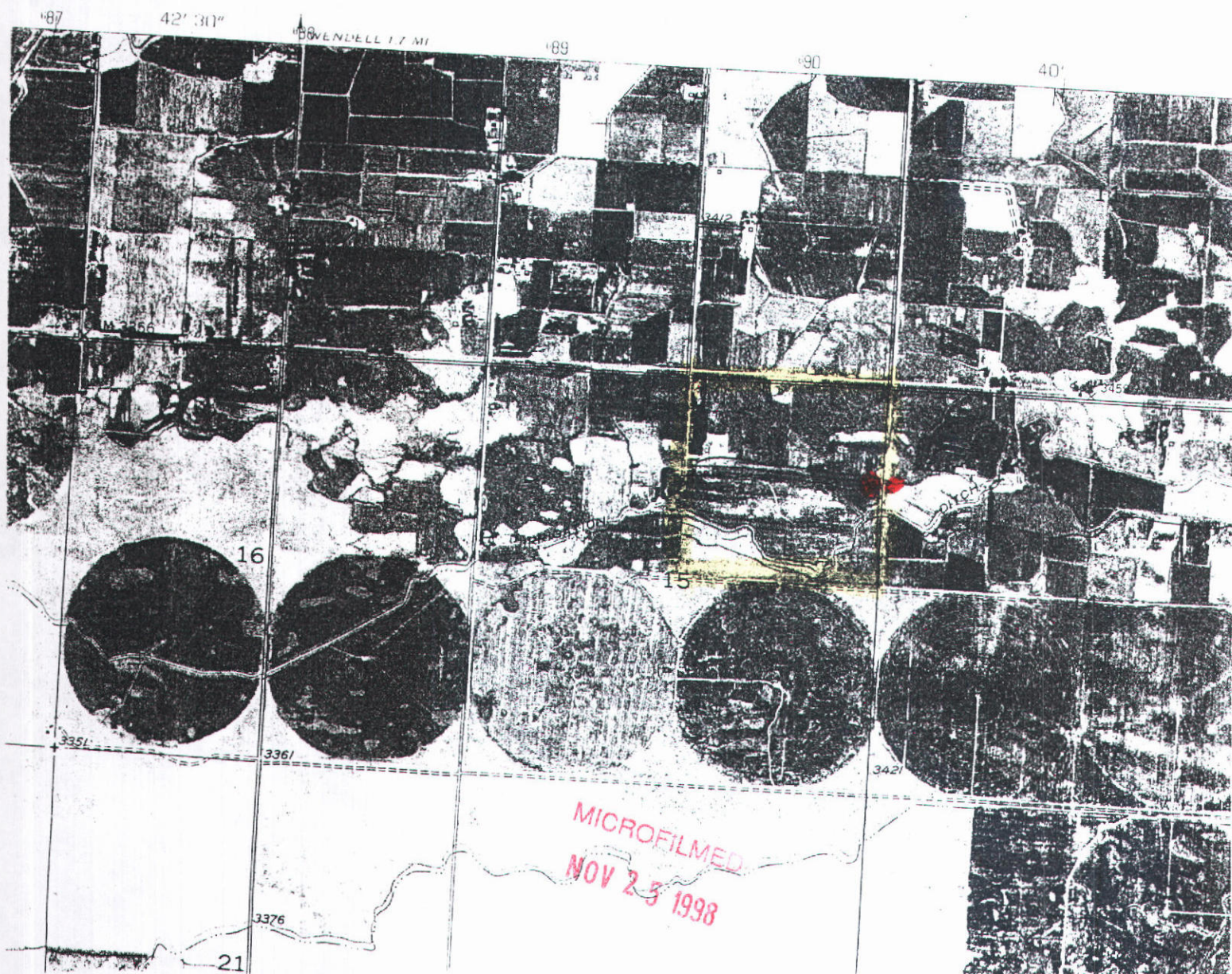
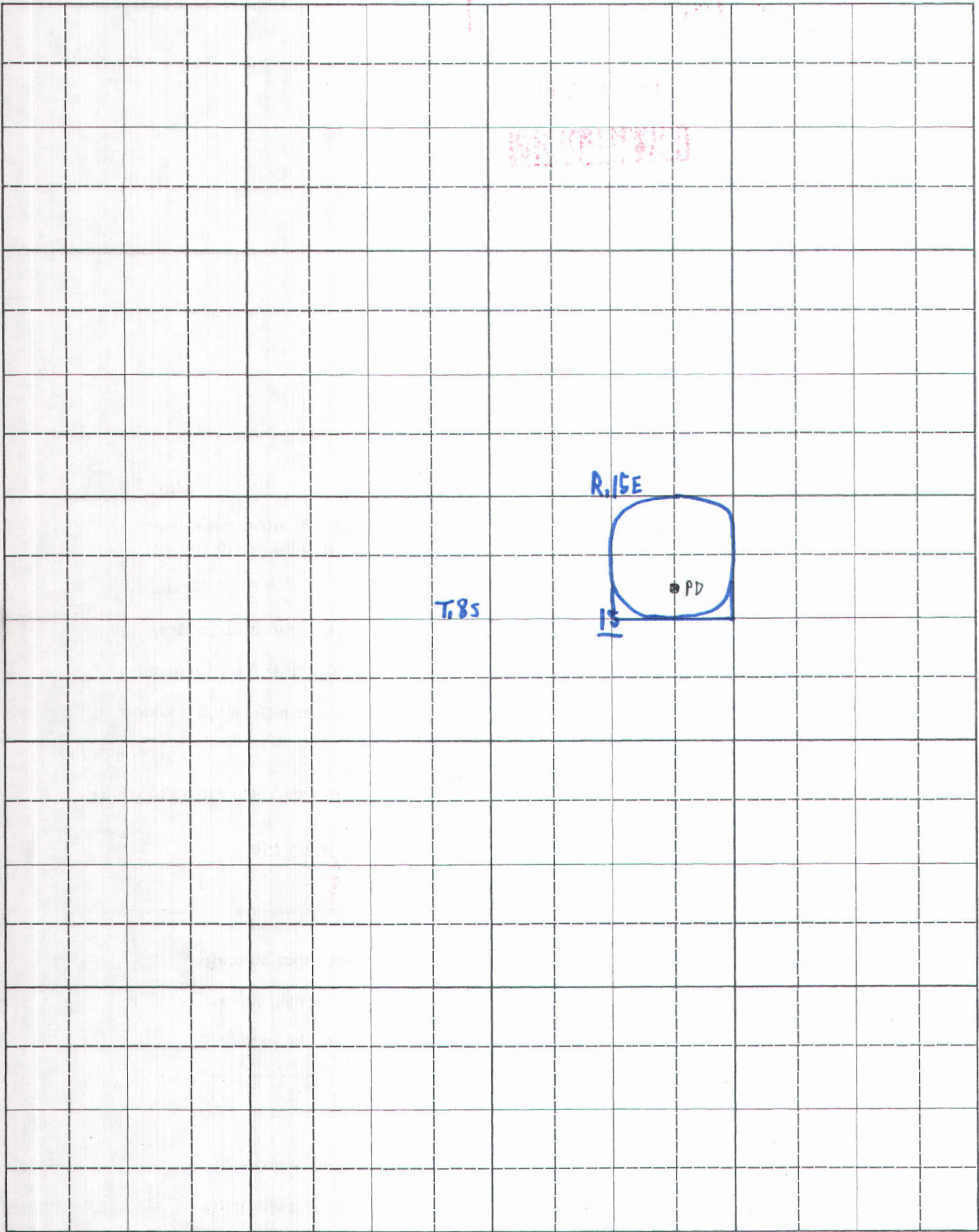


WR - 36-07173, A 36-07173
36-08263



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



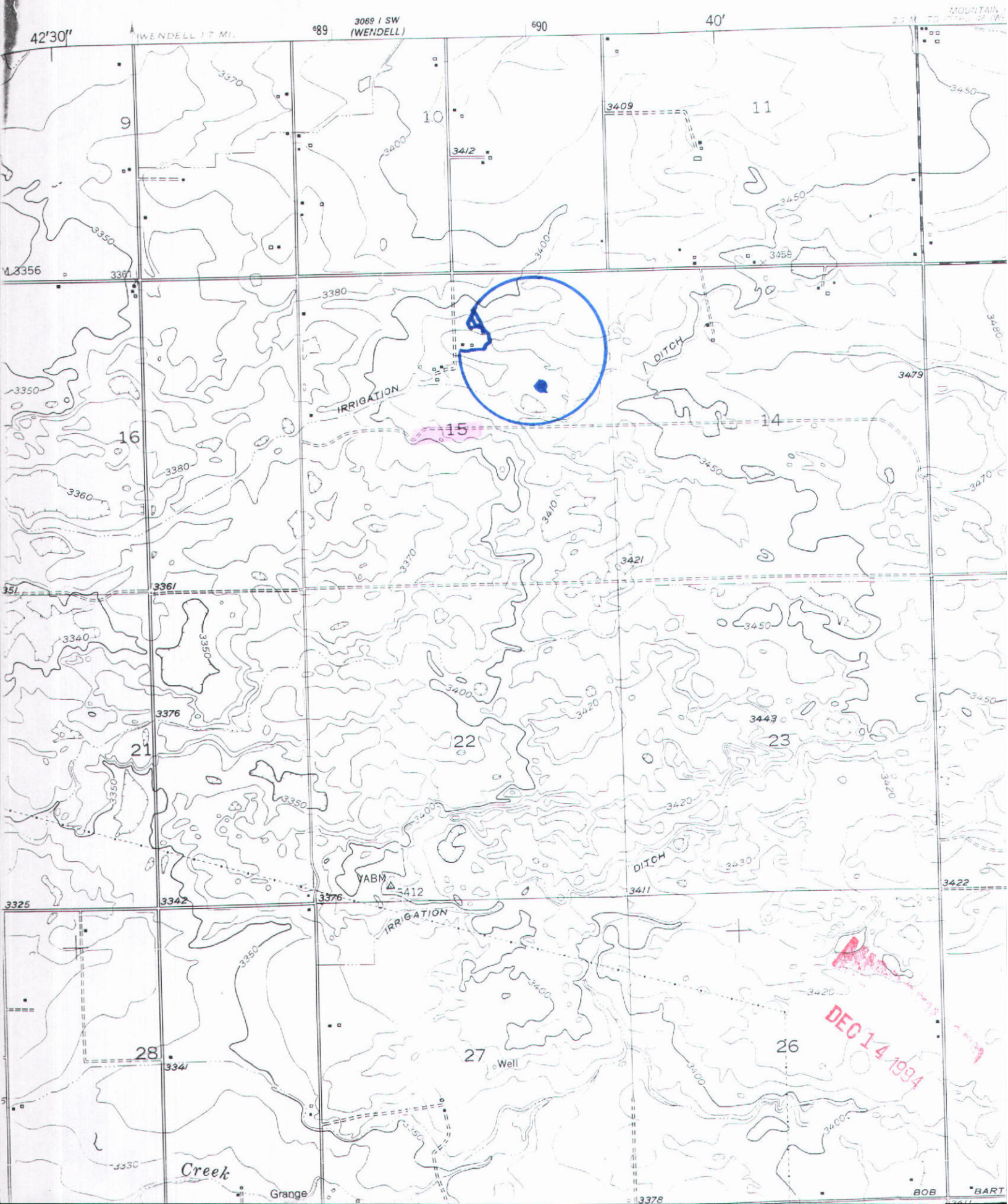
Scale: 2 inches equal 1 mile.

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

RECORDED

DEC 11 1990

Eldon K. Johnston
(Applicant)





36-8263



P/D



P/U

DFC 14 1994

AFFIDAVIT of PUBLICATION

RECEIVED
OCT 11 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources

Patty Nance, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 3rd day of Oct
19 90, and the date of the last publication was on the 10th
day of Oct, 19 90.

Patty Nance
Subscribed and sworn to before me this 10th
day of Oct., 19 90.
(SEAL)

Vincent J. Gaudin
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
309.3 Lines straight at 15.47 5¢/Pica
Subsequent lines at 12.37 4¢/Pica
TOTAL COST 27.84

COPY OF NOTICE
(Paste Here)

Appl. Trust Wat. Rt.
TITLE OF NOTICE
Eldon Johnston
36-08263
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. D. W. R. Seiner
BILL TO

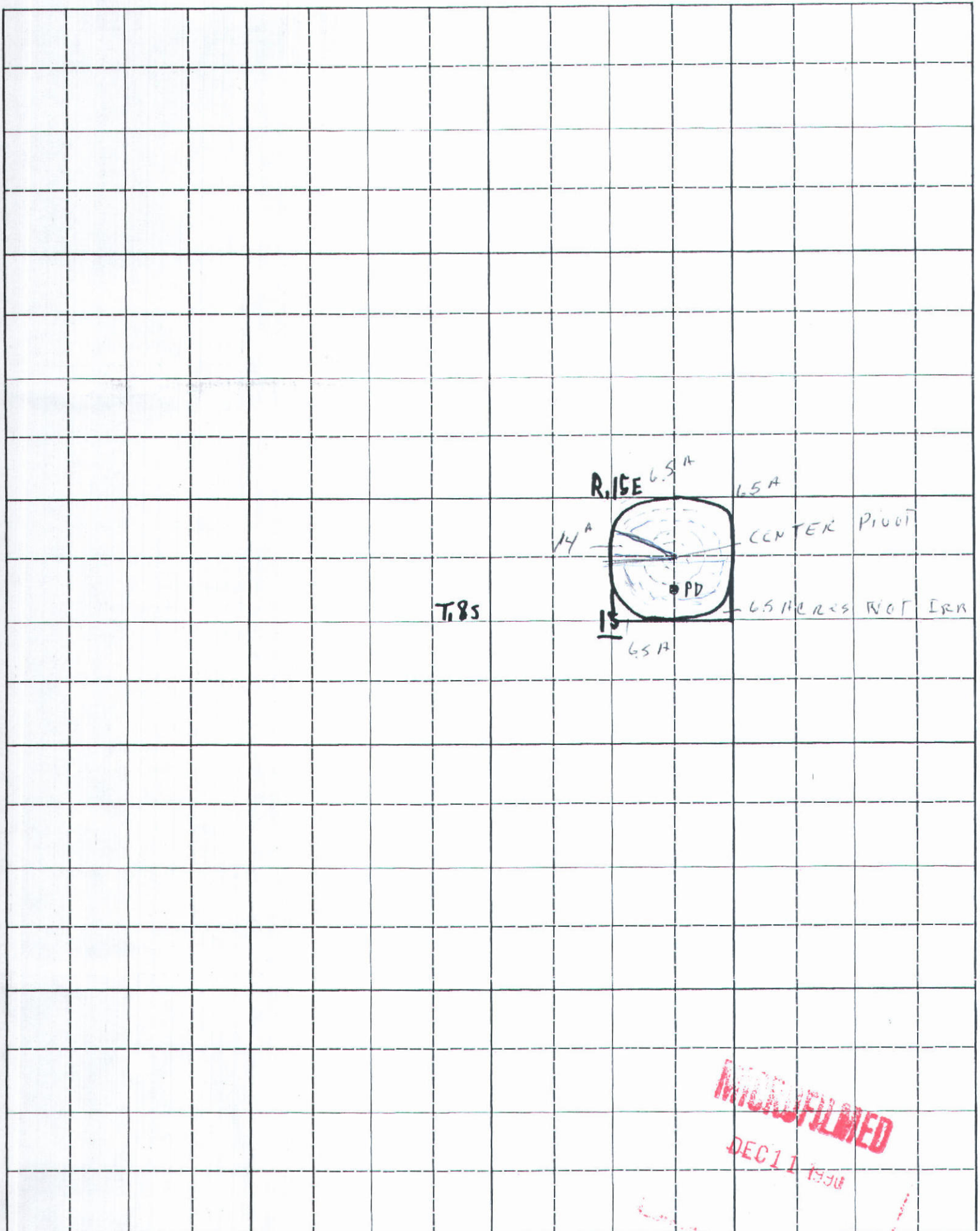
NOTICE OF
APPLICATION FOR
TRUST WATER RIGHT
36-08263
JOHNSTON, ELDON K.
RT. 2 BOX 194
WENDELL, ID 83355
Source: GROUNDWATER
Diversion Pt: SENE Sec 15 T 08S R 15E
Use: IRRIGATION (1.640 CFS)
Total Diversion: (1.640 CFS)
Date Filed: 1/31/1985
In: T08S R15E S15 NENE NWNE SWNE
SENE
142.0 ACRES TOTAL
The 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 in-
terest 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 October 22, 1990.
Pub: 10-3, 10 G1871

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1984)
7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

No 731
1871
OK
JFL
11-15-90

MICROFILMED
DEC 11 1990

11. 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.

Eldon K. Johnston
(Applicant)

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

no adj claim
RECEIVED
OCT 03 1998
Department of Water Resources
Southern Region

1. Water Right No(s).: 36-08263
Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Johnston, Eldon K.
3224 S. 2050 E., WENDELL, IDA 83355

4. New Owner/Claimant(s) Jim SCARROW
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 3184 S 1900 E
City, State and ZIP Code Wendell, Idaho 83355
New Telephone Number (208) 536-2374 (off 536-5739)

5. Date you acquired the property 3/7/97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 128 Number and type of stock _____
Diversion rate in CFS _____ Number of homes 0 Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Jim D. Scarrow
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

MICROFILMED
NOV 25 1998

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.

4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.

5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

MICROFILMED
NOV 25 1998

COMMONWEALTH LAND TITLE INSURANCE COMPANY

OWNERS POLICY

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
G-24715	207-260793	March 7, 1997 at 3:44 P.M.	\$300,000.00	\$1,155.00

1. Name of Insured: JIMMIE D. SCARROW and CHRISTINE F. SCARROW,
husband and wife
2. The estate or interest in the land which is covered by this Policy is:

fee simple
3. Title to the estate or interest in the land is vested in:

Jimmie D. Scarrow and Christine F. Scarrow,
husband and wife
4. The land referred to in this Policy in said instrument, is situated in the County of Gooding, State of Idaho, and is identified as follows:

TOWNSHIP 8 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$;

LAND TITLE AND ESCROW, INC.

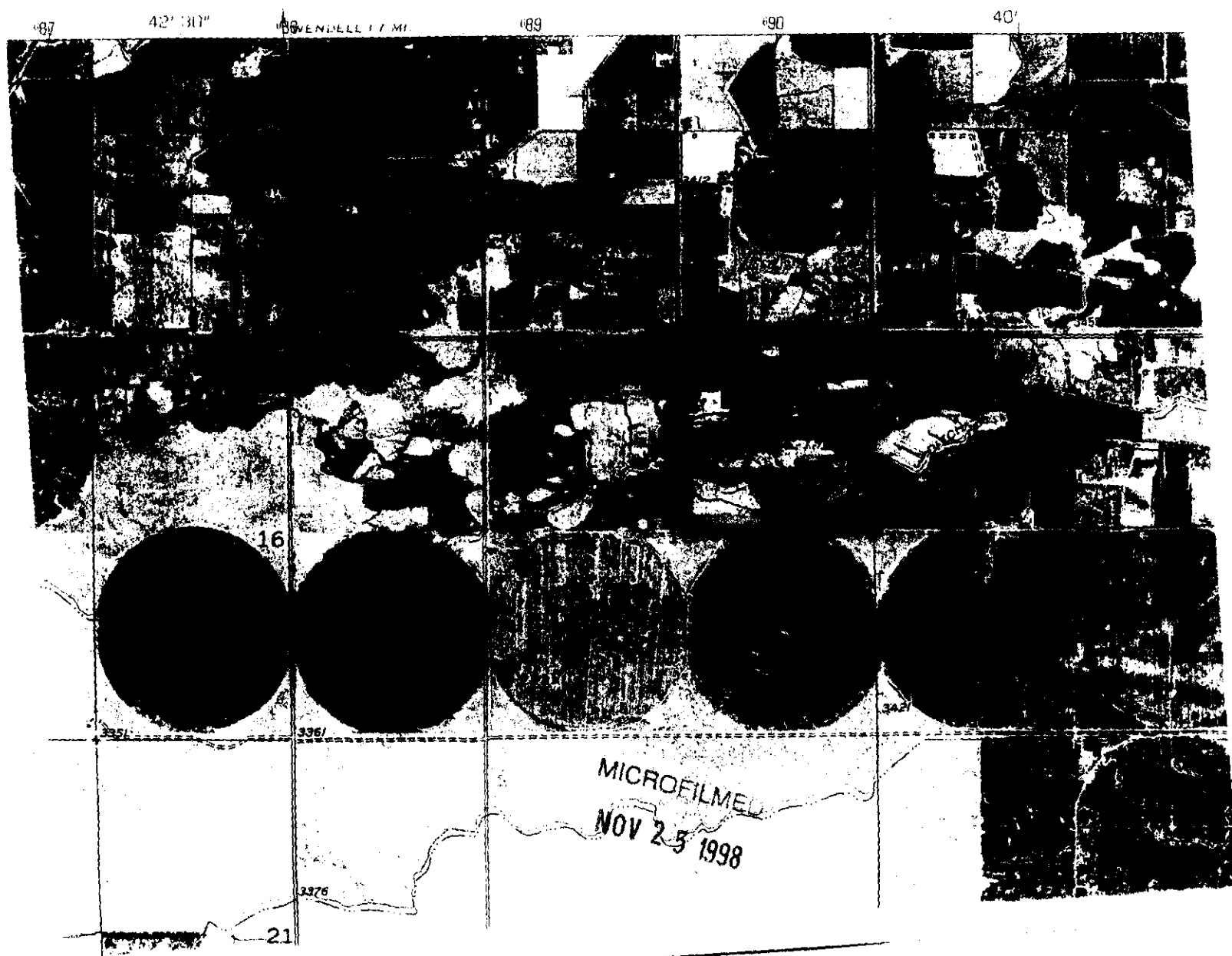
Countersigned: _____

Authorized Officer or Agent

This Policy is valid only if Schedule B is attached.

MICROFILMED
NOV 25 1998

WR - 36-07173, A 36-07173
36-08263



BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that on the 7th day of March, 1997,

Eldon K. Johnston and Kandis L. Johnston, Husband and Wife,

of Wendell, County of Gooding, State of Idaho, the party of the first part, for

and in consideration of the sum of One Dollar and Other Valuable Consideration DOLLARS, of the United State of America, to them in hand paid by

Jimmie D. Scarrow and Christine F. Scarrow, Husband and Wife

of Wendell, County of Gooding, State of Idaho, the party of the second part, the

receipt whereof is hereby acknowledged, do by these presents Grant,

Bargain, Sell and Convey unto the said party of the second part, their executors, administrators and assigns

One Reinke 130 acre pivot along with deep well and pump and accessories , valves, mainlines for complete operation of irrigation system.

15 Horsepower motor GE 5K324066GX8391

Ingersolrand Pump A4257652RVH15

100 Horsepower motor C2885-01-270-JC100T253

US motor GE panel

3 Crown AM Wheel lines

TO HAVE AND TO HOLD the same to the said party of the second part,

their executors, administrators and assigns, forever; and the said

party of the first part does for their heirs, executors,

administrators, covenant and agree to and with the party of the

second part, executors, administrators or assigns to WARRANT and

DEFEND the sale of said property, goods and chattels hereby made,

unto the said party of the second part, their executors,

administrators and assigns, against all and every person and

persons whomever, lawfully claiming or to the claim the same.

IN WITNESS WHEREOF, the said party of the first part hereunto set their hand and seal on the day and year first above written.

Eldon K. Johnston
ELDON K. JOHNSTON

Kandis L. Johnston
KANDIS L. JOHNSTON

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 7th day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Eldon K. Johnston and Kandis L. Johnston, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public

Residing at Buhl, Idaho

My commission expires: 8-21-99

MICROFILMED
NOV 25 1998

WARRANTY DEED

#G-24715

For Value Received

ELDON K. JOHNSTON AND KANDIS L. JOHNSTON, HUSBAND AND WIFE

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JIMMIE D. SCARROW AND CHRISTINE F. SCARROW, HUSBAND AND WIFE

Address: 3184 SOUTH 1900 EAST, WENDELL ID 83355

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho, to-wit:

TOWNSHIP 8 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

SECTION 15: E1/2NE1/4; SW1/4NE1/4;

TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS USED THEREON OR APPURTENANT THERETO INCLUDING BUT NOT LIMITED TO 85.00 SHARES OF CAPITAL STOCK OF THE NORTH SIDE CANAL COMPANY, LIMITED.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1997 and subsequent years, which are a lien, but not yet due and payable.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company.

Continued on Exhibit "A" Attached.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 7, 1997

Eldon K. Johnston
ELDON K. JOHNSTON

Kandis L. Johnston
KANDIS L. JOHNSTON

STATE OF IDAHO)
COUNTY OF GOODING) ss.)

On this 7th day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Eldon K. Johnston and Kandis L. Johnston, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Laine Shepherd
Notary Public
Residing at: Buhl, Idaho
My Commission expires: 8-21-99

MICROFILMED
NOV 25 1998

Easement by and between J. D. Armstrong, a single man, party of the first part, and Twin Falls North Side Investment Company, Limited, party of the second part, dated March 4, 1921, recorded July 15, 1921 in Book 2 Page 321 as Instrument Number 27790, Gooding County records, wherein party of the first part grants to the party of the second part a perpetual right of way over and along a certain strip of land 20 feet in width running North and South on the West side of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 8 South, Range 15 East, Boise Meridian.

Power Line Easement given by Eldon K. Johnston and Kandis E. Johnston, husband and wife, to Idaho Power Company, a corporation, dated July 14, 1971, recorded November 15, 1971 as Instrument Number 37705, Gooding County records, affecting the E $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 8 South, Range 15 East, Boise Meridian.

169915
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title & Escrow Inc.
42 min. past 3 o'clock P.m. this 7th
of March, 1997 6.00
By: Penny Watson Deputy

MICROFILMED

NOV 25 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08263

Priority: February 3, 1985

Maximum Diversion Rate:

0.85 CFS

This is to certify, that ELDON K JOHNSTON
3224 S 2050 E

WENDELL ID 83355

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 31, 1985; and has submitted Proof of Beneficial Use on December 4, 1991. An examination indicates that the works have a diversion capacity of 1.850 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	0.85 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 15, Township 08S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	15E	15	NENE 33	SWNE 29	SWNE 33	
			SENE 33			128

Total number of acres irrigated: 128

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. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

DEC 14 1994

State of Idaho
Department of Water Resources

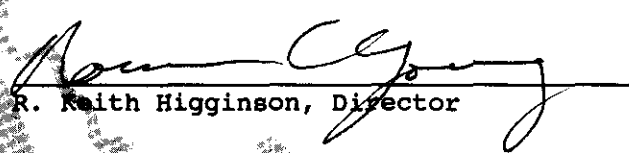
WATER RIGHT LICENSE

WATER RIGHT NO. 36-08263

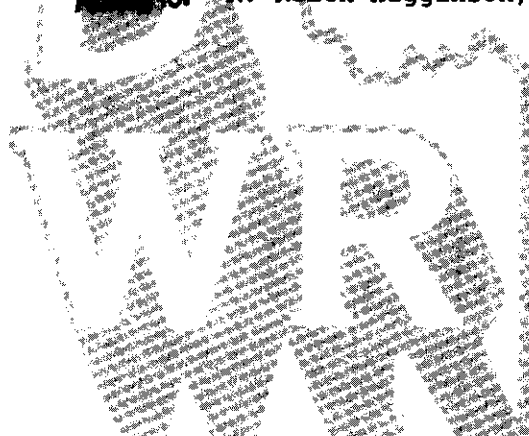
CONDITIONS/REMARKS:

8. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
9. Use of this right with Right 36-07173 is limited to the irrigation of a combined total of 154 acres in a single irrigation season.
10. This right uses the same well as Right 36-07173 and when combined with this right and all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 512 af for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of DECEMBER, 1994.



for R. Keith Higginson, Director



14 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-08263)
)
IN THE NAME OF ELDON K. JOHNSTON)
)
ORDER OF
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before December 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on December 1, 1991, the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

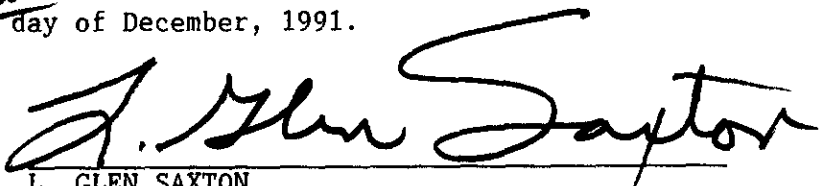
WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on December 3, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-08263 be REINSTATED with an advance in priority to February 3, 1985.

Dated this 12th day of December, 1991.

RECEIVED
FILMED

DEC 23 1991


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 125
Date 12/4/91
Receipt No. 5013962
Received by JF

DEC 04 1991

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

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. 36-8263 Telephone No. 536-2398

2. Name(s) of Permit Holder(s): Eldon K. Johnston

3. Post Office Address: 32245 2050E Wendell, ID 83355

4. Source of Water: Groundwater

a. If ground water, well driller's name: D & G Drilling Date drilled: Reamed out '86
original - '72

b. Pump horsepower: 100 Pressure (psi): 90 Dynamic pumping level (ft.): 150

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 142 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 1.64 cfs _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 125 (See License Examination Fee Schedule)

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

Name

Telephone No.

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

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

DEC 23 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08263

Proposed Priority: January 31, 1985 Maximum Diversion Rate: 1.64 CFS
This is to certify, that **ELDON K. JOHNSTON**
RT. 2 BOX 194
WENDELL, ID 83355
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	1.64 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SENE Sec. 15, Township 08S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	15E	15	NENE 32	NWNE 32	SWNE 39	142
			SENE 39			

Total number of acres irrigated: 142

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1991.
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. 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

DEC 11 1990

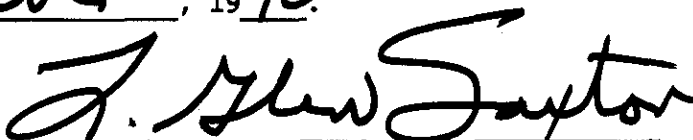
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08263

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

30th day of December, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

DEC 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Eldon K. Johnston Phone 536-2398

Post office address Route #2 Box 194, Wendell, ID 83355

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

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 Township 8S

Range 15E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.64 cfs 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:

a. 1.64 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump, pivot sprinkler

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. ~~Proposed~~ well diameter is 8 inches; ~~proposed~~ depth of well is 175 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED

DEC 11 1990

RECEIVED

~~be required.~~

10. Remarks ~~I wish to install a pivot to cover additional ground, so more water will~~

applicant to make this filing

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

b. Who owns the land to be irrigated or place of use

9. a. Who owns the property at the point of diversion

~~LtC. 36-7173 (1 cfs)~~

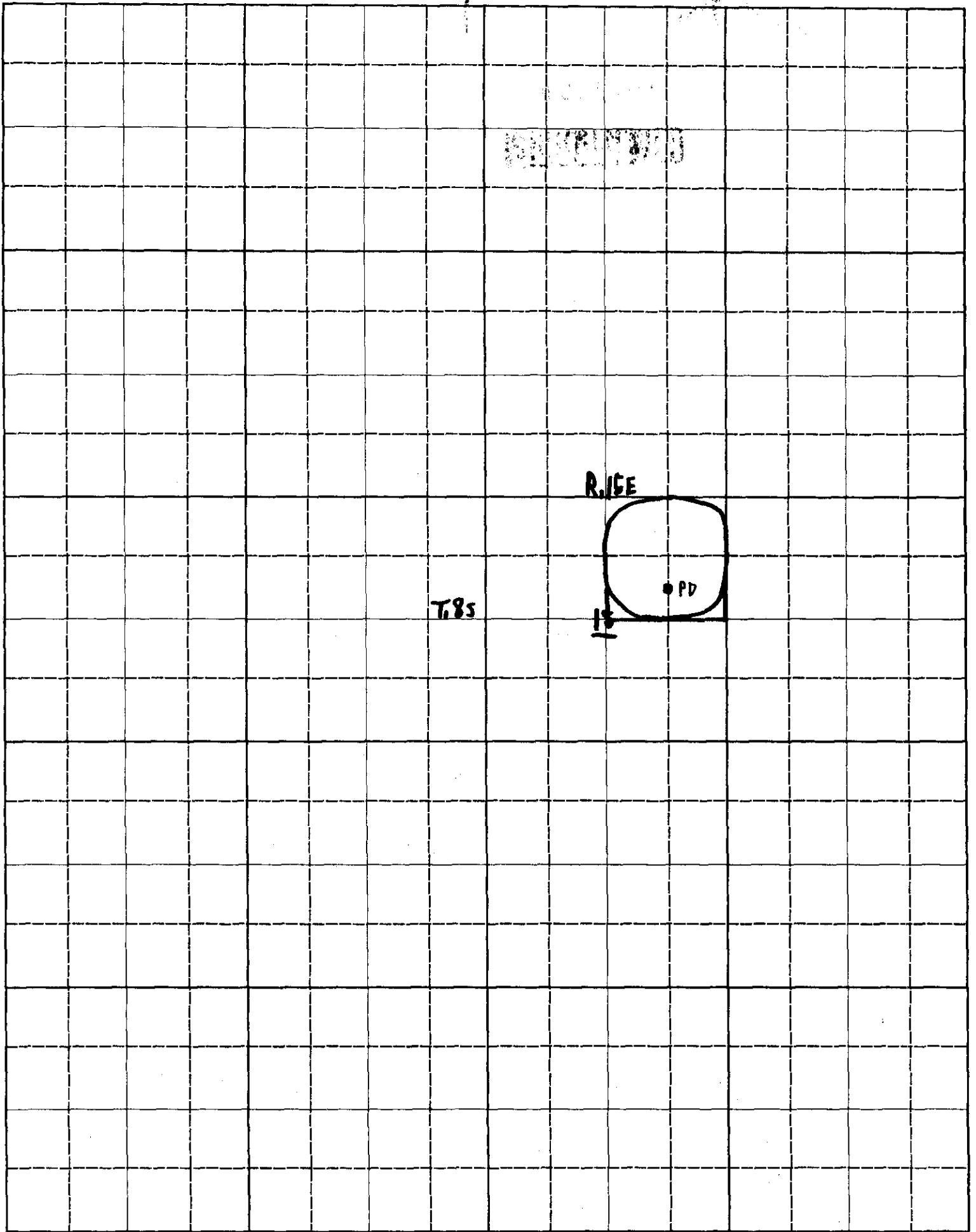
c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated ~~160~~

[illegible]

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

11. 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 follows:

MICROFILMED

DEC 11 1990

Eldon K. Johnston
(Applicant)

MICROFILMED

DEC 11 1990

- 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. Other: _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by _____ Date 1-31-85 Time 1:09 pm

Preliminary check by _____ Fee \$ 65.00

Received by _____ Date 1-31-85 # 35271

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1998

JIM SCARROW
3184 S 1900 E
WENDELL ID 83355

RE: WATER RIGHTS 36-07173/36-08263

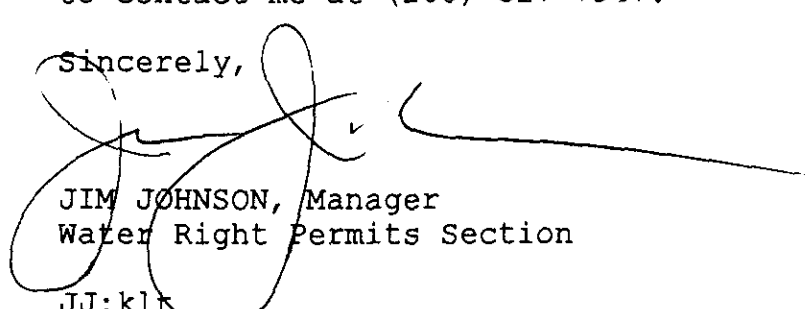
Dear Mr. Scarrow:

The Department is in receipt of the correspondence changing ownership of the above referenced water rights to you. We have modified our records to reflect these changes in ownership and computer generated reports are enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klb

Enclosure

MICROFILMED

NOV 25 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 9, 1994

ELDON K JOHNSTON
3224 S 2050 E
WENDELL ID 83355

RE: WATER RIGHT NO. 36-08263

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

RECEIVED

DEC 14 1994

LICENSE REVIEW CHECKLIST

PERMIT NO. 36-08263 DATE 11-25-94



NAME	Yes ☒ No ☐	Or Address Change? <u>Correct</u>
PRIORITY DATE	Yes ☒ No ☐	Advance? <u>YES</u> Advanced to: <u>2-3-85</u> Order to reinstate needed? <u>DONE ALREADY</u> Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐ ☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☒ ☐	Amendment needed? _____ Overlaps? <u>36-7173 for 1 CFS</u>
PLACE OF USE	☒ ☐	Amendment needed? _____ Overlaps? <u>36-7173 for 78 acres in 2 of the same V4V4s. @ .012 CFS PER ACRE</u>
DIV RATE	☒ ☐	Permit/fee limits: <u>1.64 CFS</u> Meas Q = <u>NONE</u> Theo Q = <u>1.85</u> Recommend: <u>.85</u> <u>(128 X .02 = 2.56)</u> Combined rates exceed capacity <u>NO</u>
ANNUAL VOLUME	☒ ☐	Season of use: <u>C/4 (4-1 to 10-31)</u> <u>(NEW)</u> Calculations: <u>78 X 4 = 312</u> <u>(154 X 4 = 616)</u> <u>128 X 4 = 512</u> Flow limit: <u>1.85</u> cfs x <u>2.14</u> x 1.9835 = <u>7.85</u> Combined volumes exceed capacity/allowable <u>NO</u> <u>CONDITION</u>
REMARKS	☒ ☐	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
CONDITIONS	☒ ☐	Multiple p/d(s) in 1/4 1/4? _____ Other <u>36-07173</u>
COMMENTS:	☒ ☐	Measuring/Locking Devices _____ Watermaster control - District _____ Irrigation Overlap _____ Water Quality _____ Other <u>TRUST R55</u> Heat/Cool/ Fish verified _____ <u>R56 + R57</u>

CAPACITY = 1.85
36-07173 = 1.00
AVAILABLE = .85 CFS
ANNUAL VOLUME
Total allowable = 616
36-07173 = 312
Remaining = 304
USES

RECOMMENDED

CFS

VOL

SRBA Claim Filed ON OVERLAPPING Adjustment Memo Needed YES RIGHT

Irrigation

.85

304
CONDITION

LICENSE

1ST AMENDMENT LETTER

FINAL AMENDMENT LETTER

☒

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 27 1994

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Eldon K. Johnston Permit No. 36-08263
Current Address: 3224 S. 2050 E., Wendell, ID 83355 Phone No. 526-2398
2. Accompanied by: Mr. Johnston EXAM. DATE: 2-27-92
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-7173
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: 36-7173
_____ ☒ 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). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

2-21-94
1994

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

Well, motor, pump, mainline to pivot, handline, wheel line. Due to location of buildings in the NW $\frac{1}{4}$ Sec. 15, the pivot goes $\frac{3}{4}$ of the way around before reversing direction.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	U.S. Motors	100	C1007258	Lyne's Power	1/2 hp
Motor Make					
Hp					
Motor Serial No.					
Pump Make					
Pump Serial No. or Discharge Size					

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space

DEC 14 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

2. Measurements:

Not measured, measurement not required.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

Theoretical flow is 1.85 cfs

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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{128}{4} \times 4 = 512$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 901.1$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 512 \text{ allowed for land now under system, } 264 \text{ ac. ft. is}$

2. Volume Calculations for Other Uses: licensed, leaving 248 additional AFA to be licensed.

DEC 14 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

System capacity is 0.72"/acre, 66 acres at 0.64"/acre were previously licensed. So, 0.08"/acre can be allowed on 66 old acres = 5.28", 62 new acres at 0.72"/acre = 44.64" additional flow, = 49.92" = 1.0 cfs additional flow to be licensed. Not to exceed 1.85 cfs on 4.0 AFA/acre for all rights combined on this system.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afe)
	From	To		
Irrigation	3-15	11-15	1.00	572 248

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 J.E. Stanton
 Signature [Signature]
 Certification Date 3-6-92
 Field Report Preparation Date 3-6-92

CONSULTANT SEAL

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

* See attached adjustment explanation memo. BC

DEC 14 1994

MEMORANDUM

TO: File 36-08263 / Eldon K. Johnston
FROM: Brenda Chapman
DATE: November 28, 1994
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

G. VOLUME CALCULATIONS

The volume recommendation has been addressed in the conditions based on current g/w supplemental processing procedures.

H. NARRATIVE/REMARKS/COMMENTS

The exam was conducted before the recommendation to the court for overlapping Right 36-07173 was made; therefore, the recommendations for this permit have changed accordingly. Right 36-07173 is being recommended as limited to 78 acres within a permissible place of use of 154 acres. It lists more acres than were originally on this permit for the same place of use and also more than the examiner has recommended.

Therefore, rather than try to calculate the *old rate vs the new rate per acre*, it is reasonable to recommend the system's remaining available rate of flow.

(1.5 cfs minus 1.0 cfs from 36-07173 = .85 cfs)

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-01 to 10-31	.85	Don't List

See items G and H.

DEC 14 1994

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 36-8263

DATE: 2-27-92

BY: J.E. Stanton

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS

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

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

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

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

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

$$Q = \frac{(8.8) (100) (0.70)}{[(125) + (90 \times 2.31)]} = 1.85$$

LIFT FROM:

measurement ()

owner (X)

area estimate ()

well logs ()

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate ()

owner gage (X)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS Water level was 125' when well was drilled, but was measured at 145' last summer.

ANNUAL VOLUME ANALYSIS

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

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

$$\text{POTENTIAL} = \frac{(\dots 246 \dots) \times (1.98) \times (1.85)}{(\dots 128 \dots)}$$

POTENTIAL = 7

REQUIRED Acre Feet/Acre/Annum = 4

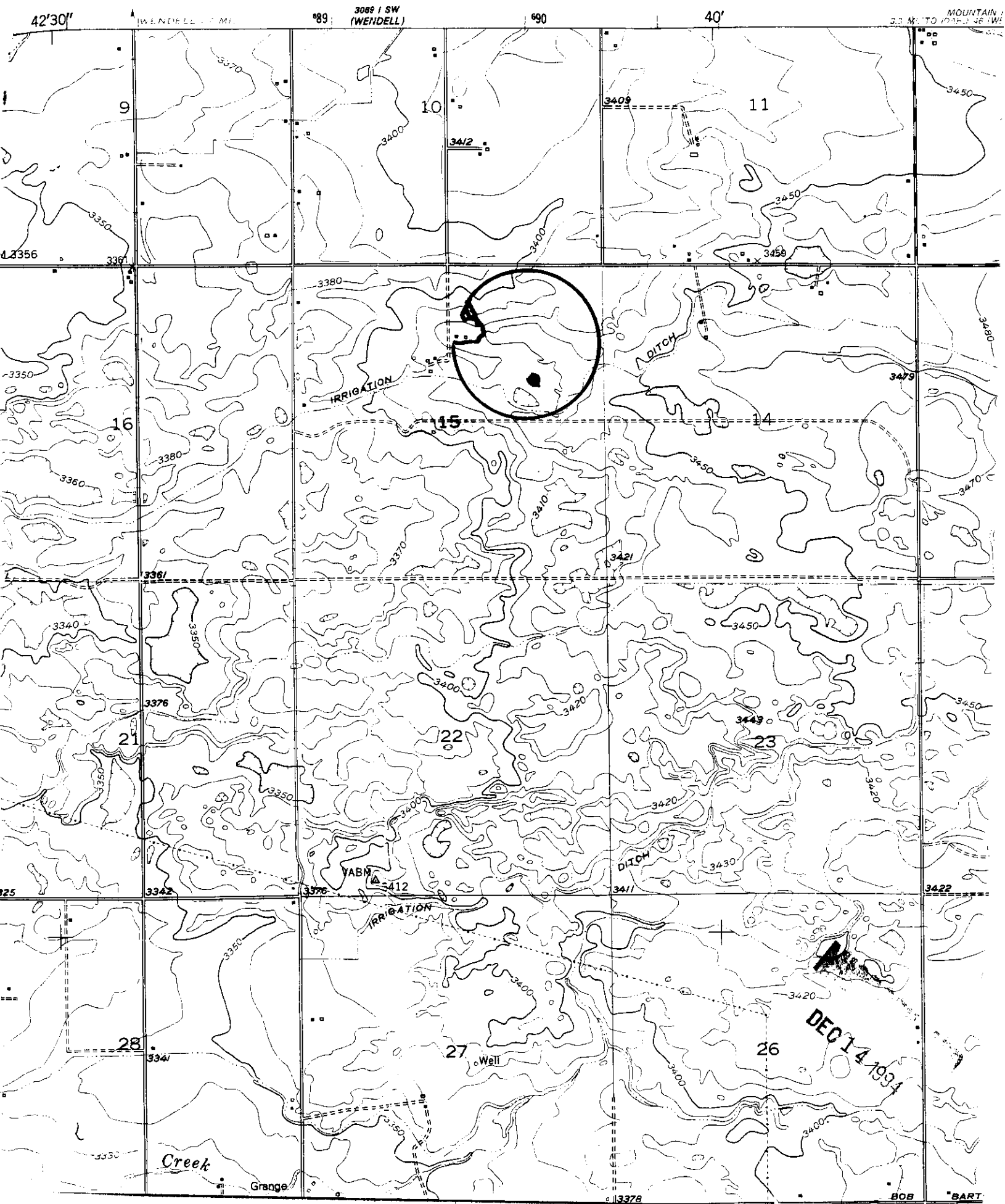
(AF/Ann/Ac irrigation requirement from chart for area)

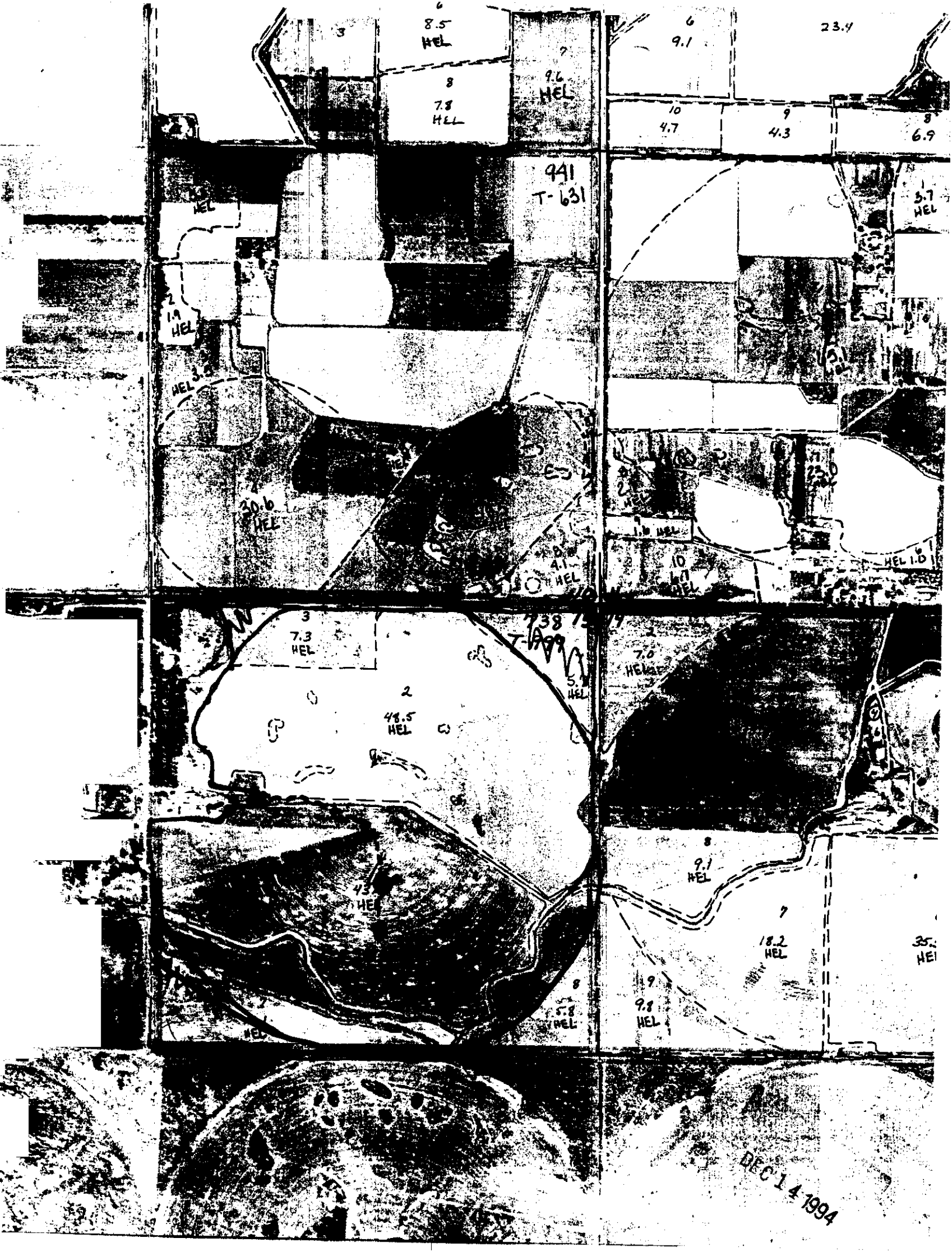
NOTE that this is NOT Consumptive use

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

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

DEC 14 1994





8.5
HEL

8
7.8
HEL

9.6
HEL

9.1

23.4

10
4.7

9
4.3

8
6.9

441
T-631

5.7
HEL

2
1A
HEL

HEL 3.5

30.6
HEL

4.1
HEL

1.0
HEL

10
6.7
HEL

HEL 1.0

3
7.3
HEL

7.38
T-199

5.1
HEL

7.0
HEMAP

2
48.5
HEL

43
HEL

9.1
HEL

18.2
HEL

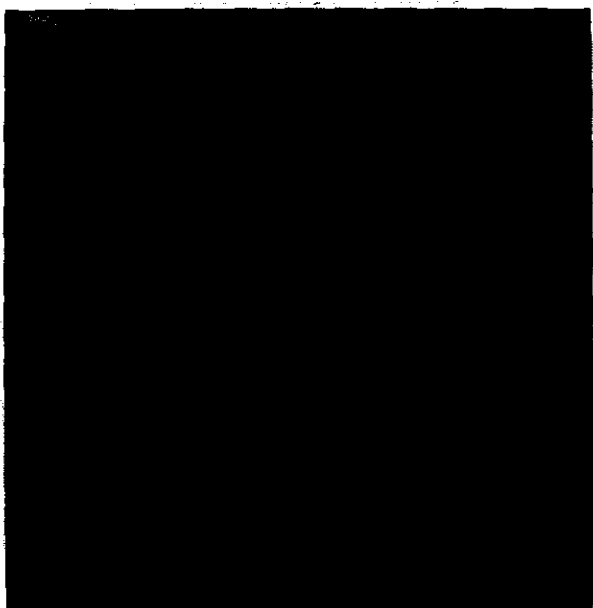
35
HEL

9
9.8
HEL

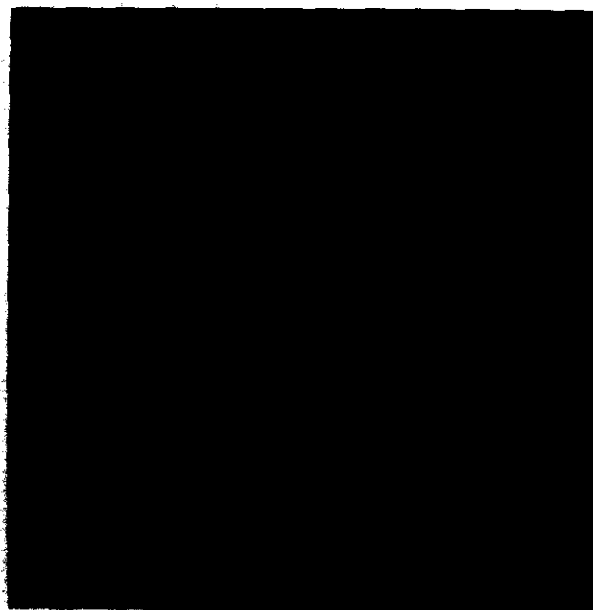
5.8
HEL

DEC 14 1994

36-8263



P/D



P/U

DEC 14 1994

December 12, 1991

ELDON K. JOHNSTON
32245 2050 EAST
WENDELL ID 83355

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08263

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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

Enclosure

DEC 23 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 36-08263

Date 12/11/91

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit? If no, indicate below.
no Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
NA Drill permit req'd?
72 Copy in file? Drill permit no. _____
2 Amt paid for drilling permit? _____ Correct?
86 Well log in file?

LICENSE EXAMINATION FEE

yes Required?
25 Amount submitted?
yes Correct amount?

MEASURING DEVICE

yes Measuring device or access port required?
yes Installed?
Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS 32245 2050E.

proof acceptable

PRIORITY CALCULATION

Date proof received	<u>12/4/91</u>	<u>338</u>	<i>no lapse sent</i>
Date proof due	<u>12/1/91</u>	<u>- 335</u>	
No. of days late		<u>= 3</u>	
Priority date	<u>1/31/85</u>	<u>+ 31</u>	
NEW PRIORITY DATE	<u>2/3/85</u>	<u>= 34</u>	

DATA ENTRY

ADDRESS CHANGE 12/11/91 KLG

PROOF MADE 12/13/91 KLG

138057
September 30, 1991

ELDON K. JOHNSTON
RT. 2 BOX 194
WENDELL ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 36-08263

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 December 1, 1991. (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,

Nina Shields
Secretary/Records Manager

Enclosures

RECORDED
DEC 23 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

December 3, 1990

ELDON K. JOHNSTON
RT. 2 BOX 194
WENDELL, ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08263

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.

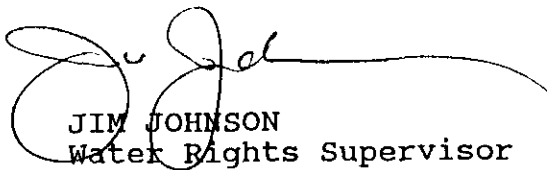
Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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 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.

MICROFILMED

DEC 11 1990

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED

DEC 11 1990

AFFIDAVIT of PUBLICATION

RECEIVED
OCT 11 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources

Patty Hance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 3rd day of Oct 19 90, and the date of the last publication was on the 10th day of Oct, 19 90.

Patty Hance

Subscribed and sworn to before me this 10th day of Oct, 19 90.
(SEAL)

James J. Jaramaga
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho
COST OF PUBLICATION

MICROFILMED
DEC 11 1990

Number of Lines in Notice _____
Number of Insertions 2 X

Lines tabular at _____ 6¢/Pica
309.3 Lines straight at 15.47 5¢/Pica
Subsequent lines at 12.37 4¢/Pica
TOTAL COST 27.84

COPY OF NOTICE
(Paste Here)

Appl. Trust Wat. Rt.
TITLE OF NOTICE

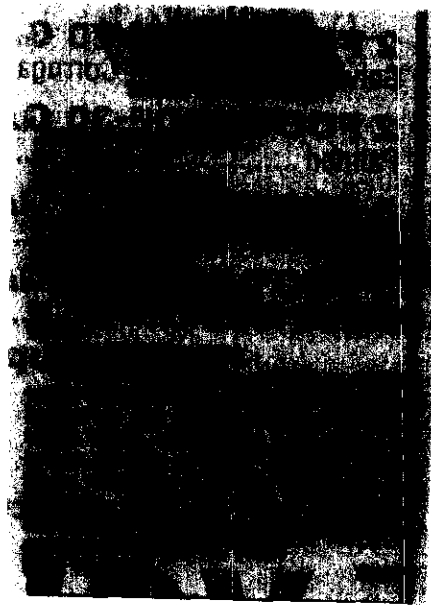
Elton Johnston
36-88263

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. H. R. Smith
BILL TO



PUBLICATION RATES	
(Idaho Code, Rev. Statutes 1984)	
7-8 pt. per line straight.....	5¢/Pica
7-8 pt. per line tabular.....	6¢/Pica
7-8 pt. per line successive insertions.....	4¢/Pica

No 731
1871
OK
JL
11-15-90

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

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

AUGUST 8, 1990

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

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 ~~SEPTEMBER 3, 1990.~~

OCTOBER 22, 1990.

Yours truly,

Sharla Curtis

SHARLA CURTIS
Secretary

Encl.

Arlene;
PLEASE PUBLISH ATTACHED notice on 10/3 & 10/10
AS we DISCUSSED earlier today.

MICROFILMED
file
7/26/90
DEC 11 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08263

JOHNSTON, ELDON K.
RT. 2 BOX 194
WENDELL, ID 83355

Source: GROUNDWATER

Diversion Pt: SENE Sec 15 T 08S R 15E

Use: IRRIGATION (1.640 CFS)
Total Diversion: (1.640 CFS)

Date Filed: 1/31/ 1985

In: T08S R15E S15 NENE NWNE SWNE SENE
142.0 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 ~~SEPTEMBER 3~~ ^{OCTOBER 22}, 1990.

R. Keith Higginson, Director

Published ~~8/15/1990~~ & ~~8/22/1990~~
10/3/1990 & 10/10/1990

MICROFILMED

DEC 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 36-8263

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 restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

Since 1986 I have irrigated an additional
40 Acres from this well with center pivot

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 120

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.

36-7173 (1 CFS)

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 Edmon K. Johnston

Date 8/3/90

MICROFILMED

DEC 11 1990

WR-NUMBER	NAME	SIG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3608263															
0100005	NORTH SIDE CANAL CO.	D	SNAKE RIVER	08S	15E	15	:	:	:	:	:	:	:	:	
0100016	NORTH SIDE CANAL CO.	D	SNAKE RIVER	08S	15E	15	:	:	:	:	:	:	:	:	
0100212	NORTH SIDE CANAL CO.	D	SNAKE RIVER	08S	15E	15	:	:	:	:	:	:	:	:	
0100213	NORTH SIDE CANAL CO.	D	SNAKE RIVER	08S	15E	15	:	:	:	:	:	:	:	:	
0100215	NORTH SIDE CANAL CO.	D	SNAKE RIVER	08S	15E	15	:	:	:	:	:	:	:	:	
0100220	NORTH SIDE CANAL CO.	D	SNAKE RIVER	08S	15E	15	:	:	:	:	:	:	:	:	
3604229	BRATSFORD	S	WASTE WATER	08S	15E	15	:	30	:	:	:	:	:	:	35
3607111	GLENN DALE RANCHES INC	L	GROUNDWATER	08S	15E	15	:	:	40	40	40	40	40	40	320
3607173	JOHNSON	L	GROUNDWATER	08S	15E	15	39	39	:	:	:	:	:	:	78
3608263	JOHNSON	A	GROUNDWATER	08S	15E	15	32	32	39	39	:	:	:	:	142
	1986 MAPPING DATA	---	COUNTY 47 QUAD BB	21	08S	15E	15	30	36	37	31	39	41	41	562

App. No. 36-8263: Test Average = 64 acres
Overlaps 78 acres.

License 36-7173 reversed in 1979

T.J. Luke 8-7-90

MICROFILMED

DEC 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
AUG 6 1990

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Eldon K. Johnston Phone 536-2398

Post office address Route #2 Box 194, Wendell, ID 83355

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

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 Township 8S

Range 15E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.64 cfs 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:

a. 1.64 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump, pivot sprinkler

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. ~~Proposed~~ well diameter is 8 1/2 inches; ~~proposed~~ depth of well is 175 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

RECEIVED
DEC 11 1990

icate acreage in each subdivision in the tabulation.

[illegible]

Total number of acres to be irrigated **160**

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

Lic. 36-7173 (1 cfs)

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use _____ "

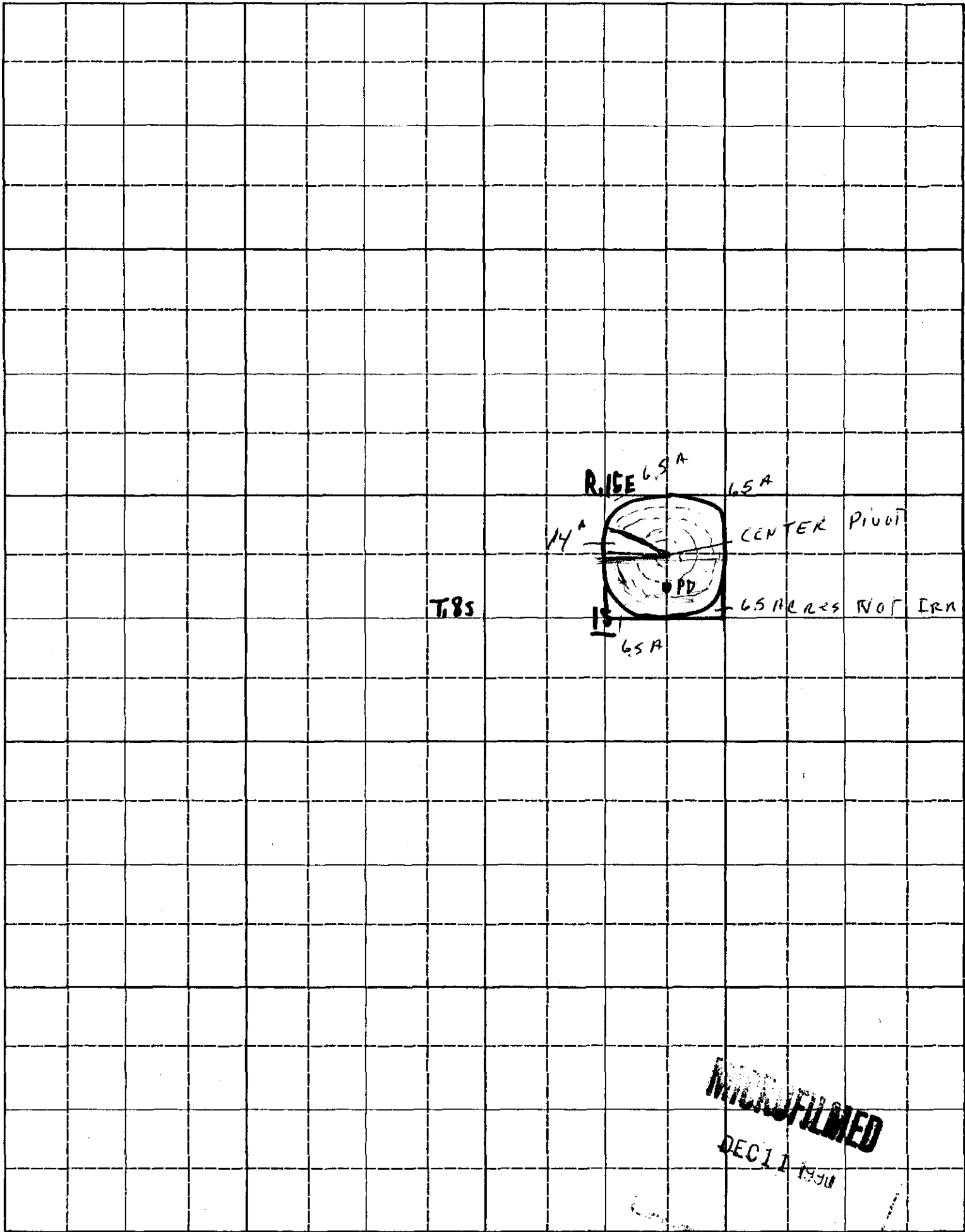
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks I wish to install a pivot to cover additional ground, so more water will
be required.

WIKI FILME

DEC 11 1990

11. 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.

Eldon K. Johnston
(Applicant)

Received by JH Date 1-31-85 Time 1:09 pm
Preliminary check by TB Fee \$ 65.00
Receipted by JH Date 1-31-85 # 35271
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. Other:

MICROFILMED

DEC 11 1980



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

July 6, 1990

RE: APPLICATION FOR PERMIT NO. 36-8263

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, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

MICROFILMED

DEC 11 1990

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
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 Agent

Enclosures

MICROFILMED

DEC 11 1990