

Magic Homes, Inc
5475 US Hwy 93
Jerome, Idaho 83338

Fax: 1-208-644-9643
Phone: 1-208-644-9641

FAX

To: Jim - Dept of Water Resources

Fax: 1-208-736-3037

Date: 3/14/06

From: Maxine Kulhanek

Re: Well Agreement

4 Number of pages including this one

Here is A copy of our recorded
Well Agreement with Peters -

Thank You Maxine

36-8547

WELL AGREEMENT

THIS AGREEMENT is made and entered into this 2nd day of November, 1995, by and between THOMAS R. PETERS and JULIA A. PETERS, husband and wife (hereinafter "Peters"), and DENNIS KULHANEK and MAXINE KULHANEK, husband and wife, (hereinafter "Kulhanek")

RECITALS

- A. Peters owns real property located in Jerome County, Idaho, more particularly described on ~~Exhibit A~~ attached hereto.
- B. Peters has sold real property to Kulhanek, which property is more particularly described on ~~Exhibit B~~ attached hereto. This parcel of real property is contiguous to the real property of Peters.
- C. Peters owns a well, pump, and motor located on the real property described as Exhibit "A". These appurtenances deliver water for irrigation purposes under Water License 36-08577 for 1.68 cfs. The water license is appurtenant to both parcels described on Exhibits "A" and "B".
- D. The parties wish to agree upon terms and conditions whereby the duties to maintain and repair the pump, motor and well, and pay the electricity associated with the water license may be shared.

IT IS THEREFORE agreed, in consideration of these premises and the promises and covenants hereafter contained, as follows:

1. .06255 cfs. of the 1.68 cfs. water right represented by IDWR License No. 36-08577 shall be allocated to and considered appurtenant to the real property described on Exhibit "B" for irrigation purposes. Kulhanek may, at any time, file an application with IDWR for the amendment of existing water license 36-08577 to reflect the allocation of the water license between the two parcels.

2. Kulhanek shall be entitled to receive delivery of the water to which he is entitled under this agreement from the well, pump and motor located on the real property described on Exhibit "A". Kulhanek shall pay 3.7% of all costs of the repair, maintenance and replacement of the well, pump and motor. Kulhanek shall further reimburse Peters 3.7% of the cost of electricity consumed by the pump and motor. Kulhanek shall pay all statements for repair, maintenance, replacement or electricity costs within 15 days of receipt.

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JEROME COUNTY, IDAHO
NOV 7 4 10 PM '95
FEES \$1.00
DEP-5/16

954499

3. Peters shall determine the schedule upon which Kulhaneks' property shall be irrigated, provided that the irrigation schedule shall be adequate to assure the viability of crops growing upon the real property described on Exhibit "B".

4. Kulhanek shall bear the sole and entire cost of any connection to the well and pump should Kulhanek desire a different water delivery system than that currently in place.

5. Kulhanek shall use the water subject to this agreement for irrigation purposes and no other purpose.

6. If default be made by either party hereto in keeping or performing any of the covenants, conditions or agreements herein agreed to be kept by them, and the other party is required to employ an attorney to enforce any of the covenants, conditions or agreements herein contained, then and in such event, the party in default agrees to pay, in addition to all other sums herein agreed to be paid by them, a reasonable attorney's fee, together with any costs and disbursements that may be incurred in enforcing this agreement.

7. This agreement shall inure to the benefit of, and be binding upon, the parties hereto, and their respective heirs, executors, administrators and assigns. This agreement is intended to be construed to be appurtenant to the parcels of real property above described and to run with the land.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names, the day and year in this agreement first above written.

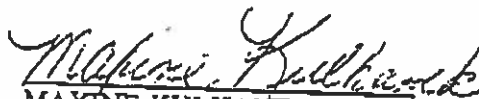
"PETERS"


THOMAS R. PETERS


JULIA A. PETERS

"KULHANEK"


DENNIS KULHANEK

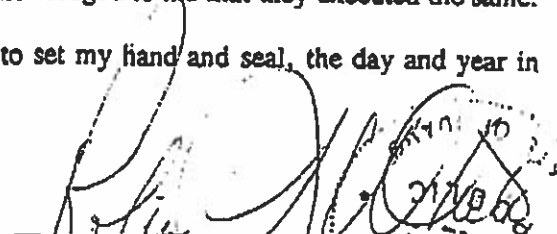

MAXINE KULHANEK

STATE OF IDAHO)

County of Jerome) ss.

On this 7th day of November, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared THOMAS R. PETERS and JULIA A. PETERS, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

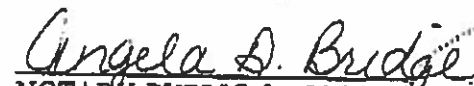

NOTARY PUBLIC for IdahoResiding at: Jerome, IDCommission Expires: 12-06-00

STATE OF IDAHO)

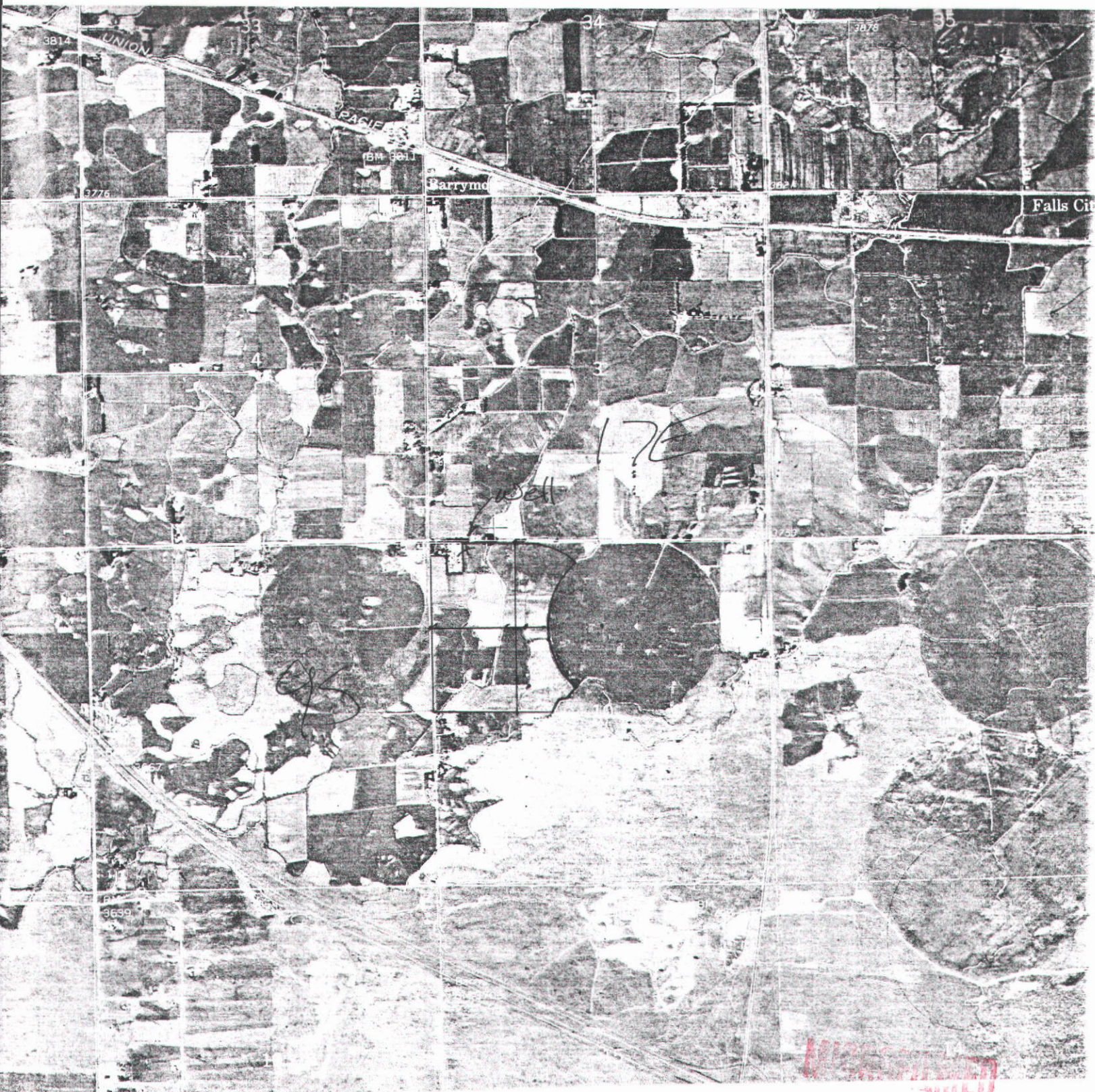
County of Jerome) ss.

On this 2nd day of November, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DENNIS KULHANEK and MAXINE KULHANEK, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.


NOTARY PUBLIC for IdahoResiding at: Jerome, IDCommission Expires: 4-11-2000

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Thomas Peters
(Applicant)

MAY 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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AUG 18 1993

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08577

1. Owner: Thomas R. Peters

Phone No. 324-8704

Current Address: 404 S. 300 E. Jerome, ID 83338

2. Accompanied by: owner

EXAM. DATE: 6-18-92

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none

☐ Copies Attached

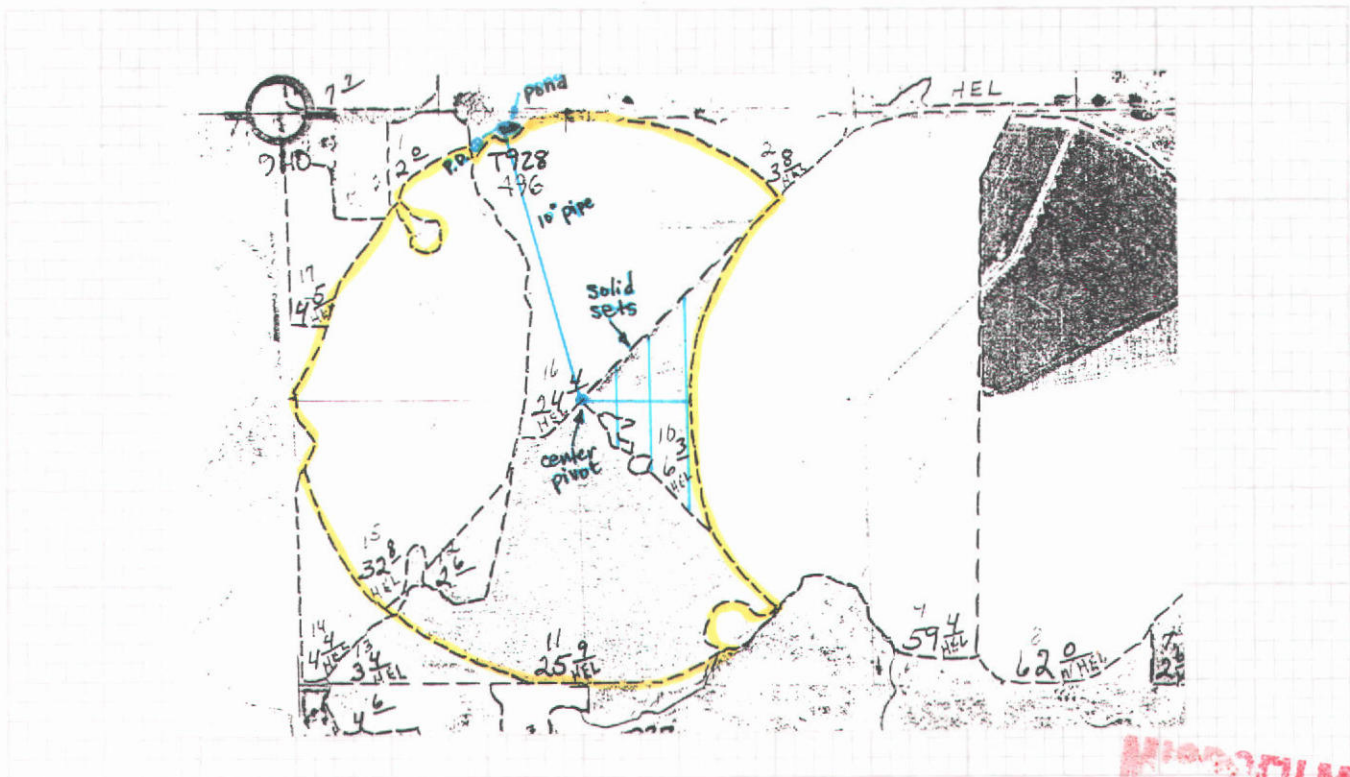
2. Other water rights with same point of diversion: none

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 440'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

OCT 19 1993

T932 HEL 33
500
24 HEL
5 HEL
8 HEL
52 HEL

31 HEL

3
349
HEL

4
86
HEL
53
4 HEL

270 HEL

T929
497

T930
1663-3-3

T965
1663-2-3

Subdivision

289
HEL

25
395
HEL

413
312
910

T928
496

PIA

28
38

35
54
HEL

17
145

16
24
HEL

103
6
HEL

15
328
HEL

26

14
4
HEL
34
HEL

11
259
HEL

T927
495

MICROFILMED

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594
HEL

620
N HEL

5
48
HEL

26
63
HEL

32

73

26
6

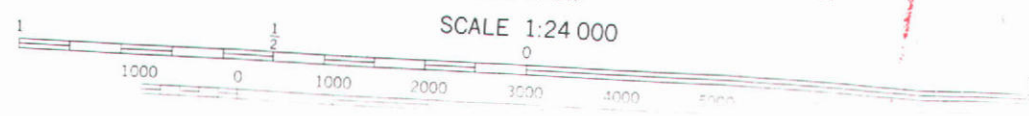
Falls City



MAY 19 1993
OCT 19 1993

ological Survey

(TWIN FALLS)
3169 III SW
SCALE 1:24 000



36-8577



← P.D.
Well

pond
↓



measurements
taken

↑
P.D. from pond

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08577

Priority: February 28, 1991

Maximum Diversion Rate: 1.68 CFS
Maximum Diversion Volume: 376.0 AF

This is to certify, that THOMAS R PETERS

404 S 300 E

JEROME ID 83338

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 28, 1991; and has submitted Proof of Beneficial Use on April 8, 1992. An examination indicates that the works have a diversion capacity of 1.680 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.68 CFS	376.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 10, Township 09S, Range 17E
JEROME 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>
09S	17E	10	NENW 19	NWNW 27	SWNW 30	94
			SESW 18			

Total number of acres irrigated: 94

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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

OCT 19 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08577

CONDITIONS/REMARKS:

7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 7TH day of September, 1993.

Acting for  R. Keith Higginson, Director

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08577 Telephone No. 324-8704
2. Name(s) of Permit Holder(s): Thomas R. Peters
3. Post Office Address: 404 S. 300 E., Jerome, ID 83338
4. Source of Water: Groundwater
- a. If ground water, well driller's name: ? Date drilled: 1962?
- b. Pump horsepower: 40+40 hp Pressure (psi): 60 Dynamic pumping level (ft.): 143
booster measured
5. Extent of Use:
- Domestic _____ (No. of households) Irrigation 112 (No. of acres)
- Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 2.0 cfs _____ 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: \$ 125.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Permitter

Name

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

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

APR 13 1992

State of Idaho
Department of Water Resources

NO. 36-08577

Proposed Priority: February 28, 1991 Maximum Diversion Rate: 2.00 CFS
This is to certify, that **THOMAS R. PETERS**

404 S. 300 E.

JEROME, ID 83338

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNWNW

Sec. 10, Township 09S, Range 17E
JEROME County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

09S 17E 10

NENW	19
SENW	18

NWNW 35

SWNW 40

112

Total number of acres irrigated:

112

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1992.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the permit 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.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MAY 31 1991,

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08577

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

13th day of May, 1991.

[Signature]
for R. Keith Higginson, Director

MAY 31 1991

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Form 202
6/85

MAR - 1 1991

STATE OF IDAHO

Ident. No. 36-08577

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Thomas R. Peters Phone 324-8704
Post office address 4045 300 E Jerome, ID 83338
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 9S Range 12E B.M. Jerome County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.00 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) 2.00 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline, pivot, handline
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. ~~Proposed~~ ^{Existing} well diameter is 10" inches; proposed depth of well is 120 ~~350~~ 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
1 yr years (minimum 1 year).

MAY 31 1991

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	
9S	17E	10					19	35	40	18									~~102~~ 112

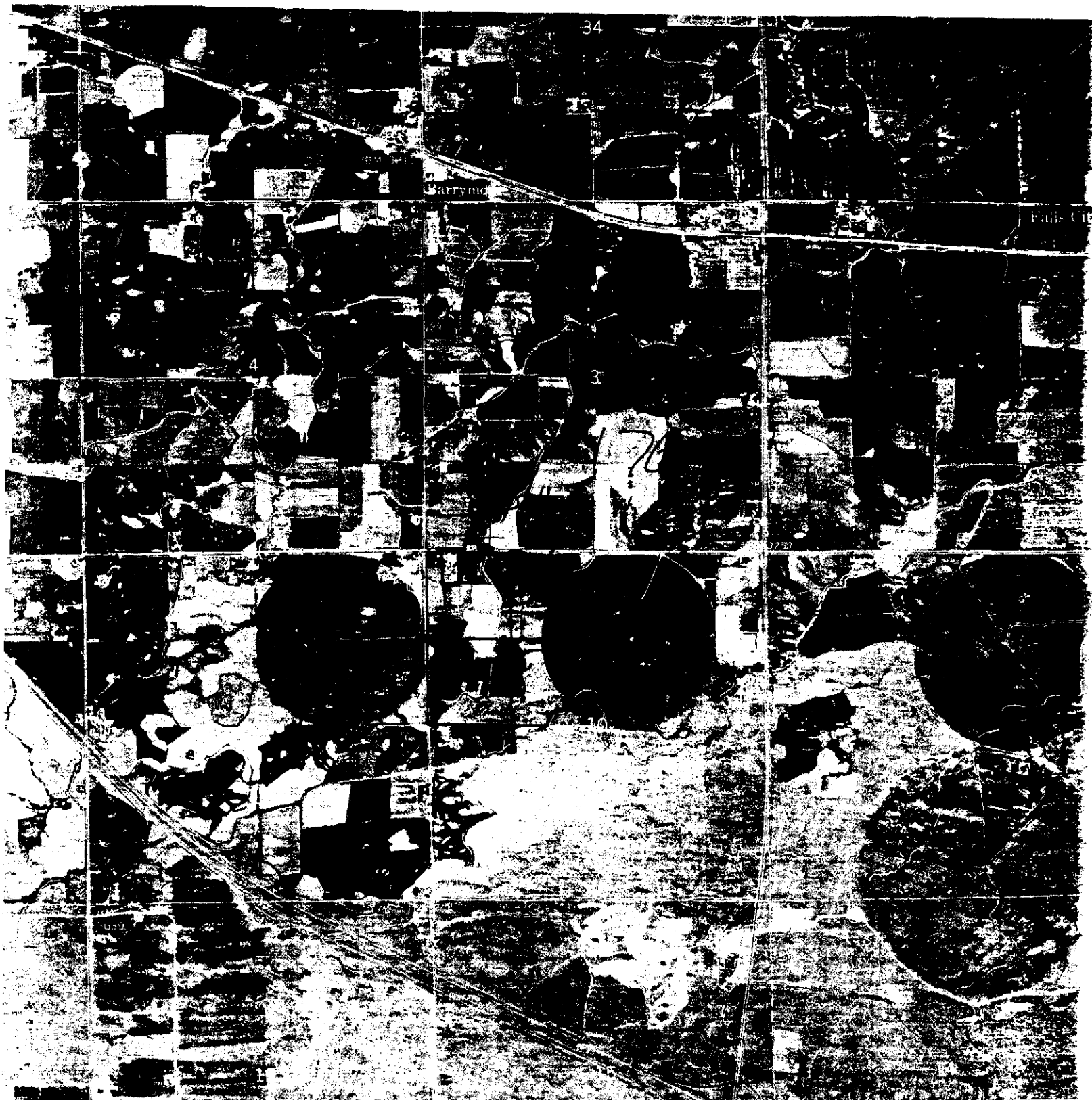
Total number of acres to be irrigated ~~102~~ 112

- Describe any other water rights used for the same purposes as described above. Northside Canal shares
- Who owns the property at the point of diversion? Applicant
 - 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. _____

MAY 31 1991

12. Remarks: Supplemental groundwater well was constructed in 1963 but hasn't been used since about 1965. All of above land is irrigated with sprinklers. Well will be tied in to existing system.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Thomas R. Peters
(Applicant)

MAY 31 1991

Received by DRJ Date 2/28/91 Time 4 PM Preliminary check by J. Stanton
Fee \$ 65 Receipted by DRJ # 5013066 Date 2/28/91
Publication prepared by BLM Date 4-9-91 Published in Northside News
Publication approved TJL Date 4-30-91

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:

MAY 31 1991



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

September 7, 1993

THOMAS R PETERS
404 S 300 E
JEROME ID 83338

RE: WATER RIGHT NO. 36-08577

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED

OCT 19 1993

WR0749NP
No. L36-08577

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 08/31/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS R PETERS 404 S 300 E JEROME ID 83338 (208) 324-8704	02/28/1991	IRRIGATION	04-01 10-31	1.68 CFS	376.0 AFA
TOTAL DIVERSION:					1.68 CFS	376.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.68 CFS

Point(s) of Diversion: T09S R17E S10 NW NW

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE															
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
09S 17E 10 :											19		27		30		18																94.0		
																																	TOTAL ACRES	94.0	

Pou County: JEROME

Other Rights: NORTHSIDE CANAL SHARES

Other Water Rights Listing Overlapping Place(s) of use:
36-08577

Conditions of Approval:

- R55 - 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.
- R56 - 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.
- R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.
- R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

Dates:	App. Received: 02/28/1991	Priority Date: 02/28/1991
	Proof Due Date: 05/01/1992	Proof Made Date: 04/08/1992
	Exam Made Date: 06/18/1992	Exam Sent to S.O.: 08/17/1993
	Licensed Date:	

Misc: Water District Number: Field Exam Fee: R (Received)

WR0749NP
No. L36-08577

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 08/31/93
PAGE: 2

=====

Comments: Date: 04/09/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/20/1992 User-ID: GUSTAFSO Subject: 30 DAY CALL UP
PROOF RETURNED - STILL NEEDS A LICENSE EXAM FEE

Audit: 08/31/93 CHAPMAN

WR0750NP
(00-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT
(REGIONAL)

DATE: 08/31/93
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
L3608577	T09S R17E S10	GROUNDWATER																																
	:									:	19		27		30		18	:									:		:	94				
0100005	SNAKE RIVE	:									:									:									:					
0100016	SNAKE RIVE	:									:									:									:					
0100212	SNAKE RIVE	:									:									:									:					
* A010021223	LARGE CLAI	:	25		40		40		40	:	40		40		40	:	07		19		10	:					:	341						
0100213	SNAKE RIVE	:									:									:									:					
0100215	SNAKE RIVE	:									:									:									:					
0100220	SNAKE RIVE	:									:									:									:					
3602526	GROUNDWATE	:									:					40		24		35		40	:	39		40		40		36	:	294		
A3602526	GROUNDWATE	:									:					40		24		35		40	:	39		40		40		36	:	294		
3608503	GROUNDWATE	:	02								:									:									:					
~~3608577~~	~~GROUNDWATE~~	:									:	19		35		40		18	:									:		:	112			

* Groundwater recharge from storage

LICENSE REVIEW CHECKLIST

Permit # 36-8577 Date 8-30-93 Brenda Chapman

NAME	Yes ☐ No ☒	Or Address Change?
PRIORITY DATE	☐ ☒	Advance? <u> </u> Memo to Advance <u> </u>
	☐ ☒	Order to Reinstate Needed?
SOURCE	☐ ☒	Changes? Clarification of Originally Intended source <u> </u>
	☐ ☒	Notice of Intent to Void - Source change.
P/D	☐ ☒	Amendment Needed? <u> </u>
	☐ ☒	Is Overlap Analysis a Consideration?
P/U	☐ ☒	Amendment Needed? <u> </u>
	☐ ☒	Is Overlap Analysis a Consideration?
TOTAL CFS	☐ ☒	Incorrect Fee for rate recommended?
	☐ ☒	Disagree/Measurement <u>Polysonic = 1.68 CFS</u>
	☐ ☒	Pumping Theoretical $(8.8 \times .70 \times 40 \text{ HP}) / (143 + 2.31 \times 10) = 1.48$
	☐ ☒	System Capacity <u>1.68</u> $150 + 2.31 \times 0 = 1.64$
	☐ ☒	Allowable Amount: <u>CAPACITY</u>
TOTAL VOLUME		Rate/ac <u>4.0</u> AFA Irr. Season <u>C</u>
		<u>4-1 to 10-31</u> Standard Irr. Season
		Season Recommended
	☒ ☐	Disagree with Examiner's Calculations?
		<u>94 acres x 4.0 = 376 AFA</u>
	☐ ☒	Flow limit: <u>1.68</u> x <u>214</u> x <u>1.9835</u> = <u>713</u>
USES	☐ ☒	Change(s) in Nature of Use? <u> </u>
	☐ ☒	Amendment Needed? <u> </u>
REMARKS	☐ ☒	Multiple P/Ds in 1/4 1/4? <u> </u>
	☐ ☒	Non-Irr. Uses <u> </u>
	☐ ☒	Special Overlap Condition <u> </u>
	☒ ☐	Other <u>TRUST - R55/R56/R57</u>
CONDITIONS	☐ ☒	Measuring/Locking Devices Misc/Dates
	☐ ☒	W/Master Control ☒ Water Dist
	<u>R31</u> ☐ ☒	Irrigation Overlap <u>2-28-91</u> App Rec'd
	☐ ☒	Water Quality <u>6-18-92</u> Exam Made
COMMENTS:	<u>REDUCE ACRES AND RATE ; Examiner used wrong</u>	
	<u>season of use.</u>	

RECOMMENDED	CFS	VOL
<u>Irrigation</u>	<u>1.68</u>	<u>376</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

LICENSE ☒

AMEND ☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 18 1993

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08577

1. Owner: Thomas R. Peters

Phone No. 324-8704

Current Address: 404 S. 300 E. Jerome, ID 83338

2. Accompanied by: owner

EXAM. DATE: 6-18-92

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none

☐ Copies Attached

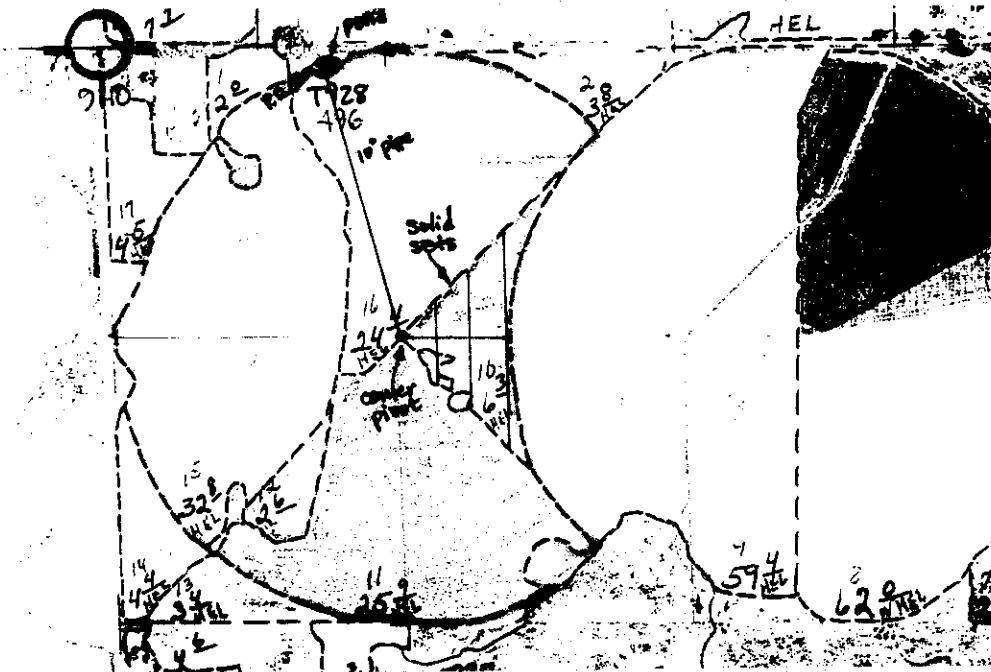
2. Other water rights with same point of diversion: none

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 440'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached

(required for irrigation of 10 acres or more).

OCT 19 1993

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

well pumps water into pond where it is redirected to center pivot and sprinkler lines.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well	B.E.	40	WJ 811021		
pond pump	U.S. Elec.	40	960678-935		

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination $\text{KCS photos/plantwates}$

[illegible]

Do not use this space

OCT 19 1993

SECRET

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic meter	TyneFlyte	Polysonics	TF-P	NTH5506		

2. Measurements:

PVC Pipe - 1.68 cfs

Steel Pipe - 1.64 cfs

* measurement taken at well pump discharge into pond

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (8)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 94(3.0) = 2820 \text{ a.f.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.68(246)(1.98) = 818.3 \text{ a.f.}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 818.3 \text{ a.f.}$

2. Volume Calculations for Other Uses:

MAINTAINED
OCT 19 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

permut rate = 2.00 cfs
measured rate = 1.68 cfs

* larger of two measured rates was selected for recommendation

permut acres = 112.0
actual acres found = 94.0

* acres found (94) will be basis for recommendation

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Irrigation

Period of Use
From 3/15
To 11/15

Rate of Diversion
Q (cfs)
1.68

Annual Volume
V (afa)
282.0

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

☒ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name

BRAD N. BRICK

Signature

3/31/93
B. N. Brick

Certification Date

3/31/93

Field Report Preparation Date

7-13-92

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



OCT 19 1993

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE:

36-00577

DATE:

7-13-92

BY:

BWB.

THEORETICAL RATE OF FLOW:

$$Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (40) \times (0.70)}{[(150) + (0 \times 2.31)]} = 1.64 \text{ cfs.}$$

LIFT FROM:

measurement ()

owner (X)

area estimate ()

well logs ()

PSI FROM:

measurement ()

owner ()

estimate (X)

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

Booster (Y) (N)

REMARKS

open discharge pipe

ANNUAL VOLUME ANALYSIS

$$\text{POTENTIAL Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL =
4/15 - 10/15	184	
3/1 - 12/1	276	

$$\text{POTENTIAL} = \frac{246 \times (1.98) \times (1.64)}{94} = 8.9 \text{ af.}$$

REQUIRED Acre Feet/Acre/Annum

$$= 3.0 \text{ af.}$$

(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

OCT 19 1993

36-08577

6/25/92
B.W.B.

INPUT

OUTER DIAMETER
10.2256 IN

PIPE MATERIAL
? PVC

WALL THICKNESS
.271000 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.614 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

DAMPING SET
10 SEC

00-00 00:1100 *R
+750.777E 0GPM

00-00 00:1100 *R
+750.777E 0GPM

00-00 00:1200 *R
+755.268E 0GPM

00-00 00:1200 *R
+750.966E 0GPM

MODE SELECT
T

$$\begin{aligned} Q &= 753.95 \text{ gpm} \\ &= 1.68 \text{ cfs} \end{aligned}$$

INPUT

OUTER DIAMETER
10.0264 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
.12800 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.574 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

00-00 00:2900 *R
+733.605E 0GPM

00-00 00:3000 *R
+741.266E 0GPM

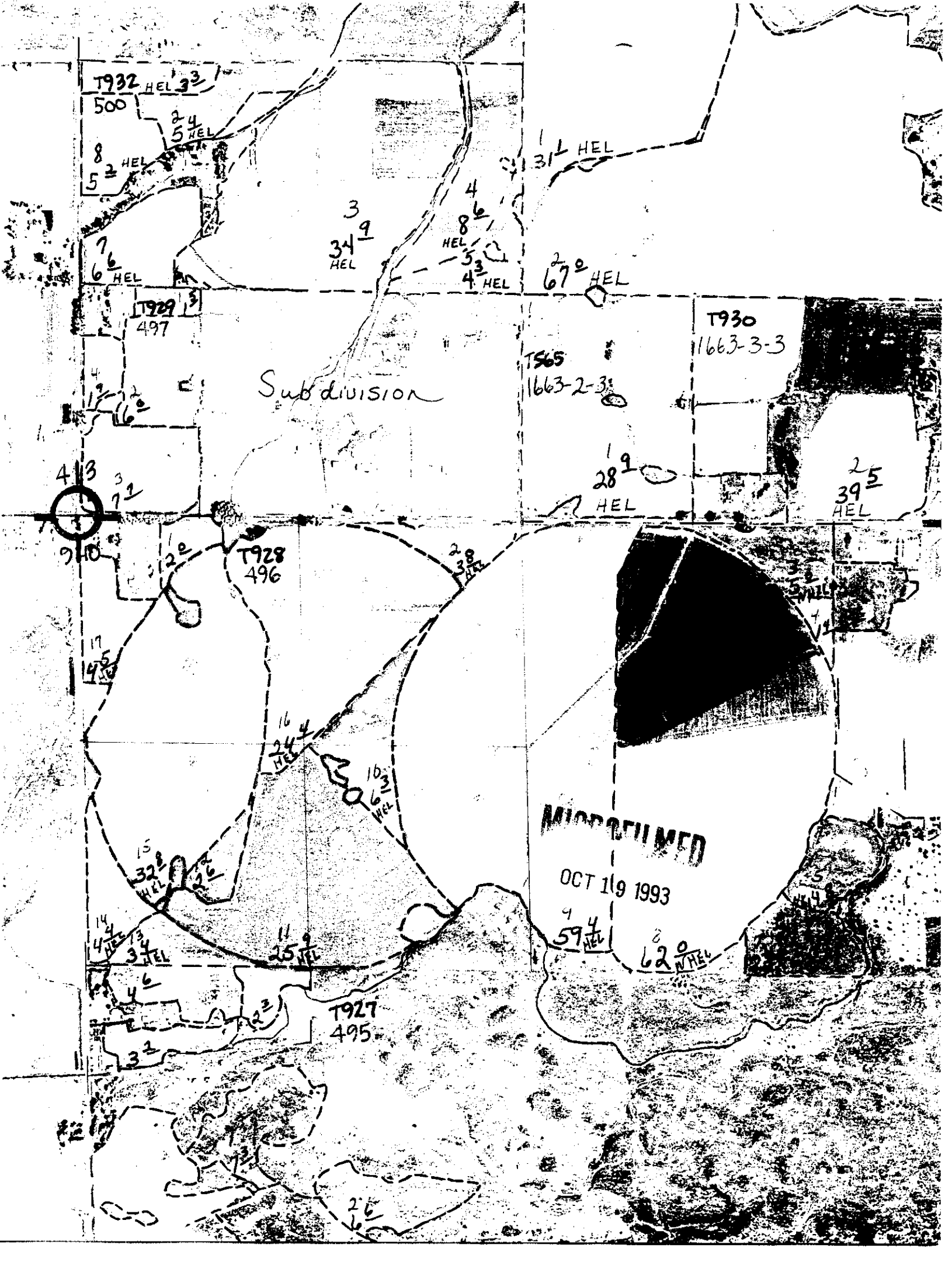
00-00 00:3000 *R
+735.983E 0GPM

Steel
Pipe

PETERS

OCT 19 1993

$$\begin{aligned} Q &= 736.95 \text{ gpm} \\ &= 1.64 \text{ cfs} \end{aligned}$$



T932 HEL 33

500

24 HEL

8 HEL

52 HEL

76 HEL

349

HEL

48

HEL

31

HEL

31 HEL

270 HEL

T929 497

T930 1663-3-3

TS65 1663-2-3

Subdivision

289

HEL

25

395 HEL

T928 496

28 HEL

16 24 HEL

103 HEL

15 32 HEL

14 4 HEL

13 34 HEL

259 HEL

T927 495

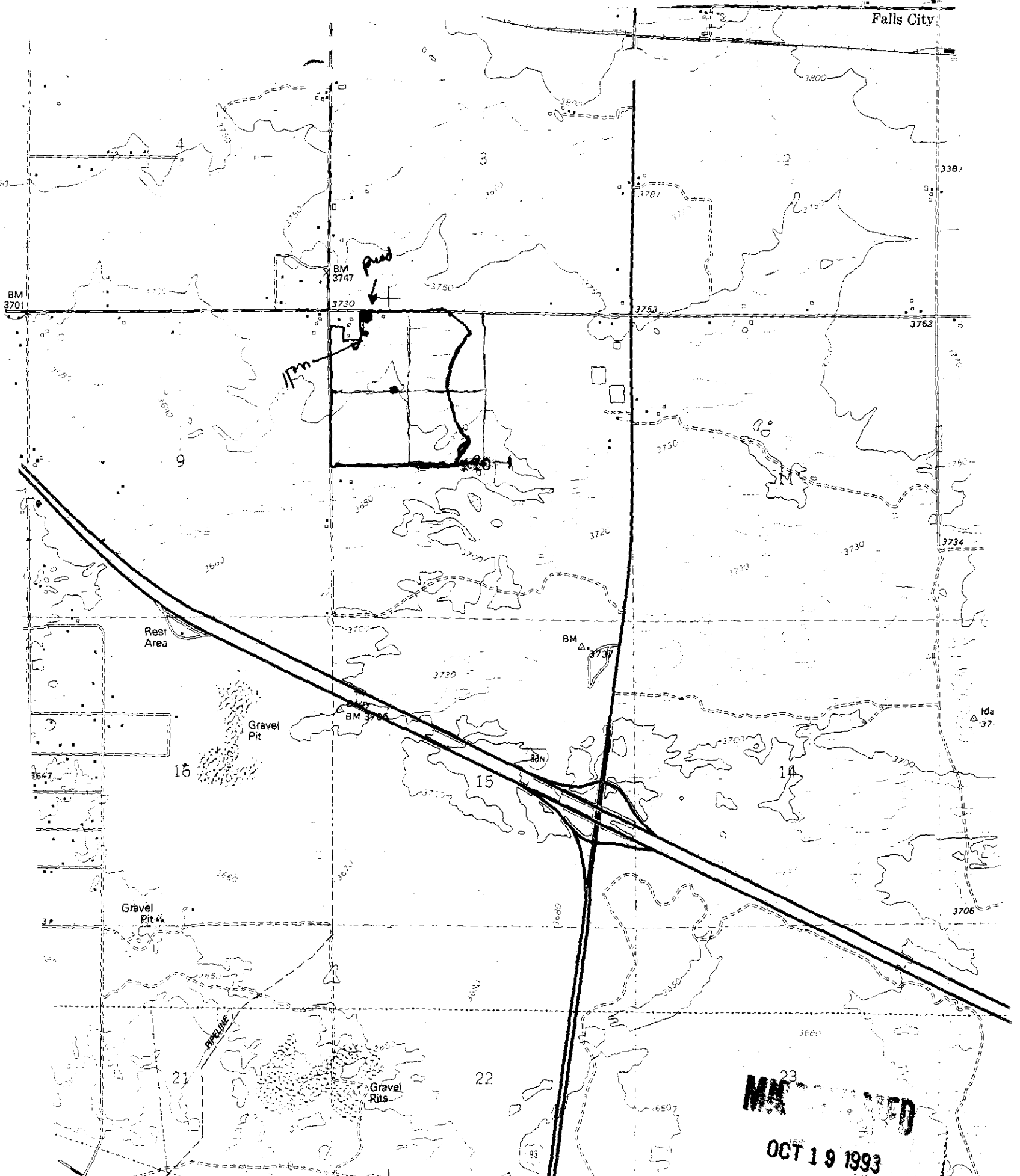
MIDREIMED

OCT 11 9 1993

594 HEL

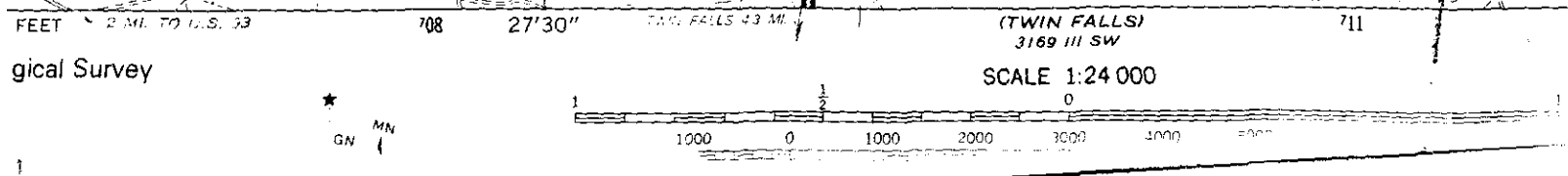
620 HEL

Falls City



MN

OCT 19 1993



gical Survey

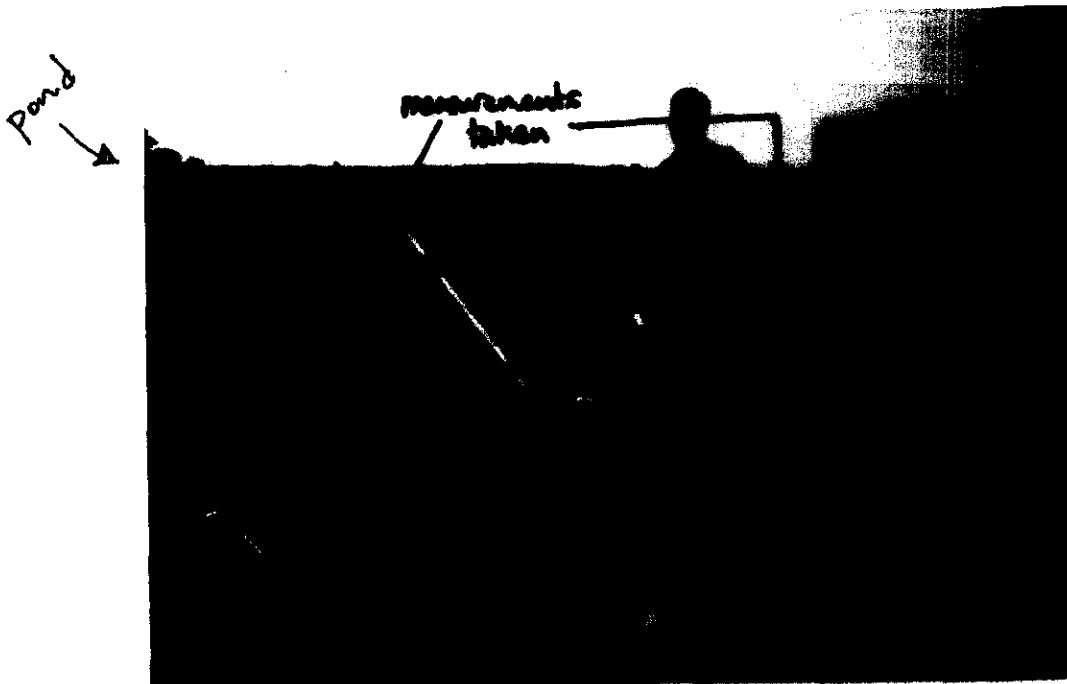
(TWIN FALLS)
3169 III SW

SCALE 1:24 000

36-8577



← P.D.
Well



pond
↓

measurements
taken

↑
P.O. from pond

REPRODUCED
OCT 19 1993

April 10, 1992

THOMAS R. PETERS
404 S. 300 E.
JEROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08577

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECORDED
APR 13 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08577

Reviewed by Keg

Date 4/9/92

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

____ Surface water source
✓ Ground water source
NA Drilling permit required?
1962 Copy in the file? Drilling Permit No. _____
____ Amount paid for permit _____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
125 Amount Submitted
yes Correct?
yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 4/8/92
4/10/92 Keg

February 28, 1992

THOMAS R. PETERS
404 S. 300 E.
JEROME ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 36-08577

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 May 1, 1992.

(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.

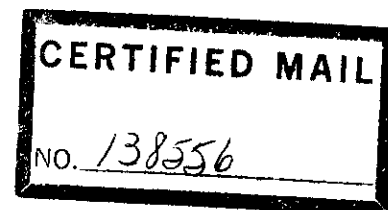
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

APR 13 1992





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

May 16, 1991

THOMAS R. PETERS
404 S. 300 E.
JEROME, ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08577

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.

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

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list 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 established by state action, and is held in trust by the State of

MICROFILMED

MAY 31 1991

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,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
MAY 31 1991

MAY 31 1991

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Jerome } ss.

APR 29 1991

Department of Water Resources

Patty S. Jones, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17th day of April, 1991, and the date of the last publication was on the 24th day of April, 1991.

Subscribed and sworn to before me this 25th day of April, 1991.
(SEAL)

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

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

Lines tabular at _____ 6¢/Pica
309.3 Lines straight at 15.47 5¢/Pica
Subsequent lines at 12.33 4¢/Pica
TOTAL COST 27.85

COPY OF NOTICE

(Paste Here)

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

PETERS, THOMAS R.
404 S. 300 E.
JEROME, ID 83338
Source: GROUNDWATER
Diversions Pt: NWNWNW Sec 10 T 09S R 17E
Use: IRRIGATION (2,000 CFS)
Total Diversion: (2,000 CFS)
Date filed: 2/28/1991
In: T09S R17E S10 NENW NWNW SWNW SENW
112.0 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, Statehouse Mall, Boise, Idaho 83720 on or before MAY 8, 1991.

-s- R. Keith Higginson, Director
Pub: 4-17, 24 N4861

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

MAY 31 1991

No 5015

4661

OK
EJZ
4-32

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

APRIL 9, 1991

Northside News
Box 468
Jerome, ID 83338

Dear Legal Dept.:

Enclosed you will find legal notices 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 6, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

MAY 31 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08577

PETERS, THOMAS R.
404 S. 300 E.
JEROME, ID 83338

Source: GROUNDWATER

Diversion Pt: NWNWNW Sec 10 T 09S R 17E

Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 2/28/ 1991

In: T09S R17E S10 NENW NWNW SWNW SENW
112.0 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, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

R. Keith Higginson, Director

Published 4/17/1991 & 4/24/1991

RECEIVED

MAY 31 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 37-8704/Trust Water Processing & Expedited
Approval/ Rule 4,5,3. Information

DATE: 4-1-91

The above application is a trust water filing which has been forwarded to the state office for expedited processing. The applicants have requested expedited approval due to the current drought conditions. The applicants propose development of a groundwater source to provide adequate supply of water on lands which have previously been irrigated with surface water from the Northside Canal. The applicants do not anticipate having an adequate surface water supply this season. There is sufficient evidence in the file showing that the lands have previously been irrigated. Evidence includes a pre-1984 orthophoto and IDWR remote sensing report of irrigated acreage for 1986.

I recommend immediate processing of this trust water filing. None of the acreage under this application will count as trust acreage since this is a supplemental filing and all of the land has been irrigated with surface water.

RECEIVED

MAY 31 1991

LR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3608577															
0100005	NORTH SIDE CANAL CO.	D	SNAKE RIVER	09S	17E	10	:	:	:	:	:	:	:	:	
0100016	NORTH SIDE CANAL CO.	D	SNAKE RIVER	09S	17E	10	:	:	:	:	:	:	:	:	
0100212	NORTH SIDE CANAL CO.	D	SNAKE RIVER	09S	17E	10	:	:	:	:	:	:	:	:	
0100213	NORTH SIDE CANAL CO.	D	SNAKE RIVER	09S	17E	10	:	:	:	:	:	:	:	:	
0100215	NORTH SIDE CANAL CO.	D	SNAKE RIVER	09S	17E	10	:	:	:	:	:	:	:	:	
0100220	NORTH SIDE CANAL CO.	D	SNAKE RIVER	09S	17E	10	:	:	:	:	:	:	:	:	
3602526	STEWART	L	GROUNDWATER	09S	17E	10	:	:	:	:	40	24	35	40	294
3608503	CANNEDY	P	GROUNDWATER	09S	17E	10	:	:	:	:	:	:	:	:	2
3608577	PETERS	A	GROUNDWATER	09S	17E	10	:	:	:	:	19	35	40	18	112
	1986 MAPPING DATA	---	COUNTY 83 QUAD BB 23	09S	17E	10	37	40	40	33	37	40	37	39	375
	1986 MAPPING DATA	---	COUNTY 53 QUAD BB 23	09S	17E	10	39	41	40	33	40	40	38	37	370

MAY 31 1991

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

DATE 3-11-91

TO File

SUBJECT App. for Permit - Thomas R. Peters

This application is eligible for expedited processing as a supplemental groundwater filing to replace surface water rights that ~~it~~ are not available due to the drought.

RECEIVED

MAY 31 1991



SIGNATURE

36-8577