

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

TOWNSHIP 9 SOUTH, RANGE 20 EAST, B.M.											
DE I-6960											
NE $\frac{1}{4}$											
Sec. 12											
Gergen Deeded land											

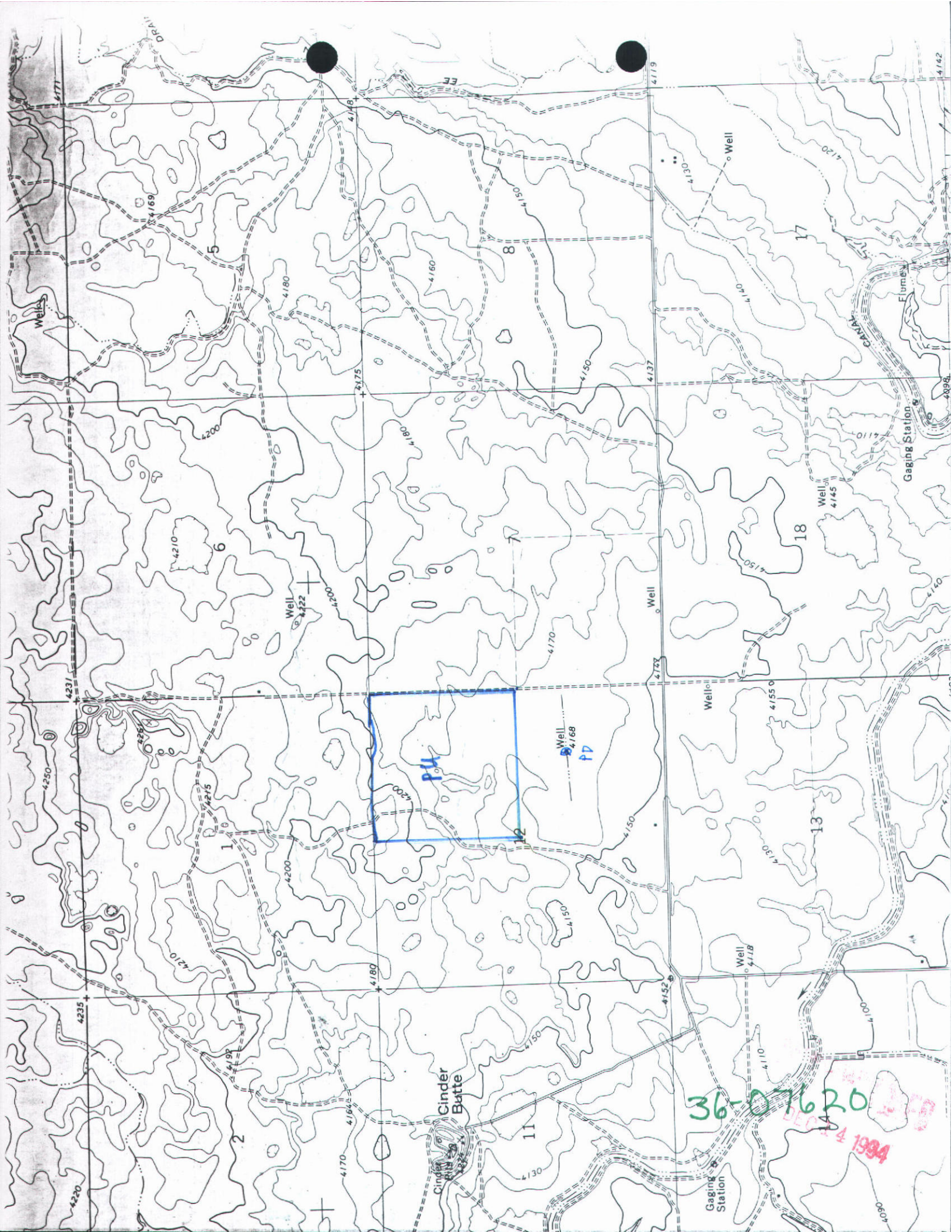
Scale: 2 inches equal 1 mile

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

MICROFILMED

FEB 15 1990

Wm. J. Clifton
(Applicant) ATTORNEY-IN-FACT



36-07620

DEC 4 1994

8
29
NH

7
57
NH

6
74
NH

5
110
HE

1897-5-6

T6024

1651-4-4

64
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2
64
HEL

77
HEL

T122
1897-2-6

75
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80
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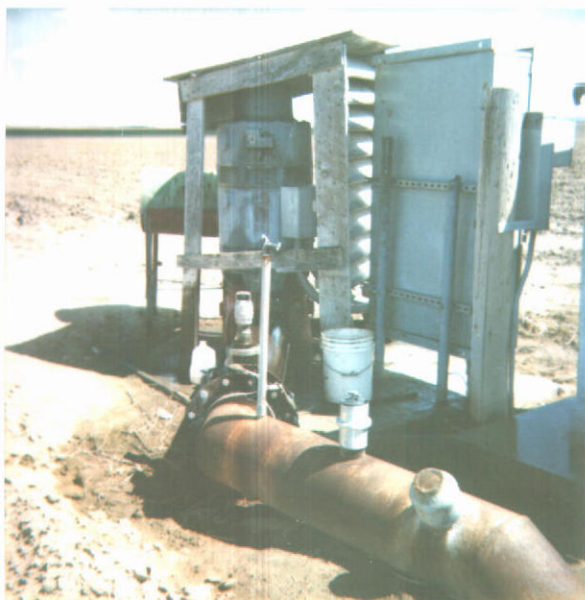
12
13
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18

HEL 80

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77

RECEIVED
DEC 14 1994

36-07620



P/D



P/U

DEC 3 6 1984

RECEIVED AFFIDAVIT of PUBLICATION
JAN 03 1990

State of Idaho, }
County of Jerome } SS.

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

each week for 24 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 20th day of Dec.,
1989, and the date of the last publication was on the 27th
day of Dec., 1989.

Patty Nance
Subscribed and sworn to before me this 2
day of Jan, 1990.
(SEAL)

Norma De Voe
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho
COST OF PUBLICATION

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

_____ Lines tabular at _____ 6¢/Pica
351 Lines straight at 17.55 5¢/Pica
_____ Subsequent lines at 14.04 4¢/Pica
TOTAL COST 31.59

COPY OF NOTICE
(Paste Here)

Appl. for Water Right
TITLE OF NOTICE
Gergen - Bernard

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Ida. Dept. Water Res.
BILL TO Boise

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT**
36-07620
GERGEN, BERNARD
2252 E. 900 S.
HAZELTON, ID 83335
Source: GROUNDWATER
Diverson Pt: NESE Sec 12 T 09S R 20E
Use: IRRIGATION (3.200 CFS)
Total Diverson: (3.200 CFS)
Date Filed: 3/15/1976
In: T09S R20E S12 NENE NWNE SWNE
SENE
160.0 ACRES TOTAL
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mail, Boise, Idaho 83720 on
or before JANUARY 10, 1990.
R. Keith Higginson
Director
N44082
Pub: 12-20, 27

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

No 3623
MICROFILMED
44082 FEB 10 1990

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1st day of April, 1976, and the date of the last publication was on the 8 day of April, 1976.

Subscribed and sworn to before me this 8th day of April, 1976.
(SEAL)

Darla Brett
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>28</u>
Number of Insertions	<u>2</u>
<u>2</u> Lines tabular at	315c
<u>28</u> Lines straight at	21c
<u>28</u> Subsequent lines at	15c
TOTAL COST	<u>10.08</u>

COPY OF NOTICE

(Paste Here)
application for water
36-7620

TITLE OF NOTICE

Idaho Dept of water resources
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Idaho Dept of water resources

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Bernard Gergen, Hazelton, Idaho 83335 has on 3-12-76 submitted Application No. 36-7620 for a permit to appropriate 3.20 cubic feet per second of water from groundwater by means of pump, motor, mainline & pivot system within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Twp. 9S, Rge. 20E, B.M. Jerome County to be used from March 15 - November 15 for Irrigation of 160 acres within the NE $\frac{1}{4}$, Sec. 12, Twp. 9S, Rge. 20E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before April 19, 1976.

R. KEITH HIGGINSON
Director
4-1-2tc

MICROFILMED

FEB 10 1976

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED

No. 2893
APR 13 1976

Department of Water Resources
Southern District Office

J.K.CC
4-13-76

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07620

Priority: March 15, 1976

Maximum Diversion Rate: 1.76 CFS

Maximum Diversion Volume: 548.0 AF

This is to certify, that H CEVIN JONES
PO BOX 155

HAZELTON ID 83335 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 15, 1976; and has submitted Proof of Beneficial Use on January 28, 1993. An examination indicates that the works have a diversion capacity of 3.540 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.76 CFS	548.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 12, Township 09S, Range 20E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	20E	12	NENE 33	NWNE 35	SWNE 36	137
			SENE 33			

Total number of acres irrigated: 137

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07620

CONDITIONS/REMARKS:

8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
9. Right 36-07019 is also diverted through the point of diversion described above.
10. This right is appurtenant to land designated as DLE No. I-6960.

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 8TH day of DECEMBER, 1984.

Acting for R. Keith Higginson, Director

11/81

RECEIVED

JAN 28 1993

OFFICE USE ONLY

Amt. of Fee \$

Date

Receipt No.

Receipt by

JAN 8 1993

Department of Water Resources

Department of Water Resources

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. 36-07620 Telephone No. (208) 829-42312. Name(s) of Permit Holder(s): H. CEVIN JONES3. Mailing Address: P.O. BOX 155, 306 3rd STREET, HAZELTON, IDAHO 833354. Source of Water: GROUNDWATER (EXISTING WELL)If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: per 4/11/87

OPTIONAL:

Pump horsepower: 300 Pressure (psi): 70 Dynamic pumping level (ft.): 360

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

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

Irrigation 160 (No. of acres) Other _____6. Total rate and/or volume for which proof is submitted 3.20 cfs OR 320 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 ☐ No8. Fee Enclosed: \$ 175.00 (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.

CEVIN JONES (208) 829-4231 or 825-5335 or 420-2920
Name Telephone No.P.O. box 155, 306 3rd Street, Hazelton, ID 83335
Address

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

Date

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

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	36-07620	Bernard Gergen	3.20
Full Assignment	36-07620	H. Cevin Jones	3.20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 30 1991

ASSIGNMENT OF APPLICATION FOR PERMIT

Department of Water Resources
Southern Region Office

I, BERNARD GERGEN, hereby assign to H. CEVIN JONES

of, 1375 EAST, 750 SOUTH, EDEN, IDAHO 83325
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 36-07620 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. 36-07620 to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

09S 20E 12	NENE 40	NWNE 40	SWNE 40	SENE 40
TOTAL 160A		3.20 CFS		

Made this Oct 25 day of Oct, 1991.
Bernard Gergen
Assignor

State of Idaho)
County of Twin Falls) ss

On this 25th day of October, 1991, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Nancy Hull
Notary Public

sea:

My commission expires: 10-8-92

NOV 13 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-07620

Proposed Priority: March 15, 1976 Maximum Diversion Rate: 3.20 CFS

This is to certify, that **BERNARD GERGEN**
2252 E. 900 S.
HAZLETON, ID 83335

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION: NESE Sec. 12, Township 09S, Range 20E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	20E	12	NENE 40	NWNE 40	SWNE 40	160
			SENE 40			

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1993.**
2. Subject to all prior water rights.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
4. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
8. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project **is complete.**

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

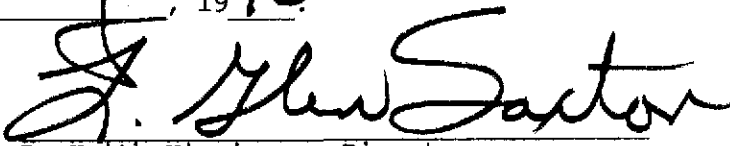
NO. 36-07620

CONDITIONS/REMARKS:

9. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
11. DLE #I-6960.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of January, 1990

for 
R. Keith Higginson, Director

Identification No. 36-7620

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

RECEIVED
MAY 17 1964
DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO 83720

1. Name of applicant Bernard Gergen Phone: 829-5636
2252 E. 900 S. post office address Hazleton, Idaho 83335

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

3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12 Township 9S
Range 20E B.M. Jerome County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes: March 15 November 15
Amount 3.2 for irrigation purpose from 3/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.2 cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pump, motor, mainline, pivot system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 318 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

b. Estimated construction cost is \$ 5,000.

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: _____ hp 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:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	20E	12	40	40	40	40													160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. None

*Phone conversation
3-16-76 AD/M*

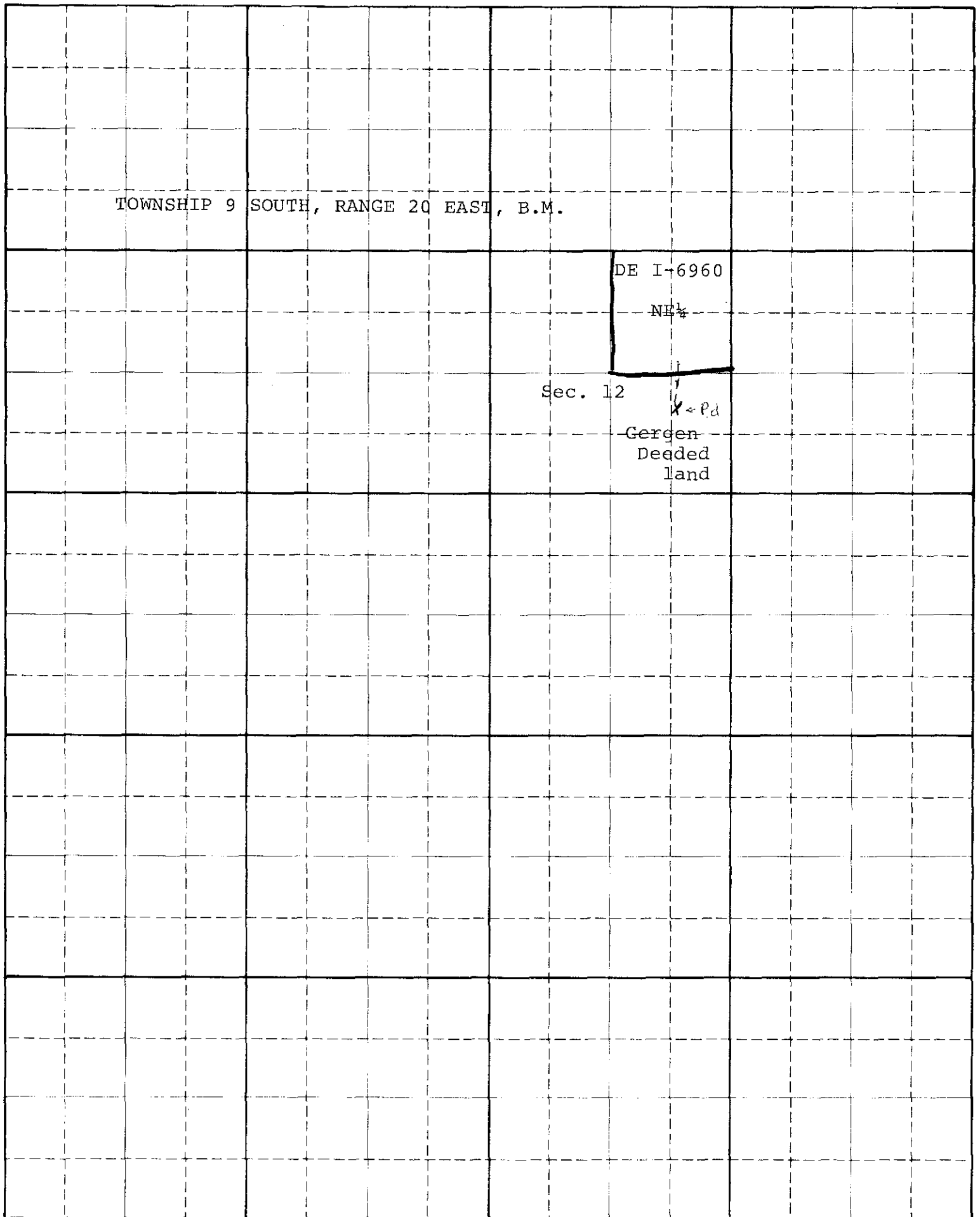
9. a. Who owns the property at the point of diversion Bernard Gergen
 b. Who owns the land to be irrigated or place of use Federal Land
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Desert Entry-I-6960

10. Remarks _____

MICROFILMED

FEB 15 1990

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



Scale: 2 inches equal 1 mile

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

RECORDED

FEB 16 1900

Wm. J. Chittum
(Applicant) ATTORNEY-IN-FACT

3-15-76

Received by DRB Date 3/12/76 Time 2:03 p.m.
Preliminary check by DRB Fee \$ 55.00
Receipted by DRB Date 3-15-76
Publication prepared by CC Date 3-24-76
Published in North Side News
Publication dates 4-1 & 4-8-76
Publication approved _____ Date _____
Priority reduced to 3-15-76 Reason application unsigned

Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

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

Director

MICROFILMED

FEB 13 1990

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

POWER OF ATTORNEY

The undersigned owner (s) of Permit (Application) No. attached
of the Department of Water Administration of the State of Idaho
hereby nominates and appoints Idaho Land Appraisal Service
whose address is P.O. Box 1603, Boise 83701, as attorney-
in-fact with full authority to act for and on behalf of the
undersigned in all matters pertaining to Application or Permit.
Such acts shall include, but not be limited to the filing of
applications for extension of time and for amendment of said
Permit, and the submission of proofs of completion of works and
beneficial use of water.

Dated this 5th day of March, 1976.

Bernard Bergers

State of Idaho)
County of Ada) ss

On this 5th day of March, 1976,

personally appeared before me the signer (s) of the above instrument,
who duly acknowledged to me that he (she) (they) executed the same.

Laura C. Spangler
Notary Public

My commission expires:

none expiring

FEB 15 1976



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 9, 1994

H CEVIN JONES
PO BOX 155
HAZELTON ID 83335

RE: WATER RIGHT NO. 36-07620

Dear Water Right Holder(s):

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

LICENS REVIEW CHECKLIST

PERMIT NO. 36-07620 DATE 11-8-94



NAME	Yes ☒ No ☐	Or <u>Address</u> Change? <u>CHECK</u>
PRIORITY DATE	☐ ☒	Advance? ☐ Advanced to: ☐ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐ ☒	Changes or just clarification of originally intended source? ☐ Notice of Intent to Void necessary? ☐
POINT OF DIV	☒ ☒	Amendment needed? ☐ Overlaps? <u>36-07019 @ 1.78 for 160 ACRES (.01 p/acre)</u>
PLACE OF USE	☐ ☒	Amendment needed? ☐ Overlaps? ☐
DIV RATE	☐ ☒	Permit/fee limits: <u>3.2 CFS</u> Meas Q = ☐ Theo Q = <u>3.54</u> Recommend: <u>1.76</u> <u>ENTIRE SYSTEM</u> <u>137 x .02 = 2.74</u> <u>3.54 ÷ 290 = .012 p/acre</u>
CAPACITY @ 3.54		
36-07019 @ 1.78		
AVAILABLE 1.76 CFS		Combined rates exceed capacity <u>NO</u>
ANNUAL VOLUME	☐ ☒	Season of use: <u>0/4 (4-1 to 10-31)</u> NEW Calculations: <u>137 x 4 = 548</u>
CAPACITY @ 1502		
36-07019 @ 1640		Flow limit: <u>3.54 cfs x 214 x 1.9835 = 1502</u>
AVAILABLE 862		Combined volumes exceed capacity/allowable <u>NO</u>
USES	☐ ☒	Change in Nature of Use or additional uses? ☐ Amendment necessary? ☐
REMARKS	<u>W36</u> <u>W37</u>	Multiple p/d(s) in <u>1/4 1/4</u> ? ☐ Other <u>DLE# I-10960</u>
CONDITIONS	☐ ☒	Measuring/Locking Devices ☐ Watermaster control - District ☐ <u>R31</u> Irrigation Overlap ☐ Water Quality ☒ Other <u>TRUST R55</u> Heat/Cool/ Fish verified ☐ <u>R56 + R57</u>
COMMENTS:	<u>REDUCE ACRES</u> <u>and RATE</u>	

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>1.76</u>	<u>548</u>	Adjustment Memo Needed	<u>NO</u>
_____	_____	_____	LICENSE	☒
_____	_____	_____	1ST AMENDMENT LETTER	_____
_____	_____	_____	FINAL AMENDMENT LETTER	_____

"PERMISSIBLE PLACE OF USE" CONSIDERATIONS

Water Right No. 36-07620

1. Other right(s) have different owners than permit? YES
2. Other rights have much earlier priority dates? YES
3. Licensed rate per acre more than the new rate? NO - the same
4. Would licenses have to be amended with transfers? YES
5. Overlaps include unverified permits/statutory claims? NO

DEC 14 1994

PPU Recommended? Yes _____

No ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 27 1994

Department of Water Resources

A. GENERAL INFORMATION

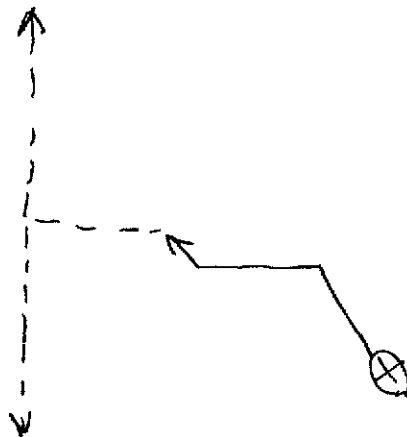
1. Owner: H. Cevin Jones Permit No. 36-07620
Current Address: 1375 E. 750 S., Eden, ID 83325 Phone No. 825-5335
2. Accompanied by: permitttee by telecon EXAM. DATE: 4-29-94
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 36-07019 ☒ 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 ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

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

Well motor, pump, mainline to sprinklers

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	300	not readable	Wintroath	not readable

*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
		SW	NE	SE	12	9S	20E	Jerome	

6. Place(s) of Use:

Indicate Method of Determination

System
P/U

P/U To
Be Lic

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	20E	12	33	35	36	33									38	40	37	38	290
9S	20E	12	33	35	36	33													137

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Not measured.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

Theoretical capacity = 3.54 cfs - 1.78 cfs licensed to SE 1/4 S. 12 = 1.76 cfs

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 137 \times 4 = 548$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.76 \times 219 \times 1.9835 = 747.1$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 548 \text{ AFA}$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

SE 1/4 of Sec. 12 is owned by permittee's father & Roost Potato Co.
NE 1/4 Sec. 12 is owned by permittee. Well capacity is split evenly between
the 2 parcels ≈ 1.97 cfs per quarter section. SE 1/4 is licensed for 1.98
cfs. NE 1/4 Sec. 12 is quite rocky, with maybe 20 acres of unformable land.
Not to exceed 3.54 cfs when combined with Rt. 36-07019. Not to
exceed 290 acres per annum.

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	1.96 cfs	548
Totals:			1.96	548

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 JF Stanton
Certification Date _____
Field Report Preparation Date 6-8-94

CONSULTANT SEAL

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

DEC 14 1994

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 36-7620

DATE:

BY: JE Stanton

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

Q = CFS

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

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

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

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

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

$$Q = \frac{(8.8) \times (300) \times (0.70)}{[(360) + (70 \times 2.31)]} = 3.54$$

LIFT FROM:
measurement ()
owner (X)
area estimate ()
well logs ()

PSI FROM:
measurement ()
owner (X)
estimate ()
owner gage ()

NOTES ON PUMP:
Motor Make, Serial or ID
Pump Make, Serial or ID, rating

REMARKS: No pressure gauge at well head, owner got average pressure at sprinkler heads.

ANNUAL VOLUME ANALYSIS

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

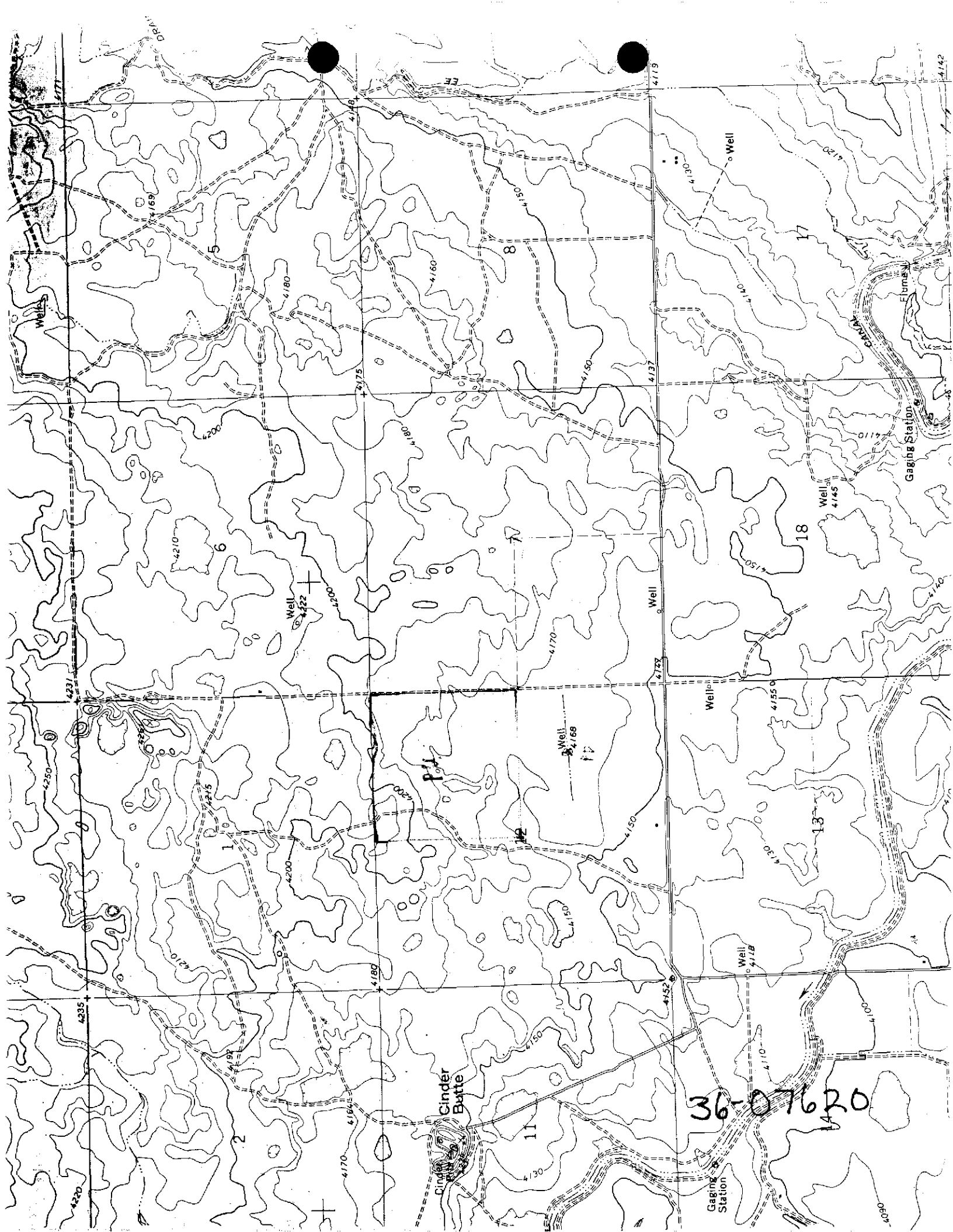
(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = $\frac{214 \times (1.98) \times (3.54)}{283} = 5.3$

REQUIRED Acre Feet/Acre/Annum = 4.0
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

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

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



36-07620

8
29
NH

7
57
NH

6
7
NH

5
110
HE

1897-5-6

T6024

1651-4-4

64
HE

64
HE

77
HE

T122
1897-2-6

75
HE

1
80
HE

12
13
7
18

6
HE 80

7
77

36-07620



P/D



P/U

January 29, 1993

H CEVIN JONES
PO BOX 155
HAZELTON ID 83335

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-07620

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 11, 1993

H Cevin Jones
PO Box 155
Hazelton, ID 83335

Re: Permit No. 36-07620

Dear Permit Holder:

Returned is the Proof of Beneficial Use form submitted to this office in connection with the above referenced permit. Unfortunately, it is unacceptable as filed. It indicates the total rate of diversion of water to be 3.30 cfs.

When the total maximum rate of diversion is greater than 0.04 cfs, a license examination fee is required to be submitted with the proof. A license examination fee based on a rate of flow of 3.20 cfs is \$175. Note the back of the enclosed instruction sheet/fee schedule.

While you have indicated your knowledge of the fee, there was no check enclosed with the proof of beneficial use. You should also be aware, that the envelope the Department received had not been sealed. It is possible that the check fell out of the envelope and was misplaced.

In order to be in compliance with all of the necessary dates, you will need to return the original proof and the \$175 license exam fee on or before February 1, 1993.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

Enclosures

November 30, 1992

H CEVIN JONES
1375 E 750 S
EDEN ID 83325

PROOF DUE NOTICE

RE: PERMIT NO. 36-07620

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 February 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.

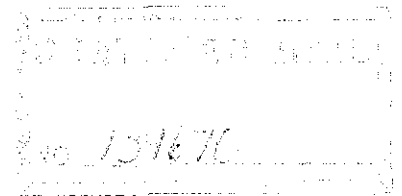
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



November 7, 1991

H. Cevin Jones
1375 E 750 S
Eden, ID 83325

Re: Permit No. 36-07620

Dear Permit Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

NOV 11 1991

NOV 11 1991

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 24, 1990

BERNARD GERGEN
2252 E. 900 S.
HAZLETON, ID 83335

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

RE: PERMIT NO. P36-07620

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

APPROVED
JAN 24 1990
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 24 1990
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

1987 JUN 10 10:30 AM
FBI - DENVER

1987 JUN 10 10:30 AM
FBI - DENVER

RECEIVED AFFIDAVIT of PUBLICATION
JAN 03 1990

State of Idaho, }
County of Jerome } SS.

Patty Mance, being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome
North Side News, a newspaper published every week in Jerome, County
of Jerome, State of Idaho; that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once
each week for _____ consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the _____ day of _____
1990, and the date of the last publication was on the _____
day of _____, 1990.

Patty Mance
Subscribed and sworn to before me this 2
day of Jan, 1990.
(SEAL)
Norma De La
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho
COST OF PUBLICATION

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

_____ Lines tabular at _____ 6¢/Pica
307 Lines straight at _____ 5¢/Pica
_____ Subsequent lines at _____ 4¢/Pica
TOTAL COST 51.28

COPY OF NOTICE
(Paste Here)

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT
38-07820
GERGEN, BERNARD
2252 E. 900 S.
HAZELTON, ID 83335
Source: GROUNDWATER
Diversion Pt: NESE Sec 12 T 09S R 20E
Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)
Date Filed: 3/15/1976
In: T09S R20E S12 NENE NWNE SWNE
SENE
160.0 ACRES TOTAL
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mall, Boise, Idaho 83720 on
or before JANUARY 10, 1990.
R. Keith Higginson
Director
N44082
Pub: 12-20, 27

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

No 44082
FEB 10 1990

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

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

DECEMBER 13, 1989

Northside News
Box 468
Jerome, ID 83338

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 10, 1990. 1990

Yours truly,

SHARLA CURTIS
Secretary

Encl.

RECEIVED
DECEMBER 14 1989

FILED

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-07620

GERGEN, BERNARD
2252 E. 900 S.
HAZLETON, ID 83335

Source: GROUNDWATER

Diversion Pt: NESE Sec 12 T 09S R 20E

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 3/15/1976

In: T09S R20E S12 NENE NWNE SWNE SENE
160.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 10, 1990.

Published 12/21/1989 & 12/28/1989

R. Keith Higginson, Director

RECEIVED
JAN 10 1990

36-07620

MEMORANDUM

TO: FILE/APPLICATION FOR PERMIT NO. 36-7620

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 12-6-89

=====

This application was filed in 1976 in connection with a Desert Land Entry (DLE) application with BLM. The BLM recommended allowance (i.e.; allowance of entry) in 1985, but the water right application could not be approved by the department due to the Swan Falls litigation.

This application is presently on the Swan Falls process list. Larry Leivsay of the BLM informed me earlier this year that actual entry had been delayed because the water permit had not been approved.

This application should have been included among the department's first trust water questionnaire mailing in 1989, but somehow fell through the cracks. The applicant, Mr. Gergen visited the office last week inquiring about the status of the application. It was at that time I realized that we had overlooked processing this filing among other 1989 trust water filings. Mr. Gergen has since submitted the trust water re-advertisement fee.

I recommend we advertise the application immediately and count the 160 acres under the filing toward the first 20,000 acre/yr depletion limit. The Swan Falls data base will be coded such that this filing is included within the first 1989 mailing.

REPROFILED

FEB 15 1990

Mr. & Mrs. Bernard Gergen
2252 E. 900 S.
Hazelton, ID 83335

Mr. & Mrs. Bernard Gergen

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
Boise, ID 83706-2237
(208) 334-7900

Attention
Tim Luke
Trust Water



SERIAL REGISTER PAGE

AS OF: 9/ 8/86
PRINTED: 9/10/86ACT 3-3-1877; 43USC321-323,325,327-329 CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 IOI 6960

NAME AND ADDRESS

GERGEN BERNARD F
RT 1 BOX 40
HAZELTON ID 83335
APPLICANT 100.00000 %

DESCRIPTION OF LAND

BOISE MER
T. 9 S, R. 20 E, JEROME COUNTY, ID
SHOSHONE DISTRICT MONUMENT RESOURCE AREA
SEC. 12: NE

160.000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
6/08/1973	124	APLN RECD	\$1241
6/14/1973	600	RECORDS NOTED	
7/09/1973	911	REPORT RECEIVED	USGS
1/15/1975	014	APLN NOT RECEIVED	CONGRESS INQUIRY
2/14/1975	103	ADDTL INFO RECD	ANSWERED CONG INQUIRY
3/26/1976	889	DOCUMENT FILED	WATER PERMIT
4/12/1976	104	ADDTL INFO RQST	CONGRESS INQUIRY
4/26/1976	103	ADDTL INFO RECD	ANSWERED CONG INQUIRY
1/11/1977	005	NEPA ANAL RECD	
7/05/1977	299	PROTEST FILED	ID DEPT FISH AND GAME
12/24/1985	042	CASE SENT	ISO RECOMMEND ALLOW
*****		PENDING ACTION: LANDS SECTION	
9/06/1986	042	CASE SENT	I-5 CB
9/08/1986	042	CASE SENT	ISO (943)

GENERAL REMARKS

01 01 CLASS SUIT OLE CL I-017114 6/11/68

36-7620

RECORDED
INDEXED

FEB 15 1988



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

February 25, 1986

RE: Application for Permit No. 36-7620

Bernard F. Gergen
Rt. 1, Box 40
Hazelton, ID 83335

Dear Mr. Gergen:

We are in receipt of the Bureau of Land Management's classification of your Desert Land Entry No. I-6960. However, as you are probably aware, you are named as a defendant in the Idaho Power lawsuit, and we cannot take final action on your water right application until our proposed rules and regulations have been adopted by the legislature.

We will take action on your application as soon as we are able. If you have any questions regarding this matter, please contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

cc: BLM

RECEIVED
FEB 26 1986

FEB 26 1986



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office

3380 Americana Terrace

Boise, Idaho 83706

IN REPLY I-6960 (943)
REFER TO:

JAN 10 1986

Department of Water Resources

Bernard F. Gergen
Route 1, Box 40
Hazelton, ID 83335

Dear Mr. Gergen:

Enclosed is a copy of the memo from the Shoshone District Manager concurring with the suitable classification on the land in your desert land application, I-6960. The decision has now become final.

You should now request the Idaho Department of Water Resources to proceed with further action on the approval of your water permit application No. 36-7620. The enclosed memo should accompany your request so the Department will know the lands have been classified.

You should make arrangements to have a copy of the permit sent to this office as soon as it is approved. Upon receipt of the copy, we can then issue the notice of allowance of your entry.

Sincerely yours,

William E. Ireland
William E. Ireland, Chief
Realty Operations Section

Enclosure



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Shoshone District Office

400 West F Street

Shoshone, Idaho 83352

IN REPLY
REFER TO:

I-6960, I-16996
2520

December 24, 1985

MEMORANDUM

TO : State Director (943)

FROM : District Manager, Shoshone District

SUBJECT: Desert Land Entry Classification and Allowance

Enclosed are two DLE files, I-6960 and I-16996, that were filed on separate parcels of land. They were transmitted to the Shoshone District for review of the previous suitable classification and our recommendation on the same.

As per the enclosed staff report and Area Manager concurrence I find the suitable classification still proper and so recommend the subject filings be allowed. This is based on our existing planning decision to dispose, the quality of soils present, and the Economic Analysis prepared for each entry.

If you need further information from us before an allowance is granted, please contact Mike Austin on the Monument Resource Area Staff.

Dennis D. Schuffe
Acting

Enclosures
Case Files I-6960, I-16996

10/10/85
10/10/85
10/10/85

10/10/85
10/10/85



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Shoshone District Office

400 West F Street

Shoshone, Idaho 83352

IN REPLY
REFER TO:

I-6960

December 6, 1985

MEMORANDUM

TO : Area Manager, Monument Resource Area

FROM : Realty Specialist, Monument Resource Area

SUBJECT: Recommendation For DLE I-6960 Allowance

On June 8, 1973, Bernard F. Gergen made application on public lands under the Desert Land Act to reclaim the following described lands:

T. 9S., R. 20E., B.M., Jerome County, Idaho
Section 12: NE¼
Containing 160 acres

Upon review of this file the subject lands have already been classified suitable for entry under the Desert Land Act on January 30, 1968, under file number I-017114 C. Since this time no other action, application, or use has occurred on these lands, except for the subject DLE application I-6960 by Mr. Gergen.

Upon reviewing this classification I find that this designation is still proper as shown for Desert Land Entry. The recently completed Monument Resource Management Plan has identified these lands as T-1 which is a general disposal designation. At that time this classification was reviewed to determine if these lands should be retained in public ownership or should be disposed of. The decision was to make these lands available for disposal under either Desert Land Entry, Carey Act, Private Exchange, or Public Sale.

Because of the existing DLE filing, this application should have first priority over any other consideration of disposal. This action is proper, reasonable, and in the public interest to dispose under the DLA authority.

GENERAL INFORMATION AND BACKGROUND DATA:

Soils Information: A detailed soil survey was conducted and completed on the subject land by the District Soil Scientist while the Monument RMP was being developed. Field work and survey were completed during the summer of 1983. This detailed survey was conducted to determine SCS soil capability classification. This study revealed there are 38 acres of capability Class II, 56 acres capability Class III, and 40 acres of capability Class IV comprising the total tillable soils of 134 acres. The soils that remain are in capability Classes VII which are unsuitable for agriculture and have major limitations for use because of shallowness or droughtiness, high erosion hazard, or rock outcrops.

A majority of the tillable soils are comprised of a soil complex of Power, Milner and rock outcrops (PMC). Other soils are the Banbury loam.

The PMC association has 1 to 8 percent slopes, exhibit deep soil horizons, with permeability and runoff slow. The Power and Milner siltloam soil unit is used mainly for rangeland, however, it is also used some for irrigated crops. Banbury soils are poor quality but are also used for irrigated crops. The PMC map unit is in a SCS capability Class II/III if irrigated. However, if not irrigated the Power soils capability unit is VI and the Milner capability unit is VII. The rock outcrops are in Class VIII. The irrigated Banbury loam is capability Class IV.

The remaining 26 acres of SCS Class VII or worse lands are not farmable and can only be used for marginal grazing or wildlife escape areas. Because the entry will not consider these lands as being part of the economic viability they will not be discussed further or used in the economic analysis in this report.

Irrigation Water Availability: Because of the subordination issue of Snake River water and recent court decisions on the disposition of that water, further drilling of irrigation wells and pumping from the underground aquifer may be restrained or curtailed. The proposed method of irrigation is by deep well pumping from the Snake River Aquifer. The applicant plans to pump this water from an existing well on his private lands to the south. He has made application to the Idaho Department of Water Resources for the required water permit, however, the subject application for water has not been approved. This will be based on the priority for water filing with other water filling throughout the area. It may or may not be granted.

Irrigation Systems: On the existing well the applicant proposes to install an additional 100 hp sidemount booster pump in addition to the existing 200 hp electrical pressure bowl type submersible pump. He would be installing one center pivot type irrigation system to the 160 acres. This would require 1980 feet of 8 inch mainline pipe to the pivot point as well as the control line carrying the wire circuitry.

Idaho power Company has been contacted and they are willing to supply power upon a request by the applicant. This approval should be obtained prior to DLE allowance. Idaho Power will supply power upon the applicant signing the "Customer Acknowledgement" on form letter "A".

Economic Potential: The proposed action, as discussed herein, indicates there is potential for allowance based on an estimate of economics, depending on crops grown, yield prices, ect. The DLE Data Worksheet plus its supplement is completed with current information available at the time of case file review. It is included as an attachment to this memo.

Mike Austin

I concur.

Erwin R. Cowley 12-10-85
Area Manager, Monument R.A. Date

SERIAL REGISTER PAGE

AS OF: 1/26/84
PRINTED: 1/27/84ACT 3-3-1877; 43USC321-323,325,327-329 CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 IDI 6950

NAME AND ADDRESS

GERGEN BERNARD F
RT 1 BOX 40
HAZELTON ID 83335
APPLICANT 100.00000 %

DESCRIPTION OF LAND

T. 9 S, R. 20 E, BOISE MER JEROME COUNTY, ID
SHOSHONE DISTRICT
SEC. 12: NE

160.000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
6/08/1973	124	APLN RECD	#1241 HB
*****		PENDING ACTION:	MONUMENT RESC AREA
6/14/1973	600	RECORDS NOTED	
7/09/1973	911	REPORT RECEIVED	USGS
3/26/1976	889	DOCUMENT FILED	WATER PERMIT
1/11/1977	005	NEPA ANAL RECD	
7/05/1977	299	PROTEST FILED	ID DEPT FISH AND GAME

GENERAL REMARKS

01 01 CLASS SUIT DLE CL I-017114 6/11/68

MICROFILMED

FEB 15 1990

May 11, 1976

RE: Application For Permit No. 36-7620 *file*

Mr. Bernard Gergen
Hazelton, ID 83335

Dear Mr. Gergen:

Please be advised that your Application for Permit No. 36-7620 has been received. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, this office will take no further action until you have filed a desert land entry application with entry number obtained from the Bureau of Land Management. You must submit your entry number to this office within fifteen (15) days of the date of this letter or your Application for Permit No. 36-7620 will be considered filed for speculation and delay, and therefore, will be denied.

After your desert land entry number is received, your application will be processed, but the permit will not be issued until you submit evidence that your desert land entry has been classified as suitable for entry to the Department of Water Resources in writing.

If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:cc

cc: Bureau of Land Management
IDWR - Boise ✓

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FEB 15 1990

Idaho Land & Appraisal Service

Real Estate Appraisers & Counselors
Land Management
Gas, Oil & Geothermal Filings

MERVIN J. CHRISTENSEN
ROBERT W. SMITH, M.A.I.
LAURA J. SPANGLER
GERALD F. THUMMEL

633 N. 4TH
P. O. BOX 1603
208 - 344-2547
BOISE, IDAHO 83701

March 23, 1976

RECEIVED

MAR 23 1976

DEPARTMENT OF LAND & WATER RESOURCES
BOISE, IDAHO 83725

TO WHOM IT MAY CONCERN:

This letter is for the purpose of clarifying who is eligible to sign those applications for water permit with Power of Attorney naming Idaho Land & Appraisal Service.

Idaho Land & Appraisal is a corporation, Robert W. Smith is Secretary and Mervin J. Christensen is President. Either of us can sign as corporate officers. We both appoint Laura J. Spangler as agent to sign applications for water permit in our absence.

If you require any further clarification, please let us know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Mervin J. Christensen

Mervin J. Christensen, President

Robert W. Smith

Robert W. Smith, Secretary

Laura J. Spangler

Laura J. Spangler, Agent

RECEIVED

FEB 15 1976

March 24, 1976

RE: Application For Permit No. 36-7620 - Bernard Gergen

Bureau of Land Management
Room 334, Federal Building
550 West Fort
Boise, Idaho 83702

Gentlement

This is to advise you that the above referenced application for permit has been filed with this Department in connection with a Desert Land Entry. A copy of the application is enclosed for your reference.

If we can be of any further assistance, please contact us.

Sincerely,

MICHAEL L. STEELE
Southern Region Supervisor

MLS:cc

enc.

cc: Boise - IDWR

MICROFILMED

FEB 15 1990

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

BERNARD G. GERGEN

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

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

of said advertisement was on the 1st day of April, 19 76, and the date of the last publication was on the 8

day of April, 19 76

Subscribed and sworn to before me this 8th

day of April, 19 76.
(SEAL)

Darla Bratt

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice

Number of Insertions

28 Lines tabular at 315c

28 Lines straight at 21c

28 Subsequent lines at 15c

TOTAL COST

28
2
5.88
4.20
10.08

COPY OF NOTICE

(Paste Here)
application for water
36-7620

TITLE OF NOTICE

Idaho Dept of Water Resources
PLAINTIFF ATTORNEY

DEPENDANT

PLAINTIFF

Idaho Dept of Water Resources

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Bernard Gergen, Hazelton, Idaho 83335 has on 3-12-76 submitted Application No. 36-7620 for a permit to appropriate 3.20 cubic feet per second of water from groundwater by means of pump, motor, mainline & pivot system within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Twp. 9S, Rge. 20E, B.M. Jerome County to be used from March 15 - November 15 for Irrigation of 160 acres within the NE $\frac{1}{4}$, Sec. 12, Twp. 9S, Rge. 20E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before April 19, 1976.

R. KEITH HIGGINSON
Director
4-1-2tc

MICROFILMED

FEB 10 1976

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED

No. 2893

APR 15 1976

Dept. of Water Resources
Southern District Office

O.K. cc
4-13-76

March 24, 1976

RE: Application For Permit No. 36-7620 - Bernard Gergen

Jerome North Side News
P. O. Box 468
Jerome, ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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.

Sincerely,

MICHAEL L. STEELE
Southern Region Supervisor

MLS:cc

RECEIVED
FEB 15 1980

Bill submitted: _____

RECEIVED

MAR 26 1976

Department of Water Resources
Southern District Office

galley proof

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Bernard Gergen, Hazelton, Idaho 83335 has on 3-12-76 submitted Application No. 36-7620 for a permit to appropriate 3.20 cubic feet per second of water from groundwater by means of pump, motor, mainline & pivot system within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Twp. 9S, Rge. 20E, B.M. Jerome County to be used from March 15 - November 15 for Irrigation of 160 acres within the NE $\frac{1}{4}$, Sec. 12, Twp. 9S, Rge. 20E, B.M.

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R. KEITH HIGGINSON
Director
4-1-2tc

MICROFILMED

FEB 15 1990

o.k.c.c.
3/26/76

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Bernard Gergen

Hazelton, Idaho 83335

has on 3-12-76 submitted Application No. 36-7620

for a permit to appropriate 3.20 cubic feet per second ~~XXXXXXFEETPERSECONDXXXXXX~~

of water from groundwater

by means of pump, motor, mainline & pivot system

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Twp. 9S, Rge. 20E, B.M. Jerome County

to be used from March 15 - November 15

for Irrigation of 160 acres

within the NE $\frac{1}{4}$, Sec. 12, Twp. 9S, Rge. 20E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before April 19, 1976.

R. KEITH HIGGINSON

Director

Published in the North Side News

on 4-1-76 and 4-8-76

FEB 15 1996

INTER-DEPARTMENT MEMO — 1

FROM Allen Merritt Southern

DATE March 23, 1976

TO file

SUBJECT RE: Application For Permit No. 36-7620 - Bernard Gergen

Lara Spangler of Idaho Land and Appraisal called and explained the signature on the application. Apparently, a power of attorney has been filed with IDWR - Boise listing the authorized signatures for Idaho Land and Appraisal. Mrs. Spangler will send back the application.

MICROFILMED

FEB 15 1990

Allen

SIGNATURE

March 22, 1976

Idaho Land & Appraisal Service
P. O. Box 1603
Boise, Idaho
83701

Gentlemen:

Enclosed is the application filed in the name of Bernard Gergen.
In processing the application, it was noted that the signature does
not relate to the power of attorney statement attached to the application.

Please identify the gentleman who signed the application as a representative
of Idaho Land & Appraisal Service, or submit another power of attorney
statement specifically naming the gentleman who signed the application as
the power of attorney.

I am sorry for any inconvenience or delay this may cause, but hopefully
this may avert any future question which may arise.

If you have any questions, please contact our office,

Sincerely,

Allen Merritt
Water Resource Analyst

AM:cc

Enc.

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FEB 15 1990