary check by J.F. Stanton
Fee \$ 85.00 Received by J # SD/3051 Date 2-26-91
Publication prepared by M. Baldwin Date 4-17-91 Published in Gooding Co. Leader
Publication approved M. Baldwin Date 5-16-91

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:

RECEIVED

JAN 21 1992



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

January 11, 2002

EVERS BROTHERS PARTNERSHIP
3109 S 2000 E
WENDELL ID 83355

NORTHWEST FARM CREDIT SERVICES FLCA
1363 FILLMORE
PO BOX 5059
TWIN FALLS ID 83303-5059

RE: License No. 36-8584 - 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

MICROFILMED

SWK:klt

JAN 24 2002

Enclosure(s)

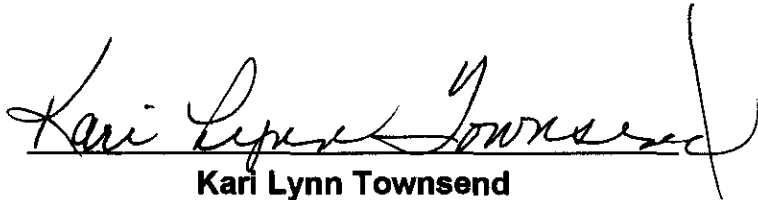
CERTIFICATE OF MAILING

I hereby certify that on January 11, 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. 36-8584

**EVERS BROTHERS PARTNERSHIP
3109 S 2000 E
WENDELL ID 83355**

**NORTHWEST FARM CREDIT SERVICES FLCA
1363 FILLMORE
PO BOX 5059
TWIN FALLS ID 83303-5059**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JAN 24 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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JAN 24 2002

Comment Report

36-8584

1. kwalker 1/9/2002 Place of Use

Comment: When I GISd the place of use for this right I used the landsat97/98 satellite imagery which identified the lands under the pivot that was intended when this application was filed. The examiner had used the 1987 aerial photo that did not show the pivot. I found the place of use to be 144 acres when I updated my shape.

Therefore, we have changed the recommendations from that the field examiner had due to the change of the irrigation system. Also, the examiner had recommended 157 acres be licensed, not limiting the place of use to the 144 acres that were permitted.

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JAN 24 2002

LICENSE REVIEW CHECKLIST

Permit No. 36-8584

Date: 1-9-2002 Reviewer: Kay Walker

Change/OK Evers Bros Partnership

Name/Address

fix per assignment

Source

OK

Does change clarify original intended source? If no, void permit.

Point of Diversion:

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):

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 2.88 cfs
Fee Limit 3.8 cfs
Measured 2.08 cfs
Theoretical 2.37 cfs

Recommended Total Diversion Rate 2.08

Water Uses

Change (P46)

Season of Use per new Standards

3-15 11-15

Irrigation 2.08 cfs 576 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 2.08 cfs 576 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Powder (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Peyette -- (W22/047/27A)

Stockwater for US (R37)

4.0 = 576.
4.0 (FHR) = 628.0
3.0 (con)

Volume Determination

2.08 cfs x 1.9835 x 246 days = 1014.9 af (vs) 144 acres x 4.0 (FHR) = 576 af

Remarks:

050, ~~051~~, R55, R64

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority?

yes

If yes, explain why below.

no

SRBA Claim?

No - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 09 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08584

1. Owner: Northwest Farm Credit Services Phone No. 208-733-2577

Current Address: 1363 Fillmore St. Twin Falls ID 83303

2. Accompanied by: Ray Evers EXAM DATE: Aug 2, 2000

Address: 3109 S 2000 E Wendell ID 83355 Phone No. 208-536-2612

Relationship to Permit Holder: Leasee

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

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
		SE	NE	NE	11	08S	15E	Gooding	GPS TAG# A0001517

2. Place(s) of Use:

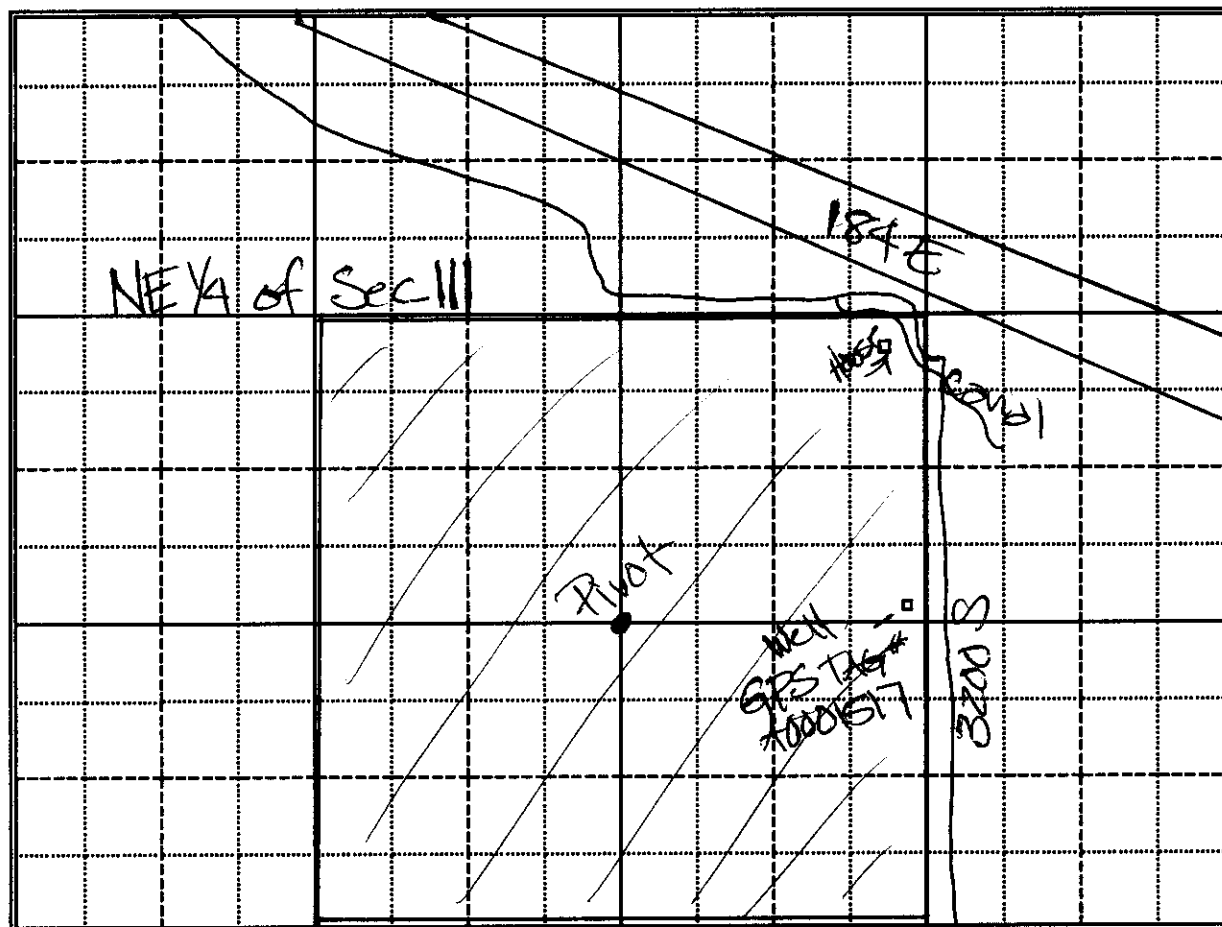
Indicate Method of Determination GIS

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	15E	11	37	40	40	40												157	

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148 2 4 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well 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
A0001517	VS Elect	125		Wellline	LP 93093

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

→ ID# 9982A/V12V301R121R-4

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	SI011		MICROF LMEC	7K00851B		June 1999 +
			JAN 24 2000			May 2000

2. Measurements:

1995 Scholer

1999 Satterlee

2000 Folsom

} All measurements taken with the Fuji or Polysonic

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 is no text or other markings on the paper.

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Fuji Measurement 1999 $\rightarrow \frac{932 \text{ gpm}}{448.83} = \boxed{2.08 \text{ cfs}}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{i,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{157(4.0)}{1} = 628$
 $V_{d,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{2.08(296)(1.9835)}{1} = 1014.9$
 $V = \text{Smaller of } V_{i,R} \text{ and } V_{d,R} = \underline{628}$

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	2.08	628
Totals:			2.08	628

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. AUTHENTICATIONField Examiner's Name Quinn J. Smith Date Oct 25, 2000

Reviewer _____ Date _____

SEAL

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JAN 24 2002

E. NARRATIVE/REMARKS/COMMENTS

FILE: 36-08584

FROM: Amanda Folsom

DATE: October 25, 2000

Georgia Satterlee originally conducted this field exam on July 13, 1999. However, she was unable to complete the write up before leaving this office. I met with Ray Evers on August 2, 2000, to complete the exam. I performed another measurement with the Fuji, and confirmed the acres being irrigated. John, Jerry, and Ray Evers were the original owners of this permit, however, they assigned it to the Northwest Farm Credit Services on May 17, 1999. The Evers now lease the land from the Farm Credit Services.

The well pertaining to this permit is located in the SENENE $\frac{1}{4}$ of Sec 11, T08S, R15E. There is a home located in the NENENE, where another well exist, but is only used for domestic. The irrigation well pumps the water to the pivot located in the center of the NE $\frac{1}{4}$ of Sec 11. The pivot was modified to reach the corners of the field, and some hand lines are still used.

Burke Scholer took a measurement using the Polysonic in 1995. Georgia Satterlee took another measurement with the Fuji in 1999, and I also took another measurement this year, 2000. My measurement from this year came out lower than Georgia's of last year. I feel that this is due to the drought that Idaho experienced this summer. Therefore, I'm going to use Georgia's measurement for my recommendation, which follows:

Irrigation	2.08cfs	628afa
Total	2.08cfs	628afa

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JAN 24 2002

Georgia Measurement 1999

Capture

LD031LD031No.03
LOG NAME:HM
START :07-12 10:59
END :07-12 11:04
INTERVAL:00:00:01

36-08584

07-12 10:59:00
~~+6.369E+0 ft/s~~
+1.553E+1 gal/s
~~+9.322E+2 gal/m~~
+5.593E+4 gal/h
+1.342E+0 Mgal/d
+2.076E+0 ft3/s
+1.246E+2 ft3/m
+7.477E+3 ft3/h
+1.794E-1 Mft3/d
+3.699E-1 BBL/S
+2.219E+1 BBL/m
+1.331E+3 BBL/h
+3.196E-2 MBBL/d
+TOTAL 0007117 gal
-TOTAL 0000000 gal
NORMAL

$\frac{932}{450} = 2.07 \text{ cfs}$

07-12 10:59:01
+6.374E+0 ft/s
+1.554E+1 gal/s
+9.329E+2 gal/m
+5.597E+4 gal/h
+1.343E+0 Mgal/d
+2.078E+0 ft3/s
+1.247E+2 ft3/m
+7.482E+3 ft3/h
+1.795E-1 Mft3/d
+3.702E-1 BBL/S
+2.221E+1 BBL/m
+1.332E+3 BBL/h
+3.198E-2 MBBL/d
+TOTAL 0007132 gal
-TOTAL 0000000 gal
NORMAL

07-12 10:59:02
+6.379E+0 ft/s
+1.555E+1 gal/s
+9.335E+2 gal/m
+5.601E+4 gal/h
+1.344E+0 Mgal/d
+2.080E+0 ft3/s
+1.248E+2 ft3/m
+7.488E+3 ft3/h

MICROFILMED Page 1

4 2002

Capture

+9.345E+2 gal/m
+5.607E+4 gal/h
+1.345E+0 Mgal/d
+2.082E+0 ft3/s
+1.249E+2 ft3/m
+7.496E+3 ft3/h
+1.799E-1 Mft3/d
+3.708E-1 BBL/S
+2.225E+1 BBL/m
+1.335E+3 BBL/h
+3.204E-2 MBBL/d
+TOTAL 0007505 gal
-TOTAL 0000000 gal
NORMAL

07-12 10:59:26
+6.387E+0 ft/s
+1.558E+1 gal/s
+9.348E+2 gal/m
+5.609E+4 gal/h
+1.346E+0 Mgal/d
+2.082E+0 ft3/s
+1.249E+2 ft3/m
+7.498E+3 ft3/h
+1.799E-1 Mft3/d
+3.709E-1 BBL/S
+2.225E+1 BBL/m
+1.335E+3 BBL/h
+3.205E-2 MBBL/d
+TOTAL 0007521 gal
-TOTAL 0000000 gal
NORMAL

07-12 10:59:27
+6.386E+0 ft/s
+1.557E+1 gal/s
+9.346E+2 gal/m
+5.607E+4 gal/h
+1.345E+0 Mgal/d
+2.082E+0 ft3/s
+1.249E+2 ft3/m
+7.496E+3 ft3/h
+1.799E-1 Mft3/d
+3.708E-1 BBL/S
+2.225E+1 BBL/m
+1.335E+3 BBL/h
+3.204E-2 MBBL/d
+TOTAL 0007537 gal
-TOTAL 0000000 gal
NORMAL

MICROFILMED
Page 10
JAN 24 2002

Loman's Measurement 2000

No.06

LOG NAME:E1

START :08-08 14:26

END :08-08 14:36

INTERVAL:00:01:00

8/8/00 14:26

+3.888E+0 ft/s
+8.941E+2 gal/m
+TOTAL 0000044 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:31

+4.027E+0 ft/s
+9.261E+2 gal/m
+TOTAL 0004523 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:27

+4.030E+0 ft/s
+9.269E+2 gal/m
+TOTAL 0000892 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:32

+4.009E+0 ft/s
+9.220E+2 gal/m
+TOTAL 0005430 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:28

+3.952E+0 ft/s
+9.088E+2 gal/m
+TOTAL 0001796 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:33

+3.959E+0 ft/s
+9.104E+2 gal/m
+TOTAL 0006334 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:29

+3.933E+0 ft/s
+9.045E+2 gal/m
+TOTAL 0002692 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:34

+3.973E+0 ft/s
+9.136E+2 gal/m
+TOTAL 0007246 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:30

+3.933E+0 ft/s
+9.044E+2 gal/m
+TOTAL 0003602 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:35

+3.969E+0 ft/s
+9.128E+2 gal/m
+TOTAL 0008151 gal
-TOTAL 0000000 gal
NORMAL

8/8/00 14:36

+4.020E+0 ft/s
+9.245E+2 gal/m
+TOTAL 0009054 gal
-TOTAL 0000000 gal
NORMAL

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JAN 24 2002

36-08584

Burke's Measurement
1995

Page No. 1
07/13/99

POD_NMBR 100494
WRNUMBER 36-08584
ADRES_ID 167
NAME EVERS, JOHN OR JERRY OR RAY
POD 08S 15E 11 NENENE
DIV_RATE 2.880
UNITS CFS
STG P
TOTL_ACRES 144.0
USES 01
OTHR_RIGHT
TOT_WR_CFS 2.88
DUP_CFS
TOT_WR_AF 0.0
TOT_WR_ACR 144.0
DISTRICT NSG
NAME_CHNG
CONTACT
DIV_NAME
OP_NUM 2
WR_CMNTS
COMMENTS AGRMNT OK PER FILE REVIEW (4/12/95 GARYS)
PCC_OK
REPT_REC'D / /
SITE_VISIT / /
INV_NAME
PCC_DATE 07/10/95
QMTR_CALIB / /
EXAMINER BSCHOLER
EXAM_CMPLT Y
SITE_TAGNO A0001517
GPS_FILNAM R071100A
OFFSET
TAG_LOCAT
LONG -114.6549943
LAT 42.7501267
ALTITUDE 1041.3183494
TRKNG_REQD
SYSTEM_TYPE
GPM_A 776
KW_A 83.2
PSI_A 0
PCNT_A 100
GPM_B 0
KW_B 0.0
PSI_B 0
PCNT_B 0
GPM_C 0
KW_C 0.0
PSI_C 0
PCNT_C 0
PCC_A_DSC
PCC_B_DSC
PCC_C_DSC
MOTOR_HP

$$\frac{776}{450} = \underline{\underline{1.72 \text{ cfs}}}$$

MICROFILMED
JUN 24 2002

MEMO

FROM: Allen Merritt *AM*

DATE: February 18, 2000

TO: Permit No: 36-08584

In the Name of: John Evers

SUBJECT: Primary use of groundwater

The question has been asked of the permit holder whether he could sell off some of the NSCC shares that he owns. The question boils down to whether the ground water use under the permit is the primary water right for the property. I have inquired with Norm Young this day and he indicates that the director has addressed this issue recently and has used the following analysis:

If the ground water permit has been used during the authorized development period of the permit as the primary right then it can be considered a primary right. If on the other hand it was utilized as supplemental during the development period and then later on after proof had been filed or after licensing the shares are removed then the ground water right does not necessarily become the primary right.

In reviewing the facts of this permit, the application for permit was filed on 2/26/1991. On the application in remarks it indicates: "Canal shares would be retained and corners continued to be irrigated by shares." The permit was approved 12/19/1991. Proof was due January 3, 1994. Proof was filed 12/1/1993. Proof indicates the well was drilled in 1993. Letter from NSCC indicates the shares owned by Evers have been leased out every year since 1993.

Based on the facts and my understanding of the policy the water right perfected under 36-08584 from ground water should be considered the primary water right and any canal shares Evers owns may be sold without consideration of 36-08584.

Post-it® Fax Note		7671	Date	# of pages
To		John Evers	From	Allen Merritt
Co./Dept.			Co.	
Phone #			Phone #	
Fax #			Fax #	

*No surface
water
used-*

MICROFILMED

FEB 22 2000

North Side Canal Company, LTD.
921 NORTH LINCOLN
JEROME, IDAHO 83338
(208) 324-2319

RECEIVED
FEB 15 2000
Department of Water Resources
Southern Region

February 15, 2000

Idaho Dept. of Water Resources
Twin Falls, Idaho 83301

To Whom It May Concern:

North Side Canal Company has seasonal transfers showing that John, Jerry and J. Ray Evers have been leasing their North Side Canal Company water shares out since the year 1993.

If you have any questions, feel free to contact me at (208) 324-2319.

Sincerely,



Terry Walters

MICROFILMED
JAN 24 2002

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-08584

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland



2/10/2000 4:00 PM

NAME: _____

JOHN EVERS

CAMEIN

RE:

QUESTIONS ON PERMIT

He came to ask about selling the canal shares off from the property he owns. The Northside CC ask him to get IDWR permission to allow the sale and move. I looked up the permit 36-08584 and found the file in Georgia's office, she has done the field exam and the file is waiting for a final write-up. The application states the canal shares will be retained on the property. I made a copy of this and gave to Mr. Evers. I told him that it is unclear if the Dept. will make that a condition of the final license or not. I told him that has been a common condition for water rights issued in recent years. I would not commit either way since the conditions are added to the right at our Boise office.

They are anxious to sell off the shares so I told them I would CC: this memo to our regional manager and they could discuss it with him next week. I told them the safe thing to do is wait and see how the license is issued. I explained to them of the opportunity to challenge the license after it is issued during the first 10-14 days.

CC: Allen Merritt

MICROFILMED

10/12/2002

DEPARTMENT OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

TYPEWRITER OR
POINT PEN

1. WELL OWNER

Name Ray F. Jones
Address 31275 2200 E Wendell Dr
Drilling Permit No. 36-93-S-0036
Water Right Permit No. _____

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ Diameter _____ From _____ To _____
25 inches 15 inches + 1 feet 9 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 10 Material used in seal: ☒ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port Welded Steel pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.
Subdivision Name _____
Lot No. _____ Block No. _____
County Gooding
Address of Well Site 31275 2200 E Wendell
(give at least name of road)
NE 1/4 NE 1/4 Sec. 11, R. 5 N ☐ or S ☒
E ☒ or W ☐

7. WATER LEVEL

Static water level 140 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature -28 °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

- ☐ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
17	0	6	Top Soil		
17	6	9	Gray Loam		
15	9	22	"		
	22	29	Broken Red + W/Loam		
	29	61	Gray Loam		
	61	63	Broken Gray Loam		
	63	86	Gray Loam		
	86	98	Broken Loam Loose Rock		
	98	100	Claymussie		
	100	117	Hard		
	117	118	Claymussie		
	118	138	Hard		
	138	142	Soft + Broken		
	142	148	Hard		
	148	151	Soft + Broken		X
	151	162	Hard		
	162	163	Claymussie		X
	163	173	Hard		
	173	176	Soft + broken		X
	176	178	Broken Loose Rock		X
	178	186	Grinders Loose Rock		X
	186	190	Med Hard		
	190	193	Grinders Loose Rock		X
	193	196	Hard		
	196	198	Soft Broken		X
	198	203	Claymussie		X
	203	204	Soft Broken		X
	204	205	Clay		
	205	210	Clay		
	210	213	Soft		
	213	230	Hard		

10.

Work started 4-7-93 finished 4-14-93

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Fatin Drilling Firm No. 26
Address Wendell Date 4-15-93
Signed by Drilling Supervisor [Signature]
and [Signature]
(Operator) Dave Cook
(If different than the Drilling Supervisor)

(8.8) 125 (.70) = 770
140 + (80 x 2.31) = 324.8
770 - 324.8 = 2.37 cfs
NE 1/4 NE 1/4 RISE 511

MICROFILMED
JAN 24 2002

RA SPRINGS QUADRANGLE

IDAHO

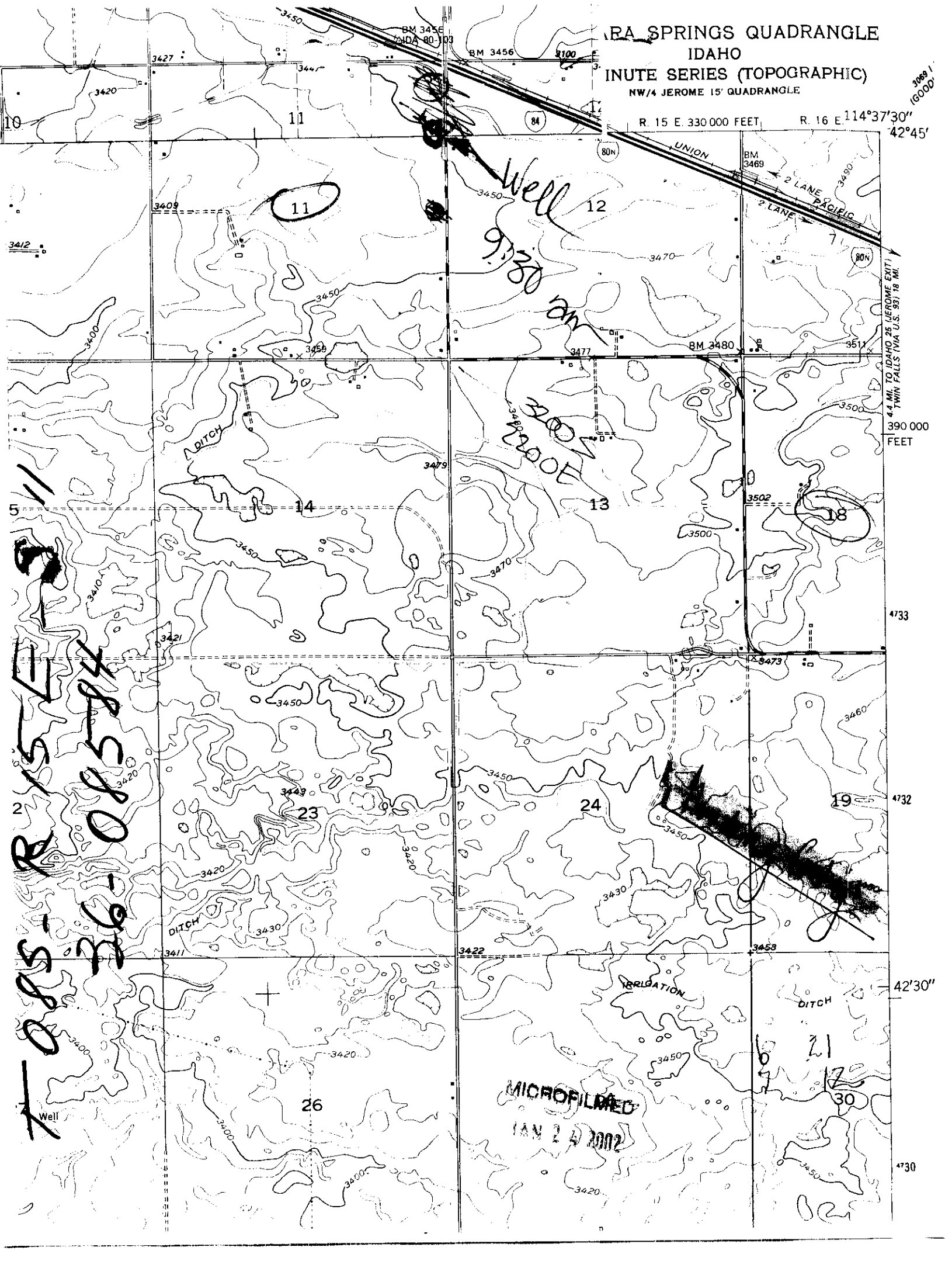
INUTE SERIES (TOPOGRAPHIC)

NW/4 JEROME 15' QUADRANGLE

R. 15 E. 330 000 FEET

R. 16 E. 114°37'30" 42°45'

1000' 16000'



11 R 15 E 330 000 FEET
26-08584

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JAN 24 2002

$$\frac{(8.8) 125 (0.70)}{140 + (80 \times 2.31)} \quad \frac{770}{325} = \underline{\underline{2.37}}$$

First Wendell Exit
 South 1st X-Road
 1 1/2 mi. E
 left Pivot
 Stop Sign

Contacts

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 JAN 24 2002

S1
4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 26-08584

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 17 July Time 0930 hrs Place _____
@ well NE 1/4 Sec 11
Contact Person & Phone Jim Davis 536-6485

D. Post-Exam Review & Processing

lease from Evers who assigned to Northwest Farm Credit
Exam Completed 8-2-00 Notice of Completion turned in _____
Field Report Completed 10-25-00 Augusta Folsom 8-10-25-00
Signature of Examiner & Date
Field Report Reviewed by Sr. Agent _____ (Initial & Date)
Field Report Reviewed by Region Mgr. AK 11/7/00 (Initial & Date)
Field Report Sent to S.O. _____ Region Card File Updated _____

→ Re-examined on August 2, 2000
by A. Folsom



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

June 2, 1999

DIRK KEMPTHORNE
GOVERNOR

EVERS BROS & NORTHWEST FARM CREDIT SERVICES
3109 S 2000 E PO BOX 5059
WENDELL ID 83355 TWIN FALLS ID 83303-5059

KARL J. DREHER
DIRECTOR

RE: ASSIGNMENT OF PERMIT 36-08584

Dear Permit Holder(s):

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

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

Sincerely,

Jim JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
JUN 08 1999

MICROFILMED

JAN 24 2002



Farm Credit Services

1363 Fillmore Street
P.O. Box 288
Twin Falls, Idaho 83303-0288
208/733-2577

RECEIVED

MAY 25 1999

Department of Water Resources
Southern Region

May 24, 1999

RECEIVED

MAY 28 1999

Department of Water Resources

Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Permit #36-08584

This letter will serve as notice to the Department of Water Resources that Northwest Farm Credit Services, ACA, has a security interest in the above permit and a real estate mortgage has been filed on property where the well is located. Enclosed is an Assignment of Permit from Evers Bros, a partnership to Northwest Farm Credit services, ACA.

We request copies of all notices and correspondence mailed to Evers Bros, a partnership, regarding the above described permit number be sent to our office address

Please acknowledge below and return this letter to our office in the enclosed envelope. We appreciate your cooperation in this matter.

Sincerely,

Colleen Crozier
Financial Specialist

ACKNOWLEDGED this 26 day of May, 1999

DEPARTMENT OF WATER RESOURCES

By Georgia Satterlee

Rept. # S022184

MICROFILMED
JUN 08 1999

MICROFILMED

JAN 24 2002



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 17, 1999

John Evers et. al.
3109 S. 2000 E.
Wendell, ID. 83355

SECOND FIELD EXAM NOTICE

RE: Permit Number 36-08584

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Georgia Satterlee
Georgia Satterlee
Sr. Water Resource Agent

enclosure

MICROFILMED
JAN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

April 27, 1999

KARL J. DREHER
DIRECTOR

John Evers et. al.
3109 S 2000 E
Wendell, ID. 83355

FIELD EXAM NOTICE

RE: Permit Number 36-08584

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning May 10, 1999. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Georgia Satterlee
Sr. Water Resource Agent

enclosure

MICROFILMED

JAN 24 2002

April 28-98

Dear Sir:

On the water right #36-08584
J. Ray + Darlene Evers own 40
acres and John + Jerry Evers
own 120 acres, but it is farmed &
watered as one unit.

The legal on the 40 acres
is T8 R15-S11 NW 1/4 NE 1/4.

The legal on the 120 acres
is as follows:

T8 R15 S11

NE 1/4 NE 1/4 S 1/2 NE 1/4.

Sincerely,

Darlene Evers

MICROFILMED
JUN 11 1998

January 24, 1994

JOHN, JERRY AND RAY EVERS
3109 S 200 E
WENDELL ID 83355

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 36-08584

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order waiving the flow measurement device condition from your permit. Please note the department retains the jurisdiction to require the condition be reinstated in the future should the department find the need. 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

Enclosure

c: IDWR - Region

FEB 04 1994

ACTION REQUIRED

FROM: Jim, Southern

TO: Julie Yarbrough 1-13-98

SUBJECT: Permit 36-08584, Proof of Beneficial Use

Owners of the permit have requested that the measuring-device requirement be waived; I concur. This is a standard permit with no special reason to require a measuring device or access port. The proof of beneficial use is resubmitted with this request for the waiver. Thanks.

A handwritten signature, possibly "JY", is written in ink below the main text.A faint, circular stamp or seal is visible in the lower right area of the page, containing illegible text.

January 11, 1994

John, Jerry and Ray Evers
3109 S 200 E
Wendell, ID 83355

RE: Permit No. 36-08584

Dear Permit Holder:

Returned is the Proof of Beneficial Use form submitted to this office in connection with the above referenced permit. Unfortunately it is unacceptable as filed. Condition #4 of your permit to appropriate water states you must install a flow measurement port or other device to measure the rate of diversion. It does not appear you have complied with this condition.

If you have installed a flow measurement port, please indicate this on the proof. If you have not installed the port, you may return the proof form and request, in writing, a waiver of the condition. You have until January 26, 1994, to submit an acceptable proof of beneficial use.

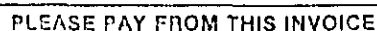
If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

RECEIVED
FEB 04 1994

FEB 04 1994



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08584

Reviewed by Jy

Date 1-11-94

GENERAL CONSIDERATIONS

TYPES OF USE

YES Name same as permit?

Mr.

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. 36-93-S-0036-000

200.00 Amount paid for permit YES Correct?

110 Well log in the file?

LICENSE EXAMINATION FEE

YES Required?

150.00 Amount Submitted

YES Correct?

MEASURING DEVICE

YES Required?

no Installed?

no Waiver requested?

YES

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

-request c/o on flow measure. port - proof acceptable, should waive flow port condition.

DATA ENTRY

New Address

Proof Made 12-1-93

October 31, 1993

JOHN EVERS
JERRY EVERS
RAY EVERS
3109 S 2000 E
WENDELL ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 36-08584

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.

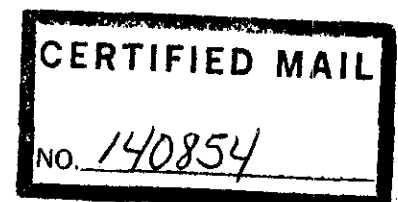
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED
FEB 04 1994





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

JOHN EVERS
JERRY EVERS
RAY EVERS
3109 S 2000 E
WENDELL ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08584

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.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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

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JAN 21 1992

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

Enclosures

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JAN 21 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 36-8584/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.

The applicants have stated that the groundwater source under this filing will supplement existing canal shares. An attached copy of an orthophoto quad shows that the land has been irrigated. The Department's remote sensing data from 1986 further confirms that the land has been irrigated. Since this is a supplemental filing, none of the acreage shall count as trust acreage.

Continued processing of the application is recommended. Trust conditions are applicable.

RECEIVED
12-18-91

JAN 21 1992

APPLICATION FOR PERMIT REVIEW

Application #: 36-8584
Date: 12-17-91

Reviewer: Pam Skaggs *CS*

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. Burke for Trust Review *12/15/91*

JAN 21 1992

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET JOHN/JERRY/RAY EVERS

INITIAL REVIEW BY JF Stanton DATE 3-12-91 APPLICATION NUMBER 36-08584

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 for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 2-26-91

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion Canal shares
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater 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 trust water 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

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DEC 03 1991

Department of Water Resources

SWAN FALLS HOLD? Yes

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

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

APRIL 17, 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 MAY 20, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
JAN 21 1992

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08584

EVERS, JOHN
EVERS, RAY
EVERS, JERRY
3109 S. 2000 E.
WENDELL, ID 83355

Source: GROUNDWATER

Diversion Pt: NENENE Sec 11 T 08S R 15E

Use: IRRIGATION (2.880 CFS)
Total Diversion: (2.880 CFS)

Date Filed: 2/26/ 1991

In: T08S R15E S11	NENE	NWNE	SWNE	SENE
144.0 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 MAY 20, 1991.

R. Keith Higginson, Director

Published 5/ 1/1991 & 5/ 8/1991

NOT RECORDED

JAN 21 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Apr-1991

JOHN, JERRY, & RAY EVERS
3109 S 2000 E
WENDELL ID 83355

Re: Application for Permit No. 36-08584

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 will be advertising the application in the Gooding County Leader on 5/1 & 5/8/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

JAN 21 1992