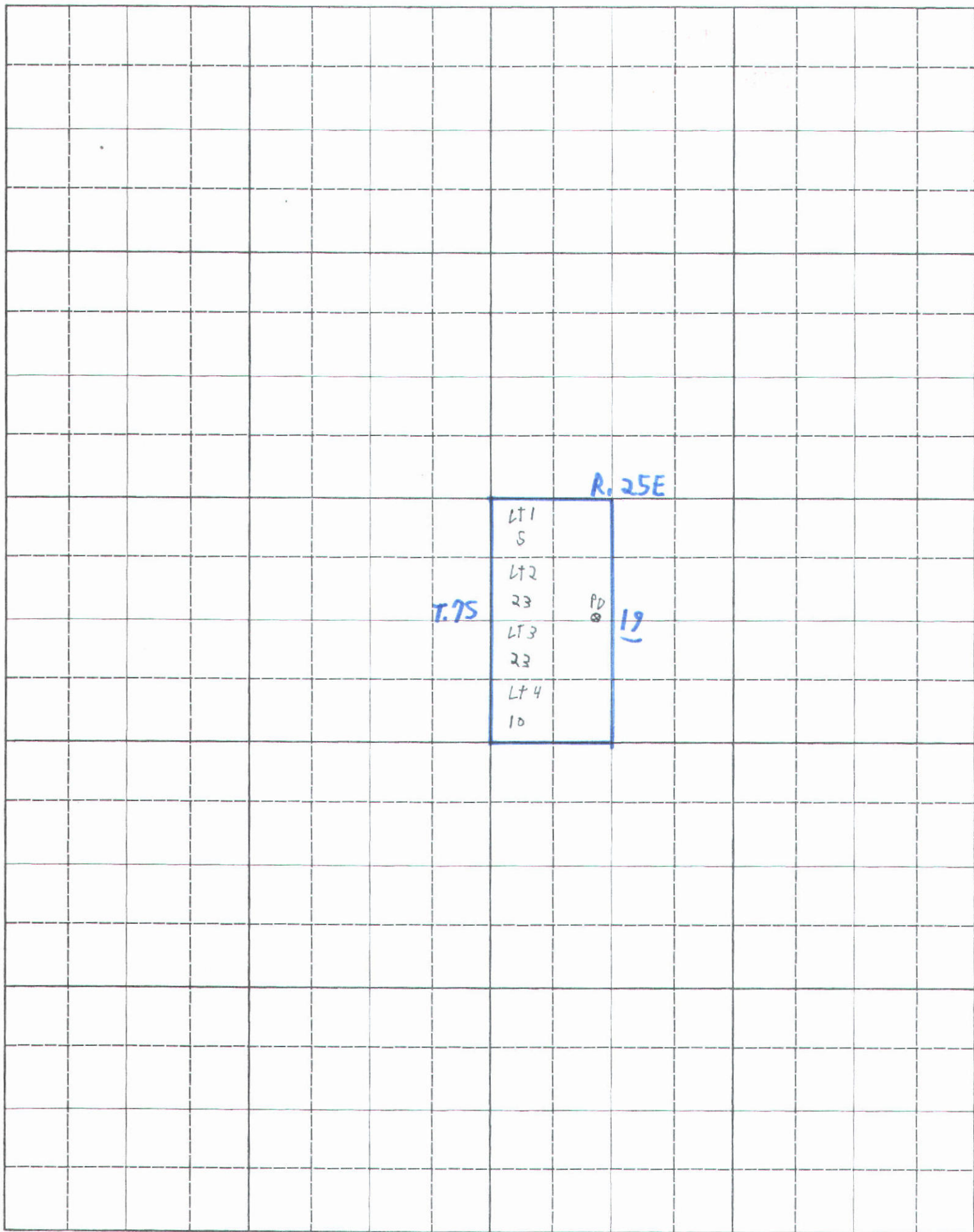


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED

AUG 21 1989

James M. Hebold
(Applicant)
Secretary

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MAR 10 1994

Form 219
6/86

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 11 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-8212

1. Owner: Max Herbold Inc. Phone No. 436-6296

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

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

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

Relationship to Permit Holder: CO-manager 83350 mobile

3. Source: Groundwater tributary to _____

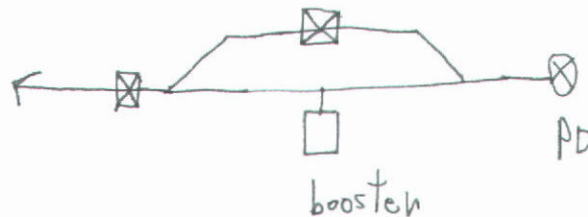
B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached

2. Other water rights with same point of diversion: 36-2550 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

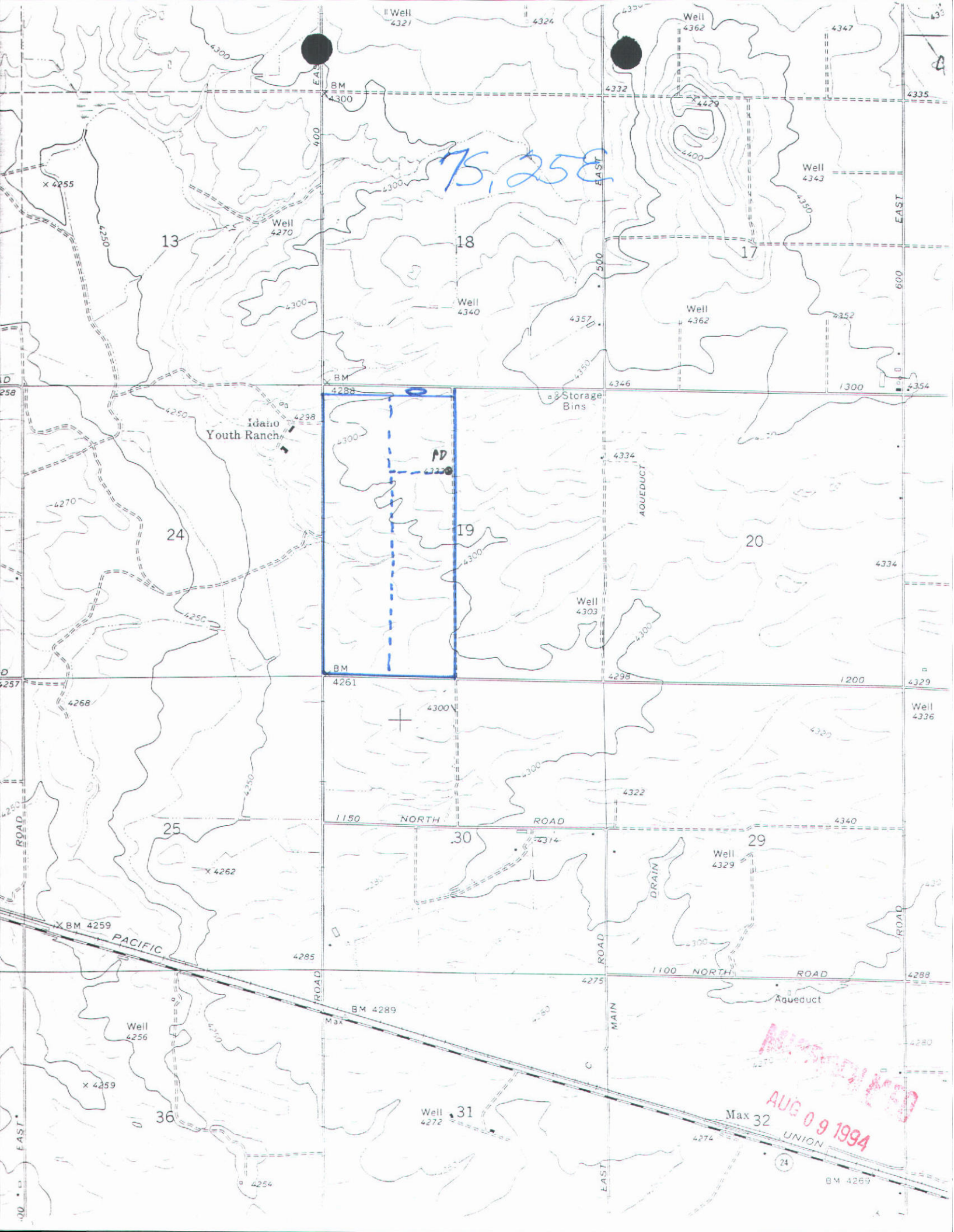
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



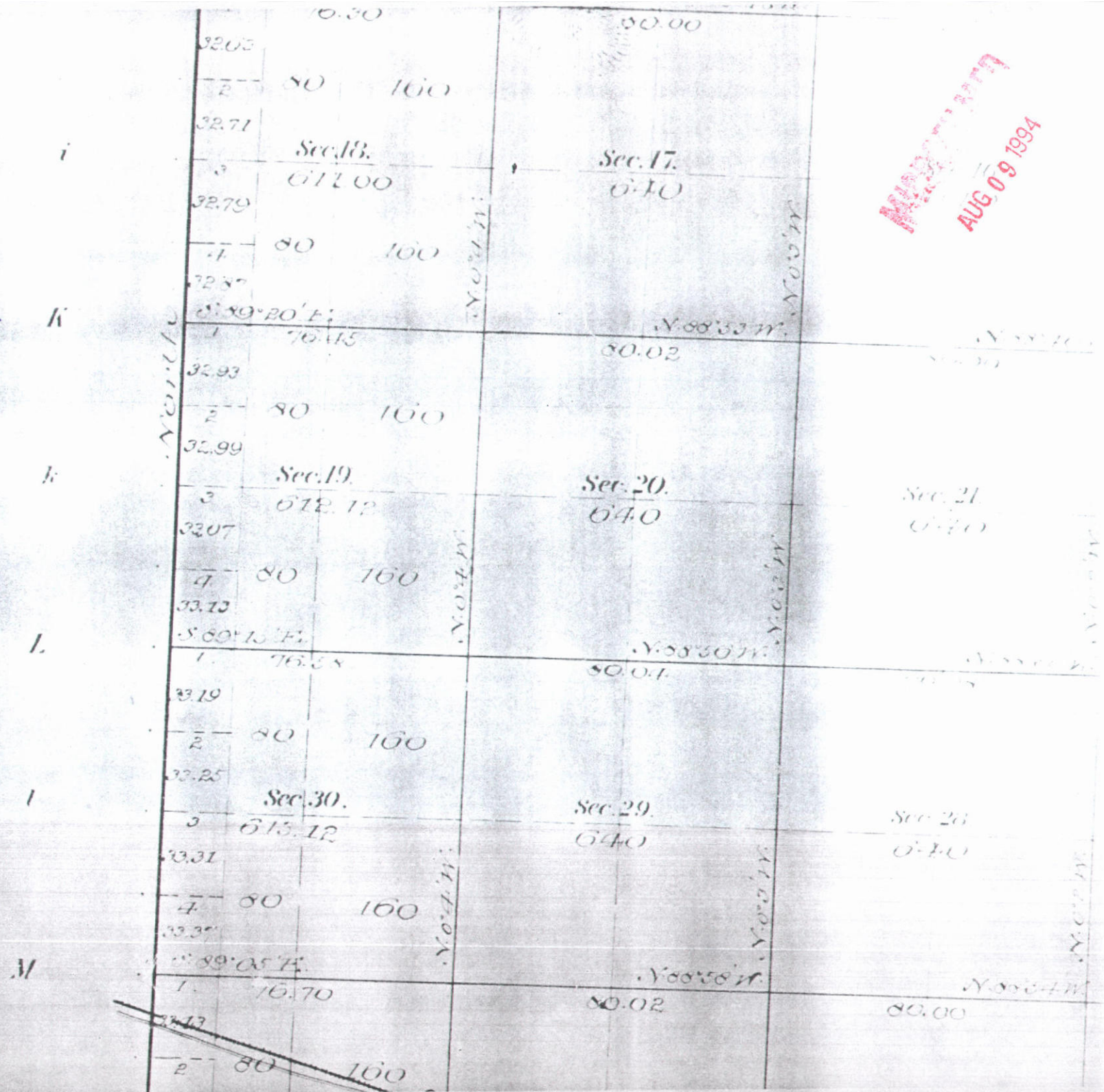
Scale: 1" = _____

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).

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AUG 09 1994



75, 25E





86-8212



Diversion Works

AUG 09 1994

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

RECEIVED
MAR 02 2004
 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).	
<u>36-8213</u>	_____	—	_____	_____	RECEIVED MAR 12 2004 DEPARTMENT OF WATER RESOURCES
<u>36-8212</u>	_____	—	_____	_____	
_____	_____	—	_____	_____	
_____	_____	—	_____	_____	
_____	_____	—	_____	_____	

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. Tanager, Herman
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 208 438-522-4236
5. Date you acquired the property 3-1-1994

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APR 05 2004

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 H. Salmeron*
(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>JF Stanton</u>	Date <u>3-2-04</u>	Fee <u>\$50.</u>	
Receipted by <u>JS</u>	Date <u>3-2-04</u>	Receipt No. <u>5026569</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

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APR 06 2004

CONTRACT FOR SALE OR EXCHANGE
OF REAL AND PERSONAL PROPERTY

RECEIVED
MAR 02 2004
Department of Water Resources
Southern Region

THIS AGREEMENT entered the 1st day of March, 1994,
by and between MAX HERBOLD, INC., an Idaho corporation,
hereinafter known as SELLER, and KENT M. HARMAN and TAMARA
HARMAN, husband and wife, and JACK M. HARMAN and SHELLEY
HARMAN, husband and wife, hereinafter known as BUYER,

W I T N E S S E T H:

The parties mutually agree as follows:

1. The Seller agrees to sell and the Buyer agrees to buy the real and personal property described in this agreement on the terms and conditions set forth herein; however, the Seller elects to acquire other like-kind property to be selected and identified by Seller at closing or within forty-five (45) days after closing to enable Seller to avail itself of the benefits of a tax deferred exchange under §1031 of the Internal Revenue Code in lieu of receipt of the purchase price. Identification of the parties as Seller and Buyer is for convenience only and is not intended to preclude the possibility that Seller will elect a tax deferred exchange.

2. The real property is described as follows:

REAL PROPERTY:

Parcel 1:

Lots 1, 2, 3 & 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, all in Section 19, Township 7 South, Range 25 East, Boise Meridian, Minidoka County, Idaho.

Parcel 2:

All of Section 18, Township 7 south, Range 25 East, Boise Meridian, Minidoka County, Idaho.

SAVE AND EXCEPT the following described parcel:

A part of the Southeast quarter of Section 18 of Township 7 South, Range 25 East, Boise Meridian, Minidoka County, Idaho.

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APR 06 2004

5. Buyer is aware that the real property has been subject to a Cooperative Wildlife Habitat - Farming Development Agreement covering certain public lands in the Northeast corner of the Northwest quarter of Section 19, Township 7 South, Range 25 East of the Boise Meridian, Minidoka County, Idaho. The most recent agreement has expired, but the Idaho Department of Fish and Game has expressed a willingness to enter a new agreement with Buyer. The parties will cooperate with one another to get a new agreement entered by the date of closing. Buyer acknowledges that Buyer is familiar with the terms of the existing Cooperative Wildlife Habitat - Farming Development Agreement.

6. The Seller's interest in the following water permits, claims and licenses are included in the sale:

<u>Claim, License, or Permit #</u>	<u>Priority Date</u>	<u>Diversion Rate</u>
36-02061 License	02/20/48	1.800 cfs
36-02220 License	05/02/53	3.040 cfs
36-02501 License	07/25/61	0.800 cfs
36-02550 License	08/27/62	4.010 cfs
36-08212 Permit	06/22/83	1.220 cfs
36-08213 Permit	06/22/83	2.800 cfs
36-13113 Claim	12/31/56	Domestic .040 cfs Stock .040 cfs

Seller has submitted proof of beneficial use for permits 36-08212 and 36-08213 and has requested expedited review and issuance of licenses.

Seller has filed claims for said water rights in the Snake River Basin Adjudication. Seller's claims shall be transferred to Buyer at the time of closing. Seller agrees to make available to Buyer such additional information as Buyer may require to support Buyer's claims in the Snake River Basin Adjudication: provided Seller is not required to incur any out of pocket expenses for production of said information and documentation.

The parties acknowledge that the purpose of the Snake River Basin Adjudication is to determine the nature and extent of water rights of individual licensees and claimants. Seller can not warrant the outcome of the adjudication. Buyer acknowledges that Buyer has examined the water licenses and claim documents filed by Seller, and that Buyer is aware that issues exist in said adjudication regarding coordination of

contract for sale or exchange
of real and personal property

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APR 06 2004

management of surface and underground waters, the amount of water the licensee can establish has been applied to beneficial use, the priority of water rights and the issue of spreading of water to irrigate lands not originally included in the claim to a water right or the license, in addition to other issues which may have been raised previously or may hereafter be raised in said adjudication. Buyer agrees to accept the risks that the volume of water, the priority date and the number of acres to which the water right applies may be determined to be different than the parties believe at the time of execution of this agreement.

7. Buyer acknowledges that Kent M. Harman and Jack M. Harman as partners in Harman Land Ranch have been in possession of the property which is subject to this agreement in the 1993 farming season, and that they are familiar with the land, the equipment and the production of the wells. Seller makes no representations nor warranties regarding the availability of irrigation water from the wells. The Buyer is purchasing the real and personal property in its present condition, "as is", and is not relying upon representations or warranties of Seller other than Seller's warranty of title.

8. The price to be paid by the Buyer for the real and personal property described above or any exchange property which Seller elects to receive in lieu of cash shall be the sum of ONE MILLION ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (1,175,000.00) which shall be paid in cash at the time of closing.

9. Upon execution of this agreement by Buyer and Seller, and not later than March 1, 1994, Buyer shall deposit \$50,000 as earnest money with Land Title and Escrow, Inc. at Burley to secure Buyer's performance of the terms and conditions of this agreement. If Buyer fails to close the sale or complete the exchange due to fault of the Buyer, Buyer shall forfeit said \$50,000 to Seller. Buyer acknowledges that the \$50,000 earnest money is a reasonable amount to be assessed as liquidated damages of Seller for taking the property off the market and preparing to close the sale.

If Buyer notifies Seller in writing by April 1, 1994, of Buyer's inability to obtain financing to close the sale, Seller agrees to apply a credit of \$25,000 of the \$50,000 forfeited by Buyer against Buyer's rent for the 1994 lease year under the existing agreement.

If the transaction contemplated by this agreement is closed, the Buyer shall receive a credit for the earnest money

contract for sale or exchange
of real and personal property

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APR 06 2004

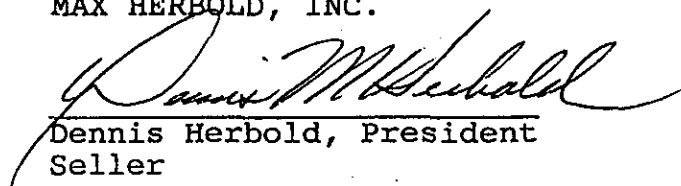
necessary to bind such entities to the terms of this agreement, which representation and warranty shall survive any closing hereunder, and shall not merge into any deed delivered and accepted upon any closing of the transaction herein contemplated.

19. If any party is required to bring legal action to enforce any term or condition of this agreement, said party shall be entitled to recover reasonable costs and attorney fees in addition to any other relief said party may obtain.

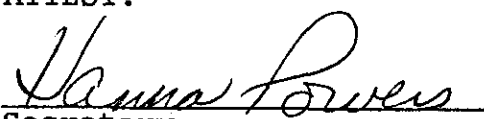
IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

MAX HERBOLD, INC.

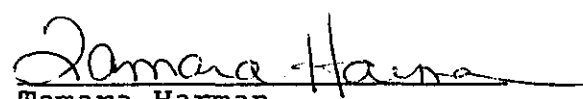
by

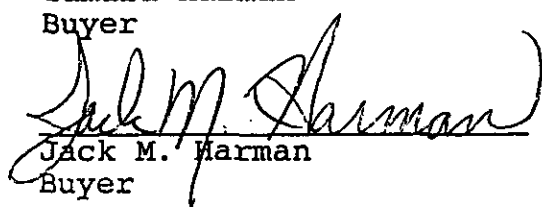

Dennis Herbold, President
Seller

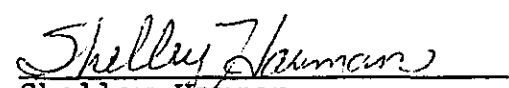
ATTEST:


Secretary


Kent M. Harman
Buyer


Tamara Harman
Buyer


Jack M. Harman
Buyer


Shelley Harman
Buyer

STATE OF IDAHO)
) ss.
County of Cassia)

On this 1st day of March, 1994, before me the undersigned notary public in and for said state, personally appeared DENNIS HERBOLD, known to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Donald Chisholm
Notary Public
Residing at Kennett
My Commission expires July

STATE OF IDAHO)
) ss.
County of Cassia)

On this 1st day of March, in the year of 1994, before me the undersigned notary public in and for said state, personally appeared KENT M. HARMAN and TAMARA HARMAN, husband and wife, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Donald Chisholm
Notary Public
Residing at Kennett
My Commission expires July

contract for sale or exchange
of real and personal property
PAGE 10
herbold.har\brb

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APR 06 2004

STATE OF IDAHO)
) ss.
County of Cassia)

On this 12 day of March, in the year of 1994,
before me the undersigned notary public in and for said state,
personally appeared JACK M. HARMAN and SHELLEY HARMAN, husband
and wife, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

(SEAL)

Donald Church
Notary Public
Residing at Kuparuk
My Commission expires Sept

contract for sale or exchange
of real and personal property
PAGE 11
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APR 06 2004

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08212

Priority: June 22, 1983

Maximum Diversion Rate:

1.16 CFS

This is to certify, that MAX HERBOLD INC

C/O HARMAN LAND RANCH

RT 3 BOX 253

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 4.600 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	1.16 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 19, 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 19	NENW 34	Lot 1 (NWNW) 26	Lot 2 (SWNW) 32	
	SENW 40	NESW 40	Lot 3 (NWSW) 32	
	Lot 4 (SWSW) 31	SESW 39		274

Total number of acres irrigated: 274

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. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Use of this right with Right 36-02550 is limited to a total combined rate of diversion of 4.6 cfs, a total combined annual diversion volume of 1096 af, and to the irrigation of a combined total of 274 acres in a single irrigation season.
6. This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season. Right 36-02550 is also diverted through the point of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.

Witness the seal and signature of the Director, affixed at Boise, this 29TH day of July, 1994.

Acting for R. Keith Higginson, Director

AUG 09 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED

JUL 20 1994

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-08212

Date of Priority: June 22, 1983

Maximum Diversion Rate:

1.16 CFS

Comes now

MAX HERBOLD INC

PO BOX 67

RUPERT ID 83350

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-08212, and requests that the permit be changed as follows:

Source: GROUNDWATER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

04/01 to 10/31

1.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 19, Township 07S, Range 25E
MINIDOKA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

07S 25E 19

NENW 34

Lot 1(NWNW) 26

Lot 2(SWNW) 32

SENE 40

NESW 40

Lot 3(NWSW) 32

Lot 4(SWSW) 31

SESE 39

274

Total number of acres irrigated:

274

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 office, this 18 day of July, 1994.

APPROVED

AUG 09 1994

Jul M. Hamman
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08212

FOR DEPARTMENT USE ONLY

Preliminary check by EC Fee = 20.00 Received by DW # 0029917 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. 36-08212 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Use of this right with Right 36-02550 is limited to a total combined rate of diversion of 4.6 cfs, a total combined annual diversion volume of 1096 af, and to the irrigation of a combined total of 274 acres in a single irrigation season.
6. This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season. Right 36-02550 is also diverted through the point of diversion described above.

Witness my hand this 29TH day of July, 1994.

Acting for R. Keith Higginson, Director

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AUG 09 1994

RECEIVED

OCT 06 1989

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Department of Water Resources
PROOF OF BENEFICIAL USE

OCT 10 1989

For Office Use Only
Fee Received 125.00
Date 10/6/89
Receipt # 5009697
Receipt by AD
Reviewed by 28-10/13/89
Sent to region 10.6.89
SD

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. 36-8212

Name(s) of Permit Holder: MAX HERBOLD INC

Post Office Address: PO BOX 67 RUPERT, IDAHO

Telephone No. 436-6396

Source of Water: Groundwater

Extent of Use:

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

Irrigation 61 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 1.22 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 \$ 125.00
(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

(Name)

436-6396

(Telephone Number)

(Address)

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

10/6/89

Signature of Permit Holder (and title, if appropriate)

Dennis M. Herbold

OCT 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

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 SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 7S

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

4. Water will be used for the following purposes:

Amount 1.22cfs 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. 1.22 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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AUG 21 1989

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	19						Lt1 5	Lt2 23			Lt3 23	Lt4 10						61

Total number of acres to be irrigated 61

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

License 36-2550 on adjacent lands

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

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

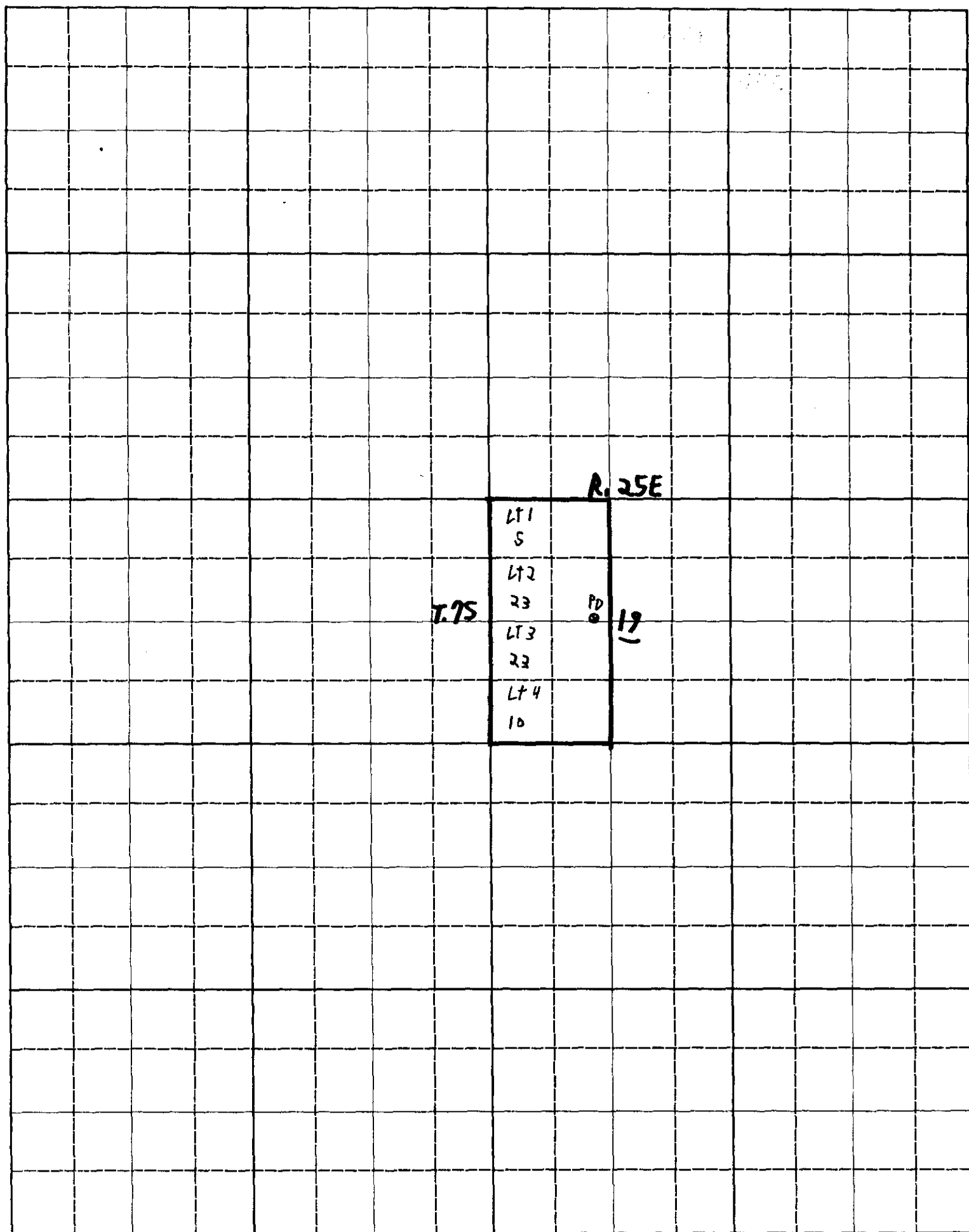
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Filing covers land irrigated with sprinklers but not under license 36-2550.

MicroFILMED

AUG 21 1989

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.

NOT RECORDED

AUG 21 1989

James M. Harold
(Applicant)
David

Proposed Priority 6/22/83

Received by JS Date 6-22-83 Time 3:50 pm
Preliminary check by T.C. Blau Fee \$ 65.00
Receipted by JS Date 6-22-83 # 30378
Publication prepared by JS Date 2/6/89
Published in South Idaho Press
Publication dates 2/11/89 & 2/23/89
Publication approved M. Baldwin Date 3/3/89
Protests filed by: none

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

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. 36-8212, 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 Saylor

RECORDED

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

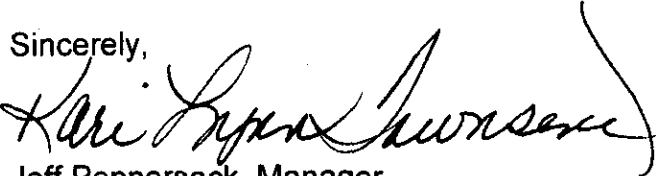
Dear Water Right Holder(s):

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:kit

Enclosures

MICROFILMED

APR 06 2004

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
MAR 10 1995
Department of Water Resource

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

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 cursive script, 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

MICROFILMED

APR 06 2004



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

August 1, 1994

MAX HERBOLD INC
C/O HARMAN LAND RANCH
RT 3 BOX 253
RUPERT ID 83350

RE: WATER RIGHT NO. 36-08212

Dear Water Right Holder(s):

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

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

Sincerely,

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

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED

AUG 09 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

July 14, 1994

HARMAN LAND RANCH
ROUTE 3 BOX 253
RUPERT ID 83350

RE: WATER RIGHT NO. 36-08212

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, the permit must be amended to correspond with the findings of the Department's field examiner. We originally sent the enclosed Amendment to the owner of record, Max Herbold, Inc., but they informed us that you are now the owner of the land covered by this water right.

In Idaho a water right in the permit stage is considered personal property and must be assigned to the new owner. Therefore, the license will be issued in the name of the original owner of record unless the enclosed Assignment of Permit form is completed by an official of the Max Herbold Company, assigning the permit to you, and returned to us along with the \$25.00 filing fee before this water right is licensed. Once the water right is licensed, it is considered real property and is appurtenant to the land. Proof of ownership of the land is proof of ownership of the water right, unless it was excluded in the terms of the sale of the land.

The Application for Amendment contains information that will be included on the license when it is issued. We have amended the permit to more accurately reflect the findings of the field examiner.

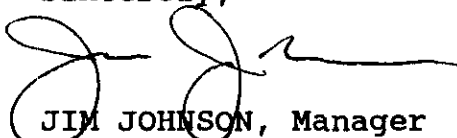
The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

AUG 09 1994

Please review carefully and if you concur, sign the amendment and return within 14 days. The filing fee has already been paid by the Max Herbold Company and is not required.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a long horizontal flourish extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

AUG 09 1994

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **C029917**

Date: **3/31/1994**
Time: **09:54:48**

Received
From: **HERBOLD, MAX**

Type of Payment	Program A cct	Amount
AMENDMENT #36-08212	56105	229 21 1155
		20.00

Total

CHECK **4866**

\$20.00

Region: **STATE**

Signature: _____

DWright



Supporting 5 A Day--The Fresh Way

Jim,

*The property
containing this water
right was sold to
Harman Bros on April
15, 1994. Address as follows:*

*Harman Land Ranch
Route #3 Box 253
Rupert, Idaho*



83350

United Fresh Fruit and Vegetable Association



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

RECEIVED

JUL 06 1994

Department of Water Resources

June 24, 1994

MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

RE: WATER RIGHT NO. 36-08212

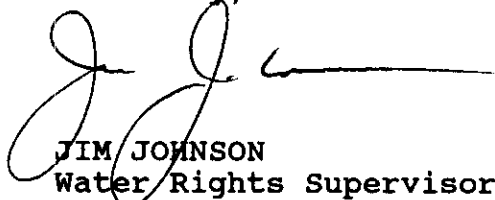
Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, I have not received this amendment. If I do not receive the amendment within fourteen (14) days, I will issue a Water Right License for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me. My telephone number is (208) 327-7947.

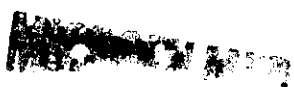
Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure



AUG 09 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

June 24, 1994

MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

RE: WATER RIGHT NO. 36-08212

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, I have not received this amendment. If I do not receive the amendment within fourteen (14) days, I will issue a Water Right License for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me. My telephone number is (208) 327-7947.

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECORDED

AUG 09 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

June 3, 1994

MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350-0067

RE: WATER RIGHT NO. 36-08212

Dear Water Right Holder(s):

Thank you for returning the licensing amendment and fee for the above referenced water right. Upon further administrative review, we have decided it would be more accurate to reflect the acres on the above referenced water right as part of a larger system. The license will list all of the acres irrigated from the well, but will be limited to the number of acres the examiner found pertinent to this right within the place of use.

The enclosed amended application for amendment contains this new information and will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return it within 14 days. Also, because you have already paid the \$20.00 amendment fee, no fee is due.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the printed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

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AUG 09 1994

ADJUSTMENTS TO FIELD EXAM MEMORANDUM

TO: File 36-08212 / Harman Land Ranch
FROM: Brenda Chapman
DATE: May 11, 1994
RE: Adjustments Made

=====

* An adjustment or notes were made on the field exam in the following portion(s) based on the information below.

G. VOLUME CALCULATIONS

The volume was not listed because it is preferable to reflect it in a limiting condition when there are multiple rights in question.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-01 to 10-31	1.16	None Listed

[see above comment]

MISSOURI

AUG 09 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. 36-08212

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 place(s) of use description. 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,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

MAILED
AUG 09 1994

RECEIVED

MAR 10 1994

Form 219
6/86

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 11 1994

Department of Water Resources

A. GENERAL INFORMATION

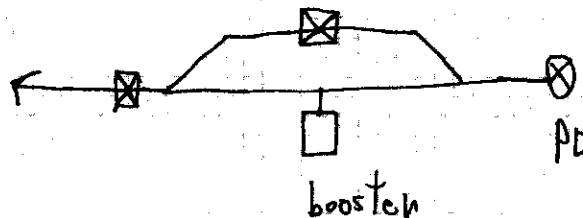
1. Owner: Max Herbold Inc. Permit No. 36-8212
 Current Address: P.O. Box 67, Rupert, ID 83350 Phone No. 436-6396
2. Accompanied by: Blaine Cook EXAM. DATE: 6-25-91
 Address: Mainline Ranches, Rt. 2 Box 353, Rupert, ID 83350 Phone No. 678-0248-1082
 Relationship to Permit Holder: co-manager 83350 mobile
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 36-2450 ☐ 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 place(s) of use (required). (required for irrigation of 10 acres or more).
- ☒ 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.)

Well, motor, pump, booster motor & pump, 12 wheel lines

☐ 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
	U.S. Motors	200	J1421475	Layne & Bowler	D9316
booster	Lincoln	100	1706570	Pasco	IATP07523

*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
		NE	SE	NW	19	75	25E	Minidoka	

6. Place(s) of Use:

Indicate Method of Determination

Land
Irrigated

Land to
be leased

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	19					34	26	32	40	40	32	31	39					274
							171	172			173	174							
75	25E	19					5	1	22		22	8							58
							171	172			173	174							

Do not use this space

AUG 09 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.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

4

2. Alternate Method for Checking Purposes:

4.6 cfs theoretical capacity. Allow $58 \text{ gpm} \times .02 \text{ cfs} = 1.16 \text{ cfs}$

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

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

Meter Input HP: (6) $\times 1.34 =$ _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 58 \times 4 = 232$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 232 \times 1.16 \times 245 \times 1.9835 = 565.7$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 232$

2. Volume Calculations for Other Uses:

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AUG 09 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Ross Hunsaker of Rupert farms this property under lease.
P/U includes 2 acres of tree seedlings in north end of NE 1/4 NW 1/4 Sec. 19
owned by Idaho Fish & Game Dept.
1 acre in SE/SW S. 19 is licensed & claimed in SRBA, but is not ~~not~~
watered due to being covered by county road.
Not to exceed system capacity of 4.6 cfs when combined with Lic. 362550.

I. RECOMMENDATIONS

1. Recommended Amounts

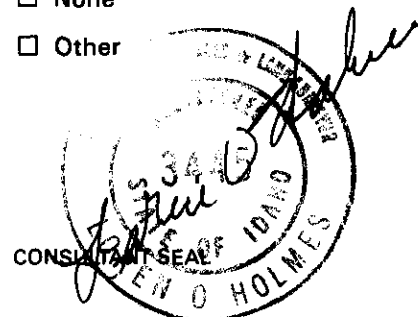
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	2-15	11-15	1.16	222 (BC)
Totals:			1.16	222 (BC)

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. Stenton
Signature J. E. Stenton
Certification Date 3/31/91
Field Report Preparation Date 7-16-91



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

* See attached memo for explanation. (BC)

AUG 09 1991

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 96-82/2
DATE: 6-25-91
BY: J.E. Stanton

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

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])

$$Q = \frac{(8.8) (300) (0.70)}{[(270) + (57 \times 2.31)]} = 4.6$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner (x)	owner (x)	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
Booster (Y) (N)		

REMARKS lift from old water right file - has not changed according to Mr. Cook

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	(246) X (1.98) X (4.6)
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	(58)

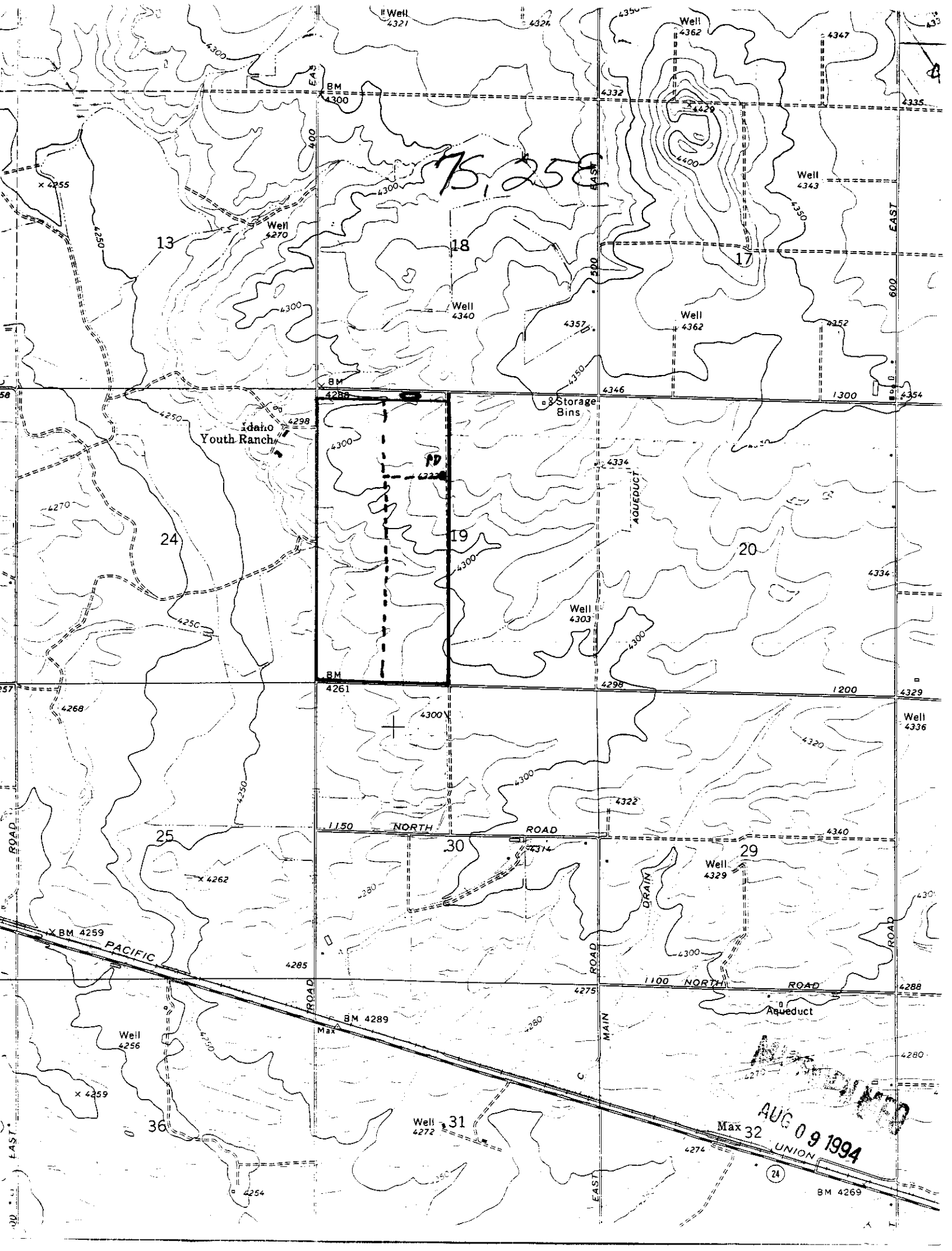
POTENTIAL = 38.6

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 ()

MAILED
AUG 09 1994



RECEIVED
AUG 09 1994
Max 32 UNION

75, 253

SEC	NO	100	00.00
32.03	NO	100	00.00
32.71	Sec 18	011.00	Sec 17
32.79	011.00	014.0	014.0
32.87	80	100	00.02
32.93	80	100	00.02
32.99	80	100	00.02
33.07	Sec 19	018.10	Sec 20
33.13	80	100	014.0
33.19	76.68	50.01	014.0
33.25	80	100	014.0
33.31	Sec 30	013.12	Sec 29
33.37	80	100	014.0
33.43	16.70	00.02	014.0
33.49	80	100	014.0

T1621
2039

9 20

NW
12
43.7

42.9

NW
HEL
1
24.3

NW
HEL
2
52.3

NW
HEL
3
49.6

75.25E

NW
HEL
5
22.2

NW
HEL
6
51.4

NW
HEL
7
44.7

SEE L7
10
75.8

T1621
1951

TRACT - HEL

NW
HEL
16
103.7

NW
6.9

T270
2062

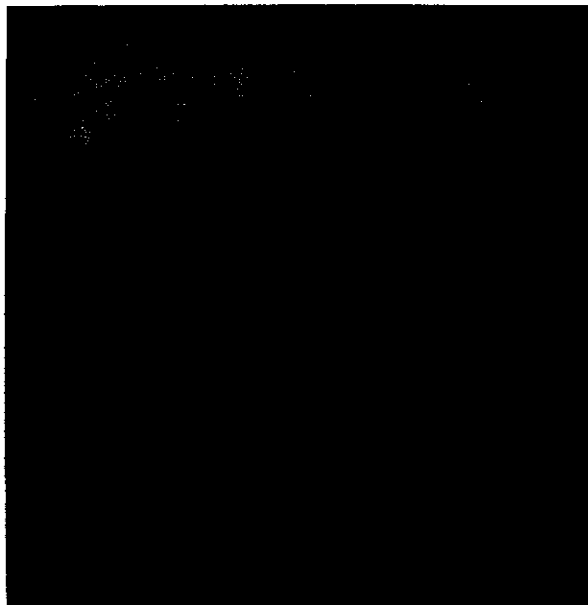
TRACT - HEL

30 29

NW
2
14.1

AUG 6 1994

86-8212



Diversion Works

AUG 09 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.

RECEIVED
AUG 09 1994

October 17, 1989

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

RE: PERMIT NO. 36-08212

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED
OCT 18 1989

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. 36-08212

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.

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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

MAIL ROOM

AUG 21 1989



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,

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 BARENDREFF being first
 duly sworn, deposes and says that he 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 Barendreff

STATE OF IDAHO

COUNTY OF

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

Robert Blakey
 Notary Public for Idaho

Residing at Burley, ID

My commission expires: 7/4/92

Cost of Publication 201.14
 Notary Fee 50
 Total Cost 201.64

RECEIVED

MAR 01 1989

Department of Microfilmed
 Southern Region

AUG 21 1989

89-71

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08172
 MONSON, WESLEY E.
 MONSON, MABEL R.
 RT. 2 BOX 2504
 PAUL, ID 83347
 Source: GROUNDWATER
 Diversion Pt: NWNW Sec 24 T 08S R 22E
 Use: IRRIGATION (2.000 CFS)
 Date Filed: 4/14/1983
 In: T08S R22E S24 NENE NWNE SWNE
 SENE
 NENW NWNW SWNW SENW
 NESW NWSW SWSW SESW
 167.0 ACRES TOTAL
 36-08180
 CHURCH OF JESUS CHRIST LATTER DAY
 SAINTS
 C/O JOHN A. STEVENSON
 RT. 5 BOX 139
 RUPERT, ID 83350
 Source: GROUNDWATER
 Diversion Pt: NWNW Sec 34 T 09S R 23E
 Use: IRRIGATION (.240 CFS) DOMESTIC (.060 CFS)
 Date Filed: 5/05/1983
 In: T09S R23E S34 NWNW
 12.0 ACRES TOTAL
 36-08201
 HAWKES, PHIL
 HAWKES, WESTON
 RT. 1
 PAUL, ID 83347
 Source: GROUNDWATER
 Diversion Pt: NWNW Sec 8 T 09S R 24E
 Use: IRRIGATION (.150 CFS) STOCKWATER
 (.020 CFS) DOMESTIC (.040 CFS)
 Date Filed: 5/31/1983
 In: T09S R24E S08
 5.0 ACRES TOTAL
 36-08212
 MAX HERBOLD INC.
 P.O. BOX 67
 RUPERT, ID 83350
 Source: GROUNDWATER
 Diversion Pt: SENW Sec 19 T 07S R 25E
 Use: IRRIGATION (1.220 CFS)
 Date Filed: 6/22/1983
 In: T07S R25E S19 Lot 1 (NWNW) Lot 2
 (SWNW) Lot 3 (NWSW) Lot 4 (SWSW)
 61.0 ACRES TOTAL
 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
 36-08226
 PATTERSON FARMS OF IDAHO INC.
 RT. 1 BOX 1272
 PAUL, ID 83347
 Source: GROUNDWATER
 Diversion Pt: LOT 4 (NWNE) Sec 18 T 09S R
 25E
 Use: IRRIGATION (1.380 CFS)
 Date Filed: 6/30/1983
 In: T09S R25E S18 Lot 4 (NWNE) Lot 7
 (SWNE) NENW SENW
 107.0 ACRES TOTAL
 36-08277
 WEEKS, KERNON
 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 NWNE NENW NWNW SWNW
 266.0 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
 16 and 23, 1989.

36-08212

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

Source: GROUNDWATER

Diversion Pt: SENW Sec 19 T 07S R 25E

Use: IRRIGATION (1.220 CFS)

Date Filed: 6/22/1983

In: T07S R25E S19 Lot 1 (NWNW) Lot 2 (SWNW) Lot 3 (NWSW) Lot 4 (SWSW)
61.0 ACRES TOTAL

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AUG 21 1989

FORM A

RECEIVED
FEB 13 1987Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
MAY 16 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. 36-8212Name(s) of Permit Holder: MAX HERBOLD INC.SECOND STREET & SCOTT AVE.Post Office Address: P.O. BOX 67 RUPERT, IDAHOTelephone No. 436-6396Source of Water: UNDERGROUNDExtent of Use: Domestic (number of households)Stockwater (number and type of stock)Irrigation 61 Additional acres (acres)
total of 280 acresOther/Remarks

Indicate the date water was first diverted and beneficially used under this permit: APPROXIMATELY 1965

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 AVE. 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.

Brenda

DONE

This permit is a classic example of where PPU is a better way to reflect the combined use of two overlapping water rights. Especially if the permit needs to be amended, for a license can be issued.

I would like change this one ~~as~~ and use it as an example for future license and field exam reviews.
Let's discuss.

Jm