



25 E. 5

PO

35

15

40

20

15

85.

38

37

40

40

40

40

ACRES
under
licence
36-2512

* Acres under proposed
Application

NOT R

Tract-HILL

all one field now

244.8

17

103.1

9.10

1190.3

10.9

27.5

13.1

15.0

31.4

33.7

34.6

37.9

39.4

40.1

41.5

42.9

44.3

45.7

47.1

48.5

49.9

51.3

52.7

54.1

55.5

56.9

58.3

59.7

61.1

62.5

63.9

65.3

66.7

68.1

69.5

70.9

72.3

73.7

75.1

76.5

77.9

79.3

80.7

82.1

83.5

84.9

86.3

87.7

89.1

90.5

91.9

93.3

94.7

96.1

97.5

98.9

100.3

101.7

103.1

104.5

105.9

107.3

108.7

110.1

111.5

112.9

114.3

115.7

117.1

118.5

119.9

121.3

122.7

124.1

125.5

126.9

128.3

129.7

131.1

132.5

133.9

135.3

136.7

138.1

139.5

140.9

142.3

143.7

145.1

146.5

147.9

149.3

150.7

152.1

153.5

154.9

156.3

157.7

159.1

160.5

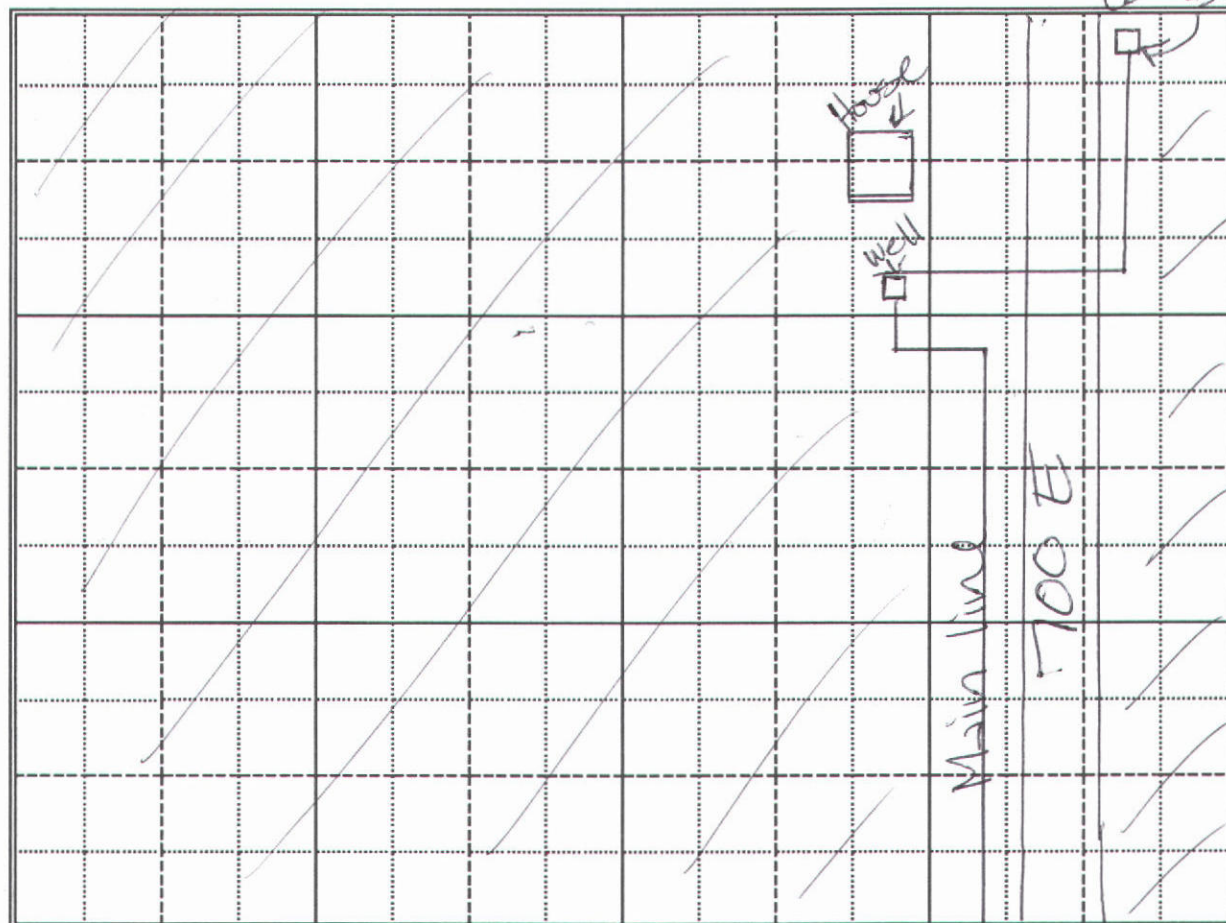
161.9

163.3

164.7

[illegible]

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
A0004011	USElet Motor	100	1216312		
				MICROFILMED	

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

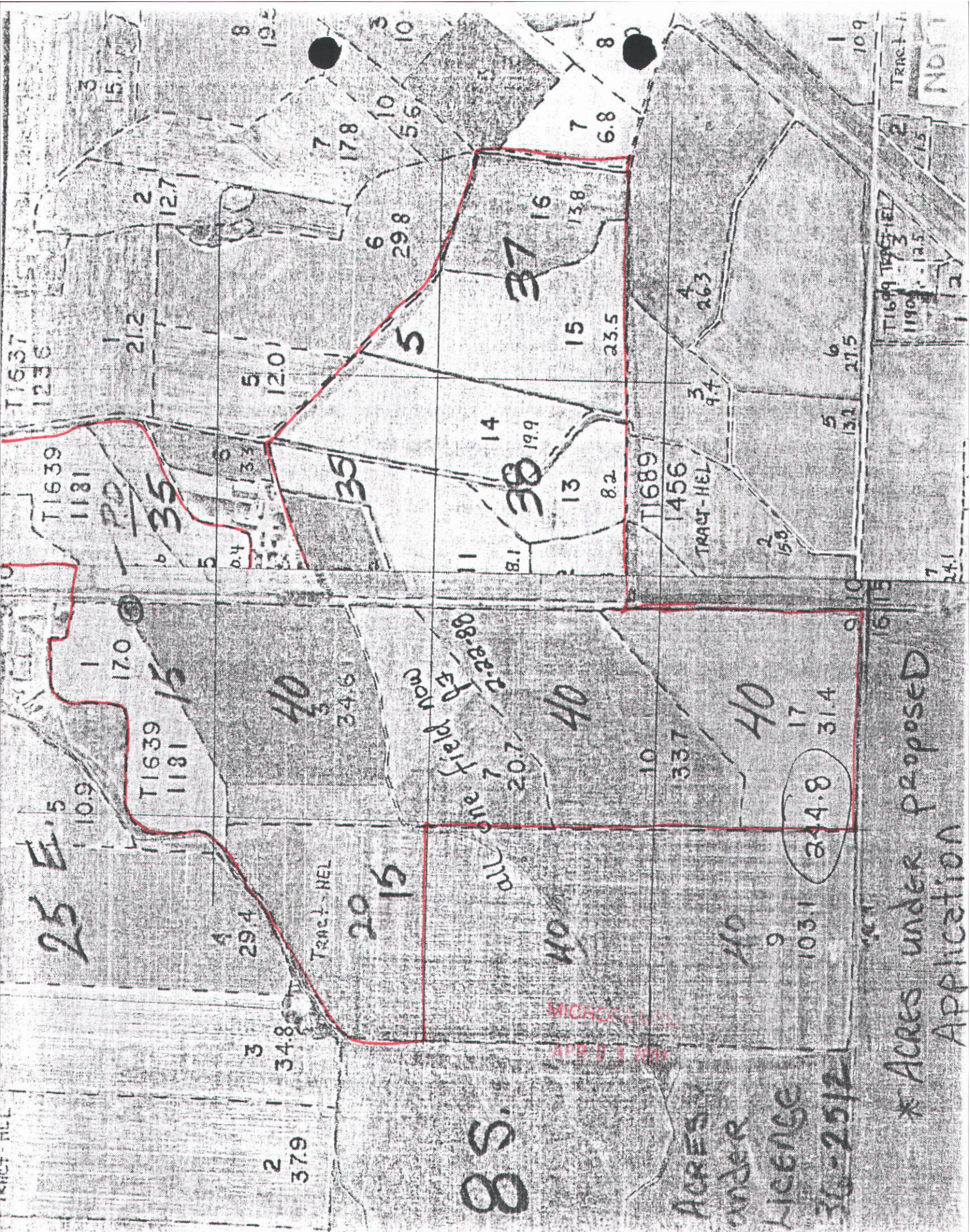
APR 03 2002

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	FLC 5101			TK0085TB		May 2000

2. Measurements: I recorded an eleven minute sample of the well capacity. I then added and averaged the measurement. The Fuji calculated a capacity of 2.95cfs from the well.



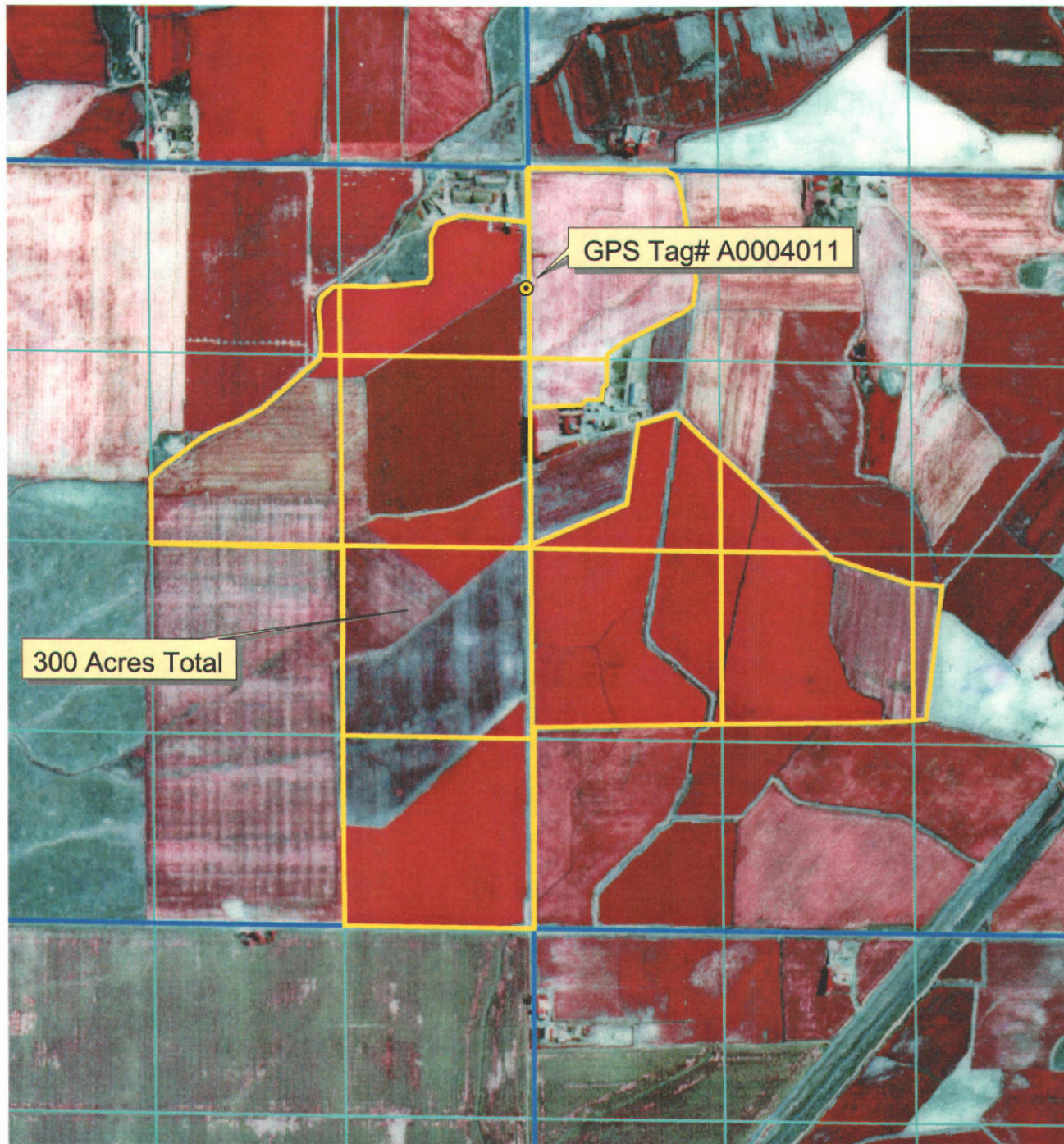
Idaho Department of Water Resource

Recommendation for 36-08412

Idaho Acres Dairy

T08S

R25E



● Points of Diversion

Quarter-quarter Lines

Section Lines

Place of Use

MICROFILMED
APR 03 2002



Point of Diversion
T08S R25E S01
Data entry on Oct 16, 2000

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

Idaho Acres Dairy
FE: Amanda Folsom
Date: September 15, 2000

36-08412



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08412

Priority: March 01, 1989

Maximum Diversion Rate: 0.95 CFS

It is hereby certified that IDAHO ACRES DAIRY
C/O LEONARD N HEPWORTH
897 N 700 E
RUPERT ID 83350 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 01, 1989; and has
submitted Proof of Beneficial Use on May 19, 1992. An examination indicates that the works have a
diversion capacity of 2.95 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/15 to 11/15

DIVERSION RATE
0.95 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 08S, Rge 25E, B.M., MINIDOKA 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 25E 9	26.0	1.0	27.0	40.0									40.0	40.0	40.0	40.0	254.0
08S 25E 10					36.0	37.0	6.0	34.0	38.0					3.0			154.0

Total Acres: 408

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
2. Rights 36-02512 and 36-11110 are also diverted through the point of diversion described above.
3. Rights 36-02512, 36-11110 and 36-08412 when combined shall not exceed a total diversion rate of 2.95 cfs, and the irrigation of 408 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1630 af at the field headgate for the lands above.

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APR 03 2002

State of Idaho
Department of Water Resources
Water Right License

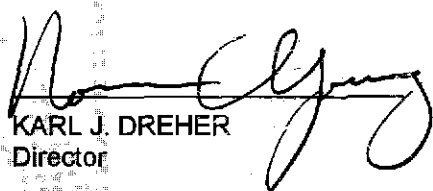
WATER RIGHT NO. 36-08412

5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 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 14th day of MARCH, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
APR 03 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 36-08412

RECEIVED

MAR - 4 2002

Department of Water Resources

Date of Priority: March 01, 1989

Maximum Diversion Rate: 0.95 CFS

Comes now IDAHO ACRES DAIRY
C/O LEONARD N HEPWORTH
897 N 700 E

RUPERT ID 83350 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-08412, and requests that the permit be changed as follows:

Source: GROUND WATER

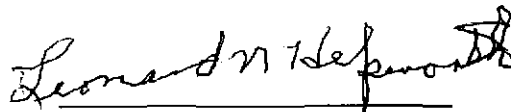
<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.95 CFS

LOCATION OF POINT OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 08S, Rge 25E, B.M., MINIDOKA CountyPLACE 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 25E 9	26.0	1.0	27.0	40.0									40.0	40.0	40.0	40.0	254.0
08S 25E 10					36.0	37.0	6.0	34.0	38.0				3.0				154.0

Total Acres: 408

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 27 day of February, 2002


(Signature)

MICROFILMED

APR 03 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08412

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = 50.00 Received by jm # C060440 Date 3-6-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

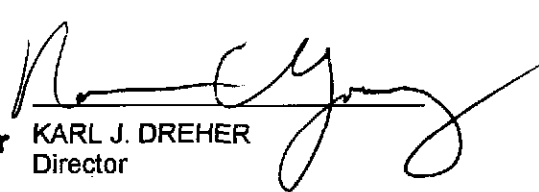
I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08412 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
2. Rights 36-02512 and 36-11110 are also diverted through the point of diversion described above.
3. Rights 36-02512, 36-11110 and 36-08412 when combined shall not exceed a total diversion rate of 2.95 cfs, and the irrigation of 408 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1630 af at the field headgate for the lands above.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 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.

Witness my hand this 14TH day of MARCH, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

APR 03 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
FLOW MEASUREMENT PORT OR)
MEASURING DEVICE CONDITION) ORDER
OF APPROVAL FOR PERMIT NO.)
36-08412 IN THE NAME OF)
IDAHO ACRES DAIRY)

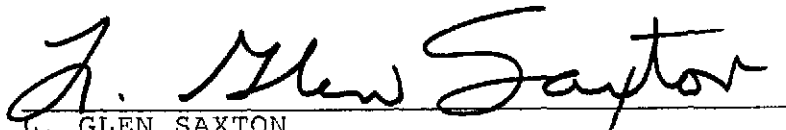
WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a flow measurement port or other device to facilitate the measurement and determination of the rate of diversion by the department;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

Dated this 20th day of May, 1992.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

APR 03 2002

Form 217
11/79
RECEIVED

MAY 19 1992

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 225.00
Date 5-19-92
Receipt No. 5014554
Receipt by MTS

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. 36-08412 Telephone No. 208-531-5212

2. Name(s) of Permit Holder(s): Idaho Acres Dairy % Leonard N Hepworth

3. Mailing Address: Rt 3 Box 191, Rupert, Id. 83350

4. Source of Water: groundwater

If **GROUNDWATER**, Well Driller's Name: Paul Chesley Date Drilled: 1961

OPTIONAL:

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

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

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

Irrigation 300 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 6.0 cfs OR _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 225.00 (See License Fee Schedule on back of Instruction Sheet)

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

Idaho Acres Dairy % Leonard N Hepworth 208-531-5212
Name Telephone No.

Rt. 3 Box 191 Rupert, Id. 83350
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.

5-15-92
Date

Idaho Acres Dairy by Leonard N Hepworth General Mgr
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08412

Proposed Priority: March 1, 1989 Maximum Diversion Rate: 6.00 CFS

This is to certify, that **IDAHO ACRES DAIRY**
C/O LEONARD N. HEPWORTH
RT. 3 BOX 191
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	6.00 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SENESE Sec. 9, Township 08S, Range 25E MINIDOKA 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 25E 9	NENE 15	SWNE 15	SENE 40	
	NESE 40	SESE 40		150
10	NWNW 35	SWNW 35	SENEW 5	
	NESW 37	NWSW 38		150

Total number of acres irrigated: 300

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.

APPROVED

MAY 31 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08412

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

23rd day of May, 1991.

[Signature]
for R. Keith Higginson, Director

MAY 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Acres Dairy Phone (208) 531-5212
Post office address Rt. 3 Box 191, Rupert, ID 83350
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 9 Township 8 S. Range 25 E. B.M. Minidoka County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 6.0 for IRRIGATION purposes from MAR 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) 6.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
Existing well + pump 75 Hp, 12" casing
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
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).

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	
8S.	25E.	9	15		15	40									40			40	150
		10						35	35	5	37	38							150

Total number of acres to be irrigated 300

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

#36-02512, A+B IRRIGATION

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

12. Remarks: Lic. # 36-02512 Has Adjudication filed
Also filed Adjudication Expansion on the Above Listed
Acres w/ water from this Filing.
This water is to be used As supplemental water to
A+B IRRIGATION water.



[illegible]

Edaho Acres Dairy by
Leonard N. Hewnouth
(Applicant)

Received by SCC Date 3/1/89 Time 10:00A Preliminary check by DRJ
Fee \$ 145.00 Receipted by SCC # 5006423 Date 3/1/89
Publication prepared by BdM Date 3-22-91 Published in South Idaho Press
Publication approved BJ Date 4-22-91

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:

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MAY 31 1991

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

45-07671

WHIPPLE, DALE E.
WHIPPLE, MARILYU
RT. 3 BOX 3522
BURLEY, ID 83318
Source: GROUNDWATER
Diversion Pt: SESENE Sec 23 T 11S R 23E
Use: IRRIGATION (.150 CFS)
DOMESTIC (.080 CFS)
Total Diversion: (.200 CFS)
Date Filed: 12/28/1989
In: T11S R22E S23 SENE
5.0 ACRES TOTAL

38-08412

IDAHO ACRES DAIRY
C/O LEONARD N. HEPWORTH
RT. 3 BOX 191
RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt: SENENE Sec 9 T 08S R 25E
Use: IRRIGATION (.6000 CFS)
Total Diversion: (.6000 CFS)
Date Filed: 3/1/1989
In: T08S R25E S09 NENE SWNE SENE
NESE SESE
S10 NWNW SWNW SENW NESW
NWSW
300.0 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 APRIL 22, 1991.

/s/ R. Keith Higginson, Director
Published in the South Idaho Press on April 5 and 12, 1991.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

MONIQUE JONES being first duly sworn, deposes and says that SAE 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 April 5 19 91, and ending with the issue dated April 12 19 91. Monique Jones

STATE OF IDAHO

COUNTY OF CASSIA

On this 16 day of April 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.

Drene Sanchez
Notary Public for IdahoResiding at Burley IDMy commission expires: 10/23/96Cost of Publication: 42.12Notary Fee: .50Total Cost: 42.62

MICROFILMED

MAY 31 1991

RECEIVED

APR 22 1991

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2002

IDAHO ACRES DAIRY
C/O LEONARD N HEPWORTH
897 N 700 E
RUPERT ID 83350

RE: License No. 36-8412 - 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.

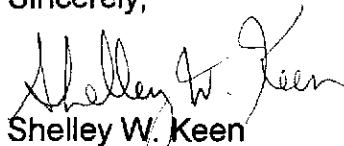
The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date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

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

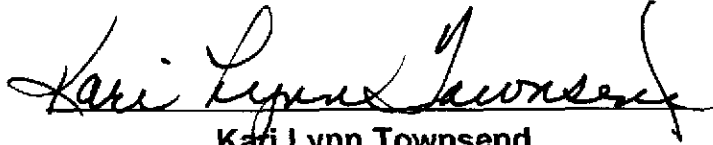
APR 03 2002

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 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. 36-8412

**IDAHO ACRES DAIRY
C/O LEONARD N HEPWORTH
897 N 700 E
RUPERT ID 83350**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 03 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

IDAHO ACRES DAIRY
C/O LEONARD N HEPWORTH
897 N 700 E
RUPERT ID 83350

RE: Water Right Permit No. 36-08412

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Place(s) of Use – Add permissible place of use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

APR 03 2002

*called 3/4/02-
will send
the \$50.00 fee
right away.
KW*

*@raig Hepworth
called with
questions
regarding amendment.
will sign and
submit - KW
2/27/02*

Comment Report

36-8412

1. kwalker 2/25/2002 GIS shape

Comment: I tried to make this shape consistent with partial decrees for same lands. The shape does not accurately show the acres in each 40. I hand edited the number of acres in each 40 after creating the shape. Could not tell exactly where the ins and outs were for this property with the map provided. Since the SRBA has decreed a ppu for this property, I used the same ppu for this proposed license even though that is not how examiner recommended this right be licensed. Rts. 36-02512 and 36-11110 use the same well and irrigate the same lands as this proposed license.

2. VAULT 5/20/1992 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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APR 03 2002

LICENSE REVIEW CHECKLIST

Permit No. 36-8412 Date: 2-22-02 Reviewer: Kay Walker

Change/OK

Name/Address change address

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

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

Place of Use add- Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

create
ppu to
be consistent
w/ SRBA
decrees

Overlaps: Right(s): 36-02512 36-11110
File reviewed Profile reports printed

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

Rate of Diversion: Permitted rate 6.0 cfs
Fee Limit 6.0 cfs Recommended Total Diversion Rate 0.95
Measured 2.95 cfs
Theoretical _____ cfs

Water Uses OK Change (P46) Season of Use per new Standards
3-15 11-15

Irrigation 0.95 cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total _____ cfs _____ 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)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

$$0.95 \times 1.9835 \times 246 = 463.5$$

Volume Determination
2.95 cfs x 1.9835 x 246 days = 1439.4 af (vs) 300 acres x 4.0 (FHR) = 1200 af
System ~1440

Remarks: 408 x 4 = 1632 ~ 1630.0 ← all rights

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 P44 S06

2/22/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2512

WATER RIGHT NUMBER: 36-2512

Owner Type Name and Address
 Current Owner IDAHO ACRES DAIRY
 RT 3 BOX 191
 RUPERT, ID 83350
 (208)531-5212

Priority Date: 11/30/1962

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.000 CFS	
<u>Total Diversion:</u>		2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4NE1/4 Sec. 9, Twp 08S, Rge 25E, B.M.
 MINIDOKA 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	25E	9	26.0	1.0	27.0	40.0									40.0	40.0	40.0	40.0	254.0
08S	25E	10					36.0	37.0	6.0	34.0	38.0				3.0				154.0

Total Acres: 408

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. S01 USE OF THIS RIGHT IS COMBINED WITH WATER FROM A & B IRRIGATION DIST.

Remarks:

POU ID=
258531

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2512

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-11110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NOS. 36-11110 AND WITH WATER SUPPLIED BY THE A & B IRRIGATION DISTRICT FOR USE ON THE PLACE OF USE LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 408 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory RIGHT NO. 36-11110 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
RIGHT NO. 36-11110 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 36-11110 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 800 AF.

Comments:

1. BEDKE 3/21/1991 RWV-STAFF REVIEW
Comment:
2. SMITH 10/28/1992 REMARKS
Comment: CHANGED FROM "COMBINED TOTAL ANNUAL" TO "THE IRRIGATION OF A" DID NOT AFFECT STATUS
3. KCHRISTE 12/2/1997 REMARK REFORMAT
Comment: CHANGED THE EXP RMK FROM 42-1416(2) TO K01

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/29/1997
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

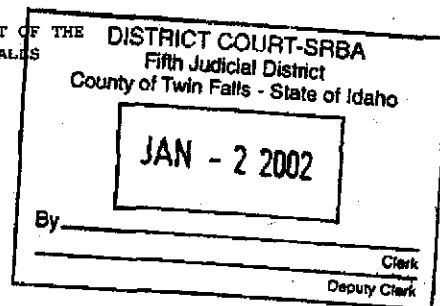
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-11110



NAME AND ADDRESS: IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 03/15/1968

POINT OF DIVERSION: T08S R25E S09 SENENE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Minidoka County
	T08S R25E S09	NENE 26.0 NWNE 1.0 SWNE 27.0 SENE 40.0 NESE 40.0 NWSE 40.0 SESE 40.0 S10 NWNW 36.0 SWNW 37.0 SENW 6.0 NESW 34.0 NWSW 38.0 NWSE 3.0
	408.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 36-02512 AND WITH WATER SUPPLIED BY THE A & B IRRIGATION DISTRICT FOR USE ON THE PLACE OF USE LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL COMBINED TOTAL OF 408 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT NO. 36-02512 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 800 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-11110

2002 JAN -2 PM 4:06

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 03/15/1968

POINT OF DIVERSION: T08S R25E S09 SENENE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Minidoka County	
	T08S R25E S09	NENE 26.0 SWNE 27.0 NESE 40.0 SWSE 40.0 S10 NWNW 36.0 SENW 6.0 NWSW 38.0	NWNE 1.0 SENE 40.0 NWSE 40.0 SESE 40.0 SWNW 37.0 NESW 34.0 NWSE 3.0
	408.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 36-02512 AND WITH WATER SUPPLIED BY THE A & B IRRIGATION DISTRICT FOR USE ON THE PLACE OF USE LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL COMBINED TOTAL OF 408 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT NO. 36-02512 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 800 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 2 2002	
By _____	Clerk
_____	Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 36-11110

On November 2, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Reporting Area 3 (Basin 36)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-11110 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 2002.


 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-11110

1998 APR 13 PM 4:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 800 AF.

PRIORITY DATE: 03/15/1968

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T08S R25E S09 SENENE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.00 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County		
	T08S R25E S09	NENE 26	NWNE 1	SWNE 27
		NESE 40	NWSE 40	SESE 40
	S10	NWNW 36	SNNW 37	SENE 6
		NWSW 38	NWSE 3	SESE 34
	408 ACRES TOTAL			

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.

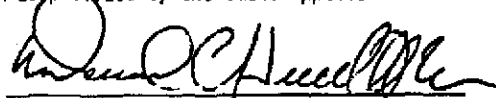
USE OF THIS RIGHT WITH RIGHT NOS. 36-02512 AND WITH WATER
SUPPLIED BY THE A & B IRRIGATION DISTRICT FOR USE ON THE PLACE
OF USE LISTED ABOVE IS LIMITED TO A COMBINED TOTAL OF 408 ACRES
IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 36-02512 PURSUANT TO SECTION 42-1426, IDAHO CODE.

RULE 54(b) CERTIFICATE

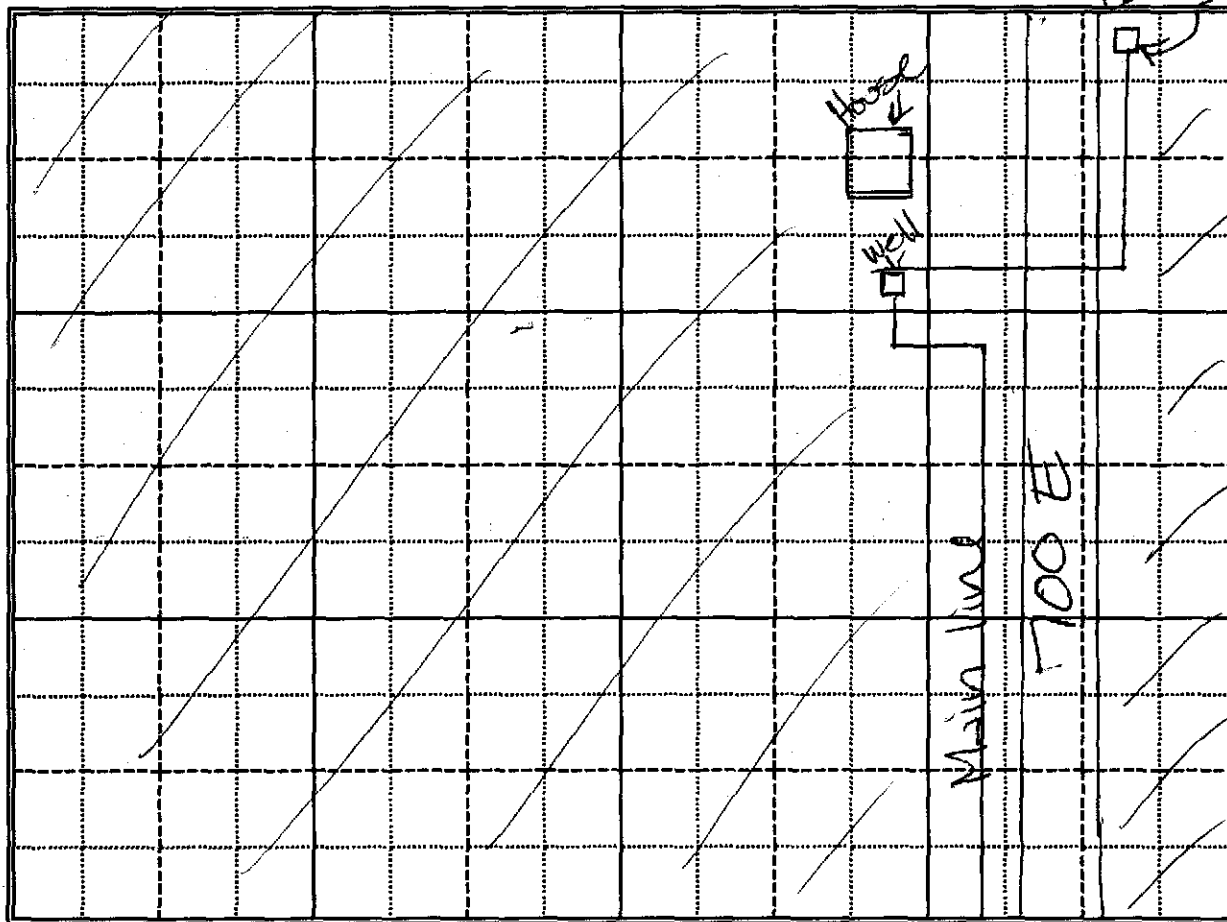
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

APR 03 2002

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



Scale: 1" =

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

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

☒ Photo of Diversion and System Attached

4. GIS

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
A0004011	USElet Motor	100	1216312		
				MICROFILMED	

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

APR 8 3 2002

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	FLC 8101			7K0085TB		May 2000

2. Measurements: I recorded an eleven minute sample of the well capacity. I then added and averaged the measurement. The Fuji calculated a capacity of 2.95 cfs from the well.

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

MICROFILMED

APR 03 2002

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$\text{Fiji Measurement} \rightarrow \frac{1325 \text{ gpm}}{448.83} = \boxed{2.95 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 300 (4.0) = 1200$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.95 (246) (1.9835) = 1439$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1200 \text{ afa}$$

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	2.95	1200
Totals:			2.95	1200

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 Amanda Tolson Date 10-17-00

Reviewer _____ Date _____

MICROFILM SEAL
APR 03 2002

E. NARRATIVE/REMARKS/COMMENTS

FILE: 36-08412

FROM: Amanda Folsom

DATE: October 17, 2000

Craig Hepworth is the son of Leonard Hepworth. Craig has been handling all of the management of the farm due to his father's health and age. I met with Craig on September 15, 2000, at his farm. The well is located in the SENENE $\frac{1}{4}$ of Sec 9. Water right 36-02512 overlaps with this point of diversion and place of use.

The Hepworth's irrigate their land with both the deep well and canal shares. The two systems can run independent of each other, but are normally operated together. I took a measurement of the well before the water mixes with the canal shares. The Fuji recorded a capacity of 2.95cfs. Craig had calculated that when the well water and canal shares are combined, the total system capacity is 6cfs, hence the request on the permit. He was comfortable with the measurement of the Fuji.

To irrigate the 300 acres, the Hepworth's use a combination of hand lines, wheel lines, and a pivot in the SE of Sec 9. License 36-02512 covers 80 acres in the SE of Sec 9 and overlaps with the acres in the SWNE of Sec 9.

My recommendation is for the 300 acres with a capacity of the well at 2.95cfs for irrigation, along with 1200afa.

* Rights 36-02512 & 36-11110 overlap
and appropriate limits should apply.
This permit appears to add 0.95 cfs
to system.

MICROFILMED

APR 03 2002

No.02

LOG NAME:H1

START :09-15 15:45

END :09-15 15:55

INTERVAL:00:01:00

9/15/00 15:45

+6.104E+0 ft/s
+1.348E+3 gal/m
+TOTAL 0003575 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:50

+5.875E+0 ft/s
+1.298E+3 gal/m
+TOTAL 0006528 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:46

+6.035E+0 ft/s
+1.333E+3 gal/m
+TOTAL 0001273 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:51

+5.976E+0 ft/s
+1.320E+3 gal/m
+TOTAL 0007846 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:47

+6.017E+0 ft/s
+1.329E+3 gal/m
+TOTAL 0002587 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:52

+6.015E+0 ft/s
+1.329E+3 gal/m
+TOTAL 0009165 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:48

+6.163E+0 ft/s
+1.361E+3 gal/m
+TOTAL 0003908 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:53

+6.016E+0 ft/s
+1.329E+3 gal/m
+TOTAL 0010481 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:49

+5.973E+0 ft/s
+1.319E+3 gal/m
+TOTAL 0005218 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:54

+5.847E+0 ft/s
+1.291E+3 gal/m
+TOTAL 0011797 gal
-TOTAL 0000000 gal
NORMAL

9/15/00 15:55

+5.971E+0 ft/s
+1.319E+3 gal/m
+TOTAL 0013109 gal
-TOTAL 0000000 gal
NORMAL

MICROFILMED

SEP 13 2002

36-0841Z

36-08412
Overlap →
GIS

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
36-08412	P	085	25E	9	P/D																
				9	15	15	40									40		40		150	
				10				35	35	5	37	38								150	
																					300

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
36-02512	L	085	25E	9	P/D																
				9		20										40	40			100	
																					100

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
36-08412	GIS	085	25E	9	P/D																
				9	22.1	1A	23.1									31.7		3.8		170.5	
				10				20.7	19.7	5.4	31.2	37								129.6	
																					300.1

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

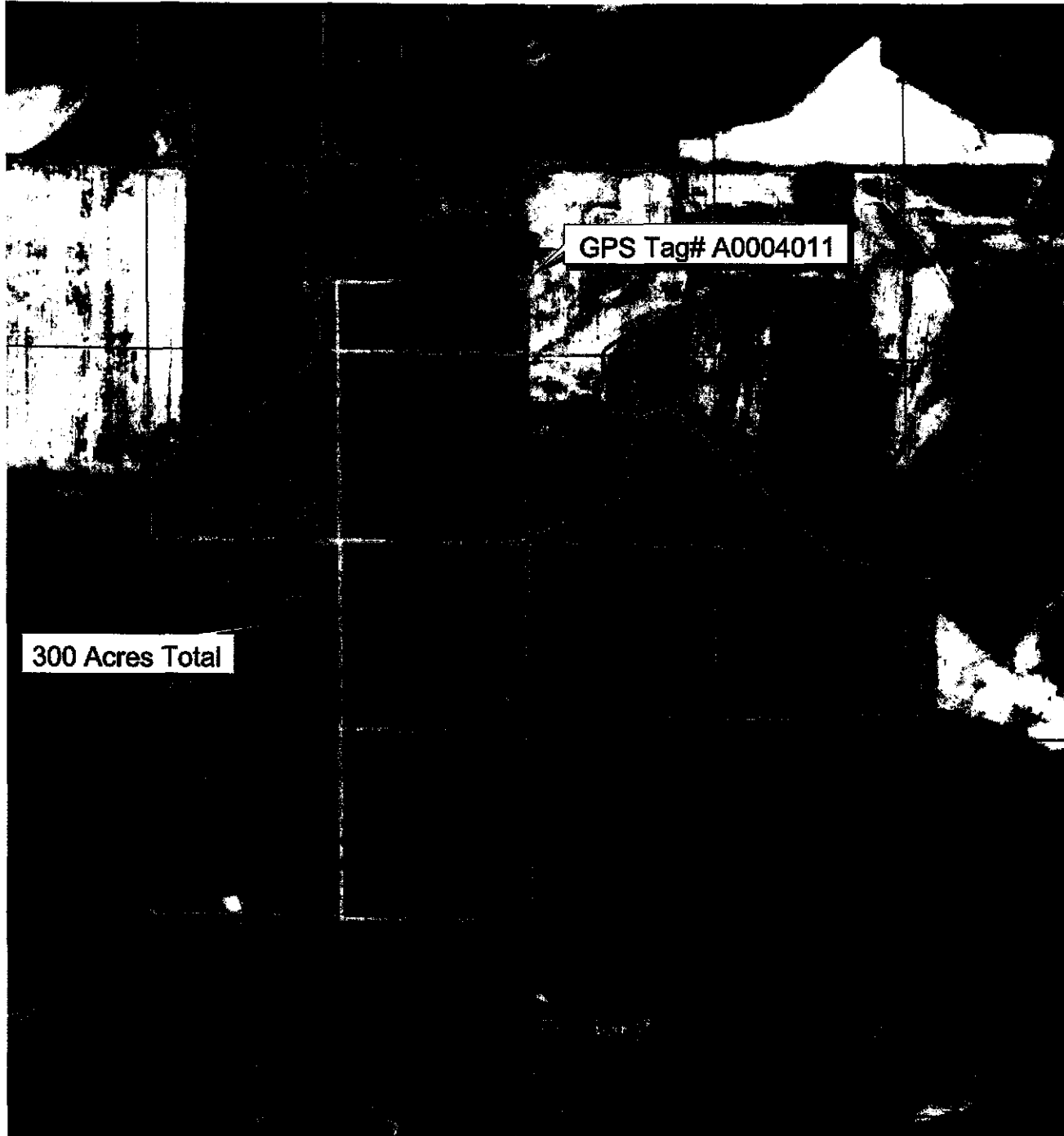
MICRO

APR 03 2002

Idaho Department of Water Resource Recommendation for 36-08412 Idaho Acres Dairy

T08S

R25E



- Points of Diversion
- Quarter-quarter Lines
- Section Lines
- Place of Use

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APR 03 2002



Point of Diversion
T08S R25E S01
Data entry on Oct 16, 2000

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

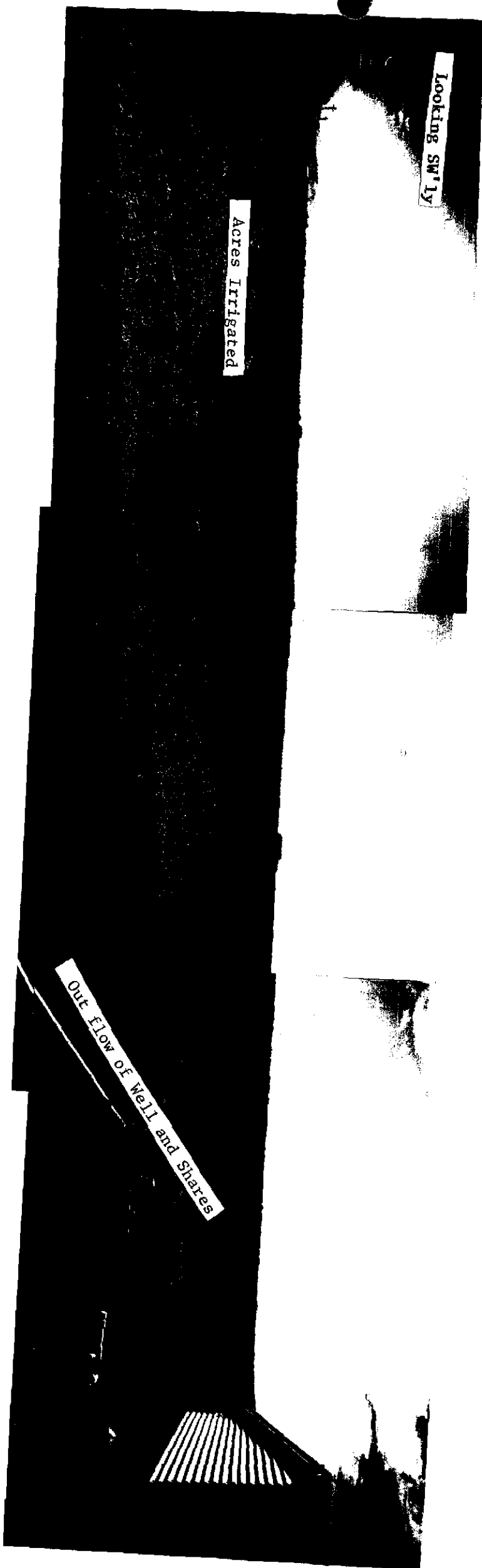
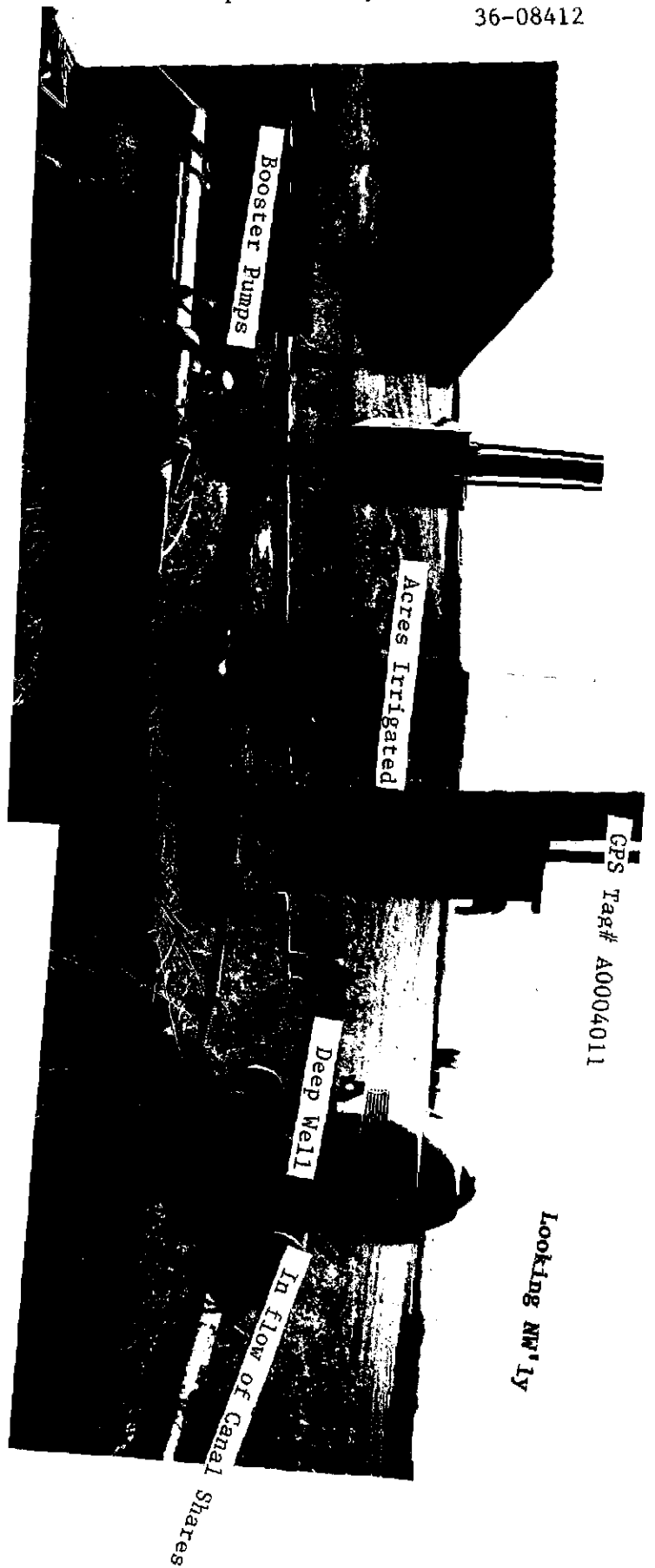
2002 E 8 24 AM

Idaho Acres Dairy

FE: Amanda Folsom

Date: September 15, 2000

36-08412



IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 36-8412

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 9-5-00Time 3:00 PMPlace HomeContact Person & Phone Craig Hepworth 531-5851

D. Post-Exam Review & Processing

Exam Completed 9-15-00Notice of Completion Turned In 9-25-00Field Report Completed 10-17-00Amanda Tolson 10-17-00
Signature of Examiner & Date

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

Field Report Reviewed by Region Mgr. AM 11/7/00 (Initial & Date)

Field Report Sent to S.O. _____

Region Card File Updated _____

May 22, 1992

IDAHO ACRES DAIRY
C/O LEONARD N. HEPWORTH
RT. 3 BOX 191
RUPERT ID 83350

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08412

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

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APR 03 2002

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08412

Reviewed by Klg

Date 5/19/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

irrigate - 300
yes Correct Uses?

SOURCE OF WATER

Surface water source
Ground water source

1961 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?
225 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no 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 5/19/92
5/22/92 Klg

March 31, 1992

IDAHO ACRES DAIRY
C/O LEONARD N. HEPWORTH
RT. 3 BOX 191
RUPERT ID 83350

CERTIFIED MAIL

NO. 138740

PROOF DUE NOTICE

RE: PERMIT NO. 36-08412

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

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APR 03 2002



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 30, 1991

IDAHO ACRES DAIRY
C/O LEONARD N. HEPWORTH
RT. 3 BOX 191
RUPERT, ID 83350

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08412

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

APPLICATION FOR PERMIT REVIEW

Application #: 36-84/2
Date: 5-17-91

Reviewer:

Pam Skaggs

Existing:

No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03 (existing well)
LT. 0.7 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. 7 w/pump)
005-01J-P08 (GT. 7)

Groundwater *Existing* - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

Swan Falls Flag - (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

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date:

Other Conditions Recommended - 06-01-1992
*Tim Luke's Memo 3-13-91 recommends
waiting 4, 5, 3 data because project
is already in place.*

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MAY 31 1991

1 James C. Tucker
2 ROSHOLT, ROBERTSON & TUCKER
3 P. O. Box 1906
4 Twin Falls, Idaho 83303-1906
5 Telephone: (208) 734-0700
6 3876p/kab/05/01/91

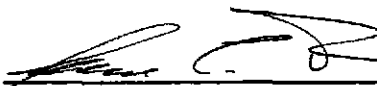
7
8
9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE STATE OF IDAHO

11 IN THE MATTER OF)
12 PERMIT NO. 36-08412) NOTICE OF WITHDRAWAL
13 Applicant: Idaho Acres Dairy) OF PROTEST

14 Idaho Power Company, by and through its attorneys of
15 record, Rosholt, Robertson & Tucker, hereby withdraws its
16 Notice of Protest with regard to the above-referenced
17 Application for Permit which was filed with the Department on
18 April 22, 1991.

19 SUBMITTED this 1st day of May, 1991.

20 ROSHOLT, ROBERTSON & TUCKER

21
22 By: 
23 JAMES C. TUCKER

24
25
26 RECORDED

27 MAY 31 1991

CERTIFICATE OF MAILING

I hereby certify that on this 1st day of May, 1991,
I served a copy of the foregoing NOTICE OF WITHDRAWAL OF
PROTEST, by depositing same in the United States mail, postage
prepaid, in an envelope, addressed to the following:

Idaho Dept. of Water Resources
1301 North Orchard
Statehouse Mail
Boise, Idaho 83720

Idaho Acres Dairy
c/o Leonard N. Hepworth
Route 3 Box 191
Rupert, Idaho 83350


JAMES C. TUCKER

MAY 31 1991

Answers to Rule 4, 5, 3 For App, 36-08412, Idaho Acres Dairy

Rule 4, 5, 3, 1, 2. There are 3 domestic/stock/commercial wells within $\frac{1}{2}$ mile of the existing irrigation well. I own all three wells.

Rule 4, 5, 3, 1, 3. I do not believe this project will have any adverse effect on other nearby water users. Groundwater levels have been very stable in this area.

Rule 4, 5, 3, 2, 1. I am asking for 1" of water per acre. I raise several water-thirsty crops (potatoes, corn, etc.), so need the full allowable rate during hot weather. Overall, I would not exceed the 4.0 AFA/acre allowable for this area. I irrigate from about April 1 to October 31. Part of my land is sprinkled & part ~~is~~ is under gravity irrigation.

Rule 4, 5, 3, 2, 2. I am pumping from the main Snake Plain aquifer. With a slightly larger pump, I will be able to pump the full amount requested. The well supplements my A & B water on part of the ground. Both sources are needed to properly irrigate this farm.

Rule 4, 5, 3, 3, 1. I have owned this property for 20 years or more. Some of the land has been owned by me for over thirty years. This is an existing well that is being upgraded to produce more water.

Rule 4, 5, 3, 3, 2. No other approvals are needed for me to complete this project.

Rule 4, 5, 3, 4, 1. I paid for the proposed changes this spring. The work has been completed; there is no speculation involved.

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MAY 21 1991

Rule 4,5,3,4,2. The project consists of changing the bowl & installing a larger pump. All surface works (ditches, mainlines, etc) are already in place. Cost was around \$5000.

Rule 4,5,3,5,1. The only government entity that would be concerned about this project is the A & B Irrigation District. I will obtain a letter from them agreeing to this project.

Rule 4,5,3,6,2. All of the land (except for a few rock piles) has been formed for many years.

Rule 4,5,3,6,3. This project will allow increased crop production on the farm, especially on my hay ground. The number of farm jobs will probably not be affected.

Rule 4,5,3,6,5. The ^{motor} pump is being enlarged from 75 hp to 100 hp.

Rule 4,5,3,6,6. I have passed the Soil Conservation Service guidelines for irrigation efficiency, the amount of runoff from surface irrigation has been minimized.

Rule 4,5,3,6,7. The intent of this application is to obtain a higher rate of flow for irrigation, as I have never had enough water to maximize the yield of all my crops.

RECEIVED

APR 29 1991

Department of Water Resources
Southern Region Office

MAY 31 1991

Leonard N. Lepworth (General PTE,
Idaho, Acres Dairies)

REC
APR 22 1991

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

* * * * *

IN THE MATTER OF
PERMIT NO. 36-08412

)
)

NOTICE OF PROTEST

* * * * *

COMES NOW IDAHO POWER COMPANY (hereinafter "IPCO"), by and through its attorneys of record, Rosholt, Robertson & Tucker, and gives notice of its protest to continuance or approval of Permit No. 36-08412 in the name(s) of Idaho Acres Dairy (Applicant) until such time as the Applicant fully complies with the requirements of Rule 4,5,3 of the Water Appropriation Rules and Regulations. This protest is submitted to preserve IPCO's right to challenge the sufficiency of the Applicant's compliance with, as well as the sufficiency of the information submitted pursuant to, such Rule. IPCO reserves the right to dismiss this protest if subsequent development of the record establishes the applicable information has been submitted and the criteria have been met.

RESPECTFULLY SUBMITTED this 22nd day of April, 1991.

ROSHOLT, ROBERTSON & TUCKER

BY: 
JAMES C. TUCKER

RECORDED

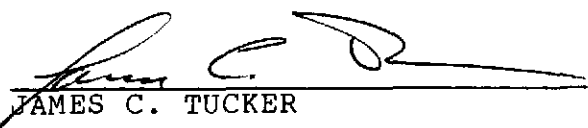
APR 31 1991

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of April, 1991, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Acres Dairy
c/o Leonard N. Hepworth
Route 3, Box 191
Rupert, ID 83350

Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise ID 83720


JAMES C. TUCKER

4618p

MAY 31 1991

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

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

MARCH 22, 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 APRIL 22, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

RECEIVED

MAY 31 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08412

IDAHO ACRES DAIRY
C/O LEONARD N. HEPWORTH
RT. 3 BOX 191
RUPERT, ID 83350

Source: GROUNDWATER

Diversion Pt: SENENE Sec 9 T 08S R 25E

Use: IRRIGATION (6.000 CFS)
Total Diversion: (6.000 CFS)

Date Filed: 3/ 1/ 1989

In: T08S R25E S09	NENE	SWNE	SENE	NESE
S10	SESE			
	NWNW	SWNW	SENW	NESW
	NWSW			

300.0 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 APRIL 22, 1991.

R. KEITH HIGGINSON, Director

Published 4/ 5/1991 & 4/12/1991

RECORDED

MAY 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 36-8412

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 property 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.)

USED AS SUPPLEMENTAL WELL TO A & B IRRIGATION ON 300 ACRES.
SEE ADJUDICATION CLAIM A36-11110.

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.

36-02512 and A & B IRRIGATION

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 Leonard N. Sepowitz

Date Mar 11, 1991

General partner of
Edgar Acres Dairy

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MAY 31 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 36-8412/Trust Water Processing & Rule 4,5,3. Info

DATE: ~~3-18-91~~ 3-13-91

The above application has come up for sequential trust water processing. Based on review of the returned questionnaire and the original application form, this application appears to be a supplemental filing. The returned questionnaire further indicates that the groundwater source was developed prior to 1984. The point of diversion under this application is the same point of diversion as groundwater license no. 36-2512 which is appurtenant to separate but adjacent lands. The applicant has filed an SRBA adjudication claim for the same source, point of diversion and acreage as this application and claimed a 1968 priority (see A36-11110). This claim may not be recommended as a decreed right since the claimed priority date is well past the 1963 date which subjected new groundwater uses to the mandatory permit requirements.

I have reviewed a 1976 orthophoto here at the department and find that all of the land described under the application was irrigated at that time. Since this is a supplemental filing and the source was probably developed prior to 1984, the acreage under the filing will not be counted as trust acreage. Due to the post 1984 priority date though the application must be considered a trust water filing.

Since the well under the application is an existing well and the use represented in the application has been in place for some time, potential impacts from the development would have already been noticed. I recommend therefore that the Rule 4,5,3. information requirements be waived in this case.

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MAY 31 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	
3608412																							
0100014	A & B IRRIGATION DISTR	D	SNAKE RIVER	08S	25E	9																	
3602512	HEPWORTH	L	GROUNDWATER	08S	25E	9				20									40	40	100		
3602561	MC WILSON	L	GROUNDWATER	08S	25E	9	8	36	10		37	19		10							120		
3608412	IDAHO ACRES DAIRY	A	GROUNDWATER	08S	25E	9	15		15	40									40		40		
	1986 MAPPING DATA ---	-	COUNTY 67 QUAD BB-17	08S	25E	9															150		
3608412																							
0100014	A & B IRRIGATION DISTR	D	SNAKE RIVER	08S	25E	10																	
3608412	IDAHO ACRES DAIRY	A	GROUNDWATER	08S	25E	10					35	35	5		37	38					150		
	1986 MAPPING DATA ---	-	COUNTY 67 QUAD BB-17	08S	25E	10																	

MAY 31 1991
 MICHAEL MED

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	
A3611110																							
A360208023	LARGE CLAIM	L	LARGE CLAIM	08S	25E	9																	
A3602512	IDAHO ACRES DAIRY	L	GROUNDWATER	08S	25E	9		20												40	40		100
A3602561	HOLTON	L	GROUNDWATER	08S	25E	9	8	36	10		37	19		10									120
A3611110	IDAHO ACRES DAIRY	J	GROUNDWATER	08S	25E	9	15		15	40										40		40	150
A3611856	FACER	J	GROUNDWATER	08S	25E	9						15	15										30
A3612588	HOLTON	J	GROUNDWATER	08S	25E	9							13	17									30
R3602561	HOLTON	L	GROUNDWATER	08S	25E	9	8	36	10		37	18		9									118
R3611856	FACER	J	GROUNDWATER	08S	25E	9						18	12										30
R3612588	HOLTON	J	GROUNDWATER	08S	25E	9							13	17									30
	1986 MAPPING DATA ---	-	COUNTY 67 QUAD BB-17	08S	25E	9																	
A3611110																							
A360208023	LARGE CLAIM	L	LARGE CLAIM	08S	25E	10																	
A3611110	IDAHO ACRES DAIRY	J	GROUNDWATER	08S	25E	10						35	35	5		37	38						150
A361512721	LARGE CLAIM	L	LARGE CLAIM	08S	25E	10																	
	1986 MAPPING DATA ---	-	COUNTY 67 QUAD BB-17	08S	25E	10																	

A36-11110 HAS A 1968 PRIORITY DATE - NOT LIKELY TO BE ACCEPTED IN OR RECOMMENDED AS
 DECEED RT. IN ADJUDICATION.

MAY 31 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 will be sent to you after you return the questionnaire.

MAY 31 1991

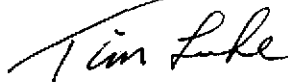
Page 2

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

RECEIVED

MAY 31 1991

Form No. 202a
1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DRJ DATE 3-16 APPLICATION NUMBER 36-08412

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) ~~to~~ Trub to Magic Res? (See App. Proc 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 # 1

ADDITIONAL INFORMATION

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

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

PROCESSING

☒ Yes ☐ No In ~~form~~ for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

AD COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☐ Water District # _____
☐ Adjudication Bureau Unit ☐ Other _____

NAL REGIONAL PROCESSING REVIEW

☐ 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 _____

STATE OFFICE REVIEW

☐ See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

WR # 36-2512 is for 2 cfs on land not covered
by this application. This filing is for full
coverage of .02 cfs/acre & not for difference
between A+B delivery & .02 cfs, ~~ie~~ ie
supplementing A+B

12-May-1989

Idaho Acres Dairy
c/o Leonard N. Hepworth
Rt. 3 Box 191
Rupert, ID 83350

Re: Application for permit No. 36-08412

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,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

RECEIVED

MAY 31 1991