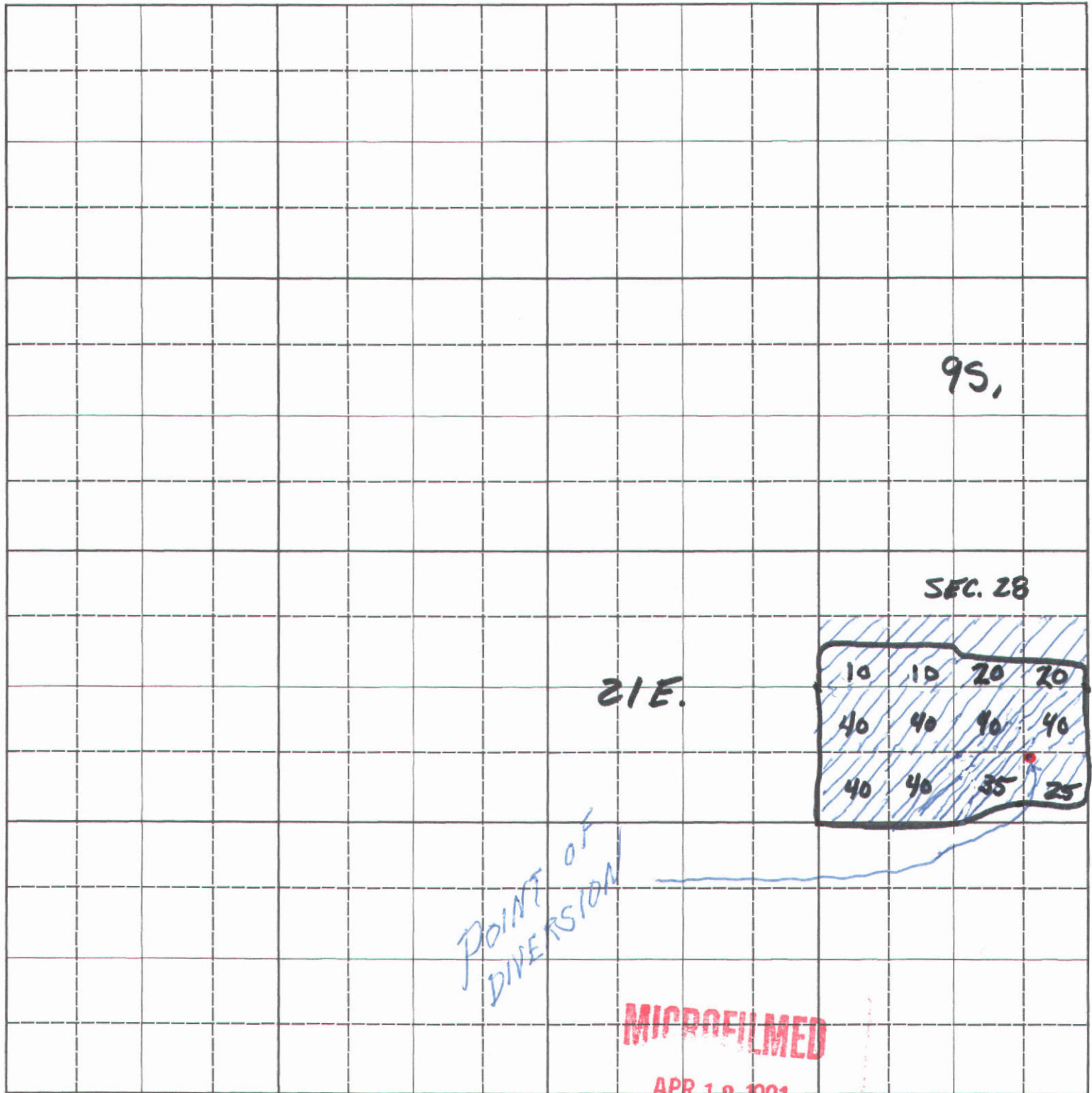


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

H. S. FARMS, INC.

Harold Seeley Pres.
(Applicant)

5.21

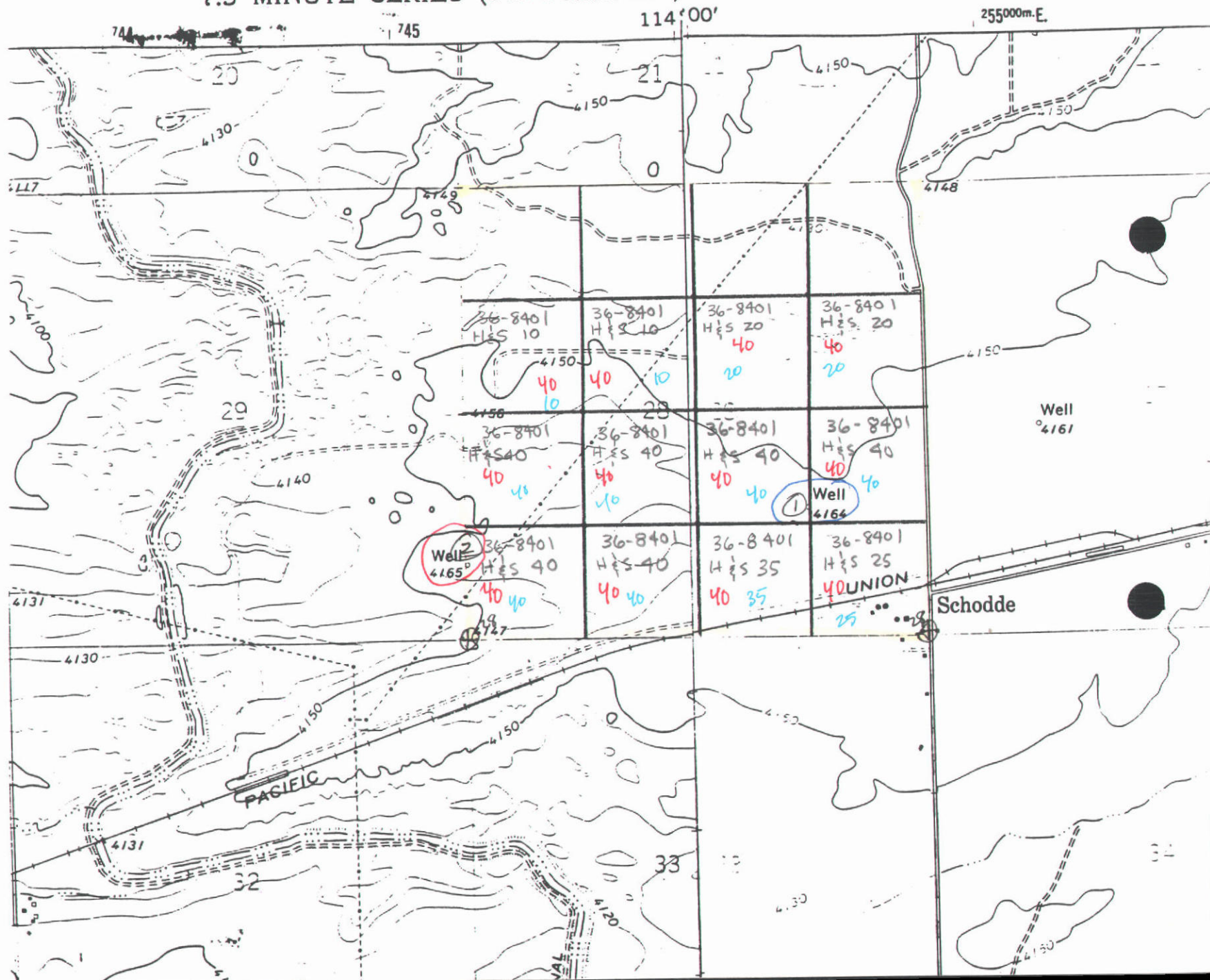
95 21E SEC 28

36

MILNER QUADRANGLE
IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



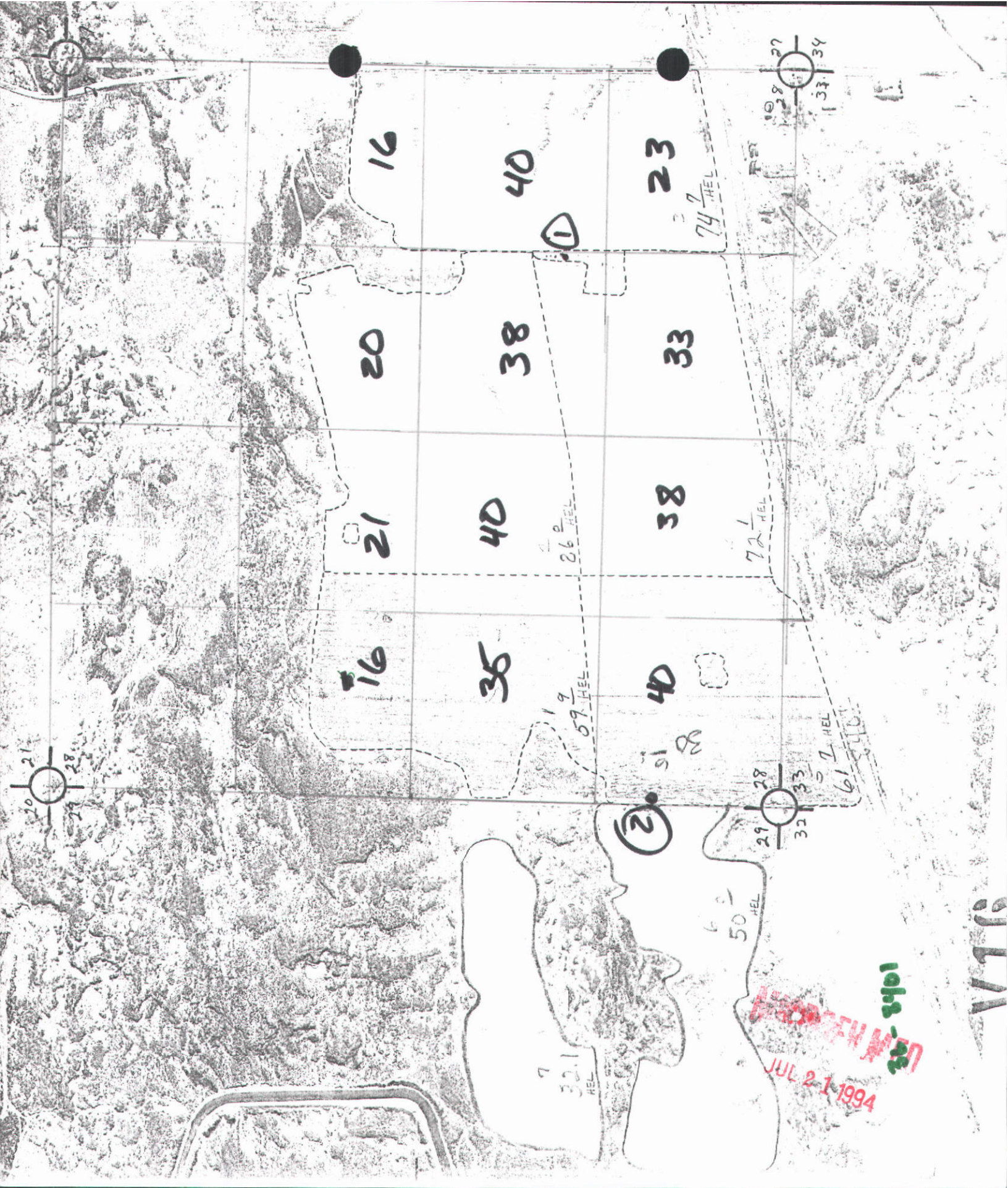
REC'D JUL 2 1 1994



36-8401

11" = 2862'

JUL 21 1994



30-3401
JUL 21 1994

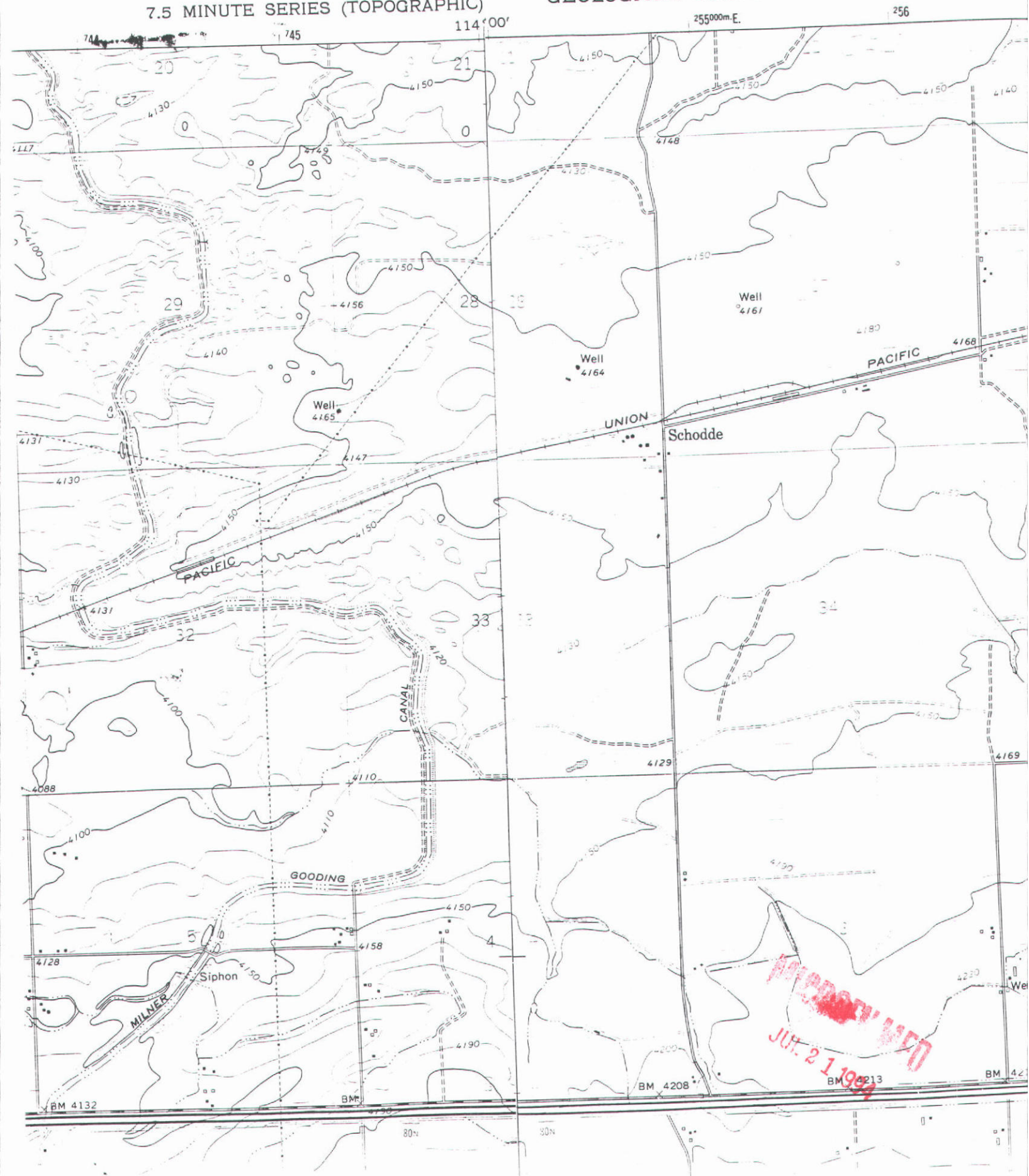
1/16

9S 21E SEC 28

36-8401

MILNER QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



36-8401

DJ 11/11/92

Overlap

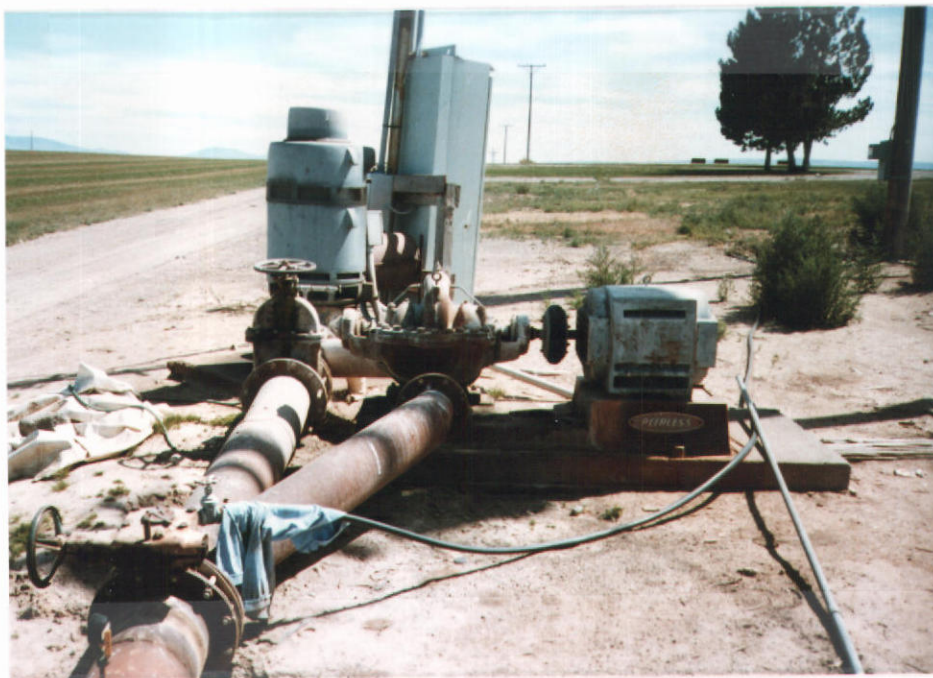
SRA 36-2254

36-8401	95	21E	28						16	21	40	35	40	38	40	38	33	23	338-360
36-8401	95	21E	28						10	10	40	40	40	40	40	40	35	25	360 (0.68)
36-2254	95	21E	28						10	10	40	40	40	40	40	40	35	25	360 (4.44)
36-2284	95	21E	28						10	10	40	40	40	40	40	40	35	25	366 (7.6)
			29												30	20	20	20	
			32	30	30														160
			33																2-346

10

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JUL 21 1994

36-8401



Well #1



Well #1

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JUL 21 1994

36-8401



P/U



P/U

RECEIVED
JUL 21 1994

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

FEB 28 1991

Department of Water Resources

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20th day of Feb., 1991, and the date of the last publication was on the 27th day of Feb., 1991.

Patty Nance

Subscribed and sworn to before me this 27th day of Feb., 1991.
(SEAL)

Vivian Jandiga
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 6¢/Pica
337.5 Lines straight at 16.88 5¢/Pica
Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE

(Paste Here)

Not. Appl. Trust Water Rts.

TITLE OF NOTICE

H. & S. Farms, Inc.

36-08401

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Water Res.
BILL TO Dive

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08401

H & S FARMS INC.,

3434-A E. 4000 N.

KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: NWSESE Sec 28 T 09S R

21E

Use: IRRIGATION (.680 CFS)

Total Diversion: (.680 CFS)

Date Filed: 11/28/1988

In: T09S R21E S28 SWNE SENE SWNW

SENE

NESW NWSW SWSW SESW 1079 5200

NESE NWSE SWSE SESE

360.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mall, Boise, Idaho 83720 on or before March 11, 1991.

-s- R. Keith Higginson

Director

Pub: 2-20, 27

N5244

7-8 pt. per line straight.....5¢/Pica

7-8 pt. per line tabular.....6¢/Pica

7-8 pt. per line successive

insertions.....4¢/Pica

MICROFILMED

No 3481

APR 12 1991 5244

OK
JL
2-28-91

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08401

Priority: November 28, 1988

Maximum Diversion Rate:

0.68 CFS

This is to certify, that H & S FARMS INC
3434-A E 4000 N
KIMBERLY ID 83341

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 28, 1988; and has submitted Proof of Beneficial Use on April 15, 1991. An examination indicates that the works have a diversion capacity of 7.720 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.68 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 28, Township 09S, Range 21E
NWSE , Sec. 28, Township 09S, Range 21E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 21E 28	SWNE 20	SENE 16	SWNW 16	
	SENE 21	NESW 40	NWSW 35	
	SWSW 40	SESW 38	NESE 40	
	NWSE 38	SWSE 33	SESE 23	360

Total number of acres irrigated: 360

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 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.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
7. Use of this right with a portion of Rights 36-02254A and 36-02284 is limited to a total combined diversion rate of 5.88 cfs, a total combined annual diversion volume of 1440 af, and to the irrigation of a combined total of 360 acres in Section 28 in a single irrigation season.
8. Rights 36-02254A and 36-02284 are also diverted through the

RECEIVED

JUL 21 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

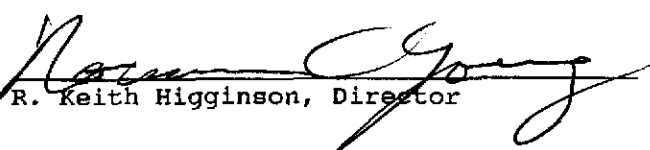
WATER RIGHT NO. 36-08401

CONDITIONS/REMARKS:

points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of July, 1979.

Acting for


R. Keith Higginson, Director

JUL 21 1994

APPROVED

State of Idaho
Department of Water Resources

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MAY 24 1994
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08401

Date of Priority: November 28, 1988 Maximum Diversion Rate: 0.68 CFS
Comes now H & S FARMS INC
3434-A E 4000 N
KIMBERLY ID 83341 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. 36-08401, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.68 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 28, Township 09S, Range 21E
NWSE , Sec. 28, Township 09S, Range 21E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	21E	28	SWNE 20	SENE 16	SWNW 16	
			SENE 21	NESW 40	NWSW 35	
			SWSW 40	SESW 38	NESE 40	
			NWSE 38	SWSE 33	SESE 23	360

Total number of acres irrigated: 360

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JUL 21 1994

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 at H & S Farms Inc, this 33 day of May, 1994.

Harold J Seely
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08401

FOR DEPARTMENT USE ONLY

Preliminary check by *11:30AM* *PL* Fee = *20.00* Received by *JW* # *C030357* Date *5-24-94* ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-08401 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 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.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
7. Use of this right with a portion of Rights 36-02254A and 36-02284 is limited to a total combined diversion rate of 5.88 cfs, a total combined annual diversion volume of 1440 af, and to the irrigation of a combined total of 360 acres in Section 28 in a single irrigation season.
8. Rights 36-02254A and 36-02284 are also diverted through the points of diversion described above.

Witness my hand this *15TH* day of *July*, 19*94*.

Acting for *R. Keith Higginson*, Director

JUL 21 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08401 Telephone No. 733-24992. Name(s) of Permit Holder(s): 3434-A E. 4000 N., Kimberly, ID 833413. Post Office Address: H&S Farms Inc.4. Source of Water: Groundwatera. If ground water, well driller's name: _____ Date drilled: 1950sb. Pump horsepower: 250 + 100 hp Pressure (psi): 55-60 Dynamic pumping level (ft.): 280'5. Extent of Use: booster

Domestic _____ (No. of households)

Irrigation 360 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 0.68 cfs _____ acre/feet

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

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

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ No will be installed8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

Harold Seeley
Namesame
Telephone No.same

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.

4-11-91
DateHarold Seeley
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08401

Proposed Priority: November 28, 1988 Maximum Diversion Rate: 0.68 CFS
This is to certify, that **H & S FARMS INC.**
3434-A E. 4000 N.
KIMBERLY, ID 83341

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	0.68 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSESE Sec. 28, Township 09S, Range 21E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	21E	28	SWNE 20	SENE 20	SWNW 10	
			SENW 10	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 35	SESE 25	360

Total number of acres irrigated: 360

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. 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.

MICROFILMED

APR 12 1991

State of Idaho
Department of Water Resources

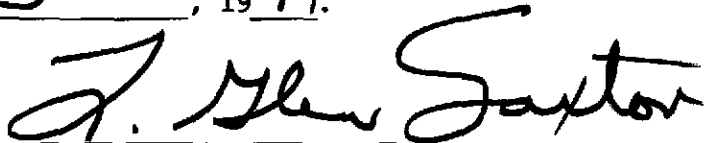
PAGE 2

Permit To Appropriate Water

NO. 36-08401

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

1st day of April, 1991.


R. Keith Higginson, Director

for



RECORDED
INDEXED

APR 12 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 HYS FARMS INC Phone 733 2499

Post office address 3434-NE 4000 N KIMBERLY IDAHO 83341

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

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

Sec. 28 Township 9S Range 21E B.M. Jerome County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.68 for IRRIGATION purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.68 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 20" well @ 380' Deep
300HP Turbine Pump. 100 HP Booster. (EXISTING)

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 yr years (minimum 1 year).

APR 12 1991

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 8 1/2
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	21E	28									40	40	40	40	40	40			240
		28			20	20			10	10							35	25	120

Total number of acres to be irrigated 360

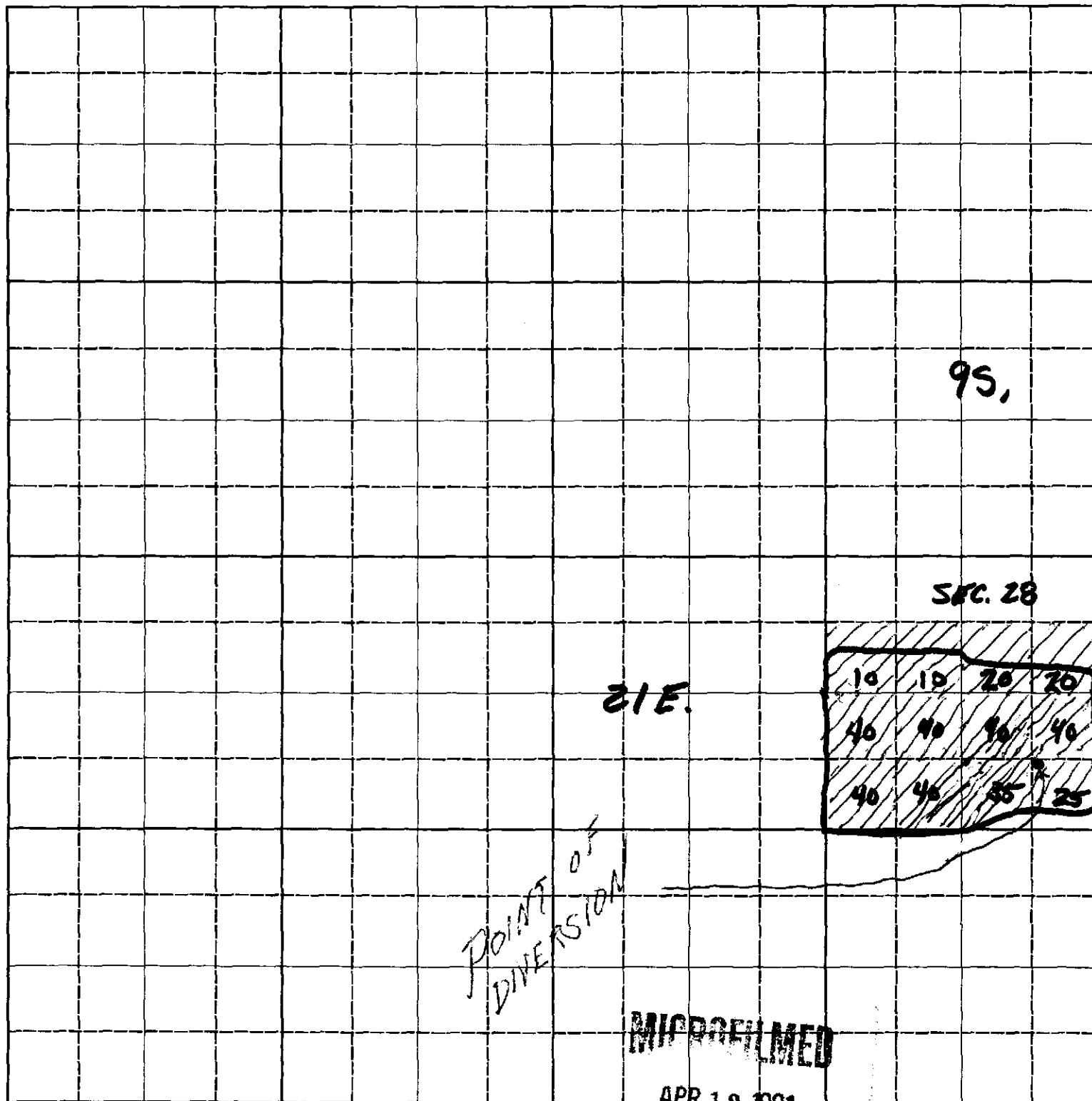
10. Describe any other water rights used for the same purposes as described above. Lic. # 36-02254

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

12. Remarks: Additional water from use of Booster added in March 1969. Adjudication Claim has been filed also A36-02254 which includes this extra water.

APR 12 1991

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



Scale: 2 inches equal 1 mile.

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

HVS FARMS INC.

Harold H. Seely, Pres.
(Applicant)

Received by SCC Date 11/28/88 Time 2:00 PM Preliminary check by J.F. Stanton
Fee \$ 45⁰⁰ Receipted by SCC # S004054 Date 11/29/88
Publication prepared by Brenda Miller Date 2-12-91 Published in Northside News
Publication approved TJL Date 2-21-91

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:

FILED

APR 12 1991

In regards to your request for
list of Corporate officers for W & S
Farms Inc.

RE: Permit # 36-08400, 36-08401,
36-08402, 36-08403.

President: Harold J. Suley
Sect. & Treas. Chella Suley

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MAR 24 1989

Department of Water Resources
Southern Region Office

MICROFILMED

APR 12 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 18, 1994

H & S FARMS INC
3434-A E 4000 N
KIMBERLY ID 83341

RE: WATER RIGHT NO. 36-08401

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

JUL 21 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 11, 1994

H & S FARMS INC
3434-A E 4000 N
KIMBERLY ID 83341

RE: WATER RIGHT NO. 36-08401

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED
MAY 21 1994

WR0749NP
No. L36-08401

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H & S FARMS INC 3434-A E 4000 N KIMBERLY ID 83341 (208) 733-2499	11/28/1988	IRRIGATION	04-01 10-31	0.68 CFS	
TOTAL DIVERSION:					0.68 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 7.72 CFS

Point(s) of Diversion: T09S R21E S28 SWSW NWSE JEROME County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE																
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM									
09S	21E	28	:					20		16	:					16		21	:	40		35		40		38	:	40		38		33		23	:	360.0
																											TOTAL ACRES		360.0							

Pou County: JEROME

Other Rights: 36-02254

Other Water Rights with Same Point(s) of Diversion and Source:
36-02254 36-02284

Other Water Rights Listing Overlapping Place(s) of Use:
36-02254 36-02284 36-08401

Conditions of Approval:

- R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.
- R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.
- R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.

Remarks: Use of this right with a portion of Rights 36-02254A and
36-02284 is limited to a total combined diversion rate of
5.88 cfs, a total combined annual diversion volume of 1440 af,
and to the irrigation of a combined total of 360 acres in
Section 28 in a single irrigation season.
Rights 36-02254A and 36-02284 are also diverted through the
points of diversion described above.

WR0749NP
No. L36-08401

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/94
PAGE: 2

=====

Dates:	App. Received:	11/28/1988	Priority Date:	11/28/1988
	Proof Due Date:	04/01/1992	Proof Made Date:	04/15/1991
	Exam Made Date:	07/15/1992	Exam Sent to S.O.:	12/15/1993
	Licensed Date:			
Misc:	Water District Number:		Field Exam Fee:	R (Received)
Audit:	05/10/94 BCHAPMAN			

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

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM																																																																								
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE																																																																										
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																																																																											
L3608401	T09S R21E S28	GROUNDWATER																																																																																																								
	:	20								16								21								40								35								40								38								40								38								33								23								360																
3602254	GROUNDWATE	:	20								20								10								10								40								40								40								40								40								40								35								25								360							
*3602254A	GROUNDWATE	:	20								16								16								21								40								35								40								38								40								38								33								23								360							
3602284	GROUNDWATE	:	20								20								10								10								40								40								40								40								40								40								35								25								360							
*3602284	GROUNDWATE	:	20								16								16								21								40								35								40								38								40								38								33								23								360							
A3602284	GROUNDWATE	:	20								20								10								10								40								40								40								40								40								40								35								25								360							
A3608113	GROUNDWATE	:																																																																																									03								3							
~~3608401~~	~~GROUNDWATE~~	~~:~~	~~20~~								~~20~~								~~10~~								~~10~~								~~40~~								~~40~~								~~40~~								~~40~~								~~40~~								~~40~~								~~35~~								~~25~~								~~360~~							

POU COMPARISON

AJ5809NP
No. 36-02254A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/10/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AURORA FARMS INC 1333W 120 AVE #317 WESTMINISTER CO 80234 (208) 438-8864	03/16/1954	IRRIGATION	04-01 10-31	4.36 CFS	
TOTAL DIVERSION:					4.36 CFS	
D	H & S FARMS INC 3434-A E 4000 N KIMBERLY ID 83341 (208) 733-2499					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R21E S28 SWSWSW SENWSE

JEROME County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	21E	28	:					20	16	:					16	21	:	40	35	40	38	:	40	38	33	23	: 360.0
09S	21E	29	:							:							:					:	17	21	31	28	: 97.0
09S	21E	32	:	26		24		02		:							:					:					: 52.0
09S	21E	33	:							:			11				:					:					: 11.0
																								TOTAL ACRES	520.0		

POU County: JEROME

Other Rights: 36-02284

Other Water Rights with Same Point(s) of Diversion and Source:
36-02284

Other Water Rights Listing Overlapping Place(s) of use:
36-02254 36-02284 A36-02254 A36-02284 A36-08113

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02284 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.42 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2080 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1560 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 520 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02284 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

OVERLAPS

As Recommended

AJ5809NP
No. 36-02254A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/10/94
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag: C

Comments: Date: 05/30/1991 User-ID: MERRITT Subject: SPLITTING OF LICENSE
THE LICENSE WAS SPLIT SINCE DOMESTIC AND IRRIGATION USES FROM
SEPARATE SYSTEMS.

Date: 07/12/1993 User-ID: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 6/29/93 FORMER OWNER H & S FARMS
INC. NEW OWNER AURORAFARMS INC. COPY OF WARRANTY DEED SUBMITTED
WITH FORM.

Audit: 05/30/91 MERRITT 09/12/91 MERRITT 07/10/92 CWU-PROD 07/18/92 POST-STD
08/28/92 PR-PROD 11/02/92 CPSHAW 12/05/92 ADT-SHAW 07/12/93 GIVENS

AJ5809NP
No. 36-02284

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/10/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AURORA FARMS INC 1333W 120 AVE #317 WESTMINISTER CO 80234 (208) 438-8864	05/16/1955	IRRIGATION	04-01 10-31	3.06 CFS	
TOTAL DIVERSION:					3.06 CFS	
D	H & S FARMS INC 3434-A E 4000 N KIMBERLY ID 83341 (208) 733-2499					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R21E S28 SWSWSW SENWSE

JEROME County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE												
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE							
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM					
09S	21E	28	:					20		16	:					16		21	:	40		35		40		38	:	40	38	33	23	360.0
09S	21E	29	:								:								:	17		21		31		28	:					97.0
09S	21E	32	:	26		24		02			:								:								:					52.0
09S	21E	33	:								:			11					:								:					11.0
																								TOTAL ACRES		520.0						

POU County: JEROME

Other Rights: 36-02254

Other Water Rights with Same Point(s) of Diversion and Source:
36-02254A

Other Water Rights Listing Overlapping Place(s) of use:
36-02254 36-02254A A36-02254 A36-02284 A36-08113

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 36-02254A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.42 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2080 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1560 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 520 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02254A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

As Recommended

DATE: 05/10/94
PAGE: 2

```

Dates:      Exam Made Date:      Verified Date:

Misc:      Water District Number:      Field Inspection Flag:
          Presumption Flag:      C

Comments:  Date: 09/12/1991  User-ID: MERRITT  Subject: COPIED FROM REMARKS
          LANDS IN SEC. 28 RECIEVE 25% OF WATER AS SUPPLEMENTAL.

          Date: 07/14/1993  User-ID: GIVENS  Subject: OWNERSHIP CHANGE
          CHANGE OF OWNERSHIP RECEIVED 6/29/93 FORMER OWNER H & S FARMS
          INC. NEW OWNER AURORA FARMS INC. COPY OF WARRANTY DEED SUBMITTED
          WITH FORM.

Audit:      12/28/90 BEDKE  09/12/91 MERRITT  07/10/92 CWJ-PROD  07/18/92 POST-STD
          08/28/92 PR-PROD  11/02/92 CPSHAW  12/05/92 ADT-SHAW  07/14/93 GIVENS

```

LICENSE REVIEW CHECKLIST



PERMIT NO. 36-8401 DATE 5-10-94

NAME	Yes ☐ No ☒	Or Address Change?
PRIORITY DATE	☐ ☒	Advance? ☐ Advanced to: _____ Order to reinstate needed? _____ Incorrect fee for rate recommended? _____
SOURCE	☐ ☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☒ ☐	Amendment needed? <u>Change to SWSW & NWSE</u> Overlaps? <u>36-2284 AND 36-2254A</u>
PLACE OF USE	☐ ☒	Amendment needed? _____ Overlaps? <u>36-2284 and 36-2254A</u>
DIV RATE	☐ ☒	Measurement done? <u>Polysonic</u> Theoretical only? _____
CAPACITY MINUS TOTAL RATES = .30		<u>NWSE WELL (#1) = 4.16</u>
360 acres of 36-2284 = 2.19		<u>SWSW WELL (#2) = 3.06</u> <u>360 x .02 = 7.2</u>
360 acres of 36-2254A = 3.02		Capacity: <u>7.22</u> Combined rates exceed capacity <u>YES</u>
AVAILABLE = .68 OK		Allowable amount: <u>.68 CFS</u> <u>CONDITION</u>
ANNUAL VOLUME		Season of use: <u>4.0</u> (4-1 to 10-31)
		Calculations: <u>360 x 4 = 1440</u>
		Flow limit: _____ cfs x _____ x 1.9835 = _____
		Combined volumes exceed capacity/allowable <u>YES</u> <u>CONDITION</u>
USES	☐ ☒	Change(s) in Nature of Use? _____ Amendment necessary? _____
REMARKS	<u>W28 (Edit)</u>	Multiple p/d(s) in 1/4 1/4? _____ Other <u>W36</u>
CONDITIONS	☐ ☒	Measuring/Locking Devices
	☐ ☒	Watermaster control - District _____
	☐ ☒	Irrigation Overlap
	☐ ☒	Water Quality
	☒ ☐	Other <u>Trust R55, 56, 57</u>
COMMENTS:	<u>Adjust condition/remarks</u>	
	<u>Amend P/D</u>	

RECOMMENDED

CFS

VOLUME

LICENSE _____

Irrigation

.68

1ST AMENDMENT LETTER P39 + P38

FINAL AMENDMENT LETTER P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 16 1993

Department of Water Resources

A. GENERAL INFORMATION

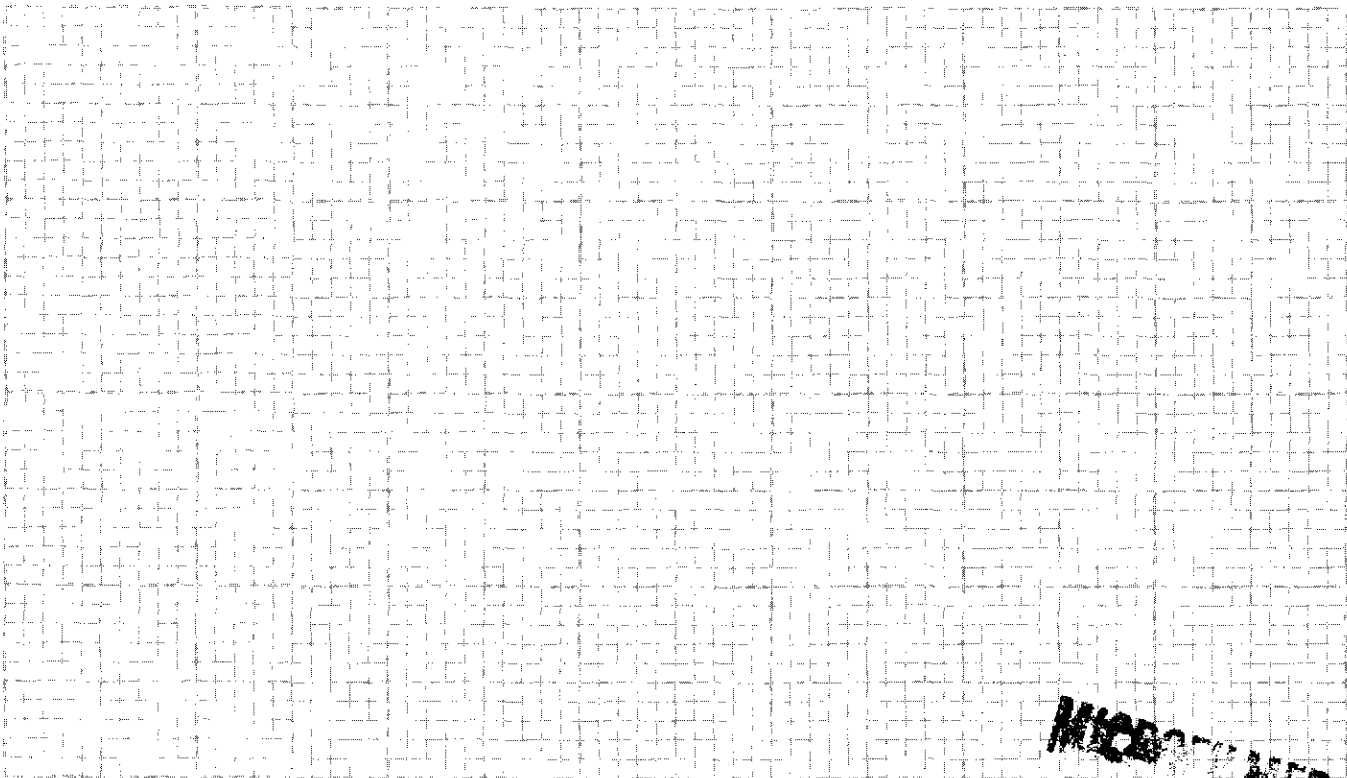
1. Owner: H & S Farms Inc. Permit No. 36-8401
Current Address: 3434-A. E. 4000 N. KIMBERLY, 83341 Phone No. 733-2499
2. Accompanied by: Harold Seeley EXAM. DATE: 7-15-92
Address: _____ Phone No. _____
Relationship to Permit Holder: Co-owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-2284 ☒ Copies Attached
2. Other water rights with same point of diversion: 36-2294, 36-2284
☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

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System Description (continued)

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

Well pump diverts water to 12" m.l. to approx. 1 mi. m.l. 16 laterals of varying length are used.
Pressure at end of lateral = 55 psi. Nelson constant flow nozzles used are rated at 4.3 gpm. 40' spacing of sprinklers.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
① Main	G.E.	250	550508008	Layne	
② booster	U.S. Elec.	100	40423	Peerless	
	?				

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
①		SE 1/4	28	9S	21E	Jerome	AREAL PHOTO
②		NW SW SW	28	9S	21E	Jerome	Quad Map Jx 10/28/92

6. **Place(s) of Use:**

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
~~9S~~	~~21E~~	~~20~~			~~20~~	~~16~~			~~10~~	~~10~~	~~40~~	~~35~~	~~40~~	~~38~~	~~40~~	~~38~~	~~38~~	~~22~~	~~336~~
9S	21E	28			20	16			16	21	40	35	40	38	40	38	38	23	360

Do not use this space

JUL 21 1994

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonics meter	Tyne Flyte		TF-P	N7H5506	SM	

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

NW well: 4.66 cfs. (measured)
 SESE well: 3.16 cfs. (previous exam)
 SWSW well: 3.16 cfs. (# 36-2284)

2. Alternate Method for Checking Purposes:

7.82

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3)

Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

$360 \times 4.0 = 1440$
 $338 (4.0) = 1352.0 \text{ afa}$

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

$4.66 (314) (1.98) = 2897.2 \text{ afa}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1352.0 \text{ afa}$

2. Volume Calculations for Other Uses:

JUL 21 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

~~A see attached overlap analysis~~

well in SWSW of sec 28 also supplies water to acres under this permit.

Previous licenses provided full volume for the land, no new acres or volume is recommended.

In combination with 36-2254 and -2284 no more than 5.88 cfs or 1440 AFA may be diverted for the land in Sec 28

I. RECOMMENDATIONS

1. Recommended Amounts

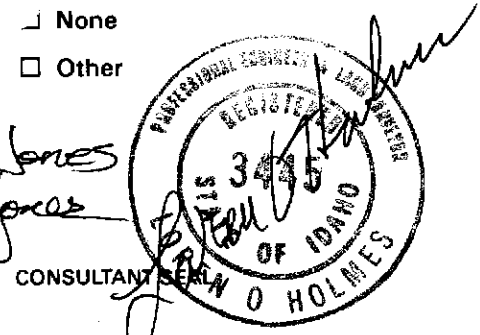
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4-1	10-31	0.68	1352.0
Totals:			0.68	1352.0

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

J. AUTHENTICATION

Field Examiner's Name REAN W. BLOCK / Douglas Jones
Signature [Signature]
Certification Date 3/31/93
Field Report Preparation Date 8-9-92



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

RECEIVED

JUL 21 1994

36-8401

MODE SELECT
INPUT

OUTER DIAMETER
12.1083 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.1900 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.466 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO QFR

00-09 01:0700 *R
+ 2.096E 3GPM

00-09 01:0800 *R
+ 2.091E 3GPM

00-09 01:0900 *R
+ 2.088E 3GPM

00-09 01:1000 *R
+ 2.097E 3GPM

$$\begin{aligned}\bar{Q} &= 2093 \text{ GPM} \\ &= 4.66 \text{ cfs}\end{aligned}$$

①
SENSE 528

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JUL 21 1994

5.21

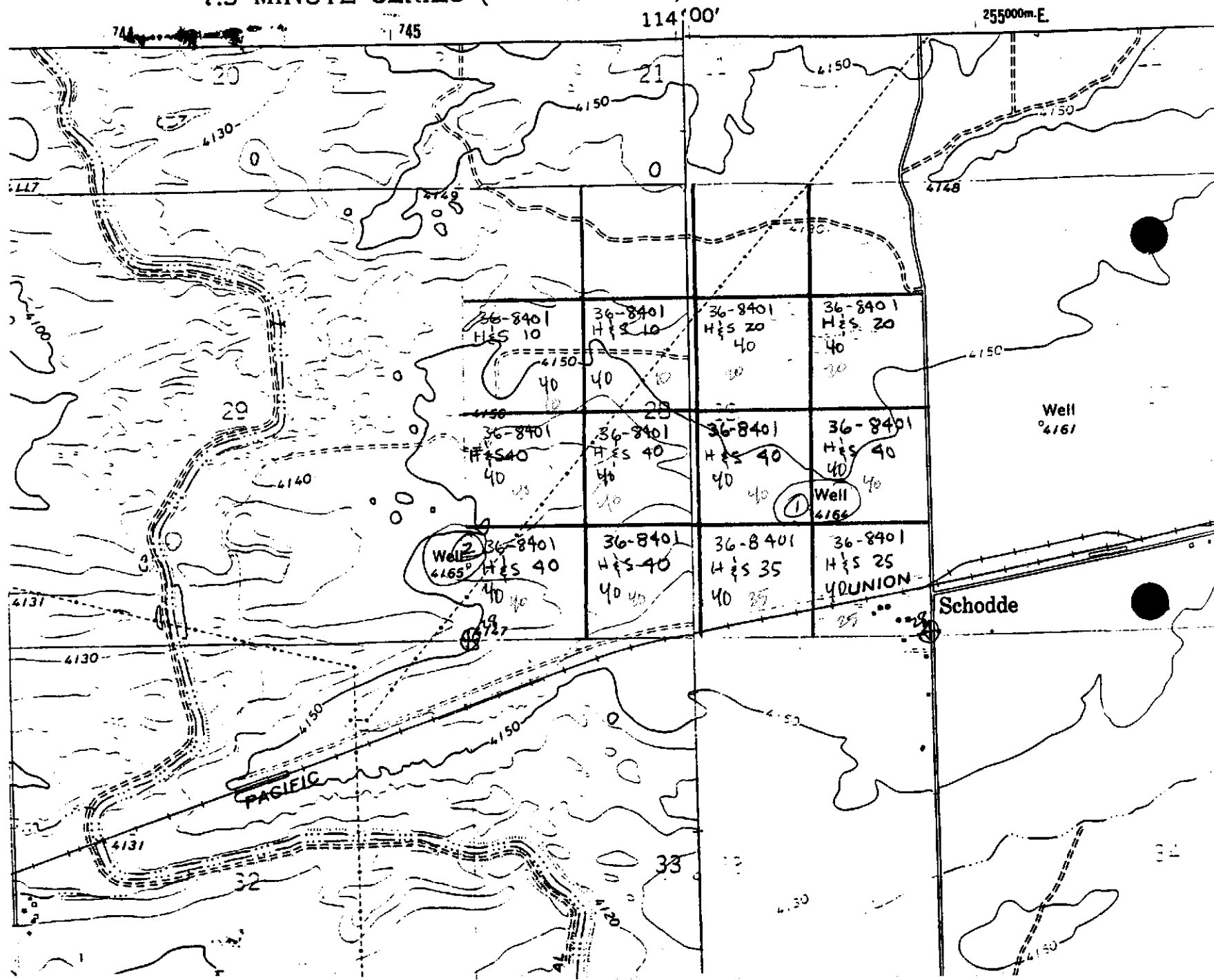
95 21E SEC 28

36

MILNER QUADRANGLE
IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

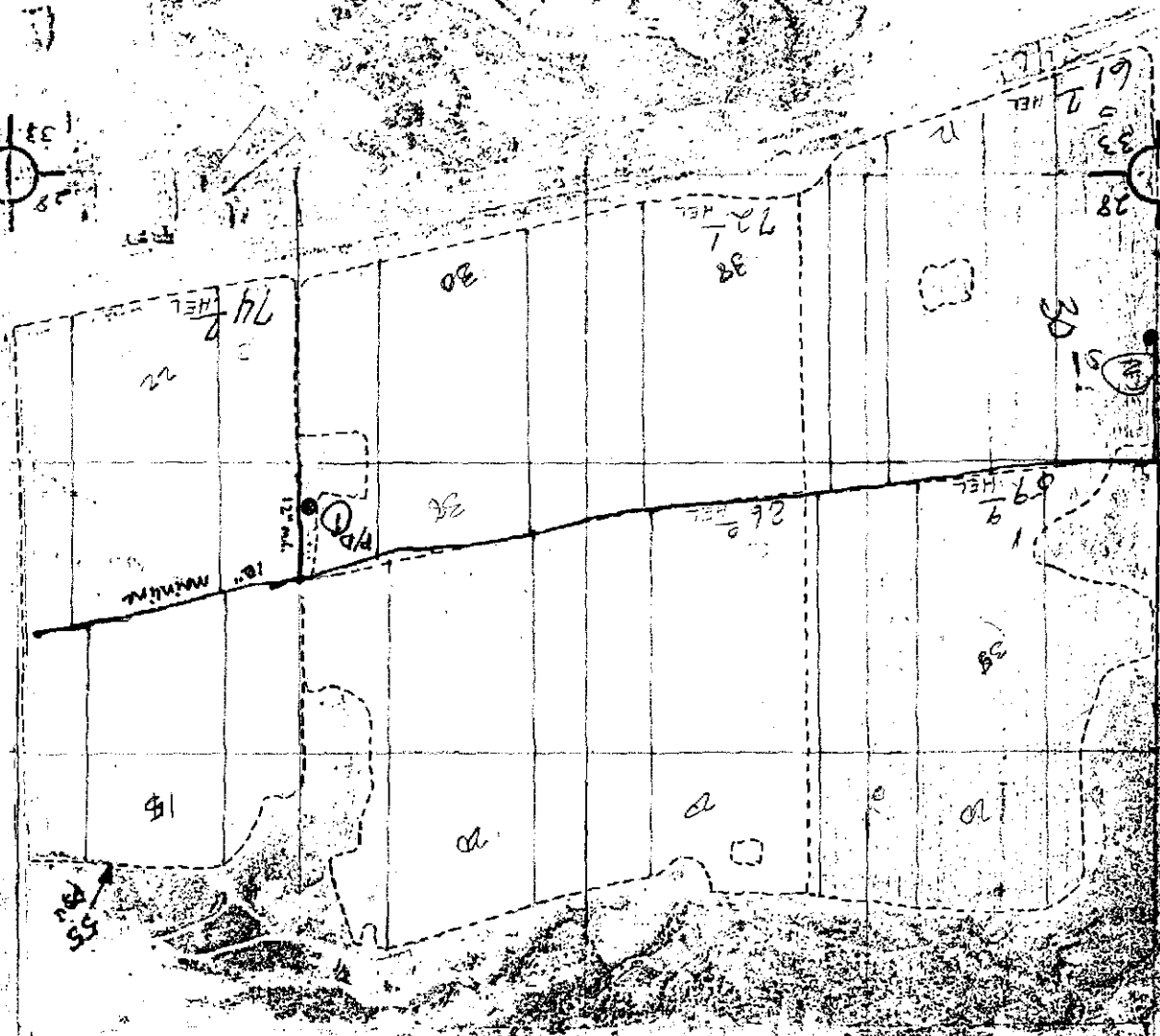
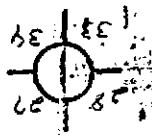


JUL 21 1994

JUL 11

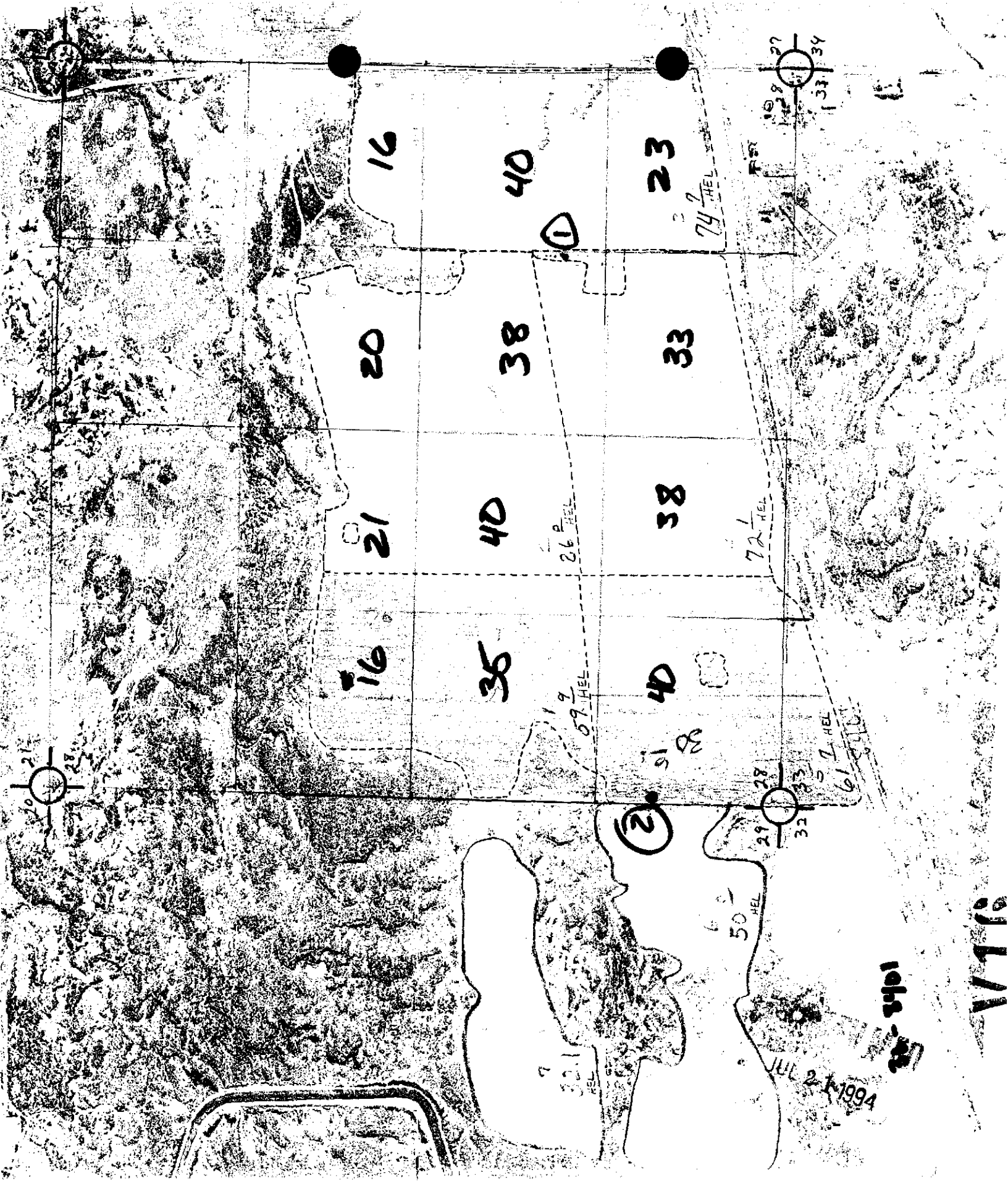
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36-8401



JUL 21 1994





101-3401

JUL 2 1994

1116

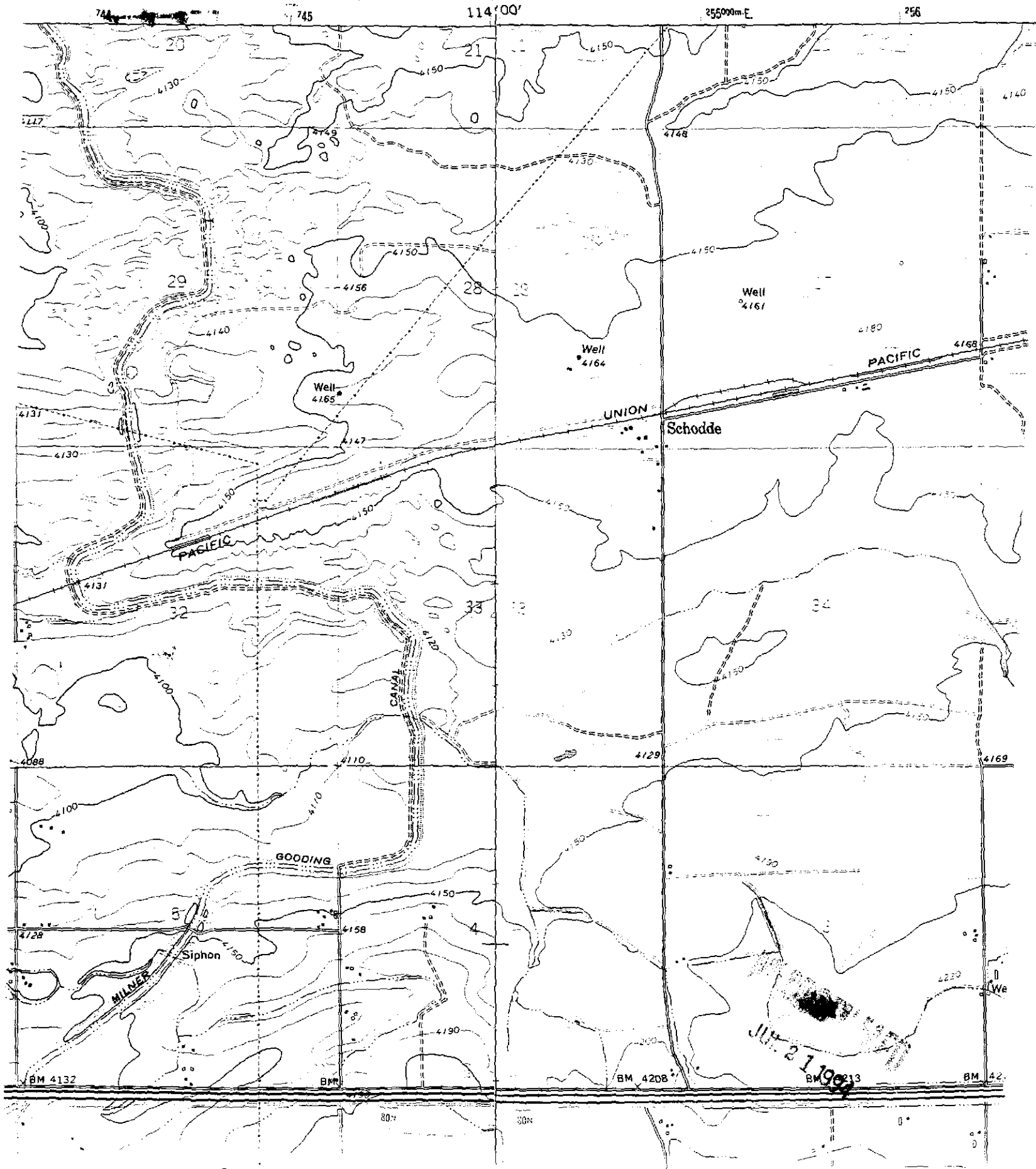
95 21E SEC 28

MILNER QUADRANGLE
IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

36-8401



36-8401

DJ 11/11/92

Overlap

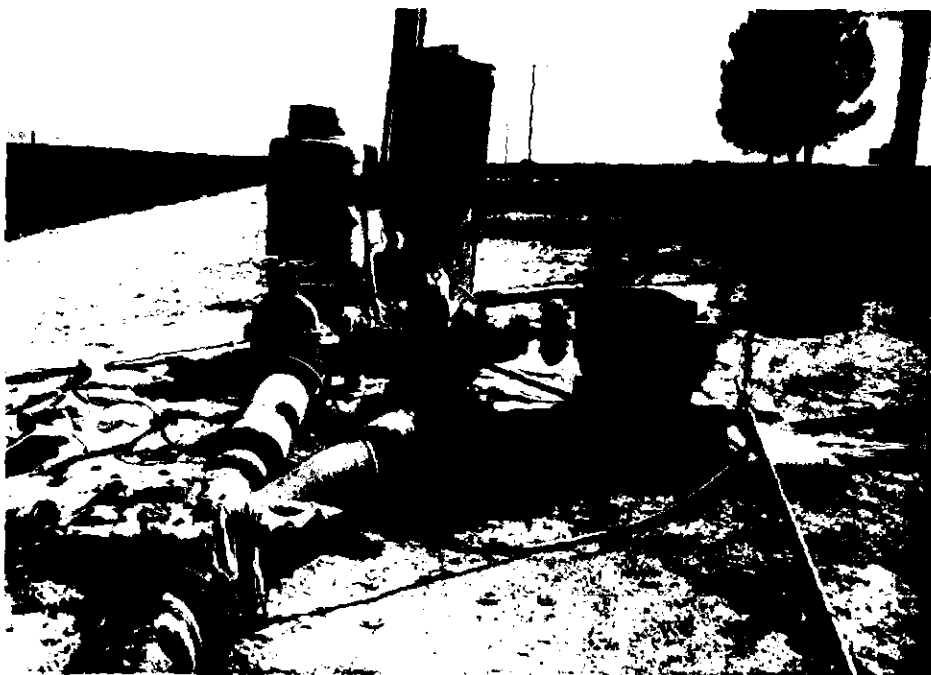
SRA 36-2254

36-8401	21E	28		20	16	21	40	35	40	38	40	38	33	23	335-360
36-8401	21E	28		20	20	10	40	40	40	40	40	40	35	25	360 (0.68)
36-2254	21E	28		20	20	10	40	40	40	40	40	40	35	25	360 (4.448)
36-2284	21E	28		20	20	10	40	40	40	40	40	40	35	25	360 (6.768)
		29									30	20	20	20	
		32	30	30											160 (2.308)
		33													2-346

110

JUL 21 1994

36-8401



well #1



well #1

JUL 21 1994

36-8401



P/U



P/U

JUL 21 1994

JUN 18 1993

WELL DRILLER'S REPORT

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

1. WELL OWNER

Name Don Taber
Address 474 U. S. Highway 26 Shoshone, ID
Drilling Permit No. 37-93-S-0079-001 83352
Water Right Permit No. 37-8401

2. NATURE OF WORK

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

3. PROPOSED USE

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

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☐ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

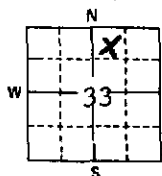
Surface seal depth _____ Material used in seal: ☐ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port _____ Side port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Lincoln

Address of Well Site _____ (give at least name of road)

T. 5 N ☐ or S ☒
NW 1/4 NE 1/4 Sec. 33 R. 18 E ☒ or W ☐

7. WATER LEVEL

Static water level 190 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
	0	240	Old hole		
13"	240	251	Hard gray lava		x
	251	254	Soft lava		x
	254	261	Hard lava		x
	261	262	Broken lava	x	
	262	294	Hard lava		x
	294	299	Broken lava	x	
	299	315	Hard lava		x
	315	320	Broken lava	x	
	320	330	Solid lava		x

RECEIVED

MAY 24 1993

Department of Water Resources
Southern Region Office

RECEIVED

JUL 21 1994

10.

Work started 5-20-93 finished 5-20-93

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Elsing Drilling Firm No. 31P.O. Box 919Address Twin Falls, ID 83303 Date 5-22-93Signed by Drilling Supervisor Arnold Elsing

and

(Operator) Lloyd Hoyer
(If different than the Drilling Supervisor)

April 25, 1991

H & S FARMS INC.
3434-A E. 4000 N.
KIMBERLY, ID 83341

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08401

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)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED
MAY 31 1991

MAY 31 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 36-8461

Date 4-19-91

GENERAL CONSIDERATIONS

☒ Name same as permit?
☒ Address same as permit? If no, prepare data entry form.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

☐ Surface water source
☒ Ground water source
1950's ☒ Drill permit req'd?
☒ Copy in file? Drill permit no. _____
☒ Well log in file?
☒ Amt paid for drilling permit? _____ Correct?

LICENSE EXAMINATION FEE

yes Required?
100.00 Amount submitted?
yes Correct amount?

MEASURING DEVICE

no Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Lb Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<i>NA</i>	_____
<i>/</i>	- _____
<i>/</i>	= _____
<i>/</i>	+ _____
<i>/</i>	= _____



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 4, 1991

H & S FARMS INC.
3434-A E. 4000 N.
KIMBERLY, ID 83341

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08401

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.

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

RECEIVED

APR 12 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

MICROFILMED

APR 12 1991

AFFIDAVIT of PUBLICATION

FEB 28 1991

State of Idaho, }
County of Jerome } SS.

Department of Water Resources

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 20th day of Feb.

1991, and the date of the last publication was on the 27th

day of Feb., 1991.

Patty Mauer

Subscribed and sworn to before me this 27th

day of Feb., 1991.
(SEAL)

Vivian Gendreau
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2

Lines tabular at _____ 6¢/Pica

Lines straight at 16.00 5¢/Pica

Subsequent lines at 13.50 4¢/Pica

TOTAL COST 20.30

COPY OF NOTICE

(Paste Here)

Not. Appl. Sub. Water R.
TITLE OF NOTICE

H. & S. Farms, Inc.

72-62401
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

H. & S. Farms, Inc.
BILL TO Prison

NOTICE OF THE
H & S FARMS, INC.
3434 S. 2ND N.
KIMBERLY, ID 83341
Source: GROUND WATER
Division: Pt. SW SE Sec 26 T 33S R
21E
Net IRRIGATION (1,000 CFS)
Total Diversion: (1,000 CFS)
Determination of the
In the case of the
These laws shall remain in effect
The amount will be subject to all prior
water rights. Protests may be submitted
based on the criteria in Sec. 42-203C,
Idaho Code under the new public in-
terest clause of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mall, Boise, Idaho 83726 on
or before March 11, 1991.

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

NO 3481

APR 12 1991 5244

ok
BJL
2-28-91

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

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

FEBRUARY 12, 1991

Northside News
Box 468
Jerome, ID 83338

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 11, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

APR 12 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08401

H & S FARMS INC.
3434-A E. 4000 N.
KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: NWSESE Sec 28 T 09S R 21E

Use: IRRIGATION (.680 CFS)
Total Diversion: (.680 CFS)

Date Filed: 11/28/ 1988

In: T09S R21E S28	SWNE	SENE	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE

360.0 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 MARCH 11, 1991.

Published 2/20/1991 & 2/27/1991

R. Keith Higginson, Director

MICROFILMED

APR 12 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO.s 36-8400, 8401, 8402 & 8403/Trust Water
Processing & Rule 4,5. Info

DATE: 1-31-91

These applications are trust water filings which have come up for sequential processing under the appropriate rules and statutes. The applicants returned a trust water questionnaires claiming development prior to 1984. These groundwater applications are supplemental filings and have been filed only to increase the rate of diversion of existing licensed rights. All land under the applications are covered by the existing licensed rights except for application no. 36-8400. This later filing does include an expansion of about 35 acres. I have reviewed a 1983 infrared photo and have found that this same acreage was irrigated in that year.

All four filings are considered trust water filings due to their priority dates. Since these are supplemental filings which serve only to increase recorded rates of diversions under existing rights, the acreage under the filings is not considered trust acreage. Also, since the development has long been in place, information required under Water Appropriation Rule 4,5,3. is not applicable in this case.

MICROFILMED

APR 12 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 36-8401

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.)

Pumping capacity was increased in 1969. All 360 acres were irrigated then - same as original license

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.

36-2254

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 368 Farms Inc

Date 1-28-91

Harold J. Seelye
Harold J. Seelye Inc

APR 12 1991

CONDITIONAL SALE SECURITY AGREEMENT

(Miscellaneous)

(Please Print)

FIGURE INTEREST FROM

Sold to (Name) H & S Farms, Inc.
 Street, Route or c/o Harold J. Seeley
 Box Number Route 1

PAID
 APR 11 1975
 THE IDAHO FIRST NATIONAL BANK
 BOISE, IDAHO

Date April 15, 1970
 City Boise County Minidoka State Idaho

QUANTITY	NEW OR USED	MAKE	MODEL	SERIAL NUMBER	DESCRIPTION OF ARTICLES	CASH PRICE
1	N	100 HP Peerless	Pump w/ Panel			
1	N	12" Check Valve				
10	N	3" x 1280' Solid Set	Laterals			
40	N	3" x 20' with Solid Set	Couplers & sprinklers			
5	N	3" x 1300' Ames	Hand Move Laterals, complete			
165	N	#30EF Rainbird	Sprinklers w/ 3/64 nozzle			
330	N	1" x 28" Risers				
1600	N	7/64 Brass	nozzles for Rainbirds			

Buyer (meaning all of the undersigned jointly and severally) hereby buys from Seller on the terms and conditions set forth herein and on the reverse side hereof, and acknowledges delivery, examination and acceptance of the property described above in its present condition, for the time sale price as set forth in item 8 shown herein; payable as

THE IDAHO FIRST NATIONAL BANK

In Boise, Idaho
 In five (5) installments of \$ 3,231.02
 commencing April 15, 19 71 and
 a like amount on the same date of each month thereafter, or as indicated in the schedule of installments listed below.

In addition to payment schedule above, there is a Balloon Payment due 19
 In the amount of

In addition to the above payments, interest from date at the rate of 9.5 per centum per annum shall be paid on the indicated payment dates upon the balances remaining from time to time unpaid.

OBLIGATION TO MAKE PAYMENTS. All payments shall be made at the office of Seller, or if this Security Agreement is assigned, then at such office as the assignee shall designate in writing to Buyer. Installments remaining unpaid when due shall thereafter bear interest at the highest lawful rate, together with reasonable collection costs.

PERFECTION OF SECURITY INTEREST. The Buyer agrees to execute and file financing statements and do whatever may be necessary under applicable law to perfect and continue the Seller's interest in the Goods, all at Buyer's expense.

SALE PROHIBITED. Buyer will not sell or offer to sell or otherwise transfer the Goods or any interest therein without the written consent of Seller.

INSURANCE. Buyer will keep the goods continuously insured by an insurer approved by Seller against fire, theft and other hazards designated at any time by Seller, in an amount equal to the full insurable value thereof or to all sums secured hereby, with such form of loss payable clause as designated by and in favor of Seller, and will deliver the policies and receipts showing payment of premiums to the Seller. In the event of loss, Seller shall have full power to collect any and all insurance upon the Goods and to apply the same at its option to any obligation secured hereby, whether or not matured, or to the restoration or repair of the property. Seller shall have no liability whatsoever for any loss that may occur by reason of the omission or lack of coverage of any such insurance.

LATE CHARGE. In the event that a monthly installment becomes 16 days or more past due, the makers agree to pay the holders a late charge in the amount of 4% of the monthly installment, provided that each late charge shall not exceed the sum of \$4.00 for each past due installment.

INSURANCE AGREEMENT. The purchase of credit insurance is required for credit.

Credit Life Insurance at a cost of \$ Credit Life & Accident and Health Insurance at a cost of \$ for the term of the contract.
 I (do) (do not) desire credit insurance. I (do) (do not) desire (Physical Damage) (VSI) insurance at a cost of \$

Dated , 19 Signed

1. Cash Price	\$ <u>15,310.00</u>
2. Less Cash Down Payment	\$ <u>3,062.00</u>
Trade In	\$ <u></u>
Total Down Payment	\$ <u>3,062.00</u>
3. Unpaid Balance of Cash Price	\$ <u>12,248.00</u>
4. Other Charges	
Insurance: Life	\$ <u></u>
H & A	\$ <u></u>
Phys. Damage	\$ <u></u>
Official Fees	\$ <u></u>
5. Amount Financed	\$ <u>12,248.00</u>
6. FINANCE CHARGE	\$ <u>3,907.10</u>
7. Deferred Payment Price (1 plus 4 plus 6)	\$ <u>19,217.10</u>
8. Total of Payments	\$ <u>16,155.10</u>
9. ANNUAL PERCENTAGE RATE	<u>10</u> %

ADVERSE LIENS AND USE. Buyer will keep the Goods free from any adverse lien, security interest or encumbrance. Buyer will not create nor permit the existence of any adverse lien, security interest or encumbrance other than that created hereby on the Goods without the written consent of Seller. Any certificate of title now or hereafter existing on any of the Goods will be delivered to Seller and will recite the interest of Seller. Buyer will keep the Goods in good order and repair and will not waste or destroy the Goods or any part thereof. Buyer will not use or permit anyone to use the Goods in violation of any statute, ordinance, or state or federal regulation; and Seller may examine and inspect the Goods at any reasonable time, wherever located.

TAXES AND ASSESSMENTS. Buyer will pay promptly when due all taxes and assessments upon the Goods or for its use or operation or upon this agreement or upon any note or notes evidencing the obligations.

WAIVER OF WARRANTIES. The Buyer has made an independent investigation of the purchased property and has relied solely upon his own investigation with reference thereto in entering into this Security Agreement, and has placed no reliance upon any representations or warranties upon the part of the Seller or Seller's agent not specifically set forth herein. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. Manufacturer's warranties are theirs not Seller's.

It is understood and agreed that there is no representation or warranty that the "year and model" of said property as herein above stated, correctly states the year in which said property was manufactured, but is merely used for convenience in describing it.

NOTICE TO BUYER. You are entitled to a copy of the Security Agreement you sign. You have the right to pay in advance the unpaid balance of this agreement and obtain a refund of the finance charge based on the Rule of 78's, except

(Miscellaneous)
(Please Print)

USE INTEREST FROM
6369
May 15 1969

Sold to (Name) H & S Farms, Inc. 8464 Date May 15 1969
Street, Route or Box Number 645 Fifth Street City Rupert County Minidoka State Idaho

QUANTITY	NEW OR USED	MAKE	MODEL	SERIAL NUMBER	DESCRIPTION OF ARTICLES	CASH PRICE
2100'	N	10" x .064	Aluminum Mainline w/valves every 50'			
500'		8" x .064	Aluminum Mainline w/valves every 50'			
1		10" x 8"	Reducer			
1		8"	End Plug			
1		10"	Check Valve			
1		100 HP	Peerless Pump w/Panel			
52		3" x 1280'	Solid Set Laterals, complete			
52		3"	End Plugs, extra			
26		3" x 3" x 4"	Valve Opening Tees, extra			
1		10" x 10" x 10"	Mainline Wye			

Buyer (meaning all of the undersigned jointly and severally) hereby buys from Seller on the terms and conditions set forth herein and on the reverse side hereof, and acknowledges delivery, examination and acceptance of the property described above in its present condition, for the time sale price as set forth in item 8 shown herein; payable at

THE IDAHO FIRST NATIONAL BANK

in Boise Idaho
in seven (7) installments of \$ 4,548.95
commencing May 15 1970 and
a like amount on the same date of each year thereafter, or
as indicated in the schedule of installments listed below.

In addition to the above payments, interest from date at the rate of 9 per centum per annum shall be paid on the indicated payment dates upon the balances remaining from time to time unpaid (Insert "none" if item 7 is used).

OBLIGATION TO MAKE PAYMENTS. All payments shall be made at the office of Seller, or if this Security Agreement is assigned, then at such office as the assignee shall designate in writing to Buyer. Installments remaining unpaid when due shall thereafter bear interest at the highest lawful rate, together with reasonable collection costs.

PERFECTION OF SECURITY INTEREST. The Buyer agrees to execute and file financing statements and do whatever may be necessary under applicable law to perfect and continue the Seller's interest in the Goods, all at Buyer's expense.

SALE PROHIBITED. Buyer will not sell or offer to sell or otherwise transfer the Goods or any interest therein without the written consent of Seller.

INSURANCE. Buyer will keep the goods continuously insured by an insurer approved by Seller against fire, theft and other hazards designated at any time by Seller, in an amount equal to the full insurable value thereof or to all sums secured hereby, with such form of loss payable clause as designated by and in favor of Seller, and will deliver the policies and receipts showing payment of premiums to the Seller. In the event of loss, Seller shall have full power to collect any and all insurance upon the Goods and to apply the same at its option to any portion secured hereby, whether or not matured, or to the restoration of the property. Seller shall have no liability whatsoever for any loss that may occur by reason of the omission or lack of coverage of any such insurance.

THE TERMS AND CONDITIONS APPEARING ON THE BACK HEREOF ARE PART OF THIS SECURITY AGREEMENT

Signed and delivered on the day and year first above written.

Seller G. T. NEWCOMB, INC.
By A. J. Newcomb President
Box 216, Ketchum, Idaho

CASH PRICE	\$39,803.26
SALES TAX	None
TOTAL CASH PRICE	\$39,803.26
1. Total Cash Price	\$39,803.26
2. Trade In (Describe)	
A. Trade In Allowance	\$
B. Cash Payment by Buyer	\$ 7,960.61
Total Down Payment	\$ 7,960.61
Unpaid Cash Price (Line 1 minus Line 2C)	\$31,842.65
Insurance (on reverse)	Life \$
H&A	\$
6. Total Base Time Price (Add lines 3, 4 and 5)	\$31,842.65
7. Time Price Differential	\$
8. Total Time Price Balance (Add lines 6 and 7)	\$

ADVERSE LIENS AND USE. Buyer will keep the Goods free from any adverse lien, security interest or encumbrance. Buyer will not create nor permit the existence of any adverse lien, security interest or encumbrance other than that created hereby on the Goods without the written consent of Seller. Any certificate of title now or hereafter existing on any of the Goods will be delivered to Seller and will recite the interest of Seller. Buyer will keep the Goods in good order and repair and will not waste or destroy the Goods or any part thereof. Buyer will not use or permit anyone to use the Goods in violation of any statute, ordinance, or state or federal regulation; and Seller may examine and inspect the Goods at any reasonable time, wherever located.

TAXES AND ASSESSMENTS. Buyer will pay promptly when due all taxes and assessments upon the Goods or for its use or operation or upon this agreement or upon any note or notes evidencing the obligations.

WAIVER OF WARRANTIES. The Buyer has made an independent investigation of the purchased property and has relied solely upon his own investigation with reference thereto in entering into this Security Agreement, and has placed no reliance nor acted upon any representations or warranties upon the part of Seller or Seller's agent not specifically set forth herein. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. Manufacturer's warranties are theirs not Seller's.

It is understood and agreed that there is no representation or warranty that the "year and model" of said property as hereinabove stated, correctly states the year in which said property was manufactured, but is merely used for convenience in describing it.

The undersigned acknowledges receipt of a copy of the agreement.

H & S FARMS, INC.
Ben K. Humphrey
W. L. W. R. 2.1

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				
3608401																										
3602254	HUMPHREY	L	GROUNDWATER	09S	21E	28			20	20	:	10	10	:	40	40	40	40	:	40	40	35	25	360	-	4.44 cfs
3602284	HUMPHREY	L	GROUNDWATER	09S	21E	28			20	20	:	10	10	:	40	40	40	40	:	40	40	35	25	360	-	2.12 cfs
3608113	CRESTVIEW FARM ASSN. N P		GROUNDWATER	09S	21E	28					:			:					:					3		
3608401	H & S FARMS INC.	A	GROUNDWATER	09S	21E	28			✓20	20	✓:	✓10	10	✓:	40	40	40	40	✓:	40	40	35	25	✓360	✓	
L3608113	CRESTVIEW FARM ASSOC.	L	GROUNDWATER	09S	21E	28					:			:					:					1		
	1986 MAPPING DATA ---	-	COUNTY 53 QUAD BB 77	09S	21E	28	11		34	34	:	25	30	:	39	39	42	36	:	39	40	33	40	442		

All lands covered by existing license
 Application 36-8401 raises rate of DR. to 0.02 cfs/Acre.

APR 12 1991

RECEIVED



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

January 7, 1991

RE: APPLICATION FOR PERMIT NO. 36-8401

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.

APR 12 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

MICROFILMED

APR 12 1984

08-Mar-1989

H & S Farms, Inc.
3434 A E. 4000 N.
Kimberly, ID 83341

Re: Application for permit No. 36-08400, 36-08401, 36-08402,
36-08403

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. Please submit list of corporate officers.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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APR 12 1991