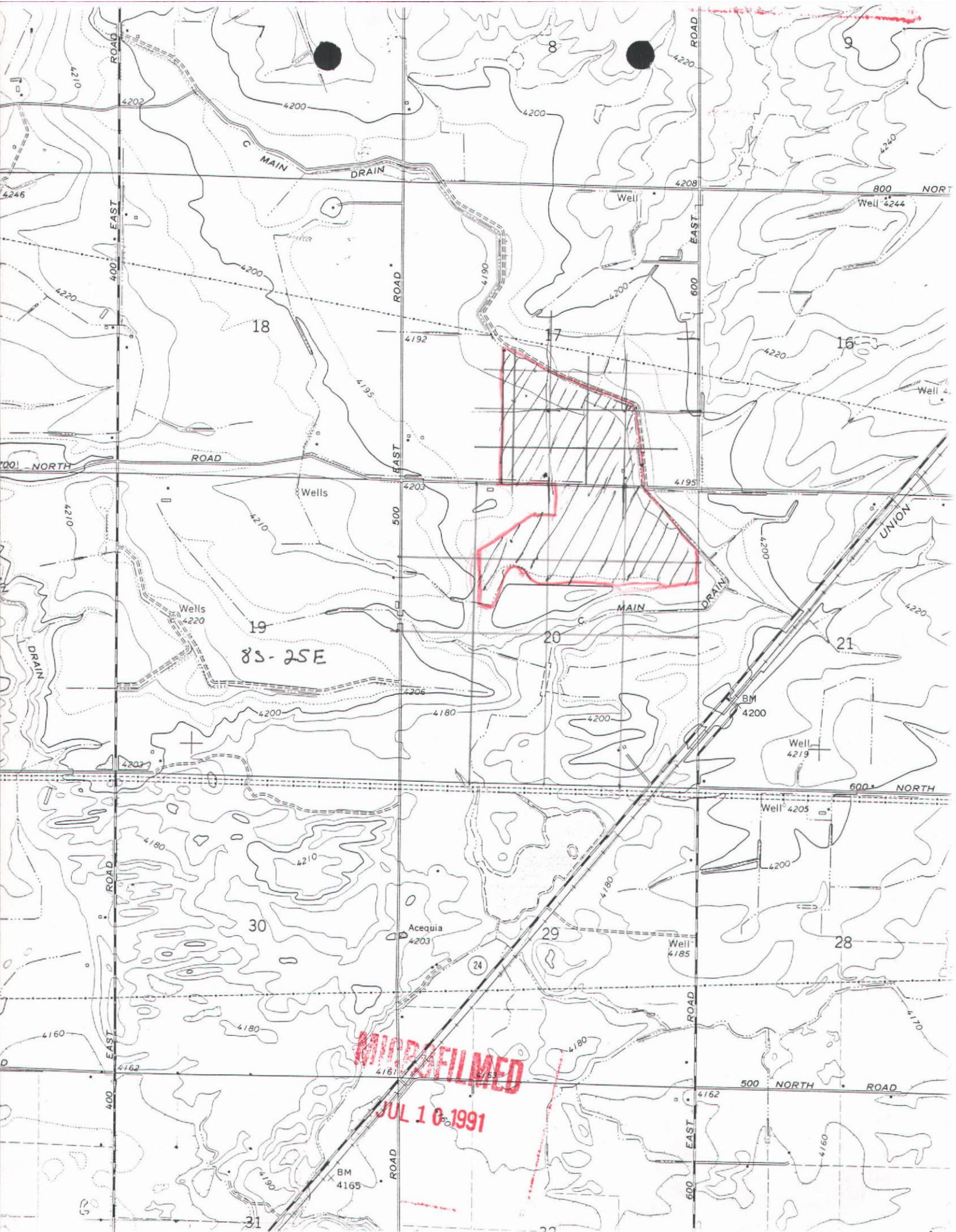




91-199

**NOTICE OF APPLICATION  
FOR TRUST WATER RIGHT**  
36-08413

THAIN, JOHN T.  
RT. 3 BOX 177  
RUPERT, ID 83350  
Source: GROUNDWATER  
Diversion Pt: SESW Sec 17 T 08S R 25E  
Use: IRRIGATION (1,000 CFS)  
Total Diversion: (1,000 CFS)  
Date Filed: 3/2/1989  
In: T08S R25E S17 NESW SESW NESE  
NWSE

SWSE SESE  
S 20 NENE NWNE SWNE SENE  
NENW SENW  
201.0 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.

/s/ R. Keith Higginson, Director  
Published in the South Idaho Press on May 3 and 10, 1991.

# **SOUTH IDAHO PRESS**

**BURLEY, IDAHO**

## **AFFIDAVIT OF PUBLICATION**

County of Cassia, }  
STATE OF IDAHO } ss.

MONIQUE JONES being first  
duly sworn, deposes and says that she  
is the CLERK of the South  
Idaho Press, a daily newspaper published  
at Burley, Idaho, in the county aforesaid  
and that the paper is of general circulation  
therein. Deponent further states that the  
printed notice attached hereto was duly  
published according to law in the regular  
editions of The South Idaho Press for two  
consecutive weeks, commencing with the  
issue dated May 3 19 91, and  
ending with the issue dated May 10,  
19 91. Monique Jones

STATE OF IDAHO  
COUNTY OF CASSIA }

On this 15 day of May in the year of 1991, before me,  
a Notary Public, personally appeared Monique Jones,  
known or identified to me to be the person whose name subscribed to the  
within instrument, and being by me first duly sworn, declared that the  
statements therein are true, and acknowledged to me that he executed  
the same.

Dolores Mahoy  
Notary Public for Idaho

Residing at Burley ID

My commission expires: 2/4/93

Cost of Publication: 28.08  
Notary Fee: .50  
Total Cost: 28.58

**MICROFILMED**

**JUL 10 1991**

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

NO. 36-08413

Proposed Priority: March 2, 1989      Maximum Diversion Rate: 1.00 CFS  
This is to certify, that **JOHN T. THAIN**

RT. 3 BOX 177  
RUPERT, ID 83350

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 | 1.00 CFS |
|------------|----------------|----------|

|                                           |                                                          |
|-------------------------------------------|----------------------------------------------------------|
| <u>LOCATION OF POINT(S) OF DIVERSION:</u> | SESW Sec. 17, Township 08S, Range 25E<br>MINIDOKA County |
|-------------------------------------------|----------------------------------------------------------|

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 08S 25E 17         | NESW 15      | SESW 25      | NESE 1       |              |
|                    | NWSE 11      | SWSE 40      | SESE 8       | 100          |
| 20                 | NENE 26      | NWNE 35      | SWNE 10      |              |
|                    | SENE 10      | NENW 12      | SENE 8       | 101          |

Total number of acres irrigated: 201

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 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.

JUL 10 1991

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 36-08413

CONDITIONS/REMARKS:

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

12<sup>th</sup> day of June, 1991.

*R. Keith Higginson*  
for R. Keith Higginson, Director

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JUL 10 1991

458  
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Form 202  
6/85

MAR 02 1989

STATE OF IDAHO

Ident. No. 36-08413

Department of Water Resources  
Southern Region Office

DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant John T Thain Phone 532-4107  
Post office address PA. 3 Box 177 - Rupert, Id 83350

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is \_\_\_\_\_ 1/4 of SE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 17 Township 8S Range 25E B.M. Minidoka County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 1.0 for IRR. purposes from MARCH 15 to NOV. 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) 1.0 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, turbine pump  
w/ sprinkler.

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 20" inches; proposed depth of well is 180' feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

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JUL 10 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 |        |
| 83  | 25E   | 20   | 26  | 35  | 10  | 10  | 12  |     |     | 8   |     |     |     |     |     |     |     |     | 101    |
|     |       | 17   |     |     |     |     |     |     |     |     | 15  |     |     | 25  | 1   | 11  | 40  | 8   | 100    |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

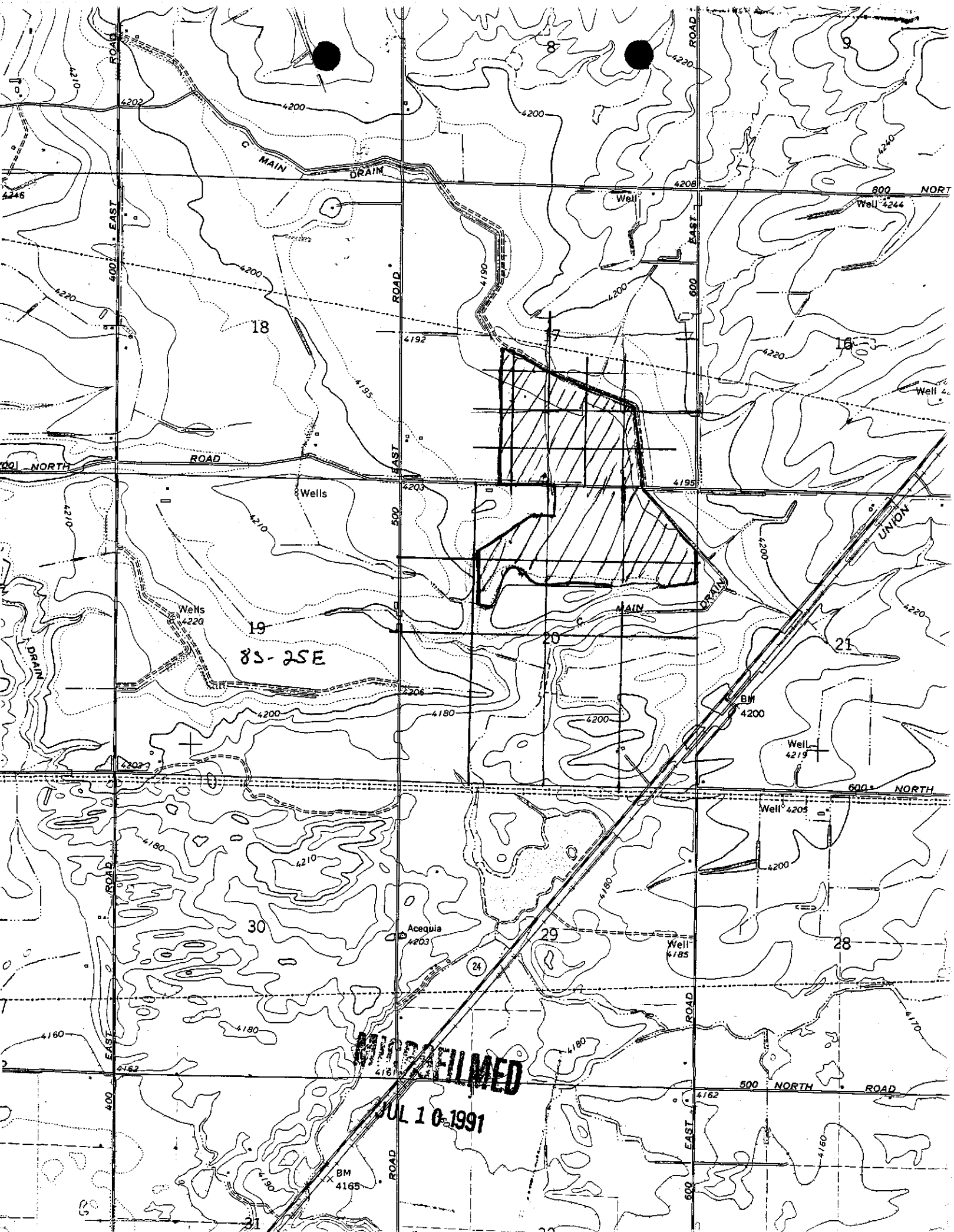
Total number of acres to be irrigated 201

10. Describe any other water rights used for the same purposes as described above. A+B Canal ~~water~~ on ground (each ~~share~~ <sup>acres</sup> = 3/4" L.O.U.T. [3AFA])
- Who owns the property at the point of diversion? App -
  - Who owns the land to be irrigated or place of use? App -
  - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: Supplemental water to bring total to 4 AFA, ie .005 cfs/acre.

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JUL 10 1991



[illegible]

DECLASSIFIED  
JUL 10 1991

Greg S. Yain  
(Applicant)

(Applicant

Received by JRS Date 3-2-89 Time 2:11 Preliminary check by LS  
Fee \$ \$45 Receipted by JRS # 5006437 Date 3-2-89  
Publication prepared by BLM Date 4-24-91 Published in South Idaho Press  
Publication approved JH 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:

**MICROFILMED**

**JUL 10 1991**

# SOUTH IDAHO PRESS

BURLEY, IDAHO

## AFFIDAVIT OF PUBLICATION

APPLICATION  
FOR TRUST WATER RIGHT  
36-08413

THAIN, JOHN T.  
RT. 3 BOX 177  
RUPERT, ID 83350  
Source: GROUNDWATER  
Diversion Pt: SESW Sec 17 T 06S R 26E  
Use: IRRIGATION (1,000 CFS)  
Total Diversion: (1,000 CFS)  
Date Filed: 3/2/1989  
In: T06S R26E S17 NESW SESW NESE  
NWSE

SWSE SESE  
S 20 NENE NWNE SWNE SENE  
NENW SENW  
201.0 ACRES TOTAL  
The permit(s) will be subject to all prior  
water rights. Protests may be submitted based  
on the criteria of Sec. 42-208A, 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.

/s/ R. Keith Higginson, Director  
Published in the South Idaho Press on May 3  
and 10, 1991.

County of Cassia, }  
STATE OF IDAHO } ss.

MONIQUE JONES being first  
duly sworn, deposes and says that she  
is the CLERK of the South  
Idaho Press, a daily newspaper published  
at Burley, Idaho, in the county aforesaid  
and that the paper is of general circulation  
therein. Deponent further states that the  
printed notice attached hereto was duly  
published according to law in the regular  
editions of The South Idaho Press for two  
consecutive weeks, commencing with the  
issue dated May 3 19 91, and  
ending with the issue dated May 10  
19 91. Monique Jones

STATE OF IDAHO  
COUNTY OF CASSIA }

On this 15 day of May in the year of 1991, before me,  
a Notary Public, personally appeared Monique Jones,  
known or identified to me to be the person whose name subscribed to the  
within instrument, and being by me first duly sworn, declared that the  
statements therein are true, and acknowledged to me that he executed  
the same.

Valores M. Akey  
Notary Public for Idaho

Residing at Burley ID

My commission expires: 2/4/92

Cost of Publication: 28.08  
Notary Fee: .50  
Total Cost: 28.58

MICROFILMED  
JUL 10 1991

May 11, 1992

JOHN T. THAIN  
RT. 3 BOX 177  
RUPERT ID 83350

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08413

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

RECEIVED  
MAY 15 1992

Form 217  
**RECEIVED**  
MAY 07 1992

OFFICE USE ONLY  
Amt. of Fee \$ 175.00  
Date 5-7-92  
Receipt No. CD28067  
Receipt by web

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

**PROOF OF BENEFICIAL USE**

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

1. Permit No. 36-08413 Telephone No. 208-532-4107
2. Name(s) of Permit Holder(s): John T. Thain
3. Mailing Address: Rt. 3 Rupert, Idaho 83350
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: unknown Date Drilled: 1978

**OPTIONAL:**

Pump horsepower: 50 Pressure (psi): 15 Dynamic pumping level (ft.): 130

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

Domestic \_\_\_\_\_ (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 58 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 1.16 100 cfs OR \_\_\_\_\_ acre/feet  
5/8/92 Rlg
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? \_\_\_\_ Yes X No Installed? \_\_\_\_ Yes \_\_\_\_ No

OR

Flow Measurement Port: Required? X Yes \_\_\_\_ No Installed? \_\_\_\_ Yes \_\_\_\_ No

8. Fee Enclosed: \$ 125 (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.

Greg S. Thain 208-532-4107  
Name Telephone No.  
Rt. 3 Rupert Idaho  
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.

4-6-92  
Date

Greg S. Thain  
Signature (and title, if on behalf of a company or organization)

**FILED**  
MAY 15 1992

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 36-08413

Reviewed by Klg

Date 5/8/92

GENERAL CONSIDERATIONS

TYPES OF USE

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

irrigate - 58  
Correct Uses? yes

SOURCE OF WATER

Surface water source  
Ground water source

NA Drilling permit required?

Copy in the file? Drilling Permit No.

Amount paid for permit Correct?

Well log in the file?

LICENSE EXAMINATION FEE

yes Required?  
125 Amount Submitted  
no Correct?

MEASURING DEVICE

yes Required?  
no Installed?  
no Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

fee is only \$100 - Refund \$25

proof acceptable

needs a flow

DATA ENTRY

New Address \_\_\_\_\_

Proof Made 5/7/92  
5/11/92 Klg



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 8, 1992

John T. Thain  
Route 3 Box 177  
Rupert, ID 83350

Re: Permit No. 36-08413

Dear Permit Holder:

During my review of the proof of beneficial use you submitted in connection with the above referenced permit, an error has been found.

You indicate the rate of flow to be 1.16 cfs. However, your permit was issued for a rate of flow of 1.00 cfs. Since a license cannot be issued for more than the amount issued on the permit, I have amended the proof to read 1.00 cfs.

Since the license examination fee for 1.00 cfs is \$100, and you submitted \$125, you are entitled to a \$25 refund. I have begun the refund process, and it should arrive under separate cover within two to four weeks.

I will continue to process your proof of beneficial use and send you an acknowledgement letter as soon as it is complete.

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

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

CC: Fiscal

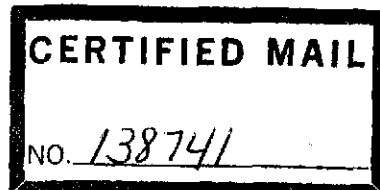
MICROFILMED  
MAY 15 1992

JOHN T. THAIN  
RT. 3 BOX 177  
RUPERT ID 83350

March 31, 1992

PROOF DUE NOTICE

RE: PERMIT NO. 36-08413



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 June 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

MICROFILMED  
MAY 15 1992

Turn 5/8

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. A return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)      2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

JOHN THAIN  
RT 3 BOX 177  
RUPERT ID 83350

4. Article Number

33648

Type of Service:

- ☐ Registered      ☐ Insured  
☐ Certified      ☐ COD  
☐ Registered Mail      ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee

*John Thain* FEB 07 1992

6. Signature — Agent

X

7. Date of Delivery

4/8/91

B. Addressee's Address (ONLY if requested and fee paid)

36-8413

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RECEIVED**

APR 10 1991



PENALTY FOR PRIVATE  
USE, \$300

**Department of Water Resources**

RETURN  
TO

Print Sender's name, address, and ZIP Code in the space below.

**RECEIVED**  
FEB 07 1992

Water Allocation Bureau  
Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83705



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

June 17, 1991

JOHN T. THAIN  
RT. 3 BOX 177  
RUPERT, ID 83350

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08413

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

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JUL 10 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  
JUL 10 1991

JUL 10 1991

# APPLICATION FOR PERMIT REVIEW

Application #: 36-8413  
Date: 5-30-91

Reviewer: Pam Skaggs

## 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. 01  
Surface water - 005, 005-01H-P01 (LT.2 w/pump)  
005-01J-P08 (GT.2)

Groundwater *existing* - 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 (Cons.), 041 (DCMI, w/Irr  
Non Trust - 048-049 or Irr & Dom)

## 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 or 010, 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

JUL 10 1991

## Beneficial Use Due Date:

Other Conditions Recommended 06-01-1992  
Supplemental to Existing System

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
State Office  
1301 North Orchard St.

---

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

APRIL 24, 1991

South Idaho Press  
Box 190  
Burley, ID 83318

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 20, 1991.

Yours truly,

BRENDA L. MILLER  
Clerical Specialist

Encl.

**MICROFILMED**

**JUL 10 1991**

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08413

THAIN, JOHN T.  
RT. 3 BOX 177  
RUPERT, ID 83350

Source: GROUNDWATER

Diversion Pt:                      SESW      Sec 17 T 08S R 25E

Use: IRRIGATION                      ( 1.000 CFS)  
Total Diversion: ( 1.000 CFS)

Date Filed: 3/ 2/ 1989

|                   |      |      |      |      |
|-------------------|------|------|------|------|
| In: T08S R25E S17 | NESW | SESW | NESE | NWSE |
|                   | SWSE | SESE |      |      |
| S20               | NENE | NWNE | SWNE | SENE |
|                   | NENW | SENW |      |      |

201.0 ACRES TOTAL

Permits 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 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 20, 1991.

R. KEITH HIGGINSON, Director

Published 5/ 3/1991 & 5/10/1991

MICROFILMED

JUL 10 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 36-8413/Trust Water Processing

DATE: 4-11-91

---

The above application has come up for sequential trust water processing. The applicant returned the trust water questionnaire and states that the project represented by the application was completed prior to 1984 and that the groundwater development is supplemental to surface water diversions through A&B Irrigation District.

On this date I reviewed a 1976 black and white orthophoto which clearly showed that the lands under the application were irrigated at that time. This confirms that the groundwater application is a supplemental filing. The acreage will not be counted as trust acreage since there is evidence that all of the land has been irrigated with a different source of water prior to 1984. Due to the priority date, the use must be considered a trust water diversion.

From review of the original application, place of use overlap report and returned questionnaire, I believe that the groundwater well already exists. I am less certain as to whether the beneficial use under this application has actually been accomplished.

MICROFILMED

JUL 10 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED  
APR 10 1991

Department of Water Resources

Application No. 36-8413

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐

b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☒ No ☐

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

yes 201 a.

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. \_\_\_\_\_

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. \_\_\_\_\_

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

A & B Jans Rupert, Idaho

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

John T. Thain

Date

4-8-91

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JUL 10 1991

| WR-NUMBER | NAME                   | STG | SOURCE               | T   | R   | S  | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | SUM |
|-----------|------------------------|-----|----------------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|-----|
|           |                        |     |                      |     |     |    | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |     |
| 3608413   |                        |     |                      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |
| 0100014   | A & B IRRIGATION DISTR | D   | SNAKE RIVER          | 08S | 25E | 17 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |
| 3602677   | BRYNGELSON             | L   | WASTE WATER          | 08S | 25E | 17 |    |    |    |    | 11 |    |    |    |    |    |    |    |    | 8  | 19  |    |     |
| 3608413   | THAIN                  | A   | GROUNDWATER          | 08S | 25E | 17 |    |    |    |    |    |    |    |    | 15 |    |    | 25 | 1  | 11 | 40  | 8  |     |
|           | 1986 MAPPING DATA ---  | -   | COUNTY 67 QUAD BB-17 | 08S | 25E | 17 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 100 |    |     |
| 3608413   |                        |     |                      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |
| 0100014   | A & B IRRIGATION DISTR | D   | SNAKE RIVER          | 08S | 25E | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |
| 3607971   | THAIN                  | L   | GROUNDWATER          | 08S | 25E | 20 |    |    |    |    | 23 | 17 |    |    | 18 |    |    |    |    |    | 58  |    |     |
| 3608413   | THAIN                  | A   | GROUNDWATER          | 08S | 25E | 20 | 26 | 35 | 10 | 10 |    |    | 12 |    | 8  |    |    |    |    |    | 101 |    |     |
|           | 1986 MAPPING DATA ---  | -   | COUNTY 67 QUAD BB-17 | 08S | 25E | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |

JUL 10 1991

MICROFILMED



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

April 5, 1991

John Thain  
Rt. 3 Box 177  
Rupert, ID 83350

RE: Application for Permit No. 36-8413

Dear Applicant(s):

**NOTICE OF PENDING ORDER VOIDING APPLICATIONS**

On March 2, 1989, you filed with the Department of Water Resources (Department) Application for Permit No. 36-8413 which proposed the diversion of 1.0 cubic feet per second of groundwater for the irrigation of 210 acres.

The Department mailed a letter and questionnaire to you on February 26, 1991. The letter requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaires within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this notice is to provide a second and final opportunity for you to submit the requested information. Pursuant to Section 42-204, Idaho Code, the Department may void applications for which requested information is not submitted. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Section 42-204, Idaho Code.

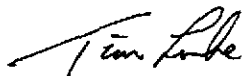
If no development has been completed as authorized by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

**MICROFILMED**

**JUL 10 1991**

Please feel free to contact me if you have questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

TIM LUKE  
Sr. Water Resource Spec.

Enclosure

RECEIVED  
JUL 10 1991



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 26, 1991

RE: APPLICATION FOR PERMIT NO. \_\_\_\_\_

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

JUL 10 1991

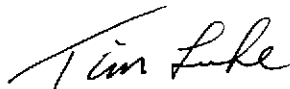
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720-9000  
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE  
Sr. Water Resource Spec.

Enclosures

ENCLOSURE

JSL 10 1991

12-May-1989

John T. Thain  
Rt. 3 Box 177  
Rupert, ID 83350

Re: Application for permit No. 36-08413

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.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

Gary Funderburg  
Sr. Water Resource Agent

GF:MB

RECEIVED

JUL 10 1989

Thain, John T

Form No. 202a  
/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AD DATE 3/16/88 APPLICATION NUMBER 36-08413

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) *- This to Magic Res? (See App. Prac) Memo #20*
- ☒ 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

WATER District \_\_\_\_\_

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ 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

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT \_\_\_\_\_  
Date Requested \_\_\_\_\_

☒ Yes  
☐ Yes  
☒ Yes

☐ No  
☒ No  
☐ No

Statewide advertising

Fee amount, receipt date & No. recorded on application

☐ Idaho Dept. of Health & Welfare  
☐ Idaho Dept. of Fish & Game, *Regulation*  
☐ Idaho Dept. of Lands  
☐ Adjudication Bureau Unit

☐ U.S. BLM, District \_\_\_\_\_  
☐ U.S. Forest Service, Forest \_\_\_\_\_  
☐ Water District # \_\_\_\_\_  
☐ Other \_\_\_\_\_

☐ Yes   ☐ No   Affidavit of publication received  
☐ Yes   ☐ No   Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☐ No Protests received

Final date for protest \_\_\_\_\_

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☐ No Recommendations attached

☐ Yes ☐ No Measuring device required

☐ Yes ☐ No Access port required

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. \_\_\_\_\_

☐ Yes ☐ No Special conditions of approval or cover letter below.

☐ See below for additional information

Date of priority recommended \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_ ☐ See below for additional information  
Date \_\_\_\_\_

### ADDITIONAL INFORMATION

1. *Phragmites australis* (Common Reed)  
 2. *Spartina patens* (Cordgrass)  
 3. *Scirpus americanus* (Sedges)  
 4. *Cyperus tenuiflorus* (Sedges)  
 5. *Eleocharis acicularis* (Sedges)  
 6. *Eleocharis obtusa* (Sedges)  
 7. *Eleocharis palustris* (Sedges)  
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