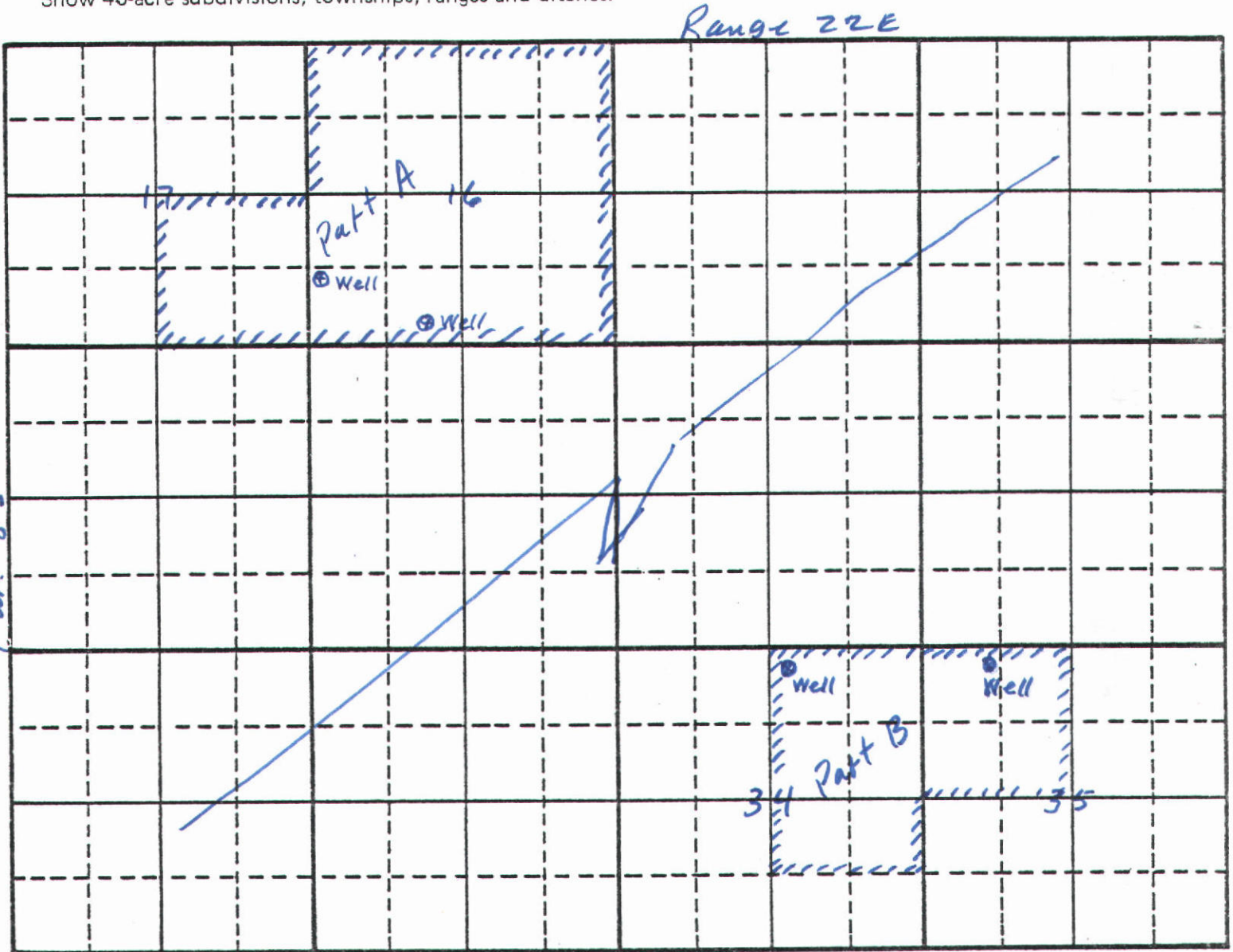


Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Irwin Falls, this 1st day of Oct, 1993.

Frank Suchan
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JS Fee = \$20.00
Publication prepared by MB Date 12/9/93
Publication dates 12/20 + 12/27/93

506260
Received by JR Date 10/1/93
Published in So. Ed. Press

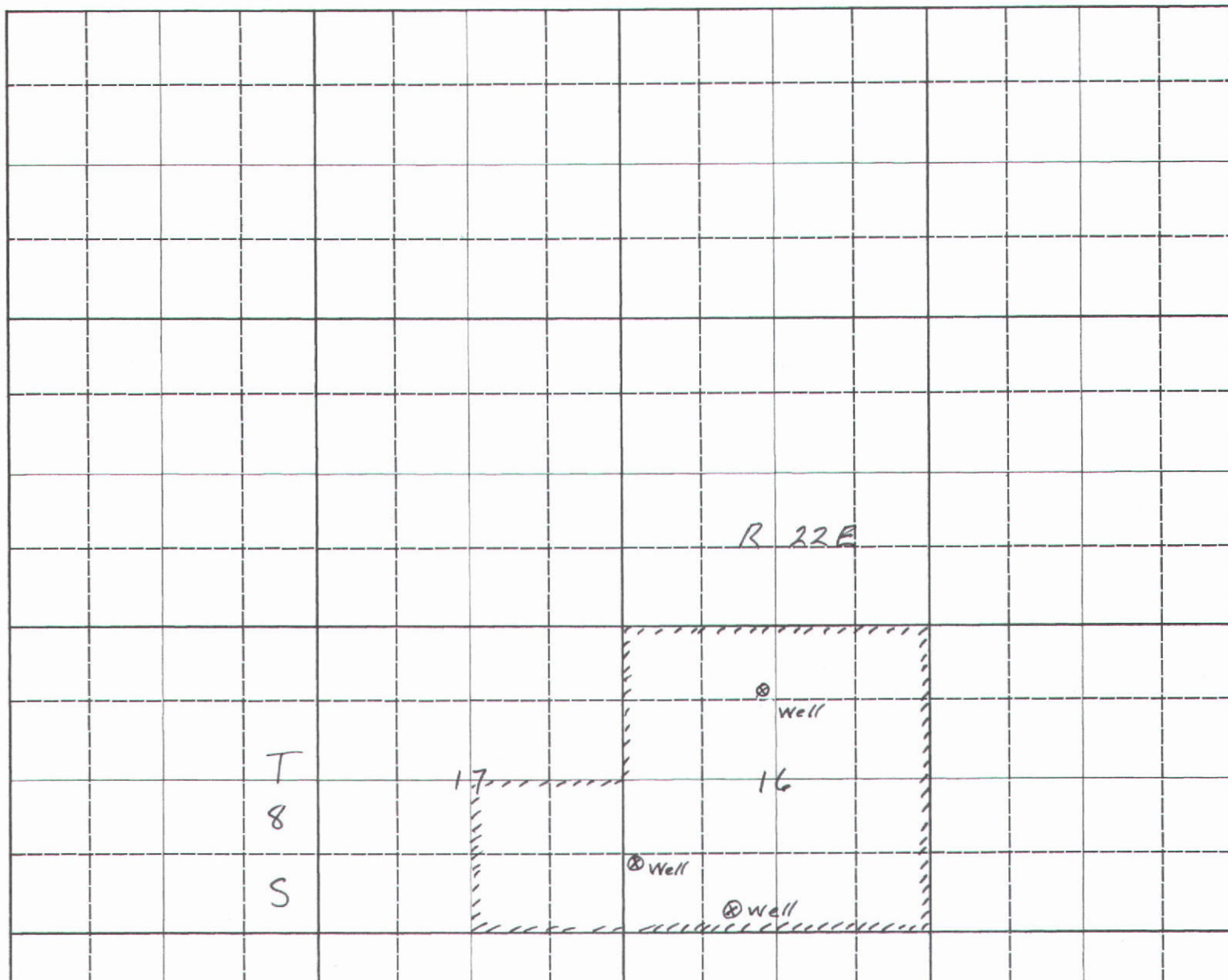
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

MICROFILMED
JAN 07 1998

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.

George A. Suchan
(Applicant)

RECEIVED

RECEIVED

MAR 29 1979

Department of Water Resources
Southern District Office

ok maps
4/2/79

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)
Ronald R. Gray, being first
duly sworn, deposes and says that he is the
Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News for
2 consecutive weeks, commencing
with the issue dated March 8, 1979, and
ending with the issue dated March 15, 1979.

Subscribed and sworn to before me this

22 day of March, 1979.

Carol Carter Notary Public

Cost of Publication 14.35

Notary Fee _____

Total Cost _____

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the follow-
ing application(s) have been submitted for
permit to appropriate the public waters of the
State of Idaho:

36-7839

SUCHAN, GEORGE A.
ROUTE NO. 2, RUPERT, ID 83350

Source: GROUNDWATER

Date Filed: 01/19/1979

Amount: 9.25 CFS

Diversion Point: NENW SWSW SESW Sec
16 T 08S R 22E, MINIDOKA Co.

Use: IRRIGATION (9.25 CFS) from 03/15
to 11/15

Place of Use: NENE NWNE SWNE SENE
NENW NWNW SWNW Sec 16 T 08S R
22 E SENW NESW NWSW SWSW SESW
NESE NWSE Sec 16 T 08S R 22E SWSE
SESE Sec 16 T 08S R 22E NESE NWSE
SWSE SESE Sec 17 T 08S R 22E FOR 800
ACRES

Diversion Means: WELLS & PUMPS

If issued, the permit(s) will be subject to
all prior water rights. Protests against the
granting of any permit must be filed with the
Director of the Idaho Department of Water
Resources, 1041 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 on or before April
2, 1979.

C. STEPHEN ALLRED
Director

No. 791-March 8, 15, 1979.

MICROFILMED

RECEIVED

FEB 26 1979

Department of Water Resources
Southern District Office

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)

) ss.

STATE OF IDAHO,)

Donald L. Grey, being first

duly sworn, deposes and says that he is the

Editor of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

2 consecutive weeks, commencing

with the issue dated Feb. 8, 1979, and

ending with the issue dated Feb. 15, 1979.

Donald R. Grey

Subscribed and sworn to before me this

22 day of Feb., 1979.

Carol Carter Notary Public

Cost of Publication \$14.35

Notary Fee _____

Total Cost \$14.35

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

36-7839

SUCHAN, GEORGE A.

ROUTE NO. 2, RUPERT, ID 83350

Source: GROUNDWATER

Date Filed: 01/19/1979

Amount: 9.42 CFS

Diversion Point: NENW SWSW SESW

Sec 16 T 085 R 22E, MINIDOKA Co.

Use: IRRIGATION (9.25 CFS) from

03/15 to 11/15

Place of Use: NENE NWNE SWNE

SENE NENW NWNW SWNW Sec 16 T

085 R 22 E SENW NESW NWSW SWSW

SESW NESE NWSE Sec 16 T 085 R 22E

SWSE SESE Sec 16 T 085 R 22E NESE

NWSE SWSE SESE Sec 17 T 085 R

22E FOR 800 ACRES

Diversion Means: WELLS & PUMPS

If issued, the permit(s) will be sub-

ject to all prior water rights. Protests

against the granting of any permit must

be filed with the Director of the Idaho

Department of Water Resources, 1041

Blue Lakes Blvd. North, Twin Falls,

Idaho 83301 on or before -

C. STEPHEN ALLRED

FEBRUARY 26, 1979.

Director

No. 791-February 8, 15, 1979.

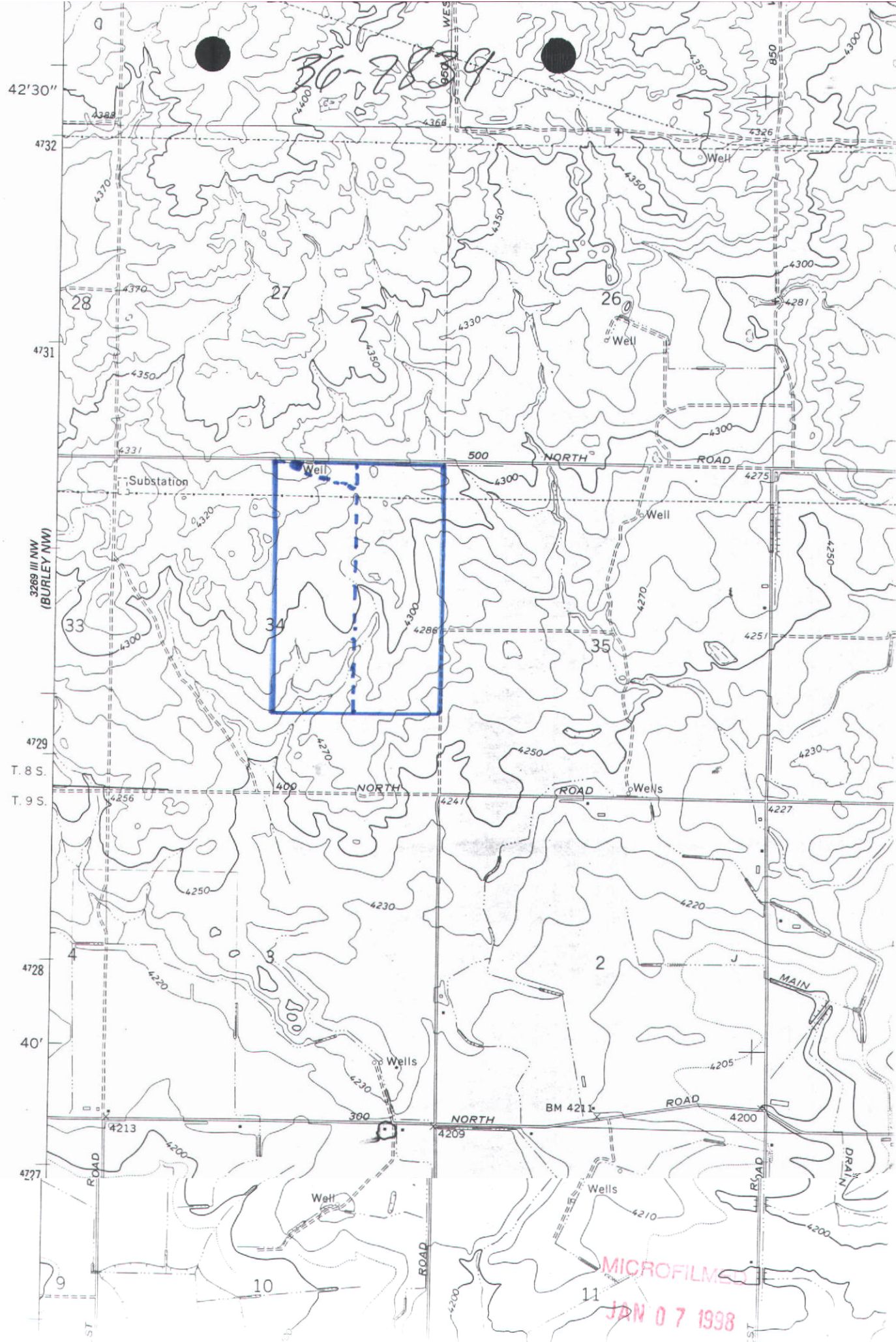
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March 1
19
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MICROFILMED

JAN 07 1998

36-07839



36-7889

42'30"

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(BURLEY NW)

4729

T. 8 S.

T. 9 S.

4728

40'

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JAN 07 1998

C11



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JAN 07 1993

36-7839



Well & Pump, P/U

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JAN 07 1998

These luts been some

Minor Classification

changes as to PWE

Soil. Future 320 is

Now classified as

Non - credibile

See Attached Determination



MINIDOKA AREA, IDAHO NO. 14

and decision corners are approximately positioned on this map.

Photobase from 1969 aerial photographs. 5,000 foot grid ticks based on Idaho plane coordinate system, central zone, 1927 North American datum. Land division corners are approximately positioned on this map.

R 22E

NOT TO SCALE

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Microfilm

FEB 15 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07839

Priority: January 19, 1979

Maximum Diversion Rate:

0.80 CFS

Maximum Diversion Volume:

160.0 AF

This is to certify, that FRANK SUCHAN
RT 2 BOX 2472
PAUL ID 83347

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 19, 1979; and has submitted Proof of Beneficial Use on October 1, 1993. An examination indicates that the works have a diversion capacity of 3.450 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.80 CFS	160.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 35, Township 08S, Range 22E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	22E	35	NENW 40	NWNW 36	SWNW 40	156
			SENW 40			

Total number of acres irrigated: 156

CONDITIONS OF APPROVAL AND 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 shall 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 4.0 afa per acre for irrigation of the lands above.
6. Rights 36-07828 is also diverted through the point of diversion described above.
7. Rights 36-07828 and 36-07839 when combined shall not exceed the irrigation of 156 acres.

MICROFILMED

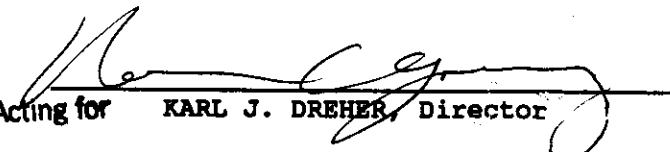
JAN 07 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07839

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 12TH
day of DECEMBER, 1997.


Acting for KARL J. DREHER, Director

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JAN 07 1998

State of Idaho
Department of Water Resources

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DEC 10 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07839

Date of Priority: January 19, 1979

Maximum Diversion Rate: 0.80 CFS
Maximum Diversion Volume: 160.0 AF

Comes now FRANK SUCHAN
RT 2 BOX 2472
PAUL ID 83347

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. 36-07839, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.80 CFS	160.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 35, Township 08S, Range 22E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	22E	35	NENW 40	NWNW 36	SWNW 40	156
			SEnw 40			

Total number of acres irrigated: 156

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, IDAH, this 8th day of December, 1997.

Frank Suchan
MICHAEL L. LIVER (Signature)

JAN 07 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07839

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by LS # 1040818 Date 12/10/97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-07839 with the following;

CONDITIONS OF APPROVAL AND 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 4.0 afa per acre for the lands above.
6. Rights 36-07828 is also diverted through the point of diversion described above.
7. Rights 36-07828 and 36-07839 when combined shall not exceed the irrigation of 156 acres.

Witness my hand this 12TH day of DECEMBER, 1997.

Acting for Karl J. Dreher
KARL J. DREHER, Director

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JAN 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

DEC 10 1997

Department of Water Resources

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

**WITHDRAWAL
OF
APPLICATION FOR AMENDMENT OF PERMIT**

I, FRANK SUCHAN, hereby withdraw my
Application for Amendment of Permit No. 36-07839 which I submitted to the Department
of Water Resources on October 1, 1993.

Signed this 8th day of DECEMBER, 19 97.

Frank Suchan
Applicant

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JAN 07 1998

RECEIVED
Form 21
5/78

OCT 01 1993

STATE OF IDAHO

RECEIVED
FEB 04 1994

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Frank Suchan

of (address) Rt 2 Box 2472, Paul, ID 83347, 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. 36-7839, and requests that the permit and permit map be changed as follows:

1. Point of diversion: ① NW 1/4 NE 1/4, Section 34, Township 8S, Range 22E, B.M.,
County of Minidoka. Other points of diversion: ② NW 1/4 NW 1/4 Sec 35
T8S R22E, ③ SW 1/4 SW 1/4, ④ SE 1/4 SW 1/4 Sec 16 T8S R22E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Part B Amount 7.0 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre feet per annum)
Part A Amount 8.72 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

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	
Part B 8S	22E	34	40	40	40	40									40	40	40	40	240
		35					40	36	40	40									156
																			396
Part A 8S	22E	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17													40	40	40	40	160
																			800

Total number of acres to be irrigated = 800
Limit where Combined 800
of other R+5

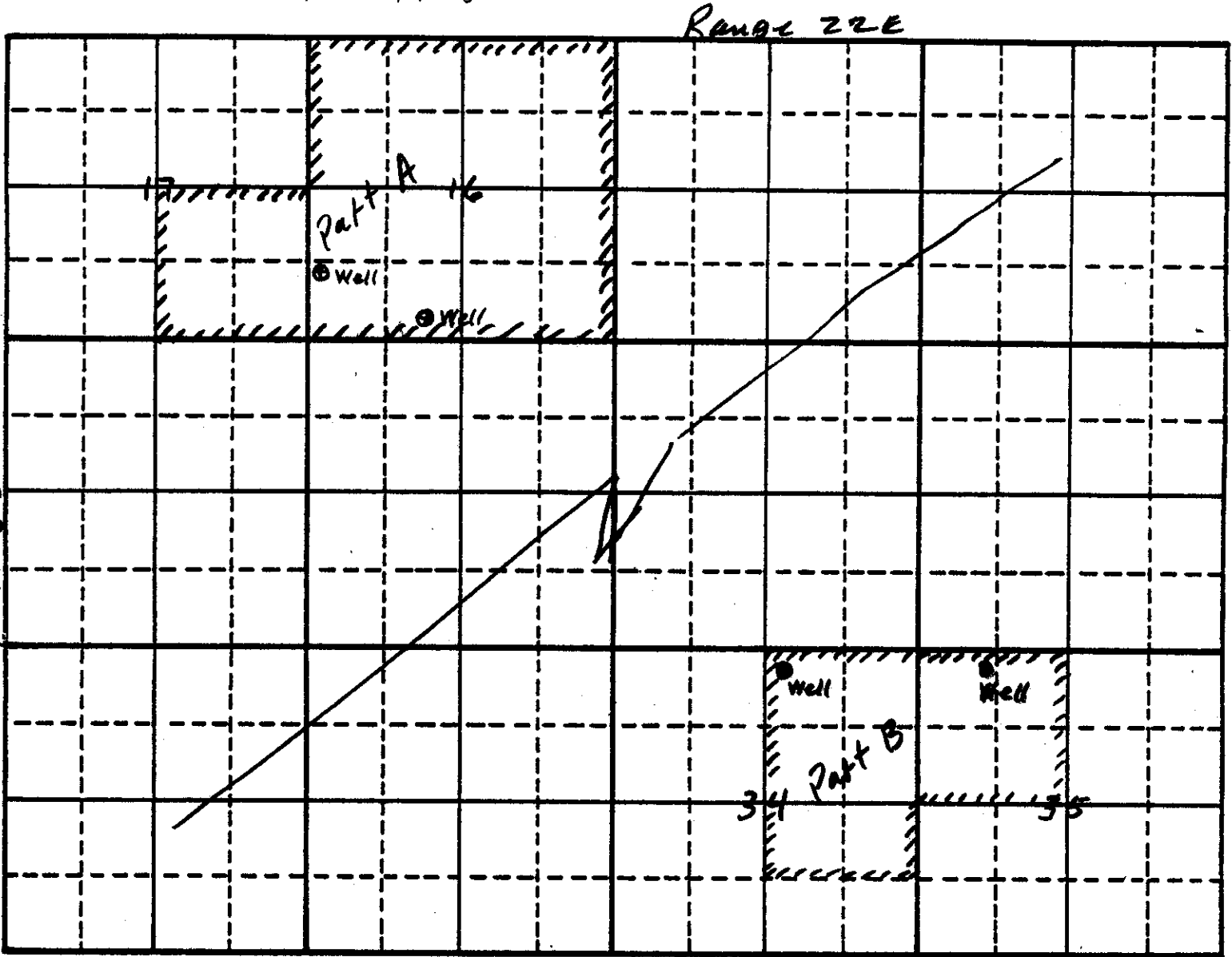
4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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JAN 07 1998

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Irwin Falls, this 1st day of Oct, 1993.

Frank Suchan
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JA Fee = \$20.00
Publication prepared by MB Date 12/9/93
Publication dates 12/20 & 12/27/93

5016260
Receipted by JR Date 10/1/93
Published in So. Ad. Press

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

MICROFILMED

JAN 07 1998

WATER RIGHT SPLIT
SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	36-7839	Suchan, George A.	9.42 cfs
Full Assignment	36-7839	Suchan, Frank	9.42 cfs

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RECEIVED

OCT 01 1993

Department of Water Resources
Southern Region Office

RECEIVED

OCT 04 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$300⁰⁰

Date 10/1/93

Receipt No. 5016260

Receipt by *[Signature]*

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-7839 Telephone No. 438-5084
2. Name(s) of Permit Holder(s): Frank Suchan
3. Mailing Address: Rt 2 Box 2472, Paul, ID 83347
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: prior 4/7/1/87
per info in file

OPTIONAL:

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

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

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

Irrigation 800 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 9.00 cfs OR _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 300⁰⁰ (See License Fee Schedule on back of Instruction Sheet)

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

Name

Permit Holder

Telephone No. _____

Address _____

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

RECEIVED

OCT 19 1993

Date

10/1/93

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

Frank Suchan

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EVALUATING)
WHETHER DEVELOPMENT OF 20,000 ACRES)
OF IRRIGATED LAND WOULD) MEMORANDUM DECISION
CAUSE A SIGNIFICANT REDUCTION) & ORDER
IN TRUST WATER AVAILABLE FOR)
POWER PRODUCTION)

This matter having come before the Director of the Idaho Department of Water Resources (IDWR) as a result of the Swan Falls water right settlement, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. "Trust water" is that portion of an unsubordinated water right used for hydropower generation purposes which is in excess of a minimum stream flow established by state action.

2. Section 42-203C(1), Idaho Code, provides as follows:

If an applicant intends to appropriate water which is held in trust by the state of Idaho pursuant to subsection (5) of Section 42-203B, Idaho Code, the director shall consider, prior to approving the application, the criteria established in Section 42-203A, Idaho Code, and whether the proposed use, individually or cumulatively with other existing uses, or uses reasonably likely to exist within twelve (12) months of the proposed use, would significantly reduce the amount of trust water available to the holder of the water right used for power production that is defined by agreement pursuant to subsection (5) of Section 42-203B, Idaho Code, and, if so, whether the proposed reduction is in the public interest. (emphasis added).

3. The IDWR conducted a study to estimate the reduction in hydropower generation which would result from the development of the first 20,000 acres of newly irrigated land (new development) authorized under the Swan Falls settlement. The study included several steps as follows:

- a) Identify the location of the potential new development and the related water sources;
- b) Estimate the net depletion resulting from new irrigation development of these lands;

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FEB 15 1990

c) Route the reduced flows through the aquifer and surface flow systems to the affected power plants;

d) Compute the loss in potential generation at each plant resulting from the reduced flows.

4. Step a) in Finding of Fact No. 3. was accomplished by plotting land location as shown by the water right applications and permits being considered. The 20,000 acres are generally located as follows:

Acreage	General Location	Water Source
9,885	Snake River Plain	Snake Plain Aquifer
5,315	Valleys adjacent to the Plain	GW trib. to Snake Plain Modeled area
4,800	Scattered areas	GW and surface water from areas not trib. to Snake Plain Modeled area

20,000 acres

5. Step b) in Finding of Fact No. 3. was accomplished using simulation models which have previously established the "base" flows conditions.

6. Step c) in Finding of Fact No. 3. involved a groundwater component and a surface water component. Withdrawals from the Snake Plain aquifer and from the tributary valleys affect the water in storage in the aquifer. Storage changes alter the gradients which eventually reduce aquifer discharges. If a new withdrawal is continued long enough, the aquifer outflows will be reduced by an amount approaching the magnitude of the withdrawal and resulting depletion.

7. The IDWR digital model of the Snake Plain aquifer (groundwater model) was used to simulate this process and predict the outflow reductions after 15, 30, 45 and 60 years of annual withdrawals by new irrigation development at the assumed locations. The results of the groundwater model run indicate that aquifer outflows would be reduced by the following percentages of the annual depletion:

Year	Outflow Reduction (Acre Feet)	Percent of Annual depletion (%)
15	4,600	23
30	9,000	45
45	14,700	73
60	15,200	76

8. Significant reduction should be determined by evaluating the depletion when its effect on the river is fully felt. Incremental change in the percent of annual depletion is very small sixty (60) years.

FEB 15 1990

depletion. The percent of annual depletion in the 60th year adequately represents the long-term effect of aquifer depletions on Snake River flows.

9. The groundwater model predicts that approximately eighty percent (80%) of the reduction in river flow would occur in the Milner to King Hill reach with the remainder (20%) occurring between Blackfoot and Minidoka Dam.

10. The IDWR routed the reduced flows through the aquifer and river system using a digital model of the Snake River system (river model). This model and its computed base conditions are described in "Stream Flows in the Snake River Basin, 1985 Conditions of Use and Management" Open-File Report, September 1986. The groundwater depletion was input to the river model assuming uniform depletions each month.

11. The river model computes flows at numerous points in the Snake Plain Basin including sites at, or near to, the power plants. These computed flows were used to compute power generation and were compared to similarly computed generation for base flow conditions.

12. The annual reduction in hydropower generation 60 years after the development of 20,000 new acres is estimated to be approximately 2.8 million KWH in power facilities upstream from the Murphy gage on the Snake River.

13. In cooperation with staff of the Idaho Public Utilities Commission (IPUC), IDWR determined the rate impact of lost hydropower generation caused by the new development in the trust water area of the Snake River basin assuming that new thermal generation capacity is obtained to replace the lost hydropower generation.

14. The cost impact to the rate base of replacing the lost hydropower generation with thermal generation capacity must be considered in the evaluation of any significant reduction in hydropower generation, but the statutes and Water Appropriation rules do not require consideration of impacts to the rate base resulting from other aspects of the new development such as new pumping loads.

15. Step d) of Finding of Fact No. 3. was determined using an IPUC power supply model (power model) associated with the rate making process. Data from the 1966-1985 period was used to establish a base flow. The depletions were then input to the power model and the difference in ability to meet firm load requirements and to make economic spot market sales and purchases was determined. A comparison of the output of the power model run to base conditions produced increased total IPCO power supply costs due to Snake River depletions.

16. The power model shows that the impact of reduced hydropower generation at IPCO's facilities on the Snake River above the Hell's Canyon complex as a result of the development of 20,000 new acres will result in an average increase in IPCO's power costs of \$159,553 per year which is approximately five one hundredths of one percent (0.05%).

17. During certain periods of each year there generally is unappropriated water in the Snake River. During these periods, a new

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appropriation of water has no effect upon IPCO's water rights or ability to generate hydropower.

1. The development of 20,000 new acres which results in an average increase in power rates of five one hundredths of one percent (0.05%) will not cumulatively cause a significant reduction in IPCO's hydropower generation capability at hydropower generation facilities upstream from the Hells Canyon complex on the Snake River.

2. The hydropower generating facilities of IPCO which are affected by reductions in river flow represent approximately 25% of IPCO's hydropower generating capacity as compared to the Hells Canyon complex facilities which represent approximately 75% of IPCO's hydropower generating capacity. The Hells Canyon facilities are subordinated to later in time consumptive uses and are not properly included as a part of the evaluation of significant reduction. (Water Appropriation Rule 5,3,1,4.).

3. The reduction in IPCO's hydropower generation capability caused by new development is such that the timing of the reduction, either on an annual basis or a long term basis, need not be considered by IDWR. The computer model studies show that it would take approximately 15 years for aquifer outflow to the Snake River to be reduced 23% of net new withdrawal. By the 60th year outflow would be reduced by 76% of the new depletion. Other factors present in a dynamic system as large as the Snake Plain aquifer will have more effect on the discharge of the Snake River than decreases caused by this amount of new development.

4. Staff of the IPUC advises that the effect of reduced hydropower production on "unit cost" is not a proper factor to consider when analyzing the effect of reduced flows to hydropower generating facilities. IPUC generally considers hydropower facilities to have zero unit or production costs. Thermal facilities on the other hand do have associated unit costs such as the cost of fuel.

5. The IDWR is unaware of any contract or regulatory permits including FERC licenses which require IPCO to produce or to maintain capability to produce hydropower at specific levels.

6. Approval of applications for permit or permits which propose the development of the first 20,000 acres of newly irrigated land with water from the Snake Plain aquifer will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

7. The development proposed by Permit No. 36-7839 will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

8. Permit No. 36-7839 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

MICROFILMED

ORDER

It is, therefore, hereby ORDERED that Permit No. 36-7839 is hereby continued subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before October 1, 1993.
2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.
3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.
4. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.
6. All conditions of approval contained in Permit No. 36-7839 are incorporated into and made part of this order.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 3/9/89
Receipt # 0005716

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-07839

Name(s) of Permit Holder: FRANK SUCHAN

Post Office Address: Route # 2, Box 2472

Paul, Idaho 83347

Telephone No. (208) 438-5084

Date Proof is Due: April 1, 1989

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

This filing was to supplement License 36-7052 and irrigate new land

in the N $\frac{1}{2}$ of Section 16. One well has been drilled and casing installed

in the supplemental well

Costing \$ 7,360.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

This property was tied up in litigation concerning title to

the property from January 24, 1983 until June 15, 1988. (See

attached sheet for further information)

Permit holder(s) request an extension to April 1, 19 94.
(1 yr. minimum)

Frank Suchan
Frank Suchan (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1993.

Signed this 18th day of January, 19 90.

A. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED
FEB 13 1990

JUL 07 1989

Department of Water Resources

Edward Keagan, being first duly sworn, deposes and says that he/she is the designated agent for publisher of the Snowshoe, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 21st day of June, 1989, and the date of the last publication was on the 28th day of June, 1989.

Edward D. Bacon

Subscribed and Sworn to before me this 5th day of July, 1989.

Betene Wolf
Notary Public in and for
The State of Idaho.
Residing at Fairfield.

Number of lines in notice	<u>32</u>
Number of insertions	<u>2</u>
Cost for advertisement	<u>\$ 44.80</u>

MICROFILMED

FEB 13 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
STATEHOUSE MAIL
BOISE, IDAHO 83720

NOTICE OF EXISTING WATER RIGHT PERMIT

PERMIT NO. 36-7839 Presently Recorded as Follows:

Name: FRANK SUCHAN
Address: RT. 2, BOX 2472, PAUL, ID 83347
Source: GROUNDWATER
Diversion Pt.: NENW; SWSW; SESW, SEC. 16, T8S R22E
MINIDOKA COUNTY
Use: IRRIGATION (9.42 CFS)
Priority: JANUARY 19, 1979
Place of Use: SEC. 16 (ALL); SE1/4 SEC. 17; T8S R22E
Total Acres: 800

Of the 800 acres described, this permit proposes supplemental supply to 480 acres and full supply to 320 new acres. This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before July 10, 1989. A protest must overcome the presumption of Water Appropriation Rule 5,2,1.

R. KEITH HIGGINSON, DIRECTOR

PUBLISHED 6/21 & 6/28, 1989

MICROFILMED

FEB 15 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

For Office Use Only
Fee Received 15.00
Date 3-6-84
Receipt # 33810

RECEIVED
MAR 6 1984

Department of Water Resources

FRANK SUCHAN *

(Name)

of Route # 2, Box 2472, Paul, ID 83347

(Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 7839 36-3789 (*Successor in interest of George Suchan. See attached Deed)

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

April 1, 1984

That he has heretofore performed the following work described under said permit:

(This must be filled out! If no work has been completed put none.)

This filing was to supplement License 36-7052 and irrigate new land in the N¹/₄ of Section 16. ^{one} The Well has been drilled and casing installed in the supplemental wells.

Costing \$ 7,360.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

After the additional wells were drilled Idaho Power put in effect a moratorium on new pump hook-ups. Also a lawsuit has been filed concerning title to the real property where the new wells are located. It is estimated it may take 2 to 3 years to resolve the lawsuit.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to April 1, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Frank Suchan
Frank Suchan (Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to April 1, 1989.

Signed this 20th day of April, 19 84.

A. Glen Saxton
Chief, Operations Bureau

RECEIVED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
APR 10 1984

I, GEORGE A. SUCHAN, hereby assign to FRANK SUCHAN Department of Water Resources
of Route # 2, Box 2477, Paul, Idaho 83347
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 36-7839
37-3789
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 6th day of March April, 19 84.

George A. Suchan
Permit Holder GEORGE SUCHAN

Spouse of Permit Holder None

State of Idaho)
County of Minidoka) ss.

On this 6th day of March April, 19 84, personally
appeared before me the signer(9) of the above instrument, who duly acknowledged to me
that he ~~XXXXXXXXXX~~ executed the same.

Louise Allen

seal

Notary Public residing at
Rupert, Idaho

My commission expires:
Life

OK to process -
KW
4/12/1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 36-7839

RECEIVED

JAN 19 1979
APPROVED
Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant George A. Suchan Phone 438-5735

Post office address Route 2, Rupert, Idaho 83350

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 8S

Range 22E B.M. Minidoka County, additional points of diversion if any: _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 8S, Rge. 22E

4. Water will be used for the following purposes:

Amount 9.42 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. 9.42 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well & pumps

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 20 inches; proposed depth of well is 480 feet.

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

8. Description of proposed uses:

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

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

Range _____ B.M. _____

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

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

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

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

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

[illegible]

Total number of acres to be irrigated 800

c. Describe any other water rights used for the same purposes as described above. License 36-7052

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

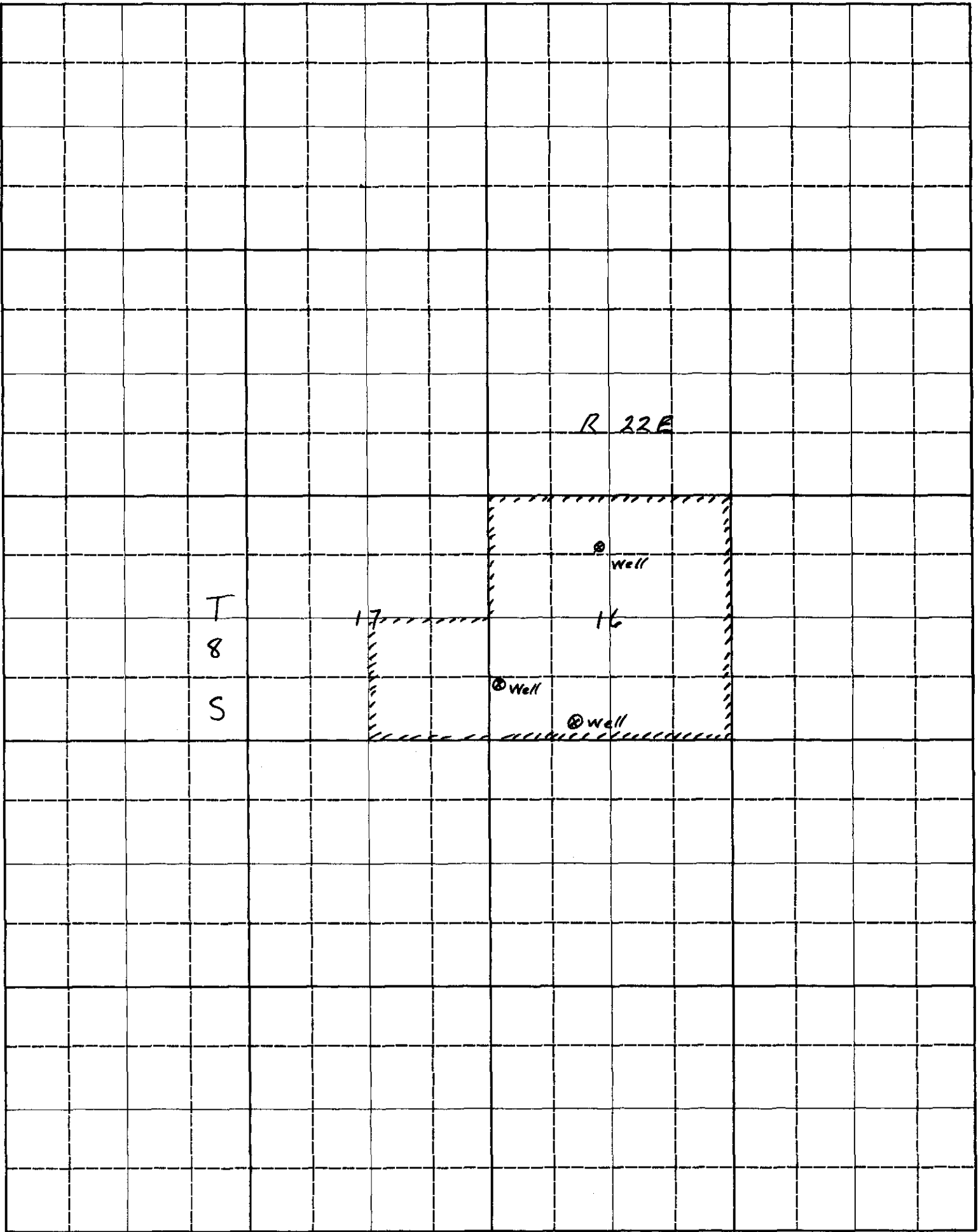
b. Who owns the land to be irrigated or place of use applicant

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 This filing is made to supplement License 36-7052 and irrigate new land
in N^o. Sec. 16

in N¹/₂, Sec. 16

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.

George A. Suchan
(Applicant)

Proposed Priority 1-19-79

Received by LH Date 1-19-79 Time 2:45 PM

Preliminary check by ADM Fee \$ 125.⁰⁰

Receipted by marya Date 4/19/79 # 12670

Publication prepared by ADM Date 4/6/79

Published in minidoka Co. news

Publication dates 3/8 + 3/15/79

Publication approved marya Date 4/2/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LH J.S.

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. 36-7839, 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 April 1, 19 84.
- 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 19th day of April, 19 79.

J. Glen Saylor
Chief, Operations Bureau

RECEIVED

MAR 29 1979

Department of Water Resources
Southern District Office

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)

) ss.

STATE OF IDAHO,)

Ronald R. Gray, being first
duly sworn, deposes and says that he is the

Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News for

6 consecutive weeks, commencing
with the issue dated March 8, 1979, and
ending with the issue dated March 15, 1979.

Ronald R. Gray
Subscribed and sworn to before me this

23 day of March, 1979.

Carol Carter, Notary Public

Cost of Publication 14.35

Notary Fee _____

Total Cost _____

ok
Masepa
4/2/79



MICROFILMED

RECEIVED

FEB 26 1979

Department of Water Resources
Southern District Office

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)

) ss.

STATE OF IDAHO,)

Donald L. Grey, being first

duly sworn, deposes and says that he is the

Editor of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

2 consecutive weeks, commencing with the issue dated Feb. 8, 1979, and ending with the issue dated Feb. 15, 1979.

Donald R. Grey

Subscribed and sworn to before me this

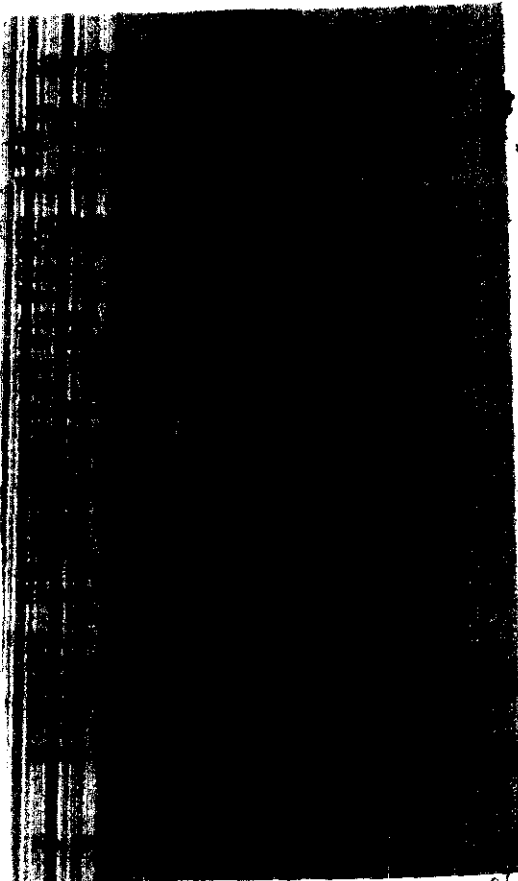
22 day of Feb., 1979.

Carol Carter Notary Public

Cost of Publication \$14.35

Notary Fee _____

Total Cost \$14.35



17
1979
FEB 26 1979
FEB 26 1979

LAW OFFICE
Goodman and Bollar

CHARTERED
717 7TH STREET
BOX D
RUPERT, ID 83350-0020

ATTN: Mr. Nicholas B. Spencer
State of Idaho
Office of the Attorney General
Natural Resources Division-Water Resources Unit
1301 North Orchard Street
Boise, ID 83706-2237

83706X2237



IN RESPONSE TO THIS LETTER I
CALLED BILL GOODMAN ON 4-1-02 TO
TELL HIM THAT BECAUSE THIS RIGHT
WAS IN PERMIT STAGE AT COMMENCEMENT
OF ADJUDICATION IT DIDN'T NEED TO BE
CLAIMED IN SRBA, AND SINCE IT WASN'T
CLAIMED IT DIDN'T NEED TO BE
DECREED - LICENSE COVERED IT.

FAXED BILL A COPY OF THE
LICENSE ON 4-1-02

NGPENCER

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR
NICOLE L. ARBOGAST

LAW OFFICE
Goodman and Bollar

CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350-0020

March 28, 2002

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4837

RECEIVED

MAR 29 2002

Department of Water Resources

State of Idaho
Office of the Attorney General
Natural Resources Division-Water Resources Unit
1301 North Orchard Street
Boise, ID 83706-2237

Attn: Mr. Nicholas B. Spencer

Re: Frank Suchan, Case No. 36-07839

Dear Mr. Spencer:

I met with Mr. Suchan yesterday concerning his water rights and the meeting we had with Judge Dolan and you to resolve his various claims.

All Partial Decrees have been entered by the Judge except for the above Permit No. I am enclosing a copy of your letter to me concerning all of the cases of Mr. Suchan.

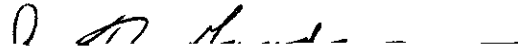
The above numbered permit was to be Decreed for the 156 acre parcel of Mr. Suchan's in Section 35 for .80 cfs.

I have reviewed all of the documents received from Court since our meeting and no Partial Decree for 36-07839 has yet been received.

We would appreciate you looking into the matter of this water claim so that a Partial Decree can be issued for this water right which is the last matter unresolved in Mrs. Suchan's cases.

Very truly yours,

GOODMAN & BOLLAR





STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

December 4, 1997

VIA FACSIMILE TRANSMISSION

William T. Goodman, Esq.
GOODMAN AND BOLLAR, CTD.
717 7th Street
Rupert, Idaho
FAX NO. (208) 436-4837

Re: SRBA Subcase Nos. 36-02357, 36-02574, 36-07629 and
36-07828; permit no. 36-07839 (Frank Suchan)

Dear Bill:

Enclosed please find copies of Standard Forms 5 for the four SRBA claims referenced above, as well as an application for amendment of permit no. 36-07839 and a notice of withdrawal of the previous application for amendment of that permit. I am sending all of this material to you via fax in order that you will be able to share it with your client as soon as possible. I am mailing out executed originals to you today in the hope that you and/or Frank will be able to sign and return them to me--or send them to the SRBA Court for filing--early next week.

The four SF-5s describe the four rights as proposed in Charlie Honsinger's April 24th letter to Frank and as we discussed at our November 3rd status conference in your office: viz., that 36-7629A and B would be put back together into one right and its place of use--along with the places of use for 36-02357 and 36-02574--would be described as being located entirely within Section 34; that 36-07828 would be described as being entirely within Section 35; and that permit no. 36-07839 would be amended to cover the entire 156 acre place of use in Section 35.

The sense I received at our November 3rd meeting was that Frank was in agreement with all of this. The one sticking point was that the three rights in Section 34 would have a combined diversion rate of one inch per acre (4.8 cfs for 240 acres) while the well used for the irrigation of those 240 acres had been licensed at 4.9 cfs. Frank's concern in this regard was that it was not feasible for him to modify that pump to limit its capacity--especially to reduce its capacity by only five miners inches.

William T. Goodman, Esq.
December 4, 1997
Page 2

As I mentioned earlier on the telephone, I have addressed this issue with the administrators here. IDWR has agreed that it is not practical to impose that kind of requirement, particularly where ground water levels have declined to where it is unlikely that Frank is pumping that much anyway, and where the situation could be resolved in any case by recommending all five rights within a single permissive place of use as soon as Frank connects the Section 34 diversion system with the Section 35 system. Moreover, water measurement not being a completely precise science, a difference of five miners inches within a total measured capacity of 245 miners inches is within IDWR's accepted margins of measurement error.

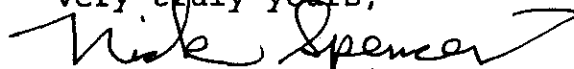
Therefore, for all these reasons, IDWR has agreed to recommend the three rights with a combined diversion rate limit of 4.9 cfs instead of 4.8 cfs. I believe that this should resolve the dispute between Frank and IDWR and allow us to execute SF-5s for all four of the licensed rights.

However, to completely implement resolution Frank will need to withdraw his prior application for amendment of permit no. 36-07839, and submit the new application for amendment that we have discussed. Original documents for both of these purposes have been enclosed; Frank will need to sign them and return them. As noted on the enclosed memo from Shelley Keen of IDWR's allocations bureau, the new application for amendment will need to be accompanied by a \$50.00 filing fee. It is my understanding that as soon as the application is filed allocations will be able to license the right as described in the amendment.

If you and Frank would like to return the executed withdrawal and application for amendment to me at the same time you return the executed SF-5s, I will hand deliver them directly to Shelley Keene for expedited processing. Frank should make the \$50.00 check out to IDWR. Please assure him that I will walk that down to Shelley as well, for receipting and deposit into the appropriate account, and that it will not end up in the Spencer Family Shoe Fund.

Please look all this material over as soon as possible and get back with me if you have any questions or concerns.

Very truly yours,



NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

Enclosures

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Apr-1-02 1:50PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
42	4/ 1 1:48PM	1'36"	912084364837,,,,641859	Send.....	3/ 3	EC144	Completed.....

Total 1'36" Pages Sent: 3 Pages Printed: 0



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83728, Boise, Idaho 83728-0898
Phone: (208) 327-7900 FAX: (208) 327-7866

DIREKTOR
GOVERNOR
KARL L. DEWEER
Director

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 4-1-02

TO: BILL GOODMAN FROM: NICK SPENCER
FAX # (208) 436-4837

DOCUMENT DESCRIPTION: LICENSE # 36-07839

COVER SHEET + 2 PAGES

CONTACT: 327-7930 IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 4-1-02

TO: BILL GOODMAN

FROM: NICK SPENCER

FAX # (208) 436-4837

DOCUMENT DESCRIPTION: LICENSE # 36-07839

COVER SHEET + 2 PAGES

CONTACT: 327-7930 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK SUCHAN
RT 2 BOX 2472
PAUL ID 83347

RE: WATER RIGHT NO. 36-07839

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

JAN 07 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

MICROFILMED

JAN 11 2 1988

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

3

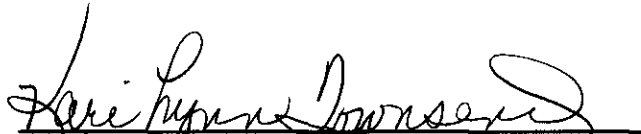
JAN 07 1958

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 36-07839

FRANK SUCHAN
RT 2 BOX 2472
PAUL ID 83347


Kari Lynn Townsend
Secretary

RECEIVED
JAN 07 1998

M E M O R A N D U M

TO: SHELLEY KEENE
FROM: NICK SPENCER *NBS*
RE: FRANK SUCHAN/PERMIT NO. 36-07839
DATE: DECEMBER 11, 1997

I understand that you have received from Mr. Frank Suchan a notice of withdrawal of his prior application for amendment of Permit No. 36-07839, and a new application for amendment of that permit to be substituted for it. The new application for amendment was prepared and discussed with Mr. Suchan a number of months ago, but was not submitted to you earlier because it was part of a larger proposal to resolve Mr. Suchan's objections to IDWR's recommendations of four other licensed rights in the SRBA. Those objections have been resolved along the lines of that proposal and Mr. Suchan now submits the new application for amendment pursuant to that resolution agreement. Standard Forms 5 resolving the objections to the other rights--nos. 36-02357, 36-02574, 36-07629 and 36-07828--have been duly executed and are being sent to the SRBA Court for filing this afternoon.

It is my understanding (as well as that of Mr. Suchan) that with the resolution of the SRBA objections to the other rights, Permit No. 36-07839 can now be licensed per the new application for amendment.

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JAN 07 1998

MEMORANDUM

DATE: June 3, 1997

TO: File 36-07839

FROM: Shelley W. Keen *SK*

RE: Licensing Amendment

Today I prepared a licensing amendment for permit 36-07839 that Charlie Honsinger will present to Frank Suchan tomorrow in Twin Falls. I also gave Charlie a withdrawal form that Mr. Suchan to use to withdraw the existing application for amendment. Mr. Suchan needs to pay the amendment fee of \$50.00.

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JAN 07 1998



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

April 24, 1997

Mr. Frank Suchan
Route 2, Box 2472
Paul, ID 83347

RE: SRBA Subcase Nos. 36-02357, 36-02574, 36-07629A, 36-07629B, 36-07828

Dear Mr. Suchan:

I represent the Idaho Department of Water Resources in the Snake River Basin Adjudication. I am writing you with the belief that you and IDWR can proactively settle the above-referenced subcases without further SRBA Court hearings. Below, I have listed your objections to IDWR's SRBA water right recommendations and have proposed a resolution to each objection.

Consumptive Use

In each of the above subcases, you objected to IDWR's recommendation of consumptive use. This past session, the Idaho Legislature passed a bill removing consumptive use from the water right elements to be included in a decree. Thus, IDWR is no longer recommending consumptive use as an element of the water right. The new legislation effectively resolves this dispute.

Season of Use

In subcases 36-02357, 36-07629B, and 36-07828, you also objected to the season of use recommended by IDWR. The District Court, in its Basin-wide Issue 5 decision, determined that the season of use would be the "irrigation season," and is to be determined by the irrigator. This decision resolves this dispute. (I would point out that this decision is currently on appeal before the Idaho Supreme Court. The District Court has indicated that if it is reversed, the question of season of use will be re-opened to further litigation.)

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Quantity

In subcases 36-02357, 36-02574, and 36-07629A, you objected to the quantity element recommended by IDWR. My understanding is that you specifically objected to the remark limiting the combined use of those rights to 4.17 cfs. Instead, you wish the language to state a combined use of 4.90 cfs, which is the combined diversion rate of the three rights as originally licensed.

As originally licensed, right nos. 36-02357 and 36-07629 covered 240 acres in Section 34, and 40 acres in Section 35; both irrigated from the well in Section 34. You added a point of diversion in Section 35 so that you could irrigate the 40 acres in Section 35 from a well in Section 35. In 1979, you applied for transfer no. 2330 to recognize this new point of diversion for right nos. 36-07629 and 36-02357. IDWR's Allocation Bureau approved the transfer, added the point of diversion in Section 35 to right nos. 36-07629 and 36-02357, and maintained the combined diversion rate limitation of 4.90 cfs for right nos. 36-02357, 36-02574, and 36-07629.

In its SRBA recommendations, IDWR's Adjudication Bureau did not recommend a reduction in the licensed total combined diversion rate for the three rights. Instead, it split the recommendations for licensed right no. 36-07629 into 36-07629A and 36-07629B to reflect the separation of the diversion and distribution systems for Sections 34 and 35. By recommending a total combined diversion rate limitation of 4.17 cfs for right nos. 36-02357, 36-02574, and 36-07629A, and a diversion rate of .73 cfs for right no. 36-07629B, IDWR has simply recognized that 0.73 cfs of the licensed 4.9 cfs is now diverted from a well in Section 35 and is appurtenant to land in Section 35.

In early 1995, you spoke with Shelley Keen of IDWR's Allocation Bureau about amending your permit no. 36-07839 to cover additional irrigated acreage in Section 34. Shelley has proposed a solution that may meet your needs, satisfy the Allocation Bureau's requirements for licensing right no. 36-07839, and resolve the SRBA dispute over the combined use limitation remark. The proposed solution is as follows:

You will withdraw your outstanding application for amendment of permit no. 36-07839. In its place, you will submit a new application for amendment of the permit to reflect your water use on the 40 acres in Section 35 not covered by right no. 36-07828. (The same area that is currently irrigated pursuant to recommended right no. 36-07629B). Shelly Keen has indicated he will prepare the form if asked. You will abandon the diversion of a portion of right no. 36-07629 from the well in Section 35. You and IDWR will then file a Standard Form Five (a stipulated agreement resolving SRBA subcases) recognizing that right no. 36-07629 has a 2.00 cfs diversion rate and is appurtenant to 109 acres within Section 34 (not Section 35).

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file Standard Forms Five resolving subcase nos. 36-02357 and 36-02574. After the approved amendment of permit and the acceptance of the Standard Forms Five by the SRBA court, your rights will be described as follows:

36-02357	2.52 cfs	126 ac./240 ac. PPU*	T8S R22E S34
36-02574	0.90 cfs	45 ac./240 ac. PPU*	T8S R22E S34
36-07629	2.00 cfs	109 ac./240 ac. PPU*	T8S R22E S34
36-07828	2.32 cfs	116 ac./156 ac. PPU*	T8S R22E S35
36-07839	0.80 cfs	156 ac./156 ac. PPU*	T8S R22E S35

Right nos. 36-02357, 36-02574 and 36-02379⁷⁶²⁹ would be limited to a combined total of 240 acres and a combined diversion rate of 4.80 cfs. This proposed solution will concentrate your most senior rights on your land in Section 34 and eliminate the split of right no. 36-07629. It will also result in a diversion rate of an inch per acre for both the 240 acres in Section 34 and the 156 acres in Section 35.

If you agree that this matter can be resolved by this proposal, I ask that you contact either Shelley Keen or myself so that we can work out the details. If you have any questions, please contact either one of us for discussion.

Subcase 36-07828

In subcase 36-07828, the only objections were to the consumptive use and season of use elements. Thus, because of the court's rulings, no objections remain. We should be able to sign a Standard Form Five resolving this subcase. Please let me know your wishes with regard to this subcase.

Thank you for your help in resolving these matters.

Sincerely,

Charles L. Honsinger
Charles L. Honsinger
Deputy Attorney General

cc: Shelley Keen

* PPU - Permissible Place of Use

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JAN 07 1958

M E M O R A N D U M

DATE: March 14, 1995
TO: File 36-07839, SRBA Legal Staff
FROM: Shelley W. Keen *SWK*
RE: Frank Suchan's water rights

=====

On Monday, February 27, 1995, Frank Suchan visited me to discuss his Application for Amendment of Permit for 36-07839. The discussion also involved licensed water rights 36-02357, 36-02574, 36-07629, and 36-07828. Mr. Suchan has objected to IDWR's SRBA recommendations for those licensed rights. Our discussion resulted in a plan which may resolve Mr. Suchan's objections to the SRBA recommendations as well as allow us to act on his application for amendment of permit. In the following paragraphs I will briefly describe the development of Mr. Suchan's water rights, outline the issues relative to his objections and to his application for amendment of permit, and describe a plan of action through which the objections may be resolved. For illustration purposes, copies of Mr. Suchan's own diagrams are attached.

Water Right Development

The three most senior groundwater licenses issued for Mr. Suchan's land are summarized below. In 1977 they shared a single well, which was located in Section 34, T8S, R22E. Collectively they covered 280 acres. License 36-07629 was conditioned to limit the three rights to a combined total diversion rate of 4.90 cfs.

36-02357	1958	2.52 cfs	126 acres	T8S, R22E, S34 and S35
36-02574	1963	0.90 cfs	45 acres	T8S, R22E, S34
36-07629	1976	2.00 cfs	109 acres	T8S, R22E, S34 and S35

The next license issued to Mr. Suchan, summarized below, covered 116 acres on an adjacent tract from a well in Section 35, T8S,

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JAN 07 1998

Memo to File 36-07839, SRBA Legal Staff
Re: Frank Suchan's water rights
March 14, 1995
Page 2

R22E. Together the four licenses covered 396 acres and authorized the diversion of 7.22 cfs.

36-07828 1978 2.32 cfs 116 acres T8S, R22E, S35

Rights 36-02357 and 36-07629 covered a total of 40 acres in Section 35 from the well in Section 34. In 1979 Mr. Suchan filed Application for Transfer #2330 to irrigate those 40 acres from the well in Section 35. Rather than split the two rights to indicate separate irrigation systems, the approved transfer simply added the second point of diversion to the two licensed rights.

When Mr. Suchan physically altered his irrigation systems, he kept them separate. He confined the land irrigated from the well in Section 34 to the 240 acres in Section 34. Moreover, he increased his number of quarter-mile wheel lines in Section 34 from 10 to 12 so that he could continue diverting 4.90 cfs from that well.

In Section 35, Mr. Suchan extended lines from the well to cover the 40 acres removed from the Section 34 system. That brought a total of 156 acres under irrigation from the Section 35 well. He was able to accomplish this because the Section 35 well produced about 3.45 cfs, even though it had been licensed for only 2.32 cfs under right 36-07828. At this point, Mr. Suchan's total diversion rate was technically in violation of his water rights.

When the Snake River Basin Adjudication (SRBA) commenced, Mr. Suchan filed claims on his rights. They were investigated and reported to the SRBA court as follows.

36-02357	2.52 cfs	126 ac. / 240 ac. PPU	T8S, R22E, S34
36-02574	0.90 cfs	45 ac. / 240 ac. PPU	T8S, R22E, S34
36-07629A	1.27 cfs	69 ac. / 240 ac. PPU	T8S, R22E, S34
36-07629B	0.73 cfs	40 ac. / 156 ac. PPU	T8S, R22E, S35
36-07828	2.32 cfs	116 ac. / 156 ac. PPU	T8S, R22E, S35

PPU = Permissible Place of Use

Rights 36-02357, 36-02574, and 36-07629A were limited to a total combined diversion rate of 4.17 cfs. Rights 36-07629A and 36-07828 were limited to a total combined diversion rate of 3.05 cfs.

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JAN 07 1998

Memo to File 36-07839, SRBA Legal Staff
Re: Frank Suchan's water rights
March 14, 1995
Page 3

Issue

Mr. Suchan's objections focus on the 4.17 cfs combined limitation for 36-02357, 36-02574, and 36-07629A. He is still diverting about 4.90 cfs in Section 34, and he would like his water rights to recognize the 4.90 cfs. However, concentrating right 36-07629 in Section 34 to bring the authorized rate from that well up to 4.90 cfs would leave 40 acres in Section 35 without a water right.

Permit 36-07839 entered the picture when Mr. Suchan discussed his concerns with IDWR's Southern Region staff. Permit 36-07839, which has a 1979 priority, was approved for a different location altogether, but the use was never developed at that other location. The Southern Region staff suggested to Mr. Suchan that he could apply to amend Permit 36-07839 to cover the additional 0.63 cfs he would like to see recognized in Section 34.

Possible Solution

I contacted Mr. Suchan when I prepared to process his Application for Amendment of Permit. In the course of our discussion, he indicated that he would prefer his rights to be arranged a little differently than they were recommended in the SRBA. He would like them as follows.

36-02357	2.52 cfs	126 ac. / 240 ac. PPU	T8S, R22E, S34
36-02574	0.90 cfs	45 ac. / 240 ac. PPU	T8S, R22E, S34
36-07629	2.00 cfs	109 ac. / 240 ac. PPU	T8S, R22E, S34
36-07828	2.32 cfs	116 ac. / 156 ac. PPU	T8S, R22E, S35
36-07839	0.80 cfs	40 ac. / 156 ac. PPU	T8S, R22E, S35

Rights 36-02357, 36-02574, and 36-07629 would have to be limited to a combined total of 240 acres and a total combined diversion rate of 4.80 cfs, which is an inch per acre for 240 acres. (The difference between 4.90 cfs and 4.80 cfs is about 2%.) This would concentrate Mr. Suchan's most senior rights on his land in Section 34 and provide enough rate to operate the 12 wheel lines. It would also simplify his rights by eliminating the split of 36-07629. This arrangement would not violate Transfer #2330 because it could be reasoned that the right to irrigate 40 acres in Section 35 from the point of diversion in Section 35 under rights 36-02357 and 36-07629 was simply abandoned.

MAILED

JAN 07 1998

Memo to File 36-07839, SRBA Legal Staff
Re: Frank Suchan's water rights
March 14, 1995
Page 4

In 1979 the diversion capacity from the Section 35 well was measured at 3.45 cfs. Therefore, licensing 36-07839 for 0.80 cfs in addition to the 2.32 cfs from right 36-07828 would not exceed the development that has actually occurred there.

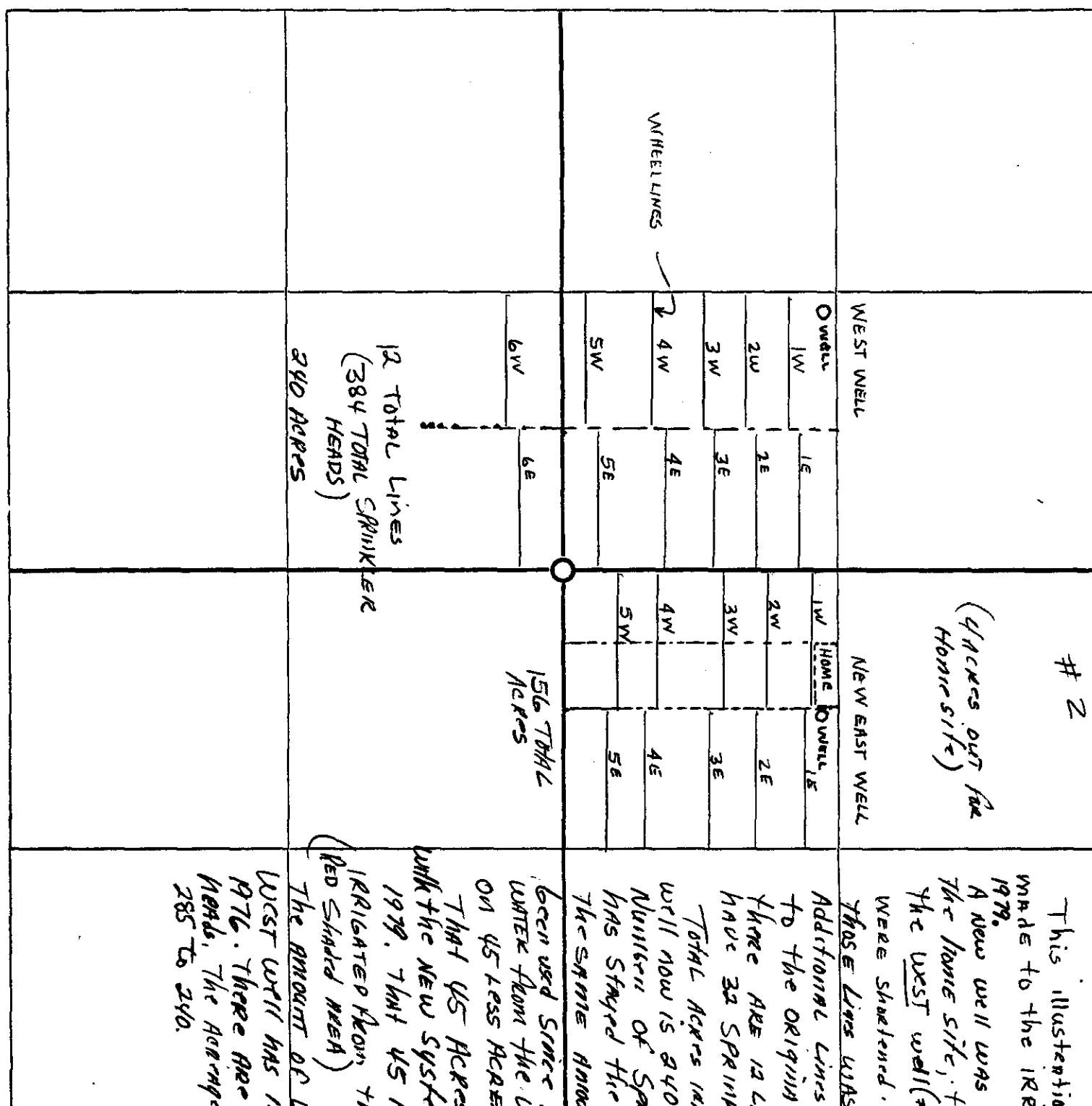
The plan cannot be carried out without the concurrence of the SRBA staff. The SRBA recommendations for claims A36-02357, A36-02574, A36-07629, and A36-07828 will have to be amended, and I am not completely aware of how that is accomplished after the Director's report has been filed with the court. Moreover, this plan addresses Mr. Suchan's objections to the diversion rate recommendations only. It does not address his objections to the recommended season of use or the recommended consumptive use volumes.

Alternatives

If this proposal cannot be accomplished, then I propose that we ~~treat the Application for Amendment of Permit for 36-07839 as a~~

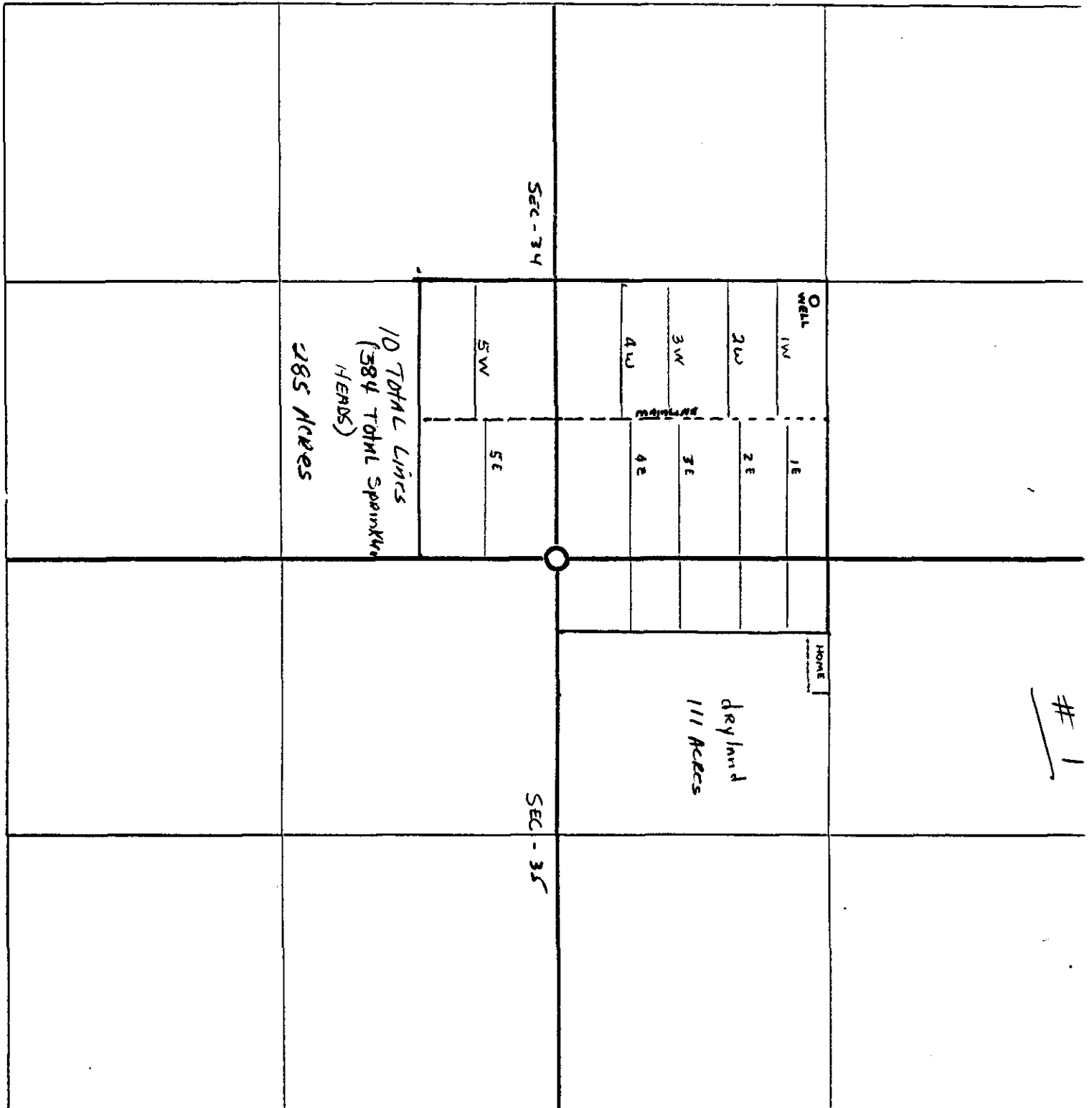
pre-licensing amendment. We could then license 36-07839 for 0.63 cfs in Section 34. A last resort could be to apply to transfer 36-07629B back to Section 34.

T8S, R22E, S34 + S35



Map drawn and submitted to IDWR by Frank Munkan.

T8S, R22E, S34 + S35



YEAR: 1976

This illustration shows the original licenses with the additional filing when the irrigation system was changed from surface to sprinkler. Note: Total number of wheel lines is 10. Those lines have a total number of 384 sprinkler heads

Total Acres indicated 285

Lines 1-5 W and SE have 32 sprinkler heads/line.

Lines 1E-4E have 48 sprinkler heads/line.

RECORDED

JAN 07

M E M O R A N D U M

DATE: February 22, 1995

TO: File 36-07839, SRBA Legal Staff

FROM: Shelley W. Keen (SWK)

RE: Application for Amendment of a Permit

=====

Yesterday I called Frank Suchan to discuss his Application for Amendment of Permit for 36-07839. Mr. Suchan said that he has objected to the SRBA recommendations for his overlapping irrigation rights. Therefore, he would like to postpone the processing of his amendment application until he can talk to his attorney. I said I would hold the amendment application until he contacts me or until there is some resolution of his objections to the SRBA recommendations.

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JAN 07 1998

MEMORANDUM

DATE: December 30, 1994

TO: Jim Johnson, File 36-07839

FROM: Cindy Zimmerman

SUBJECT: Review of Application for Amendment of this Permit

=====

This amendment proposes to split this permit into two parts, each with its own separate irrigation system. The two irrigation systems are approximately 3 miles apart. The file contains no evidence that the two systems are interconnected.

Proposed part A identifies 2 points of diversion located in SWSW & SESW, Section 16, T08S, R22E. The irrigated place of use is identified as the entirety of the originally permitted 800 acres located in Section 16 and SE $\frac{1}{4}$, Section 17, T08S, R22E.

Proposed part B identifies 2 points of diversion located in NWNE, Section 34, and NWNW, Section 35, T08S, R22E. The irrigated place of use is identified as 396 acres located in NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE, Section 34, and NW $\frac{1}{4}$, Section 35, T08S, R22E.

This application for amendment proposes a permissible place of use of 800 acres of irrigation within a base of 1196 acres utilizing two separate irrigation systems.

A field exam was conducted by Jim Stanton on 10/25/93 following the submittal of this amendment. Jim found one point of diversion in NWNWNE, Section 34, T08S, R22E; and irrigation of 240 acres in NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE, Section 34, T08S, R22E. The exam states: "Other lands shown on the pending amendment are either fully licensed (Sec. 35) or were never developed above what was already licensed (Sec. 16 & 17). Owner has admitted that no new land or water were developed on the original permitted land."

The 240 acres in Section 34 found developed under this permit is overlapped with licensed water rights 36-07629A, 36-02574, & 36-02357 totalling 4.17 cfs and 960 AFA. The 240 acres may be irrigated with a maximum of 0.02 cfs per acre, totalling 4.8 cfs; 4.8 cfs minus 4.17 cfs (already licensed flow) leaving 0.63 cfs available for this permit. The total maximum volume is already licensed.

Based on the findings of Jim Stanton's field exam, I recommend that this amendment be approved for a total diversion rate of 0.63 cfs to irrigate a total of 240 acres with the amended point of diversion in NWNWNE, S34, T08S, R22E; and the amended place of use in NE $\frac{1}{4}$ (160 A) & N $\frac{1}{2}$ SE $\frac{1}{4}$ (80 A), S34, T08S, R22E. I also recommend the amended permit be filed following the recommendations of Jim Stanton's field exam.

NOT FILMED

JAN 07 1998

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

Suchan, FRANK

INITIAL REVIEW BY:

J. E. Stanton

Right Number 36-7837 Applicant _____

Purpose of Amendment: ☒ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☐ Stream index information (reverse).
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) 36-07629A, 02574, 02357
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

See attached licensing exam

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☒ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions _____

RECEIVED

FEB 04 1994

Department of Water Resources

By J. Allen O'Halloran Date 2/1/94

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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NOTICE OF AMENDMENT TO A WATER
PERMIT
NO. 36-07839

Notice is hereby given that FRANK SUCHAN, of Paul, ID is the holder of Approved Permit No. 36-07839 with a priority date of 1/19/1979 authorizing the diversion of 9.42 cubic feet per second of water using groundwater with (3) points of diversion within S16, T08S, R22E; Minidoka County, to be used for irrigation from March 15 to November 15 of 800 acres within Sections 16 & 17, T08S, R22E.

This Application for Amendment proposes to split the water right into Parts A & B, add 2 points of diversion for Part B as well as change the place of use for Part B.

TO BE CHANGED AS FOLLOWS:

Part A:

Amount: 8.72 cfs
Point(s) of Diversion: SWSW, SESW, S16, T08S, R22E; Minidoka County.
Place of Use: 800 acres within all quarter sections of S16, and SE, S17, T08S, R22E.

Part B:

Amount: .70 cfs
Point(s) of Diversion: NWNE, S34, T08S, R22E; NWNW, S35, T08S, R22E; Minidoka County.
Place of Use: 396 acres within NE, N1/2SE, S34, T08S, R22E; NW, S35, T08S, R22E.

Place of use is limited to 800 acres when combined with other water rights.

Any protest against approval of the amending of Permit No. 36-07839 as set forth above must be filed with the applicant and with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before January 6, 1994.

R. Keith Higgenson, Director

Published in the South Idaho Press on
December 20 & 27, 1993.

RECEIVED

DEC 29 1993

Department of Water Resources
Southern Region Office

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
STATE OF IDAHO) ss

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for two consecutive week(s), commencing with the issue dated Dec 20 1993, and ending with the issue dated Dec 27 1993.

Kary D. Miller
KARY D. MILLER

STATE OF IDAHO)
COUNTY OF Cassia)

On this 28th day of December in the year of 1993 before me, a Notary Public, personally appeared Kary Miller known of identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Nelly Johnson
Notary Public for Idaho
Residing at Burley, ID
My commission expires: May 23, 1997

Cost of Publication 58.32
Notary Fee .50
Total Cost 58.82

OK
TWB
12-29-93

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JAN 07 1998

NOTICE OF AMENDMENT TO A WATER
PERMIT
NO. 36-07839

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Part B:

Amount: .70 cfs
Point(s) of Diversion: NWNE, S34, T08S, R22E; NWW, S35, T08S, R22E; Minidoka County.
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R. Keith Higginson, Director

Published in the South Idaho Press on 12/20 & 12/27/93.

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JAN 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

13-Dec-1993

R. KEITH HIGGINSON
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

JAN 07 1998

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 36-07839

Notice is hereby given that FRANK SUCHAN, of Paul, ID is the holder of Approved Permit No. 36-07839 with a priority date of 1/19/1979 authorizing the diversion of 9.42 cubic feet per second of water using groundwater with (3) points of diversion within S16, T08S, R22E; Minidoka County, to be used for irrigation from March 15 to November 15 of 800 acres within Sections 16 & 17, T08S, R22E.

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TO BE CHANGED AS FOLLOWS:

Part A:

Amount: 8.72 cfs

Point(s) of Diversion: SWSW, SESW, S16, T08S, R22E; Minidoka County.

Place of Use: 800 acres within all quarter sections of S16, and SE, S17, T08S, R22E.

Part B:

Amount: .70 cfs

Point(s) of Diversion: NWNE, S34, T08S, R22E; NWNW, S35, T08S, R22E; Minidoka County.

Place of Use: 396 acres within NE, N1/2SE, S34, T08S, R22E; NW, S35, T08S, R22E.

Place of use is limited to 800 acres when combined with other water rights.

Any protest against approval of the amending of Permit No. 36-07839 as set forth above must be filed with the applicant and with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before January 6, 1994.

R. Keith Higginson, Director

Published in the South Idaho Press on 12/20 & 12/27/93.

MICROFILMED

JAN 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

10-Dec-1993

R. KEITH HIGGINSON
Director

FRANK SUCHAN
RT 2 BOX 2472
PAUL ID 83347

Re: Application for Amendment, 36-07839

Dear Mr. Suchan:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office has scheduled advertising the application in the South Idaho Press on 12/20 & 12/27/93. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECEIVED

JAN 07 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 36-07837✓

1. Owner: Frank Suchan

Phone No. 438-5084

Current Address: Rt. 2 Box 2472, Paul, ID 83347

2. Accompanied by: Mr. Suchan

EXAM. DATE: 10-25-93

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-7629A, 02574, 02357

☒ Copies Attached

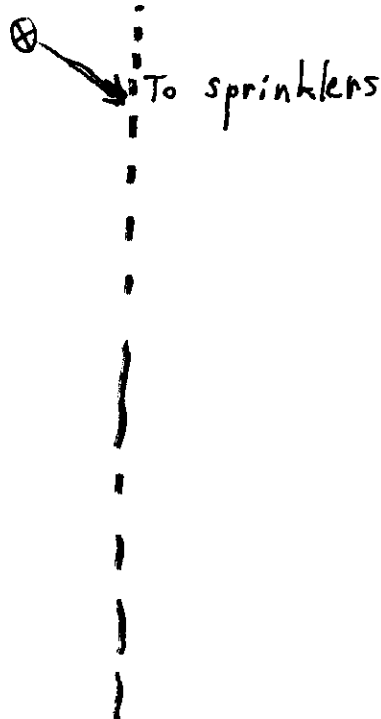
2. Other water rights with same point of diversion: 36-7629A, 02574, 02357

☒ 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



MICROFILMED
JAN 07 1998

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).

System Description (continued)

3. Narrative: Description (As c ^{hand} at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, motor, pump, buried mainline to 12 wheel lines. 8 / short wheel line.

☐ 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
	GE	250	DHJ407011	Johnson	No Tag

*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
		NW	NW	NE	34	85	22E	Minidoka	

- ✓ 6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	22E	34	40	40	40	40									40	40			240

Do not use this space

RECORDED
JAN 07 1938

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

See exam on 36-7828

2. Measurements:

Not measured. Well measured in 1977 with 11 1/4-mile lines at 4.9 cfs. System changed in 1978 - lines were shortened (removed from Sec. 35), but the extra binds were put as additional lines in Sec. 34. So pumping rate should be at least as much as previously measured.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

240 ac. x 0.02 cfs/ac. = 4.8 cfs - 4.17 cfs previously licensed = 0.63 cfs To be licensed

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ None. Full annual volume already licensed

2. Volume Calculations for Other Uses:

RECORDED
JAN 07 1998

H. REMARKS AND OVERLAY REVIEW ANALYSIS

Examined Sec. 34 on 10-25-93. ASCS photo shows 229.6 crop acres. Previous license was for 240 acres & SRBA recommended 240 acres, so I also recommend 240 acres. Other lands shown on pending amendment are either fully licensed (Sec. 35) or were never developed above what was already licensed (Sec. 16 & 17). Owner has admitted that no new land or water were developed on the original permitted land. An additional 0.07 cfs could be licensed for 40 acres in Sec. 35, but I don't see any point. This land is already licensed for the full allowable annual volume. Suggest pending amendment be approved to reflect licensing recommendations only.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	0.63	—
Totals:			0.63	—

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 JE Stanton

Signature J E Stanton

Certification Date _____

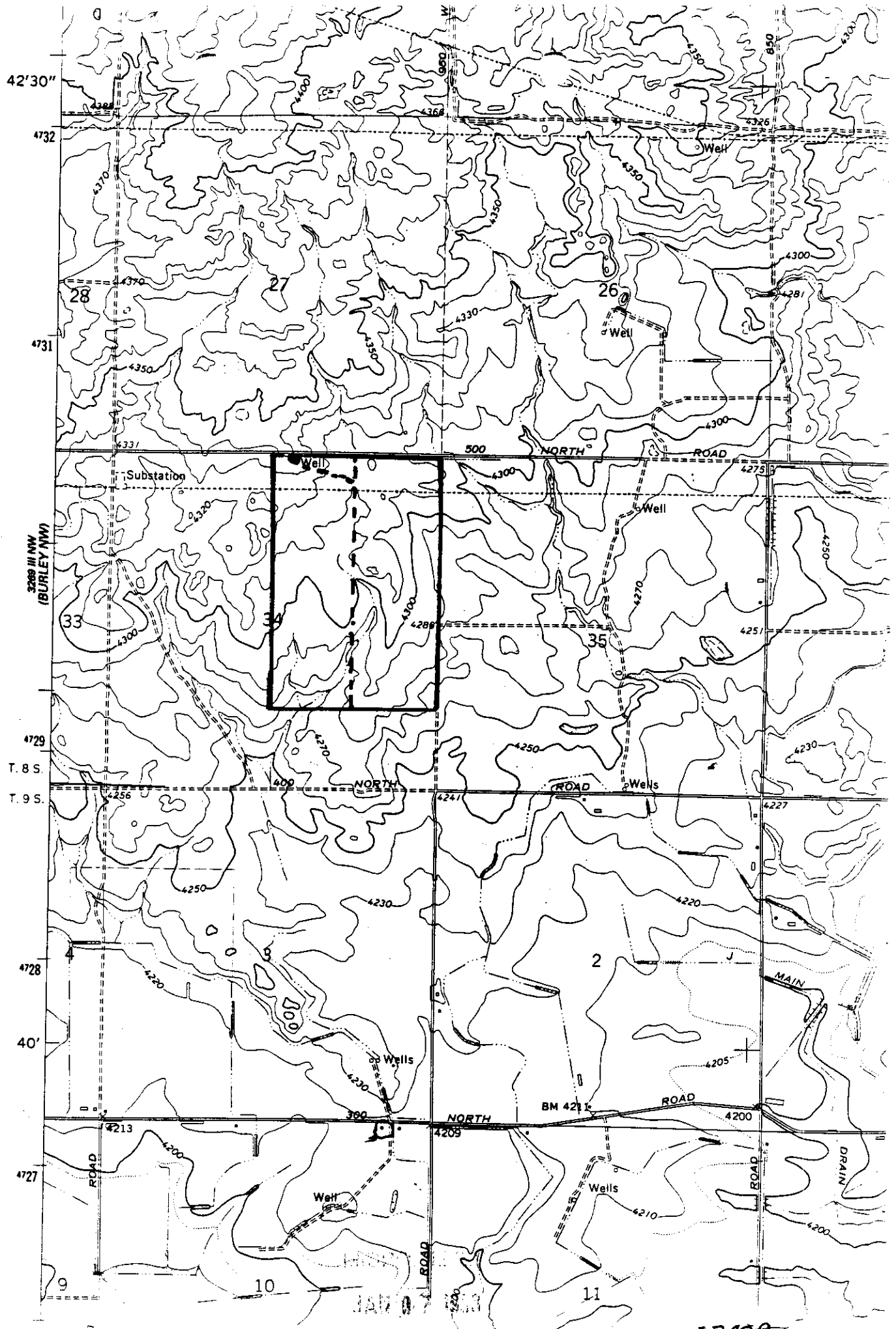
Field Report Preparation Date 11-3-93

CONSULTANT SEAL

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

MICROFILM

JAN 07 1993



36-07839

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 21 1994

Department of Water Resources

A. GENERAL INFORMATION

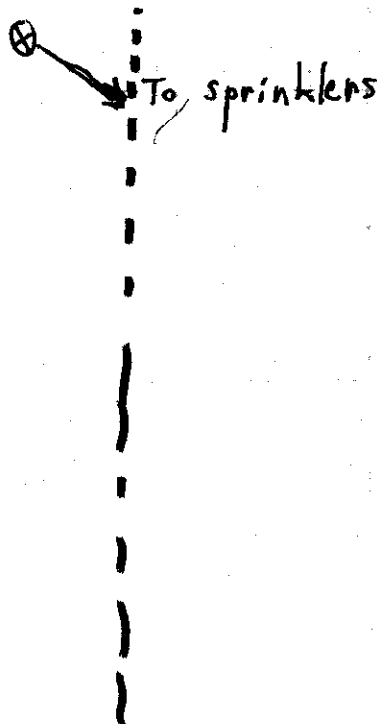
1. Owner: Frank Suchan Permit No. 36-07837
Current Address: Rt. 2 Box 2472, Paul, ID 83347 Phone No. 438-5084
2. Accompanied by: Mr. Suchan EXAM. DATE: 10-25-93
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-7629A, 02574, 02357
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: 36-7629A, 02574, 02357
_____ ☒ 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.)

MICROFILMED
JAN 07 1998

System Description (continued)

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

Well, motor, pump, buried mainline to 12 wheel lines. 8 / short ~~water~~ line. ^{hand}

☐ 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
	GE	250	DHT407011	Johnson	No Tag

*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
		NW	NW	NE	34	85	22E	Minidoka	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	22E	34	40	40	40	40									40	40			240

Do not use this space

MICROFILMED

JAN 07 1993

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. Well measured in 1977 with 11 1/4-mile lines at 4.9 cfs. System changed in 1978 - lines were shortened (removed from Sec. 35), but the extra binds were put as additional lines in Sec. 34. So pumping rate should be at least as much as previously measured.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

240 ac. x 0.02 cfs/ac. = 4.8 cfs - 4.17 cfs previously licensed = 0.63 cfs To Be licensed

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ *None. Full annual volume already licensed*

2. Volume Calculations for Other Uses:

MICROFILMED
JAN 17 1979

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Examined Sec. 34 on 10-25-93. ASCS photo shows 229.6 crop acres. Previous license was for 240 acres & SRRA recommended 240 acres, so I also recommend 240 acres. Other lands shown on pending amendment are either fully licensed (Sec. 35) or were never developed above what was already licensed (Sec. 16 & 17). Owner has admitted that no new land or water were developed on the original permitted land. An additional 0.07 cfs could be licensed for 40 acres in Sec. 35, but I don't see any point. This land is already licensed for the full allowable annual volume. Suggest pending amendment be approved to reflect licensing recommendations only.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	0.63	—
Totals:			0.63	—

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name J E Stanton
Signature J E Stanton
Certification Date _____
Field Report Preparation Date 11-3-93

CONSULTANT SEAL

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

MICROFILMED

JAN 07 1998

DEPARTMENT OF WATER RESOURCES

LICENSING EXAMINATION

CHECKLIST

WATER RIGHT 36-07839

REVIEWER MTS

DATE 11-12-93

RULE 5, EXAMINATION FOR BENEFICIAL USE; (FIELD EXAM ITEM IN PARENTHESES)

- | | | | |
|--|---|--|--|
| 1,2. ☒ (H, I1) | 1,3. ☒ (C3, C4) | 1,4. ☒ (C1, H) | 1,5. <u>NA</u> (H) |
| 1,6. ☒ (H) | 1,7. ☒ (C2) | 1,8. ☒ (C6) | 1,9. <u>NA</u> (C2, C6) |
| 1,10. <u>NA</u> (I1) | 1,11. <u>NA</u> (C3, I1) | 1,12. <u>NA</u> (H) | 1,13. ☒ (I1) |
| 1,14. <u>NA</u> (D, E) | 1,15. ~~***~~ (I1) | 1,16. ☒ (I2) | 1,17. ☒ (C2) |

RULE 6, MEASUREMENT TECHNOLOGY; (FIELD EXAM ITEM IN PARENTHESES)

- | | | | |
|---|--|----------------------|----------------------|
| 1,1. ☒ (D, E, I1) | 1,2. ☒ (G, I1) | 2. <u>*Q2</u> (D, E) | 3. <u>*Q2</u> (D, E) |
| 4. <u>Q2</u> (D, E) | 5. <u>Q2</u> (D, E) | | |

RULE 7, DRAWINGS, MAPS, PHOTOS, SCHEMATIC DIAGRAM; (ALL ITEM C2)

- | | | | |
|--|--|--|--|
| 1,1. ☒ | 1,2. ☒ | 1,3. ☒ | 1,4. ☒ |
| 1,5. ☒ | | | |

RULE 8, FIELD REPORT ACCEPTABILITY (STATE OFFICE REVIEW)

- | | | | |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| 2,1. ☐ | 2,2. ☐ | 2,3. ☐ | 2,4. ☐ |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|

REVIEWER _____ DATE _____

N/A = NOT APPLICABLE

* = SEE ITEM _____ IN BENEFICIAL USE REPORT

** = SEE ATTACHMENT NO. _____

*** = SEE REMARKS ATTACHED

*** The recommended diversion rate would license the P/U in excess of an inch per acre ($5.32 \text{ cfs} / 240 = .022/\text{acre}$) on a system with a capacity of 4.17 cfs. The P/U is already licensed for a total of 4.69 cfs under three prior rights. There is no indication in the report that a diversion rate of more than .02/acre is justified.

MICROFILMED

JAN 07 1958

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 36-07839

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

- (X) Blank Field Report & Notice of Completed Exam
- (X) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments, Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
- (X) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- () Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (✓) Copy of Orthophotoquad Map
- (✓) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- () Government Lot Plats (If Applicable)

B.1. P/D Overlap Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

- If Yes, Type of Overlap: (X) Add Acres or Uses to Existing System
(X) Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

- If Yes, Type of Overlap: (X) Increase Rate of Flow or Volume
() Add Supplemental Water Source
(X) Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 10-25-93

Time 2 pm

Place Suchan Farm

Contact Person & Phone _____

D. Post-Exam Review & Processing

Exam Completed 10-8-93

Notice of Completion Turned In ✓

Field Report Completed 11-3-93

G.F. Stanton 11-3-93
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent MTS 1-14-94 (Initial & Date)

Field Report Reviewed by Region Mgr. _____ (Initial & Date)

Field Report Sent to S.O. _____

Region Card File Updated _____

MAILED
JAN 07 1994

Overlap Analysis 36-7839
36-07629A

Dwr. rate:

1.27 cfs.

P/U: 69 acres within 240 acres (P/U)

$$1.27/69 = .0184/\text{acre.}$$

36-2574

Dwr. rate:

.90 cfs

P/U: 45 acres within 240 acres (P/U)

$$.90/45 = .02/\text{acre}$$

36-2357

Dwr. rate:

2.52 cfs.

P/U: 126 acres within 240 acres (P/U)

$$2.52/126 = .02/\text{acre}$$

$$\text{Total} = \underline{4.69 \text{ cfs.}}$$

P/D: 8S, 22E, 534, NWNWNE - same well for all 4 rights:

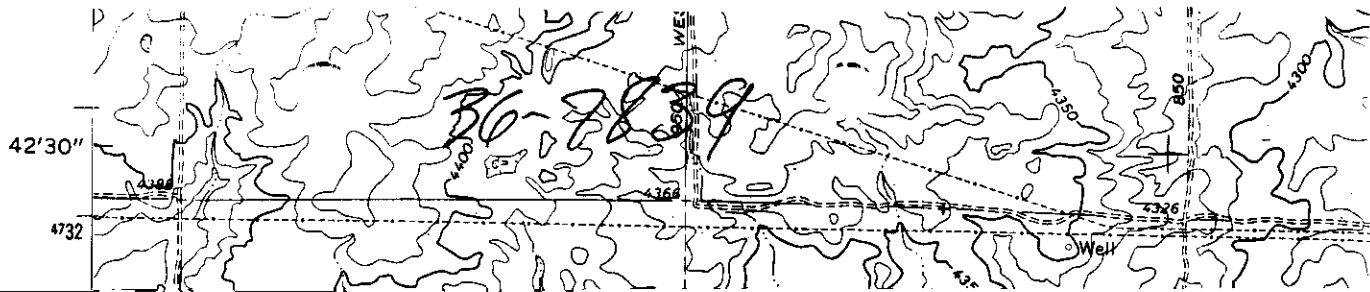
System capacity = 4.17 cfs (per "1977" measurement)

To bring the entire 240 acre P/U to .02 cfs/acre

1) $240 \times .02 = 4.80 - 4.69 = .11 \text{ cfs.}$ (maximum ^{possible} ~~excess~~)

2) Current rate = $4.17/240 = .0174/\text{acre.}$

Current rate is less than old rates for all prior rights - System is already licensed in excess of system capacity -



C 11

NOT TO SCALE

IMPROVED TECHNOLOGY

JAN 97 1513

36-7839



Well & Pump, P/U

EXHIBIT 101-2

10/20/2018

October 8, 1993

FRANK SUCHAN
RT 2 BOX 2472
PAUL ID 83347

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-07839

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

OCT 19 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-07839

Reviewed by Klg

Date 10/5/93

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate - 800
Correct Uses? yes

SOURCE OF WATER

Surface water source
✓ Ground water source

NA Drilling permit required?
NA Copy in the file? Drilling Permit No. _____
NA Amount paid for permit _____ Correct?
NA Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
300 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address Rt 2 Box 2472 105193 Klg

Proof Made 10/1/93
10/8/93 Klg

July 31, 1993

FRANK SUCHAN
RT. 2 BOX 2477
PAUL ID 83347

PROOF DUE NOTICE

RE: PERMIT NO. 36-07839

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

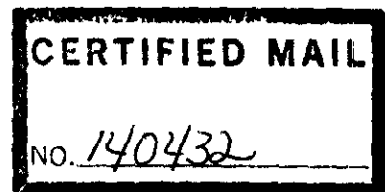
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MINUTEMAN

OCT 19 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 8, 1990

RE: Permit No. 36-7839

Frank Suchan
Rt. 2, Box 2472
Paul, ID 83347

Dear Permit Holder(s):

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 36-7839. Please note in condition #1., page five of the order that you must develop your system and beneficially use the water prior to October 1, 1993. Failure to beneficially use the water before October 1, 1993 could result in a loss of your water right permit.

Also enclosed is a copy of the approved extension of time request. Please be advised that the department has granted this extension of time based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Please note the conditions of approval contained in the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Enclosures

MICROFILMED

FEB 15 1990

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 36-7839Reviewed by [Signature]Date 1-18-1990DATE INFORMATION

Y Date stamp received
Y Extension received timely (not too early not too late)
Y Fee received and receipted
Y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
 Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN- *Recommend approval based on S. Falls & litigation until Oct. 1, 1993*

N/A Reinstate Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

Change proof due date _____ Address change _____
 Priority date change _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 14, 1989

The Snowshoe
c/o Margaret Brackenbury
Box 360
Fairfield, ID 83327

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on June 22 and June 29 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of June 19 and June 26. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and billing to the office below before July 10.

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

Sincerely,

HEIDI M. MIKEL
Secretary

MICROFILMED

FEB 15 1990

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 36-7839
Presently Recorded as Follows:

Name: FRANK SUCHAN
Address: RT. 2, BOX 2472
PAUL, ID 83347
Source: GROUNDWATER
Diversion Pt.: NENW; SWSW; SESW, SEC. 16,
T8S R22E MINIDOKA COUNTY
Use: IRRIGATION (9.42 CFS)
Priority: JANUARY 19, 1979
Place of Use: SEC. 16 (ALL); SE1/4 SEC. 17;
T8S R22E
Total Acres: 800

Of the 800 acres described, this permit proposes supplemental supply to 480 acres and full supply to 320 new acres. This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before July 10, 1989. A protest must overcome the presumption of Water Appropriation Rule 5,2,1.

R. Keith Higginson, Director

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FEB 15 1990

INTER-DEPARTMENT MEMO — 1

FROM *Tim Luke*

DATE *6-12-87*

TO *File*

SUBJECT *Overlap w/ permit 36-7839*

License 36-7052 overlaps following land:

8 S 22 E sec 16 SW 1/4, SE 1/4 320 Acres
sec 17 SE 1/4 160 Acres

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of New Lands = 800
2 - 480
320

FEB 15 1990

Note: Advertisement AS new supply for 320 Acres
& overlap/supplemental supply to 480 Acres.

SIGNATURE

RECEIVED

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Permit Holder: Frank Suchan

Permit No. 36-7839
Supplemental Rule 4.5
Information

Permit Holder, Frank Suchan, submits the following additional information pursuant to Water Appropriation Rule 4.5:

Scope of Information: When this permit appears to address some 800 acres, it includes a well and approximately 493.4 farmable acres covered under License No. 36-7052. License No. 36-7052 originally covered 480 acres but actual field measurement is 493.4. Because this license and irrigation has been in effect since 1969, it is not included in the information provided herein. The information that follows only covers the remainder of the 800 acres that has been continued to be dry farmed after the original well was put in in 1969.

4, 5, 3, 6, 1. Project Design and Estimate of Costs of Development: The project will include the drilling of an additional well in the NE corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16. The installation of a 450 Hp deep well turbine with a 150 Hp Booster Pump and the installation of the following mainline:

1560 feet of 15" 125 PIP
1520 feet of 12" 125 IPS
720 feet of 10" 125 IPS
1440 feet of 8" 125 IPS

and 16 electric $\frac{1}{4}$ mile wheel lines with 5.5 flow control nozzles.

Estimated Costs:

Pump and Booster	\$ 51,095.00
Wheel Lines	136,000.00
Mainline	<u>50,000.00</u>
Total Estimated Cost	\$237,095.00

The above information is based upon design and cost estimates provided by Gordon Toevs of Funk Irrigation of American Falls.

4, 5, 3, 6, 2. Crop Rotation Information: The land to be irrigated has been dry farmed for in excess of 40 years. Its rotation will be integrated into the remainder of the 800 acres. Current planned rotation is as follows:

First 2 years	Potatoes
3rd year	Grain
4th year	Sugar Beets

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FEB 15 1990

5th & 6th years	Grain
7th year	Potatoes
8th year	Grain
9th year	Beets
10th & 11th years	Grain

with rotation continuing of one year potatoes, one year beets, two years grain and then back to potatoes.

4, 5, 3, 5, 3. Job Impact: It is estimated that there will be no job impact by construction. The land is currently being dry farmed and the installation of the irrigation systems will be to an independent contractor. The permit holder owned approximately 920 irrigated farmable acres in his current operation. It is estimated that the additional 300 acres would add approximately one to two full time equivalent positions from April through October.

4, 5, 3, 6, 5. Energy Source - Costs and Conservation Methods:

Source: Idaho Power Company. Line to serve pumps already in existence in immediate pump location area.

Estimated Demand and Total Amount of Energy: Maximum estimated demand is 450 KW. Estimated maximum power usage per day is 10,800 KW Hours.

The above energy use was estimated by Idaho Power based on maximum load factors. It is estimated that actual usage will be considerably lower than this because of the dual pumping system, 5.5 control flow nozzles and the sizing of the mainline. Each of these items are designed to reduce power usage.

Energy Conservation Methods: The system has been designed with the following items to reduce power usage:

- (a) Flow control nozzles on irrigation lines.
- (b) With a dual pump system to allow one pump to be idle when water requirements are lowered.
- (c) Mainline has been sized for maximum reduction of friction, etc. to reduce load on pumps.

4, 5, 3, 6, 6. Return Flow and Conservation of Water: The system design does not anticipate any return flow water. The flow control nozzles have been specified as a water conservation feature as well as an energy saving device.

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4, 5, 3, 6, 7. Miscellaneous Information: FEB 15 1990

- (a) The proposed project is for irrigation purposes.

(b) The applicant intends to farm the land some years and to lease it out for sugar beets and potatoes in other years to non-related operations.

(c) The applicant owns the following additional irrigated land:

500 acres consisting of the SE $\frac{1}{4}$ of Section 17 and the irrigated portion of Section 16, Township 8 South, Range 22 EBM, Minidoka County, Idaho. This land joins the project land on its South boundary.

400 acres consisting of the NW $\frac{1}{4}$ and Section 35 and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 8 South, Range 22 EBM, Minidoka County, Idaho.

27 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 9 South, Range 23 EBM, Minidoka County, Idaho.

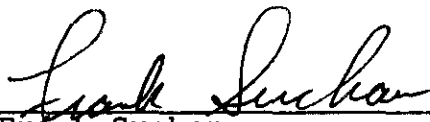
(d) The applicant does not operate any rental or leased lands.

(e) The applicant is an individual.

(f) All of the soil has been classified as non-erodible. This land consists of a combination of level to sloping soils which range from deep to shallow ground formed over bedrock that is at a depth from one to nine feet with some rock outcroppings. Soil Classification Map is attached.

(g) Schedule to Bring Land Into Production - The applicant is involved in updating of irrigation systems on other owned land and does not anticipate the bringing of this land into production or irrigated crop land before 1993.

DATED this 9th day of June, 1989.


Frank Suchan
Applicant

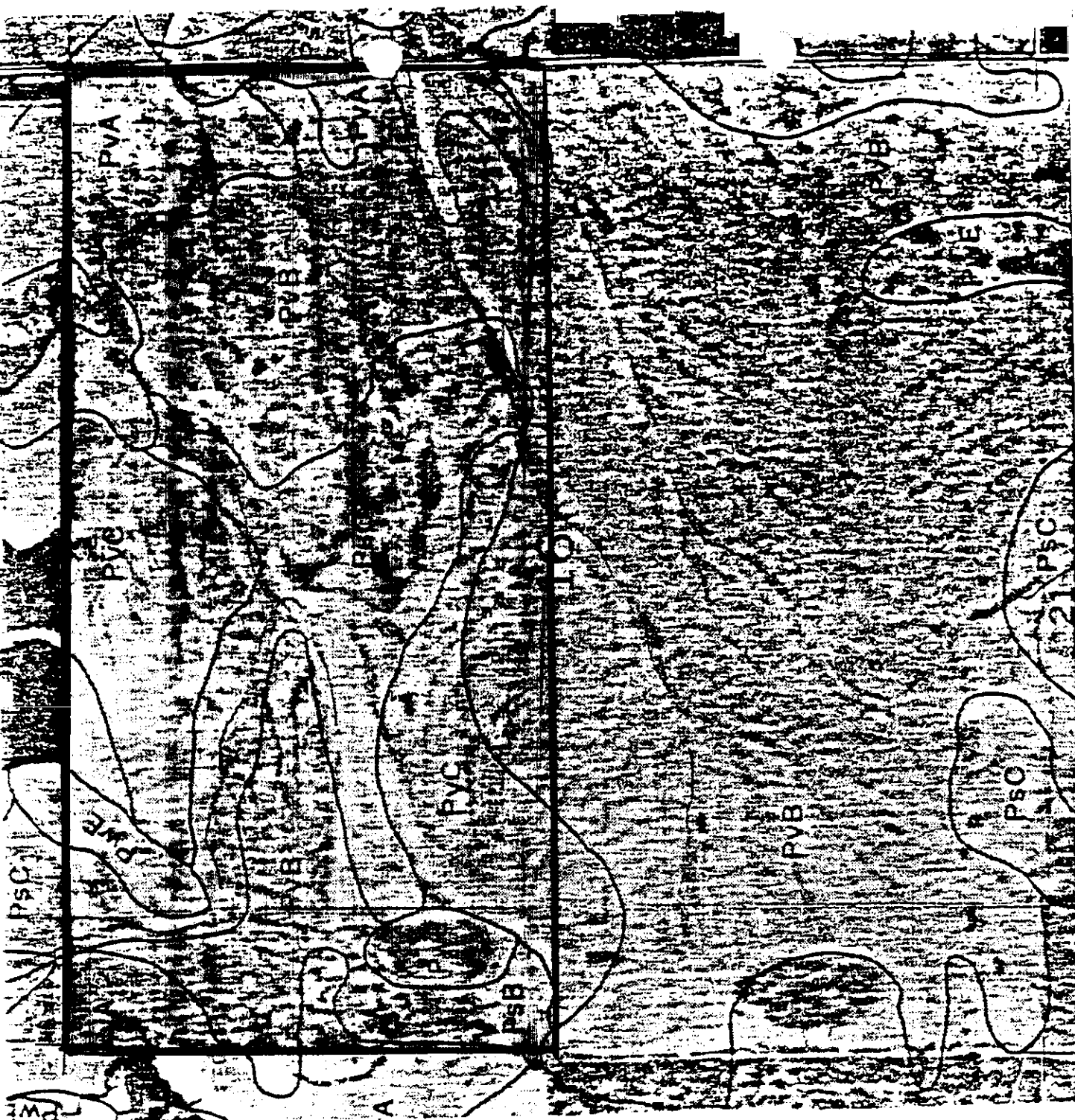
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FEB 15 1990

Note:
 These have been some
 minor classification
 changes as to PwE
 Soil. Entire 320 is
 now classified as
 Non-erodible.
 See Attached Determinative

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FEB 15 1990



MINIDOKA AREA, IDAHO NO. 14

Land division corners are approximately positioned on this map.

Photobase from 1969 aerial photographs, 5,000-foot grid ticks based on Idaho plane coordinate system, central zone, 1927 North American datum. This map is one of a set compiled in 1972 as part of a soil survey by the United States Department of Agriculture, Soil Conservation Service, and the University of Idaho Agricultural Experiment Station.



United States
Department of
Agriculture

Conservation
Service

RECEIVED

JUN 12 1989

3160 Elder Street
Suite A
Boise, Idaho 83705

Department of Water Resources

Subject: Frank Suchan Appeal

Date: September 8, 1988

To: Jim Cornwell
Acting Area Conservationist
Boise, Idaho

File code: 180-12

I have evaluated the field data from the on-site investigation done by Glenn Hoffmann for tracts T-63, T-158 and T-159 that are under appeal by Mr. Frank Suchan of Paul, Idaho. Some changes in the composition of the delineations resulted in a change in the HEL vs NHEL classification of some fields.

A couple of facts need to be discussed in a general manner before I give a breakdown of the results by tract and field. The PwE soil delineations in the Minidoka Soil Survey were defined with 45% of Portneuf soil, 25% Trevino soil, 20% Portino soil and 10% rock outcrop. The Trevino and Portino soils are classified as HEL and make the entire complex HEL because they are more than 33% of the mapping unit. The field investigation indicated that nearly all of the Trevino soil and rock outcrop were in the small "islands" of natural vegetation not being farmed by Mr. Suchan. These areas are in fact not counted in the ASCS acreage for field area. Therefore, the Trevino soils should not even be considered for calculations of HEL in the delineations checked. Removing the Trevino component requires that the other components be adjusted and be utilized on a composition of cropland only. This affects the total soil series composition for the fields as is indicated below.

In the breakdown that follows I will attempt to give you a picture of what delineations were investigated, the delineation composition based on that investigation, the resulting soil composition of the field and the final classification of the field as HEL or NHEL. Attached are copies of soil survey sheets which show the tracts and fields for reference. Jan Jinings has assisted me with the HEL calculations and determinations.

Tract 159

Field 2

The two PwE delineations were investigated for composition. The composition of the delineations were:

60% Portneuf silt loam
20% Portino silt loam
10% Trevino silt loam
10% rock outcrop

(non HEL soil) HEL - Highly Erodible
(HEL soil)
(not HEL soil)
(not HEL soil)

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FEB 15 1990



The Soil Conservation Service
is an agency of the
Department of Agriculture

Because the Trevino soil and rock outcrop are in non-cropland areas the resulting field composition would be:

70% Portneuf silt loam (non HEL soil)

30% Portino silt loam (HEL soil)

The HEL soil is less than 1/3 of the mapping unit so the unit is not HEL and as a result the field is NHEL.

Tract 158

Field 1 (entire tract is one field)

The 2 PsC delineations in the western part of the field fit the description of the Soil Survey and are HEL. They comprise about 11 acres or only 3% of the field cropland area.

The 2 PwE delineations along the southern part of the field and the large PsC delineation in the center of the field proved to have a composition of:

65% Portneuf silt loam

20% Portino silt loam

10% Trevino silt loam

5% rock outcrop

Excluding the non cropland area not utilized by ASCS the resulting composition for the cropland area would be:

75% Portneuf silt loam

25% Portino silt loam

These delineations would be NHEL.

The HEL area is less than 1/3 of the field so the field is NHEL.

Tract 63

Field 1

PsB delineation on west side of field was checked and found to be non-HEL Portneuf soil.

The circular PwE unit on the western side is an old cone and is cut out by the ASCS as non-cropland and is in fact not farmed.

The large PsC delineation in the center of the field was checked by the soil scientist and some line changes were made making this delineation smaller. Composition of the resulting delineation is:

50% Portino silt loam

30% Portneuf silt loam

20% Trevino silt loam

Again we assume the Trevino soil occurs in the non-cropland areas and the cropland composition becomes:

60% Portino silt loam

40% Portneuf silt loam

The resulting area then remains HEL and amounts to 42 acres or 16% of the field.

The HEL area is less than 1/3 of the field and less than 50 acres so the field is NHEL.

Tract 63

Field 2

This field was classed NHEL previously and field delineations and resulting line changes still resulted in only 13 acres or 5% of the field being HEL.

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FEB 15 1990

Tract 63

Field 3

The PwE delineation along the west boundary was less than 15% HEL soils so the delineation is NHEL.

The 2 PwE delineations in the eastern part of the field were cut out as non-cropland by ASCS and were not considered in the calculations.

The 2 small areas of PsC along the southern edge proved by field investigation to be 35% Portino silt loam which is HEL. This makes these delineations of 14 acres HEL.

The large PwE delineation in the west 1/2 of the field had a composition of:

- 45% Portneuf silt loam
- 30% Portino silt loam
- 15% Trevino silt loam
- 10% rock outcrop

If the rock outcrop and Trevino soil are removed as the non-cropland part of the delineation the cropland percentage is:

- 60% Portneuf silt loam
- 40% Portino silt loam

This results in the delineation being HEL. This delineation makes up 66 acres of the field.

The end result is that 80 acres of the field are HEL so the entire field is classed as HEL.

In summary the field investigations have shown that most delineations investigated in fact contained less HEL soils than originally used in the calculations. This results in a change in classification of all the fields except one.



HARLEY R. NOE
Area Soil Scientist

cc: Ron Gill, DC, Rupert
Jan Jinings, Area Agronomist, Boise

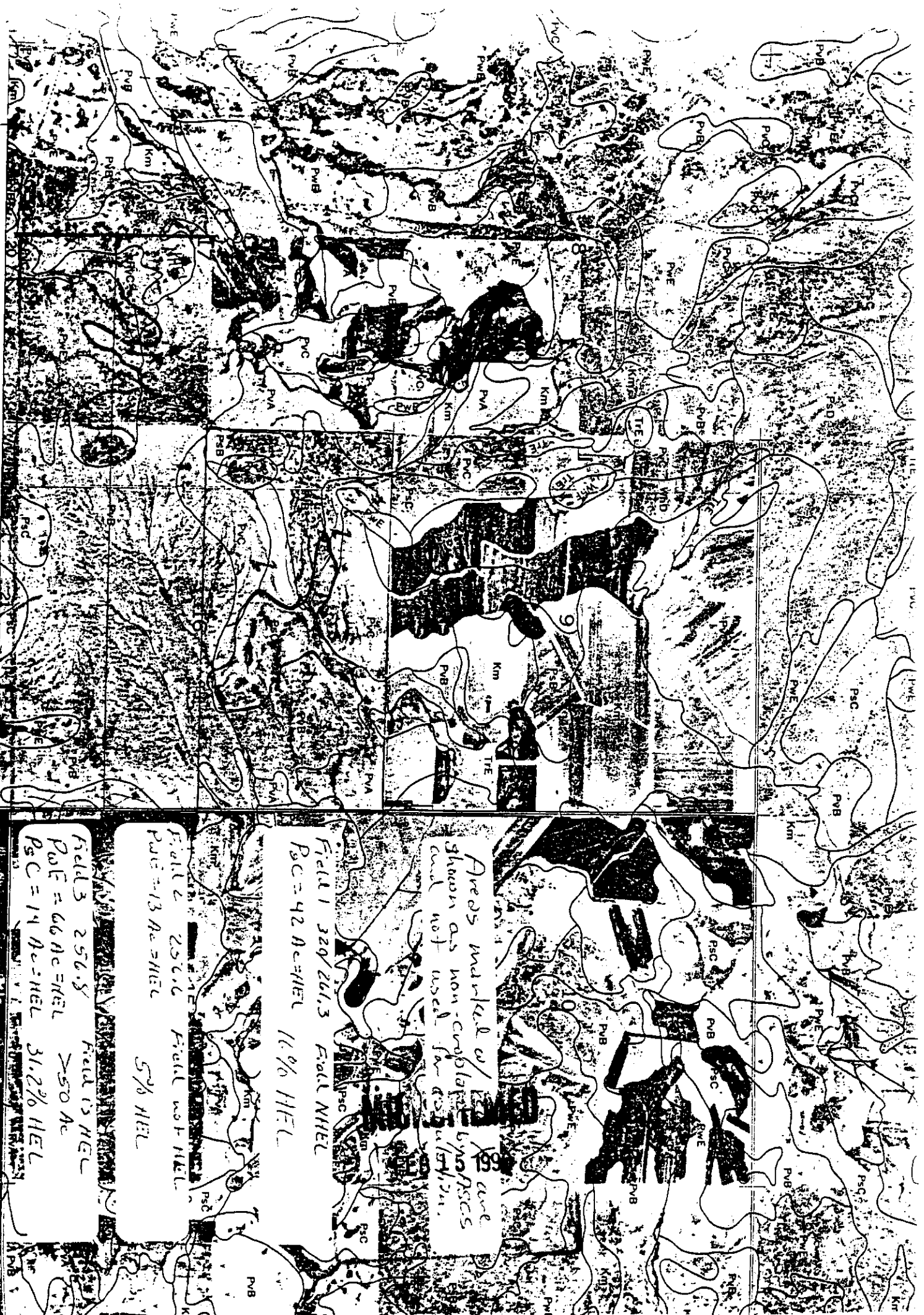
334-1033

334-1348

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FEB 15 1990

T 63 line change



WILLIAM T. GOODMAN
LARRY R. DUFF
STEVEN A. TUFT
ALAN GOODMAN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436.4774

June 8, 1989

RECEIVED
JUN 12 1989

Department of Water Resources

Mr. Tim Luke
Idaho Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Permit No. 36-7839

Dear Mr. Luke:

Enclosed please find the Rule 4.5 information to accompany Mr. Suchan's request for extension of time to substantiate the above permit.

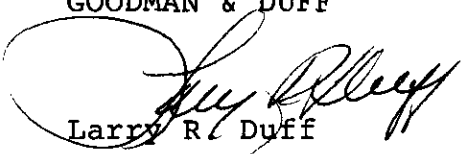
I appreciate your courtesy in extending the thirty (30) day submission period.

It was extremely difficult to get any design information because of the extreme pressure on the irrigation supply company brought about by the return of set-aside ground to production as a result of the grain price increases.

If you need any additional information, please let me know.

Very truly yours,

GOODMAN & DUFF


Larry R. Duff

LRD:mb
Enclosure
cc: Frank Suchan

MICROFILMED

FEB 15 1990

WILLIAM T. GOODMAN
LARRY R. DUFF
STEVEN A. TUFT
ALAN GOODMAN

LAW OFFICE
Goodman and Duff
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

April 14, 1989

RECEIVED
APR 19 1989

Department of Water Resources

Idaho Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720

Attention: Tim Luke - Water Allocation/Trust Water

Re: Permit No. 36-7839

Dear Mr. Luke:

Enclosed please find the Trust Water Information Questionnaire for the above permit together with an ASCS map and verification attached and our check for \$20.00 to cover the readvertisement fee.

Very truly yours,

GOODMAN & DUFF

Alan Goodman for
Larry R. Duff

LRD:mb
Enclosure
cc: Frank Suchan

MICROFILMED

FEB 15 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
APR 19 1989

Department of Water Resources

PERMIT NO. 36-7839

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes X No

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1985. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
lable and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. 493.4 farmable, 500 plus total.

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. See reverse side.

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other
water rights which are used on the same land.

License No. 36-7052 - See reverse side.

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

Permit Holder

Frank Jackson

Date 4-14-89

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FEB 15 1990

License No. 36-7052, with a priority date of January 14, 1969, has been issued for 480 irrigated acres located in the S½ of Section 16 and the SE¼ of Section 17.

In November of 1961 a 20" well 600 feet deep was drilled in the N½ of Section 16. An application for permit on this well and another proposed well was filed as Permit No. 36-7839 in January of 1979. The property subsequently became involved in a series of lawsuits which were not resolved until June 15, 1988. An appropriate request for extension of time was filed in March of 1984 and March of 1989.

Currently, there is slightly over 500 acres being irrigated of which 493.4 is farmable from the well described in License No. 36-7052 which is also described in Permit No. 36-7839. Permit No. 36-7839 covers 800 acres and three (3) wells including the 480 acres and the well covered under License No. 36-7052.

When the project is complete, the remaining 300 acres will be placed under irrigation.

TO: Dept. of Water Resources
1301 North Orchard St.
Boise, Idaho 83720

RE: Frank Suchan Property Located in Sections 16 and 17

Gentlemen:

This letter is to verify to you that the attached is a true copy of an aerial photo taken on the 14th day of July, 1987, that shows Section 16 and the SE $\frac{1}{4}$ of Section 17, Township 8 South, Range 22 East, Boise Meridian, Minidoka County, Idaho. Of this 800 acres, 493.4 farmable acres were irrigated prior to July 1, 1985.

The original of the full aerial photo is on file at the U. S. Agriculture Stabilization & Conservation Service Office at 100 South 200 West, Rupert, Idaho, together with the file supporting the irrigated farmable acres.

DATED this 14th day of April, 1989.

Jo Anne Frederiksen - P.A.
Minidoka County A.C.S. Office

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FEB 15 1990

DECEMBER

MAX TO SCALE

50

50-19067-2

7234





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 8, 1989

RE: Permit No. 36-7839

Frank Suchan
Route 2, Box 2472
Paul, ID 83347

NOTICE OF INFORMATION REQUIRED BY WATER APPROPRIATION RULE 4,5.

Dear Permit Holder:

The Department acknowledges receipt of the Trust Water Information Questionnaire and appropriate re-advertising fee for the above referenced permit. On behalf of the Department, I wish to thank you for your cooperation in providing the requested fee and information.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5. if the undeveloped portion of the permit exceeds 200 acres.

The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your permit. The project includes more than 200 acres and is therefore subject to the additional information requirements of Rule 4,5.

I wish to call your attention to the specific requirements under Rule 4,5. (copy enclosed). In particular, you must submit the information outlined in Rules 4,5,3,6,1. through 4,5,3,6,7. Note that Rule 4,5,3,6,4. is not applicable to your permit.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed will be cause for the Department to advance the priority of the permit by the number of days that the information submittal is late. The

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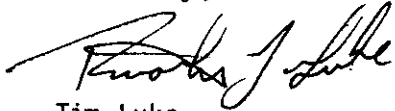
FEB 15 1990

Page 2

Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing.

Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke
Sr. Water Resource Agent

MICROFILMED

FEB 15 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 36-7839

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5. (copy

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FEB 15 1990

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

FEB 15 1990

March 17, 1989

Frank Suchan
Rt. 2, Box 2472
Paul, ID 83347

Dear Mr. Suchan:

RE: PERMIT NO. 36-7839 - REQUEST FOR EXTENSION OF TIME

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. Since the permit is within the Swan Falls trust water area and has been named in Ada County Civil Case No. 81375 and not dismissed, the department will hold the request without action until the permit is reprocessed in compliance with the provisions of Section 42-203D, Idaho Code.

The issuance of an order on March 25, 1988 by the Federal Energy Regulatory Commission (order effective May 24, 1988) made the Swan Falls Agreement effective. As a result of the order, the department is determining which permits can be reprocessed in a given year up to the 20,000 acres per year limitation.

When development under the permit can be authorized beyond the extent of development existing on July 1, 1985, the department will consider the request for extension of time and will advise you accordingly of our action.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Larry Duff
Region

MICROFILMED

FEB 15 1990

WILLIAM T. GOODMAN
LARRY R. DUFF
STEVEN A. TUFT
ALAN GOODMAN

LAW OFFICE
Goodman and Duff
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

March 7, 1988

RECEIVED
MAR 08 1989

Department of Water Resources
State of Idaho
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Attention: Rita Fleck, REcords Manager

Re: Permit No. 36-07839
Permit Holder, Frank Suchan

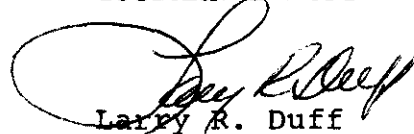
Dear Ms. Fleck:

Enclosed please find a Request for Extension of Time. The real property constituting the location and place of use was involved in litigation as to title of the property from January 1983 until June, 1988. Because of the costs involved in the litigation (3 separate lawsuits in 5 years), plus the need for repairs to the exiting irrigation system on other parts of the farm, our client is requesting a 5 year extension to complete the beneficial proof.

Our check in the amount of \$15.00 for the extension fee is enclosed.

Very truly yours,

GOODMAN & DUFF


Larry R. Duff

LRD:KH
Encl.
cc: Mr. Frank Suchan

MICROFILMED

FEB 15 1990

In December of 1982 the permit holder acquired this property at Sheriff's Sale and acquired the owner redemption right shortly thereafter. On January 24, 1983, the first of three lawsuits was filed by the Judgment Creditor who had caused the property to be sold to satisfy her Judgment in December of 1982. All three lawsuits were filed against the permit holder and others and attacked the title of the permit holder. The permit holder won all three lawsuits and all three were ultimately appealed to the Idaho Supreme Court as Case Nos. 15143, 15460 and 15512. All three cases were combined on appeal and the first decision of the Supreme Court was issued in early Summer of 1986. Rehearing was granted on June 16, 1986. A new opinion was rendered affirming the opinion in 2 of the cases and remitting the 3rd case to the lower Court for an additional finding on August 5, 1987. An additional finding in favor of the permit holder and other parties was issued on September 9, 1987.

The litigation was finally disposed of as to all parties on June 15, 1988.

While the permit holder may have been able to go ahead on completion of works after the September 9, 1987, Court Order, he felt because of the number of lawsuits that had already been filed that he should wait until a final settlement was executed. This matter was further complicated by the filing of bankruptcy early in 1988 by the Judgment Debtor.

During the litigation maintenance of existing irrigation systems serving other portions of the property was limited. The permit holder believes that his first priority should be to place the existing irrigation system in good condition, which will limit his capital for completion of the development of the well, pump, motor, panel, mainline and irrigation system, subject of the permit, and requests that he be allowed to develop this over a five (5) year period in order to spread the capital outlay over a period of years.

MICROFILMED

FEB 15 1990

FRANK SUCHAN
RT. 2 BOX 247Z
PAUL, ID 83347

January 31, 1989

138894

PROOF DUE NOTICE

RE: PERMIT NO. 36-07839

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 15 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

FEB 15 1990

April 26, 1984

Frank Suchan
Route 2, Box 2472
Paul, ID 83347

Dear Mr. Suchan:

Re: Permit No. 36-7839

This office acknowledges receipt of the assignment conveying the above-referenced permit to you. The assignment has been entered into the department's records. A copy of the permit has been enclosed for your records.

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to April 1, 1989.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time

RECEIVED

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 36-7839

- Y Date received stamp
Y Fee received and receipted
Y Name on request same as on permit
Y Address same as on permit
Y Proof due date within six months of due date
X Signature same as ~~permit~~ assign.
Y Source of water the same
Y Permit holder named in Swan Falls lawsuit
Y Proceed diligently
Y Is delay caused by litigation:

Date lit. completed _____

Date lit. began _____

Period of delay _____

New proof due date _____

ACTION: *Approve based on S. F. litigation*

N Does the permit need reinstated:

Extension received _____

Proof due date _____

Days late _____

Priority date _____

Adjusted priority date _____

Y Is there commencement of works?

✓ Cover letter

✓ Coding sheet

✓ Rolodex card updated and refiled

Reviewed by *[Signature]* Date: 4-20-1984

MICROFILMED

WILLIAM T. GOODMAN
LARRY R. DUFF
ALAN GOODMAN
THOMAS P. BASKIN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

April 9, 1984

RECEIVED
APR 10 1984

Department of Water Resources

State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Rita I. Fleck
Secretary/Records Manager

Re: Permit No. 36-7839

Dear Ms. Fleck:

Pursuant to your letter of March 22, 1984, I am enclosing
Assignment of Permit executed by George A. Suchan to Frank
Suchan.

Thank you for your help on this matter.

Very truly yours,

GOODMAN & DUFF


Larry R. Duff

LRD:mb
Enclosure
cc: Frank Suchan

RECEIVED

March 22, 1984

Larry R. Duff
GOODMAN & DUFF
Box 61
Rupert, ID 83350

Dear Mr. Duff:

Re: Permit No. 36-7339

The Department received the Request for Extension of Time form along with the Quitclaim Deed of property from George Suchan to Frank Suchan.

Before the Department can take action on the extension request, however, the permit must be assigned to Frank Suchan. The Quitclaim Deed is not a proper assignment to convey the water right permit to Frank Suchan as it does not specifically identify the water right to be assigned. For this reason, I've enclosed a form the Department uses to record assignments. Please complete and return it to this office by April 15, 1984 so proper action can be taken on the Request for Extension of Time.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

EXTENSION OF TIME

March 6, 1984

Goodman and Duff

P. O. Box 61

Rupert, ID 83350

PERMIT NO. 36-7839
~~36-3789~~, Frank Suchan

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **33810**.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

36-7839

WILLIAM T. GOODMAN
LARRY R. DUFF
ALAN GOODMAN
THOMAS P. BASKIN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350

March 5, 1984

36-7839
AREA CODE 208
TELEPHONE NO.
436-4774

RECEIVED
MAR 6 1984

Department of Water Resources

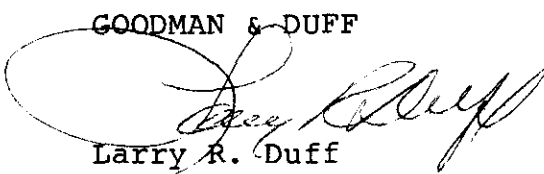
State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Enclosed please find a Request for Extension of Time on
Application for Permit No. 36-3789, together with the
extension fee of \$15.00.

Very truly yours,

GOODMAN & DUFF


Larry R. Duff

LRD:mb

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QUITCLAIM DEED

FOR VALUE RECEIVED GEORGE SUCHAN, a divorced man, does hereby release, remise, grant, bargain, sell, convey and forever quitclaim unto FRANK SUCHAN, whose present address is: Route # 2, Box 2472, Paul, Idaho 83347, the following described premises, located in Minidoka County, Idaho, to-wit:

First Parcel:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 17: SE $\frac{1}{4}$

Second Parcel:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 16: SE $\frac{1}{4}$

Third Parcel:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 16: NE $\frac{1}{4}$

Fourth Parcel:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 16: NW $\frac{1}{4}$

Fifth Parcel:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 16: SW $\frac{1}{4}$

Sixth Parcel:

TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 34: That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°07' East (recorded as North 0°30' West) along the 1/16th section line for 52.60 feet to a point marked by an iron pin on the South right-of-way line of Idaho State Highway No. 25; thence South 89°48'18" East along said Idaho State Highway No. 25 right-of-way for

MICROFILMED

633.76 feet to a point marked by an iron pin on said Idaho State Highway No. 25, which point shall be known as the True Point of Beginning; thence South 89°48'18" East along said Idaho State Highway No. 25 right-of-way for 348.70 feet to a point marked by an iron bolt on said right-of-way line; thence South 0°11'30" West (recorded as South 0°21' West) for 212.32 feet to a point; thence South 89°59'58" West for 346.57 feet to a point marked by an iron pin; thence North 0°06'20" West for 212.75 feet to the True Point of Beginning, and

Beginning at the Southwest corner of said NE¼NW¼; thence North 0°07' West (recorded as North 0°30' West) for 704.94 feet along the 1/16th section line to a point marked by an iron pin; thence South 89°48'18" East for 633.76 feet to a point marked by an iron pin; thence North 0°06'20" West for 347.00 feet to a point marked by an iron pin; thence North 89°59'58" East for 688.07 feet to a point on the quarter section line; thence South 0°11'30" West (Recorded as South 0°21' West) along said quarter section line for 1060.16 feet to a point marked by an iron pin, which point is on the 1/16th section line; thence North 89°51' West (Recorded) along said 1/16th section line for 1320.36 feet to the True Point of Beginning.

Together with appurtenances thereto.

DATED this 17th day of December, 1982.

George A. Suchan
George Suchan

STATE OF IDAHO)
County of Minidoka) ss.

On this 17th day of December, 1982, before me the undersigned Notary Public in and for said State personally appeared George Suchan known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Lucy Bluff
Notary Public
Residing at Rupert, Idaho
My Commission Expires: Life

RECORDED AT REQUEST OF
Audrey Duff and Children

329221
FILM-N-3M
DEC 17 4 57 PM '82

MINIDOKA COUNTY, IDAHO
AUGUST C. BETHKE
RECORDER
FEE DEPUTY



MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

SUCHAN, GEORGE A.
ROUTE #2
RUPERT, ID 83350

138386

PROOF DUE NOTICE

JANUARY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 36-7839 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

April 19, 1979

Re: Permit No. 36-7839

George A. Suchan
Route 2
Rupert, Idaho 83350

Dear Mr. Suchan:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

Enclosures

DRT:lr

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 36-7839 - Suchan, George A.

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ADM 1/25/79

In form to receipt.

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) _____

In form for advertising ☒

(5) LH 4-11-79

Platted on Map No. BG-27,28

(6) _____

Located within Water District No. _____

(7) LH 4-11-79

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing
(comment) _____

(9) LH 4-11-79

Other rights on the same place of use L 36-7052

(10) _____

Comments: _____

(11) mscye 3/29/79

Affidavit of Publication received (date) 3/29/79

(12) mscye 4/2/79

Final date for protests 2/26/79 3/17/79 4/2/79
Protests received: yes _____ no ☒

(13) LH 4-11-79

All requested information received from agencies or applicant: yes _____ no _____

(14) LH 4-11-79

Action recommended:

☒ Approve _____ Deny

1-17-79 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

RECEIVED
APR 12 1979

Department of Water Resources

(15) District S By Loren O'Halloran Date 4-11-79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JANUARY 26, 1979

Minidoka County News
625 Fremont Avenue
Rupert, Idaho 83350

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 26, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

36-7839

SUCHAN, GEORGE A.

ROUTE #2, RUPERT, ID 83350

Source: GROUNDWATER

Date Filed: 01/19/1979

Amount: 9.42 CFS

Diversion Point: NENW SWSW SESE Sec 16 T 08S R 22E, MINIDOKA Co.

Use: IRRIGATION (9.42 CFS) from 03/15 to 11/15

Place of Use: NENE NUNE SWNE SENE NENW NNW SWNW Sec 16 T 08S R 22E SENW NESW
NNSW SWSW SESE NESE NWSE Sec 16 T 08S R 22E SWSE SESE
Sec 16 T 08S R 22E NESE NWSE SWSE SESE Sec 17 T 08S R 22E
FOR 800 ACRES

Diversion Means: WELLS & PUMPS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before

C. STEPHEN ALLRED / FEBRUARY 26, 1979.

Director

Published 2/8 & 2/15/79.

MICROFILMED

NOTICE OF APPLICATION FOR
WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

36-7839

SUCHAN, GEORGE A.

ROUTE NO. 2, RUPERT, ID 83350

Source: GROUNDWATER

Date Filed: 01/19/1979

Amount: 9.42 CFS

Diversion Point: NENW SWSW SESW Sec 16 T 08S R 22E, MINIDOKA Co.

Use: IRRIGATION (9.25 CFS) from 03/15 to 11/15

Place of Use: NENE NWNE SWNE SENE
NENW NWNW SWNW Sec 16 T 08S R
22 E SENW NESW NWSW SWSW SESW
NESE NWSE Sec 16 T 08S R 22E SWSE
SESE Sec 16 T 08S R 22E NESE NWSE
SWSE SESE Sec 17 T 08S R 22E FOR 800
ACRES

Diversion Means: WELLS & PUMPS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before March 19, 1979.

C. STEPHEN ALLRED
Director

No. 791-March 1, 8, 1979.

*called
correction
3/2/79
ee-run
3/8/79-3/15/79
per. 4/1/79*