

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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MAR 10 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-8213

1. Owner: Max Herbold Inc. Phone No. 426-6396

Current Address: P.O. Box 67, Rupert, ID 83350

2. Accompanied by: Blaine Cook EXAM. DATE: 6-25-91

Address: Mainline Ranches, Rt. 2 Box 353, Rupert, ID Phone No. 678-0248-1082 mobile

Relationship to Permit Holder: co-manager 83350 phone

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-2501 (N $\frac{1}{2}$ NW $\frac{1}{4}$ S. 18) ~~(water right)~~

☐ Copies Attached

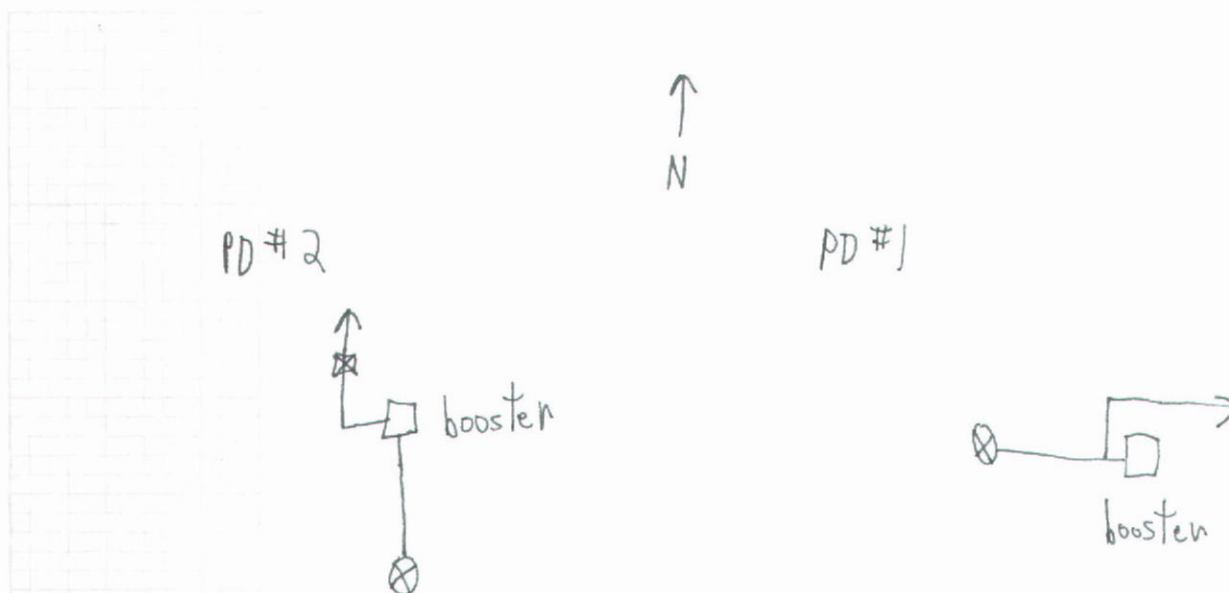
2. Other water rights with same point of diversion: 36-2220, 2061, ~~2501~~

☐ 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



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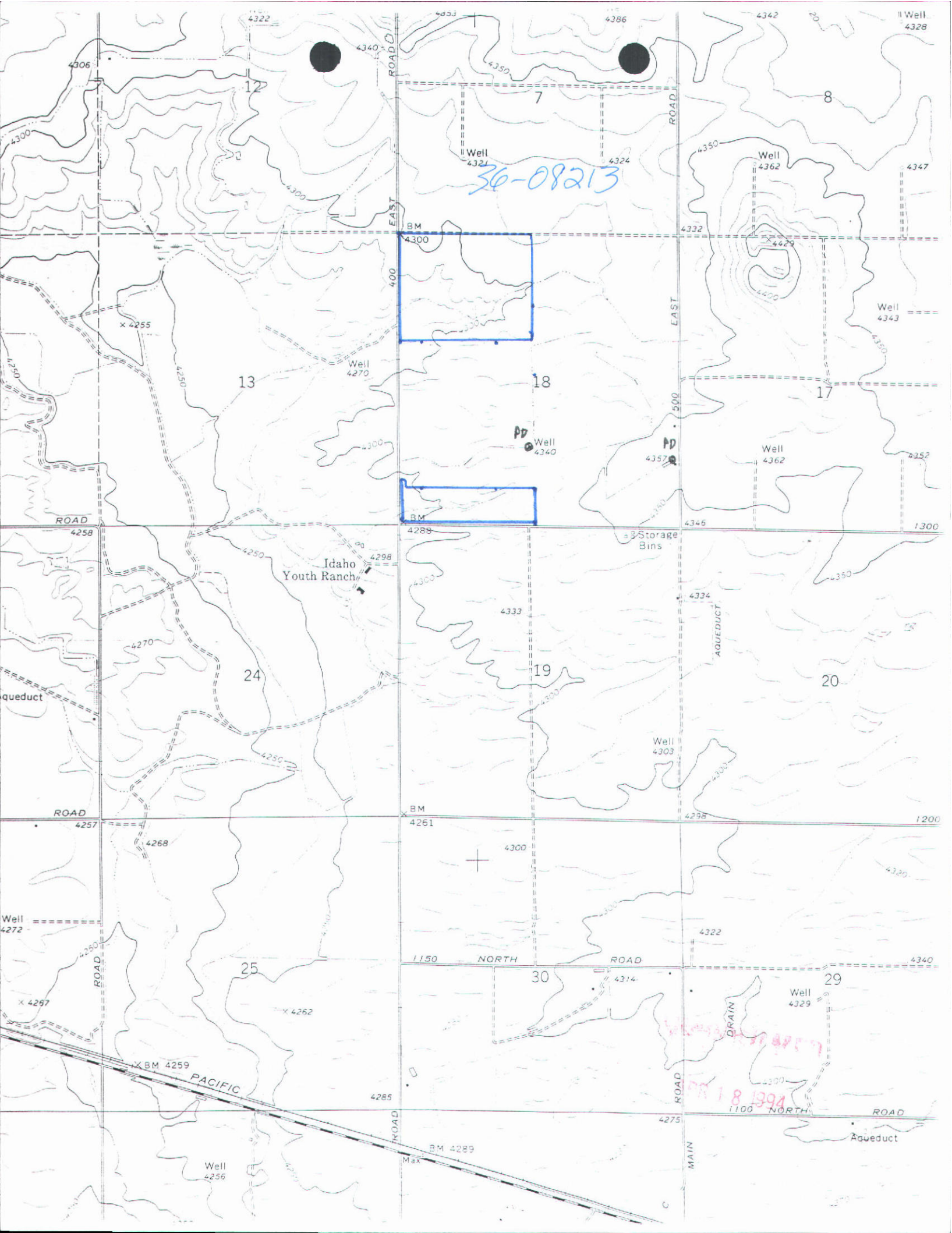
Scale: 1" = _____

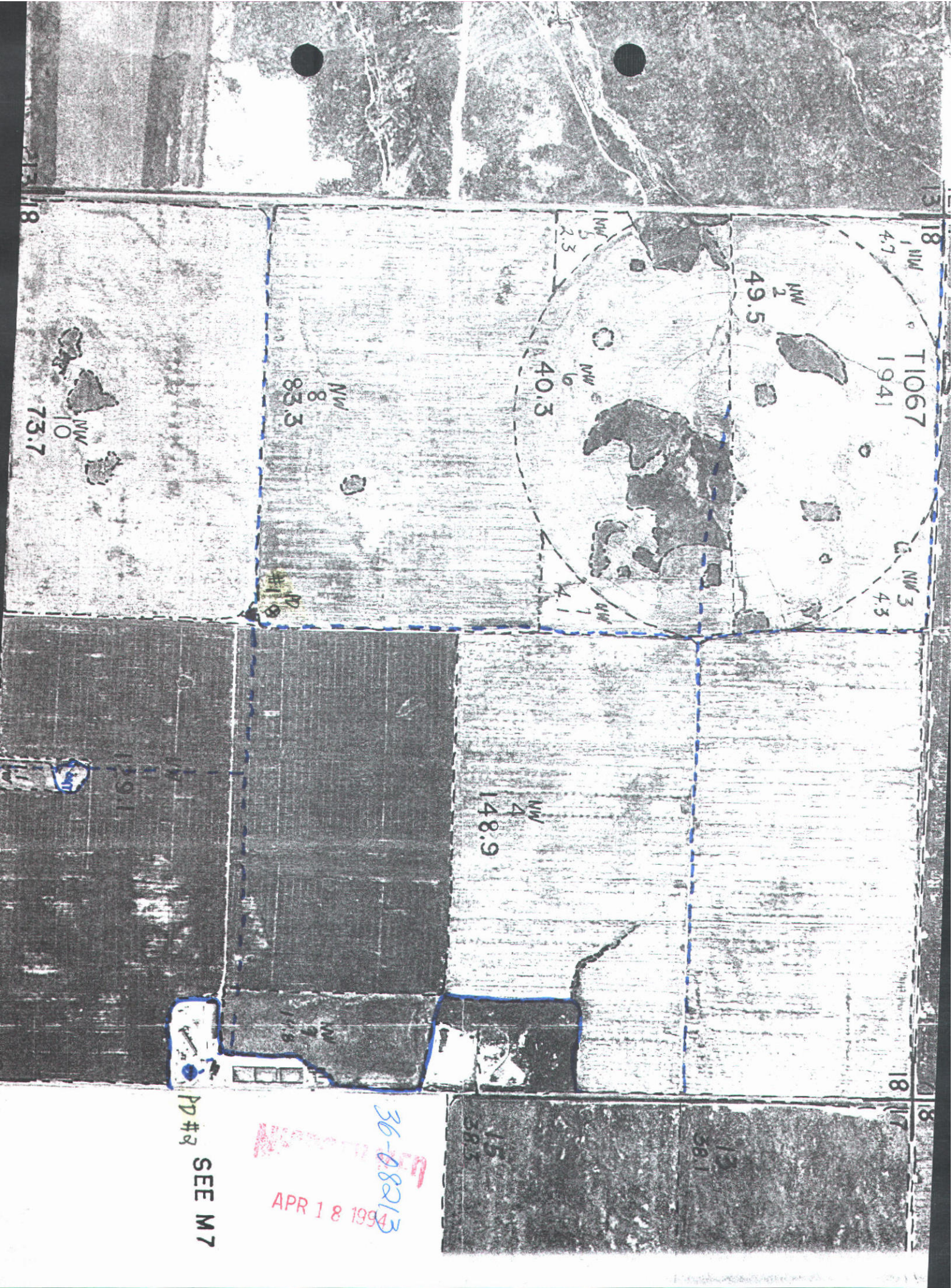
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ 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).





T1067
1941

36-08213

APR 18 1994

PD #2 SEE M7

86-8213



Well #1



PD #2

Well #2

Diversion Works

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>36-8213</u>	_____	—	_____	_____	—
<u>36-8212</u>	_____	—	_____	_____	—
_____	_____	—	_____	_____	—
_____	_____	—	_____	_____	—
_____	_____	—	_____	_____	—

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 DEPARTMENT OF WATER RESOURCES

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Max Herbold Inc.
4. New Owner/Claimant(s) PO Box 67, Rupert, ID 83350
Jack M. Shelley, Kent M. & Tamara Harmon
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 461-A E 1500 N
- City, State and ZIP Code Rupert, ID 83350
- New Telephone Number 208 435-532-4236
5. Date you acquired the property 3-1-1994

SUPPORT DATA

IN FILE # 36-8212

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *John M. Danner*
(include title if applicable)

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

For Office Use Only			
Received by <u><i>JF Stanton</i></u>	Date <u><i>3-2-04</i></u>	Fee <u><i>\$50.</i></u>	
Received by <u><i>JP</i></u>	Date <u><i>3-2-04</i></u>	Receipt No. <u><i>5026569</i></u>	
Processed by _____ AJ	Date _____	WR _____	Date _____

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08213

Priority: June 22, 1983

Maximum Diversion Rate: 2.04 CFS
Maximum Diversion Volume: 544.0 AF

This is to certify, that MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 22, 1983; and has submitted Proof of Beneficial Use on October 6, 1989. An examination indicates that the works have a diversion capacity of 8.770 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	2.04 CFS	544.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 18, Township 07S, Range 25E
SESE , Sec. 18, Township 07S, Range 25E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 25E 18	NENW 39	Lot 1(NWNW) 32	Lot 2(SWNW) 13	
	SENW 20	Lot 3(NWSW) 1	Lot 4(SWSW) 12	
	SESW 19			136

Total number of acres irrigated: 136

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. APR 18 1994
6. This right when combined with the rights listed below shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include 36-02061, 36-02220 and 36-02501.
7. The following rights are also diverted through the point(s) of

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08213

CONDITIONS/REMARKS:

diversion described above: 36-02061 and 36-02220.

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 APRIL, 1994.

Acting for


R. Keith Higginson, Director

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APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08213

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MAR 31 1994
Department of Water Resources

Date of Priority: June 22, 1983

Maximum Diversion Rate: 2.04 CFS
Maximum Diversion Volume: 544.0 AF

Comes now
PO BOX 67
RUPERT ID 83350

MAX HERBOLD INC

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. 36-08213, 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	2.04 CFS	544.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 18, Township 07S, Range 25E
SESE , Sec. 18, Township 07S, Range 25E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
07S	25E	18	NENW 39	Lot 1(NWNW)	32	Lot 2(SWNW)	13	
			SENE 20	Lot 3(NWSW)	1	Lot 4(SWSW)	12	
			SESE 19					136

Total number of acres irrigated: 136

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

Rupert, Ida

, this

28th

day of

March

, 19*94*.

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James M. Herbold
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08213

FOR DEPARTMENT USE ONLY

Preliminary check by RC Fee = 2000 Received by DL # 0029918 Date 3/31/94 ✓

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. 36-08213 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. This right when combined with the rights listed below shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include 36-02061, 36-02220 and 36-02501.
7. The following rights are also diverted through the point(s) of diversion described above: 36-02061 and 36-02220.

Witness my hand this 9TH day of April, 1994.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

APR 18 1994

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OCT 06 1989

Department of Water Resources
Southern Region Office

STATE OF IDAHO

OCT 10 1989

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

For Office Use Only
Fee Received 150.00
Date 10/6/89
Receipt # 500 9697
Receipt by AD
Reviewed by 221-10/13/89
Sent to region 10-6-89
S.O.

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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.

Permit No. 36-8213

Name(s) of Permit Holder: MAX HERBOLD INC

Post Office Address: PO BOX 67

RUPERT, IDA 83350 Telephone No. 436-6396

Source of Water: GROUND WATER

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 140 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 2.8 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: MAY 1983

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☒ Yes ☐ No
Fee enclosed \$ 150.00
(See License Examination Fee Schedule)

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

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

DENNIS M HERBOLD 436-6396
(Name) (Telephone Number)

(Address)

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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.

OCT 18 1989

10/6/89
Date

Dennis M Herbold
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Max Herbold Inc. Phone 436-6396

Post office address P. O. Box 67, Rupert, ID 83350

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 7S

Range 25E B.M. Minidoka County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.8 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. 2.8 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, sprinklers

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 _____ inches; proposed depth of well is _____ feet.

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	25E	18					40	Lt1 33	Lt2 13	20		Lt3 1	Lt4 13	20					140

Total number of acres to be irrigated 140

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

Lic. 36-2220 on adjacent land

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 Filing covers land irrigated with sprinklers but not covered by license 36-2220.

RECORDED

AUG 21 1989

Proposed Priority 6/22/83

Received by JP Date 6-22-83 Time 3:50 pm
Preliminary check by TGB Fee \$ 85.00
Receipted by JP Date 6-22-83 # 30378
Publication prepared by JS Date 2/16/89
Published in South Idaho Press
Publication dates 2/16 & 2/23/89
Publication approved MB Date 3/14/89
Protests filed by: none

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

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. 36-8213 , and said application is hereby APPROVED .

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 June 1 , 19 90 .

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: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 9th day of May , 1989.

A. Glen Saxton

REPROFILMED

AUG 21 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 26, 2004

JACK M HARMAN
SHELLEY HARMAN
KENT M HARMAN
TAMARA HARMAN
461A E 1500 N
RUPERT ID 83350

RE: Change of Ownership for Water Rights 36-8212 and 36-8213

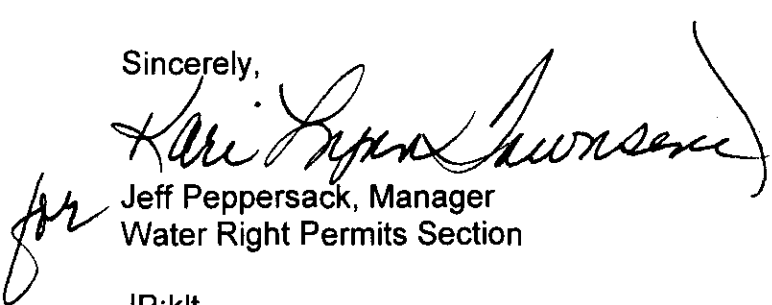
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

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MAR 10 1995
Department of Water Resource

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 9, 1995

Jack M. and Shelley Harman
Kent M. and Tamara Harman
1500 North 456 East
Rupert, ID 83350

RE: Substitution of Party, Water Right Nos.: 36-02061, 36-02220, 36-02501, 36-02550,
36-08212, 36-08213 and 36-13113

The court received a *Standard Form 3 Consent to Substitution of Party* for the water rights listed above listing you as the new claimant/purchaser.

The Standard Form 3 will be accepted and filed only as to Water Right Nos. 36-02061, 36-02220, 36-02501, 36-02550 and 36-13113. Claims to these water rights have been reported in the *Director's Report for Basin 34*, filed with this court on June 18, 1992.

Water Right Nos. 36-08212 and 36-08213 have not been reported in a director's report before this court. You will need to contact David Shaw of the Idaho Department of Water Resource for instructions on how to proceed with these two water rights. The toll-free number for IDWR is 800-451-4129.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD

cc: David Shaw
Chief Natural Resources Division
U.S. Department of Justice

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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 11, 1994

MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

RE: WATER RIGHT NO. 36-08213

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.

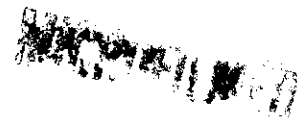
Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure



APR 18 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

March 14, 1994

MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

RE: WATER RIGHT NO. 36-08213

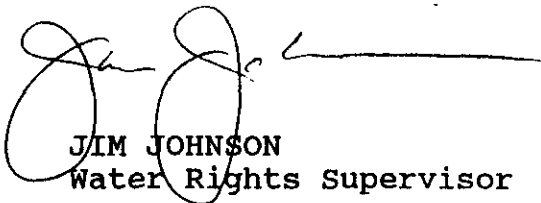
Dear Water Right Holder(s):

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.

If you do not concur with this information, please contact me as soon as possible.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

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APR 18 1994

WR0749NP
No. 36-08213

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/14/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAN NEEDLE INC PO BOX 47 BEND OR 97701 (208) 474-1394	06/22/1983	IRRIGATION	04-01-80-31	2.04 CFS	344.00 AFA
TOTAL DIVERSION:					2.04 CFS	344.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.77 CFS

Point(s) of Diversion: TOTAL RESE 318 NESE / SESE WHITFORD County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
				NENE	NWNE	SWNE	SENE	NENE	NWNE	SWNE	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
070	25E	18	:					39	01	32	02	13	20			03	00	04	12	10
																				TOTAL ACRES
																				136.0

Pou County: MINIDOKA

Other Rights: 36-2220

Other Water Rights with Same Point(s) of Diversion and Source:
36-02061 36-02220 36-08213

Other Water Rights Listing Overlapping Place(s) of use:
36-02220 36-02501 36-08213

Conditions of Approval:

- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- lands above.

Remarks: This right when combined with the rights listed below shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include 36-02061, 36-02220 and 36-02501. The following rights are also diverted through the point(s) of diversion described above: 36-02061 and 36-02220.

Dates: App. Received: 06/22/1983 Priority Date: 06/22/1983
Proof Due Date: 06/01/1990 Proof Made Date: 10/06/1989
Exam Made Date: 06/25/1991 Exam Sent to S.O.: 03/09/1994
Licensed Date:

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

Audit: 03/11/94 CHAPMAN

DATE: 03/11/94
PAGE: 1

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM		
		NE		NW		SW		SE		NE		NW		SW		SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
L3608213	T07S R25E S18 GROUNDWATER																			
	:					39	01-32	02-13	20	:					03-01	04-12	19	:	136	
*3602220	GROUNDWATER :							02-20	20	:					40	03-32	04-20	20	:	152
*3602501	GROUNDWATER :							32 01-33		:									:	65

WR0749NP
No. 36-02501

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAX HERBOLD RUPERT ID	07/25/1961	IRRIGATION	03-15 11-15	0.80 CFS	260.00 AFA
TOTAL DIVERSION:					0.80 CFS	260.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R25E S18

NWNW

MINIDOKA 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	:	SUM
07S	25E	18	:			05				20	40									:	65.0
																				TOTAL ACRES	65.0

Pou County: MINIDOKA

Other Water Rights Listing Overlapping Place(s) of use:
36-02061 36-08213

Dates:	App. Received:	Priority Date:	07/25/1961
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	04/26/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/28/88 CONVERT

*p/u overlap
different p/d*

WR0749NP
No. 36-02061

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAWRENCE H DUFFIN RUPERT ID	02/20/1948	IRRIGATION	00-00 00-00	1.80 CFS	
TOTAL DIVERSION:					1.80 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R25E S18 SESE MINIDOKA 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	:	SUM	
07S	25E	18	:	40		40		40		40						40		40		40		320.0
TOTAL ACRES																				320.0		

Pou County: MINIDOKA

Other Water Rights Listing Overlapping Place(s) of use:
36-02501

Dates:	App. Received:	Priority Date:	02/20/1948
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		04/24/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/28/88 CONVERT

overlapping license
overlaps PTO only

.005
peracre

WR0749NP
No. 36-02220

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO REALTY & INVESTMENT INC RUPERT ID 83350	05/02/1953	IRRIGATION	00-00 00-00	3.04 CFS	
TOTAL DIVERSION:					3.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R25E S18 NESW MINIDOKA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
07S	25E	18	:					:			20	20	:	40	32	20	20	:					:	152.0
TOTAL ACRES																							152.0	

Pou County: MINIDOKA

Other Water Rights with Same Point(s) of Diversion and Source:
36-08213

Other Water Rights Listing Overlapping Place(s) of use:
36-08213

Dates:	App. Received:	Priority Date:	05/02/1953
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	04/24/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 06/18/85 05/28/88 CONVERT

p/B + p/u Overlap

.02 CFS per acre

LICENSE REVIEW CHECKLIST

Permit # 36-8213

Date 3-11-94

Brenda Chapman

NAME Yes No ✓ Or Address Change?

PRIORITY DATE ✓ Advance? Advanced to:
 Order to Reinstate Needed?
 Incorrect Fee for rate recommended?

SOURCE Changes? Clarification of Originally
 Intended source
 Notice of Intent to Void - Source change.

P/D ✓ Amendment Needed? Add SESE 1/4 1/4
✓ Overlap(s) 36-2220, 36-2061

P/U ✓ Amendment Needed?
 Overlap(s) 36-2501, 36-2220

TOTAL CFS ✓ Measurement Theoretical only ✓
 #1 well Q = 3.81 } 8.77 CFS
 #2 well Q = 4.96 }

CAPACITY = 8.77
36-2220 = 3.04
36-2061 = 1.80

Available 3.93

* 136 X .015 = 2.04 - NEW RATE
Allowable Amount: (136 X .02 = 2.72) PER ACRE

Capacity of System: 8.77

TOTAL VOLUME Season of Use: C/4.0 (4-1 to 10-31)

✓ Calculations:
 136 X 4 = 544

Flow limit: 2.04 x 214 x 1.9835 = 865

USES ✓ Change(s) in Nature of Use?
 ✓ Amendment Needed?

REMARKS ✓ Multiple P/Ds in 1/4 1/4?
 Special Overlap

* Because of 36-2501 ← W34, W29
Different system

CONDITIONS ✓ Measuring/Locking Devices
 ✓ W/Master Control - District
 Irrigation Overlap
 ✓ Water Quality
 ✓ Other

COMMENTS: COMBINED RATES DO Amend P/D
NOT EXCEED CAPACITY

RECOMMENDED	CFS	DIV VOL
<u>Irrigation</u>	<u>2.04</u>	<u>544</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

LICENSE
1ST AMEND LETTER P39
2ND AMEND LETTER P47

OVERLAP ANALYSIS OF EXAM OF PERMIT NO. 36-8213

With Same System

(6)

PLACE OF USE				NE				NW				SW				SE				TOTAL
	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES
ACRES FOUND AT THE TIME OF THE EXAM	75	25	18	38	39	40	30	39	32	33	40	40	33	32	39	36	40	38	35	584

WATER RIGHT NUMBER				NE				NW				SW				SE				TOTAL
	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES
36-2220	75	25	18							20	20	40	32	20	20					152

WATER RIGHT NUMBER				NE				NW				SW				SE				TOTAL
	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES
36-2061	75	25	18	40	40	40	40									40	40	40	40	320

NEW ACRES NOT COVERED BY THE OTHER RIGHT(S)																				TOTAL
	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES
	75	25	18					39	32	13	20		1	12	19					136

8.77/584 acres = .015 per acre

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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Department of Water Resources

A. GENERAL INFORMATION

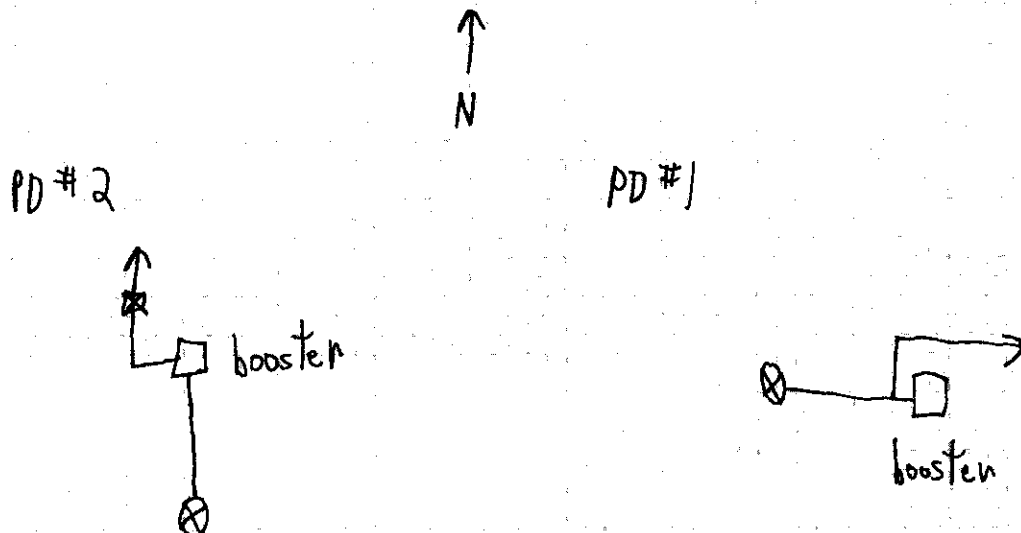
1. Owner: Max Herbold Inc. Permit No. 36-8213
Current Address: P.O. Box 67, Rupert, ID 83350 Phone No. 426-6396
2. Accompanied by: Blythe Cook EXAM. DATE: 6-25-91
Address: Mainline Ranches, Rt. 2 Box 353, Rupert, ID 83350 Phone No. 678-0248-1082 mobile phone
Relationship to Permit Holder: co-manager
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-2501 (N $\frac{1}{2}$ NW $\frac{1}{4}$ S. 18) (REMOVED)
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: 36-2220, 2061, 2501
_____ ☐ 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



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Scale: 1" = _____

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

System Description (continued)

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

Two connected wells & pumps, buried mainlines to sprinklers. Well #1 is the main source, #2 is used occasionally. Well #2 mainly waters east half of section, Well #1 mainly waters west half of section. Both wells are needed together to water whole section.

☐ 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	W.S. Motors	150	1025270	Worthington	T1508429
booster	Century	100	6-824549-01	Berkeley	7480546
2	GE	200	XKJ1014004	Lynne-Bowler	no tag
booster	"	125	GR292013	Cornell	29844

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1		SE	NE	SW	18	75	25E	Minidoka	
2		NE	SE	SE	"	"	"	"	

6. Place(s) of Use:

Indicate Method of Determination

Land Irrigated by 2 wells

Land to be licensed

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	
75	25E	18	38	39	40	30	39	32	33	40	40	33	32	39	36	40	38	35	584
								LT1	LT2			LT3	LT4						
75	25E	18					39	32	13	20		1	12	19					136
								LT1	LT2			LT3	LT4						

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Do not use this space

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.

Flow Rate: 84 ac, new ground x .02 cfs/ac = 1.68 cfs

52 ac, x .00769 cfs/ac = 0.40 cfs (old ground lic. at 0.0123 cfs/ac)

Total = 2.08 cfs

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

Theoretical capacity of system is 8.77 cfs. ~~Allow 136 ac x .02 cfs/ac = 2.72 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 = _____ (8)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ $84 \times 4 = 336 \text{ AFA}$
 ~~$84 \times 4 = 336 \text{ AFA}$~~ ~~$136 \times 4 = 544 \text{ AFA}$~~

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ $2.08 \times 245 \times 1.9835 = 1010.8 \text{ of}$

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

2. Volume Calculations for Other Uses:

Old license provides full volume on 52 acres, leaving ~~84 ac~~ at 4.0 AFA/ac

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36-08213 Overlap analysis without 36-02501

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	36-08213	75	25E	18					40	33	13	20		1	13	20					140	
PERMIT																						
FOUND									39	32	13	20		1	12	19					136	
OVERLAP																						
NEW ACRES									39	32	13	20		1	12	19	=				136	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	02061	75	25E	18																		
PERMIT	.28" / acre				40	40	40	40									40	40	40	40	160	
FOUND																						
OVERLAP																						
DIFFERENCE																						

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	02220	75	25E	18																		
PERMIT	1" / acre										20	20	40	32	20	20						
FOUND																						
OVERLAP																						
DIFFERENCE																						

System Capacity: $8.77 \text{ cfs} / 584 = .01502 / \text{acre}$

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PERMIT																						
FOUND																						
OVERLAP																						
DIFFERENCE																						

136 new acres $\times .01502 = 2.04 \text{ cfs}$

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PD 1

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 26-8213

DATE: 6-25-91

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])

$$Q = \frac{(8.8) \times (250) \times (0.70)}{[(272) + (57 \times 2.31)]} = 3.81 \text{ cfs}$$

LIFT FROM:

measurement ()

owner ()

area estimate ()

well logs ()

PSI FROM:

measurement ()

owner (X)

estimate ()

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS LIFT given old water right file - has not changed according to Mr. Cook

ANNUAL VOLUME ANALYSIS

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

(season)	(days)	
3/15 - 11/15	246	(...246...) x (1.98) x (...3.81/4.1%)
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	(...136...)

$$\text{POTENTIAL} = 31.4$$

REQUIRED Acre Feet/Acre/Annum = 4.0
(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 ()

APR 18 1994

Well #2

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 36-8213
DATE: 6-25-91
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])

$Q = \frac{(8.8) \times (325) \times (0.70)}{[(272) + (57 \times 2.31)]} = 4.96 \text{ cfs}$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner (X)	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
	Booster (Y) (N)	
REMARKS	Lift is from old license file	

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	

POTENTIAL = $(246) \times (1.98) \times (4.96 + 3.81) = 584$

POTENTIAL = 7.3

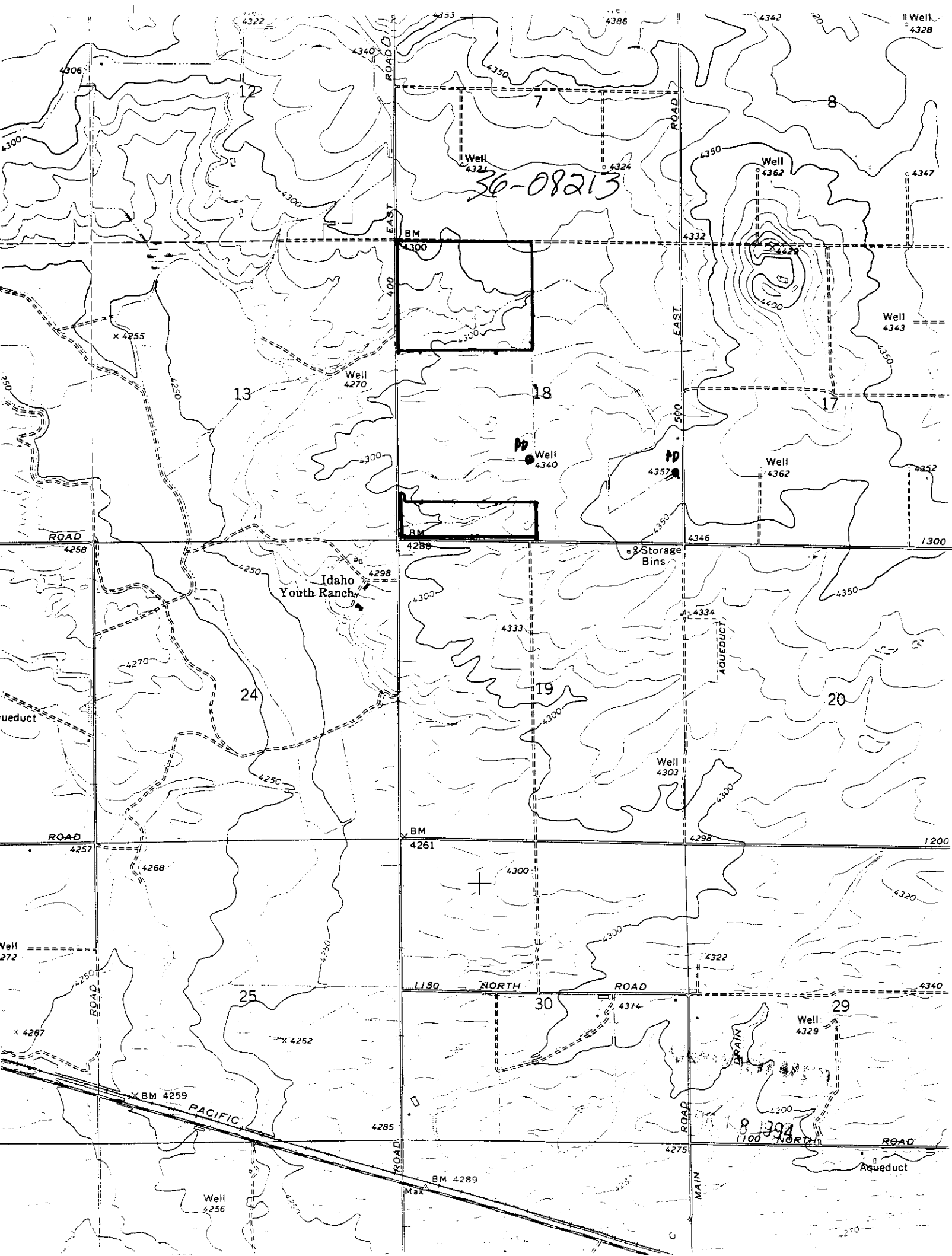
REQUIRED Acre Feet/Acre/Annum = 4.0
(AF/Ann/Ac irrigation requirement from chart for area)

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 ()

APR 18 1994



12

18

1 NW 4.7

T1067
1941

1 NW 3 4.3

2 NW 49.5

6 NW 40.3

8 NW 88.3

10 NW

73.7

28.9

18

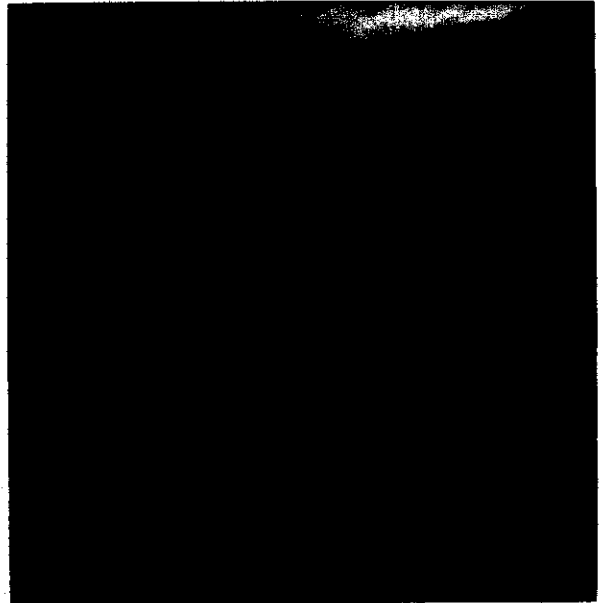
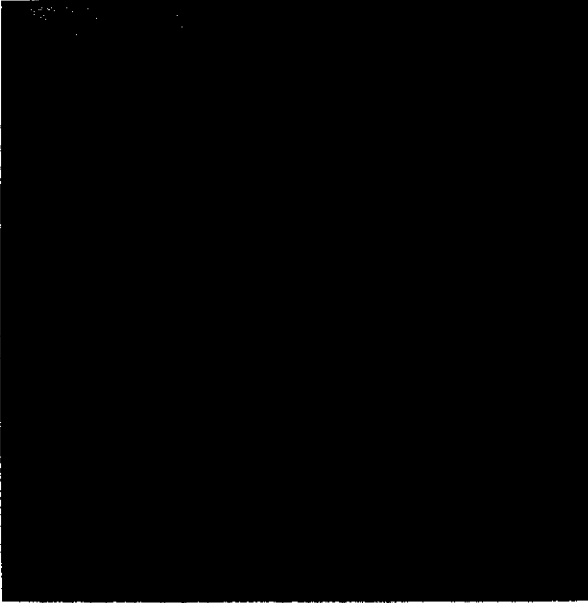
36-08213

APR 18 1994

PD #2 SEE M7

17

86-8213



PD #2

Well #1

Well #2

Diversion Works

APR 18 1994

MEMORANDUM

TO: FILE/APPLICATION NO.

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 11-27-89

=====

This application was among those applications reviewed in the regional offices last year and recommended for out of sequence processing. This application includes a statement and sufficient supporting evidence concerning development of the project prior to October 1, 1984.

The department's Policy and Implementation Plan for Processing Water Rights in the Swan Falls Area provides for applications to be processed out of sequence if the development was completed prior to October 1, 1984 and the application filed prior to July 1, 1985. These filings are not required to be processed in sequence with other trust water filings because the effect of these filings have already occurred and because, due to subordination, the filings are not taking water held in trust. These filings are not subject to the staged development policy and public interest criteria of Section 42-203C, Idaho Code.

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APR 18 1994

October 17, 1989

MAX HERBOLD INC.
P.O. BOX 67
RUPERT, ID 83350

RE: PERMIT NO. 36-08213

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

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OCT 18 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 36-8213

Date: 10/13/89

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change OK If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
NA 1. well log in file NA
NA 2. drilling permit May 1983
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- yes Is a measuring device or access port required?
yes Has one been installed?
☐ Waiver or modification of measuring device requested

Remarks:

proof acceptable

Priority Calculation:

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 10, 1989

MAX HERBOLD INC.
P.O. BOX 67
RUPERT, ID 83350

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 36-08213

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.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

MICROFILMED

AUG 21 1989

We have enclosed 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 for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

AUG 41 1989

37-8213

MEMORANDUM

RECEIVED

FEB 16 1989

Department of Water Resources
Southern Region Office

TO: File/37-8213

FROM: TIM LUKE *TL*

RE: Swan Falls Processing

DATE: 2/14/89

After reviewing this file I recomend that it be removed from the Swan Falls process list. Evidence in the file indicates that the use was established prior to October 1, 1984 and therefore is not subject to the review requirements of 42-203D.

The evidence includes a statement made by the permittee at the time of the original filing in May, 1985 that the use was established in 1978 and is not subordinate to Idaho Power's hydropower right.

cc: Region

RECORDED

AUG 21 1989

37-8213



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 2, 1989

Max Herbold Inc.
P. O. Box 67
Rupert ID 83350

Re: Application for Permit Nos. 36-8212 & 36-8213

Dear Applicants:

On March 25, 1988, the Federal Energy Regulatory Commission (FERC) issued an order satisfying the last condition to make the Swan Falls Agreement effective. The Department is now prepared to proceed with the normal processing of your application. This process includes the preparation of a notice of the application which shall be published once a week for two consecutive weeks in a newspaper printed within the county wherein the point of diversion lies.

The Department wishes to know of any reason why it should not plan to process your above-referenced application. If there is a reason for not processing this particular application or you no longer have any interest in seeking a water right permit under this application, please notify the Department within ten days of the date of mailing this notice.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes
Manager, Southern Regional Office

LOH:jg

MICROFILMED

AUG 21 1989

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

MARGE BARENDREGT being first
duly sworn, deposes and says that *she* is the

Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for *two (2)*
consecutive weeks, commencing with the issue
dated *Feb. 16*, 1989, and ending
with the issue dated *Feb. 23*, 1989.

Marge Barendregt

STATE OF IDAHO

COUNTY OF

On this *27th* day of *Feb* in the year of *1989*, before me,
a Notary Public, personally appeared *Marge Barendregt*
known or identified to me to be the person whose name subscribed to the within instrument
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Robert Blakey
Notary Public for Idaho

Residing at *Burley, ID*

My commission expires: *7/1/92*

Cost of Publication *201.14*
Notary Fee *50*
Total Cost *201.64*

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region Office

MICROFILMED

AUG 21 1989

36-71

NOTICE OF APPLICATION FOR
WATER RIGHT

The Following application(s) have been filed to
appropriate the public waters of the State of
Idaho:

36-08213

MAX HERBOLD INC.
P.O. BOX 62
RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt: NESW Sec 18 T 07S R 25E
Use: IRRIGATION (2,800 CFS)
Date Filed: 6/22/1983
In: T07S R25E S18 NENW Lot 1 (NWNW) Lot
2 (SWNW) SENW Lot 3 (NWSW) Lot 4
(SWSW) SESW
140.0 ACRES TOTAL

36-08226

PATTERSON FARMS OF IDAHO INC.
RT. 1 BOX 1272
PAUL, ID 83347
Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNW) Sec 18 T 09S R
25E
Use: IRRIGATION (1,380 CFS)
Date Filed: 6/30/1983
In: T09S R25E S18 Lot 4 (NWNW) Lot 7
(SWNE) NENW SENW
107.0 ACRES TOTAL

36-08277

WEEKS, KENYON
P.O. BOX 67
MINIDOKA, ID 83343
Source: GROUNDWATER
Diversion Pt: NENW Sec 9 T 08S R 26E
Use: IRRIGATION
Date Filed: 6/03/1985
In: T08S R26E S04 NESW SESW NWSE SWSE
S09 NWNW NENW NWNW SWNW
266.0 ACRES TOTAL

36-08278

WEEKS, KENYON
P.O. BOX 67
MINIDOKA, ID 83343
Source: GROUNDWATER
Diversion Pt: SWNE Sec 25 T 07S R 25E
Use: IRRIGATION (1,310 CFS)
Date Filed: 6/03/1985
In: T07S R25E S24 SESE
S25 NENE NWNW SWNE SENE
NESE NWSE SESE
66.0 ACRES TOTAL

36-08282

CRANE, PAUL G.
CRANE, LA VIEVE
RT. 3 BOX 145
RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt: SWSW Sec 26 T 08S R 24E
SESW Sec 26 T 08S R 24E
Use: IRRIGATION (2,000 CFS)
Date Filed: 6/13/1985
In: T08S R24E S26 SWNE SWNW SENW
NESW
NWSW SWSW NWSE SWSE
S35 NENE NENW
108.0 ACRES TOTAL

36-08284

NICHOLS, JOHN C.
RT. 3 BOX 185
RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt: SESE SEC 7 T 08S R 25E
Use: IRRIGATION (1,120 CFS)
DOMESTIC (1,040 CFS)
Date Filed: 6/11/1985
In: T08S R25E S07 SESE
6.0 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, 2148 4th Avenue East,
Twin Falls, Idaho 83301 on or before MARCH 6,
1989.

A/R. Keith Higginson
Director

Published in the South Idaho Press on February
14 and 23, 1989.

36-08213

MAX HERBOLD INC.
P.O. BOX 67
RUPERT, ID 83350

Source: GROUNDWATER

Diversion Pt: NESW Sec 18 T 07S R 25E

Use: IRRIGATION (2.800 CFS)

Date Filed: 6/22/1983

In: T07S R25E S18 NENW Lot 1 (NWNW) Lot 2 (SWNW) SENW
 Lot 3 (NWSW) Lot 4 (SWSW) SESW

140.0 ACRES TOTAL

UNRECORDED
AUG 21 1989

FORM A

RECEIVED
FEB 13 1987
Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
MAY 10 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 36-8213

Name(s) of Permit Holder: _____

MAX HERBOLD INC.

SECOND STREET & SCOTT AVE.

Post Office Address: P.O. BOX 67 RUPERT, IDAHO 83350

Telephone No. 436-6396

Source of Water: UNDERGROUND

Extent of Use: Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 140 Additional acres (acres)
total of 320 acres

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: APPROXIMATELY 1956

Measuring Device: Required? Yes X No
Installed? Yes X No

Flow Measurement Port: Required? Yes X No
Required? Yes X No

Person to contact to accompany the Department representative during field examination: RICHARD NIELSEN OR DENNIS HERBOLD

(Name)

SECOND STREET & SCOTT AVENUE RUPERT, IDAHO

(Address)

436-6396

(Telephone number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

4/10/85

Date

AUG 21 1989

Dennis M. Herbold
Signature of Permit PRESIDENT
(and Title, if appropriate)

Statement of development for exemption from Swan Falls processing. Not acceptable as proof of beneficial use.