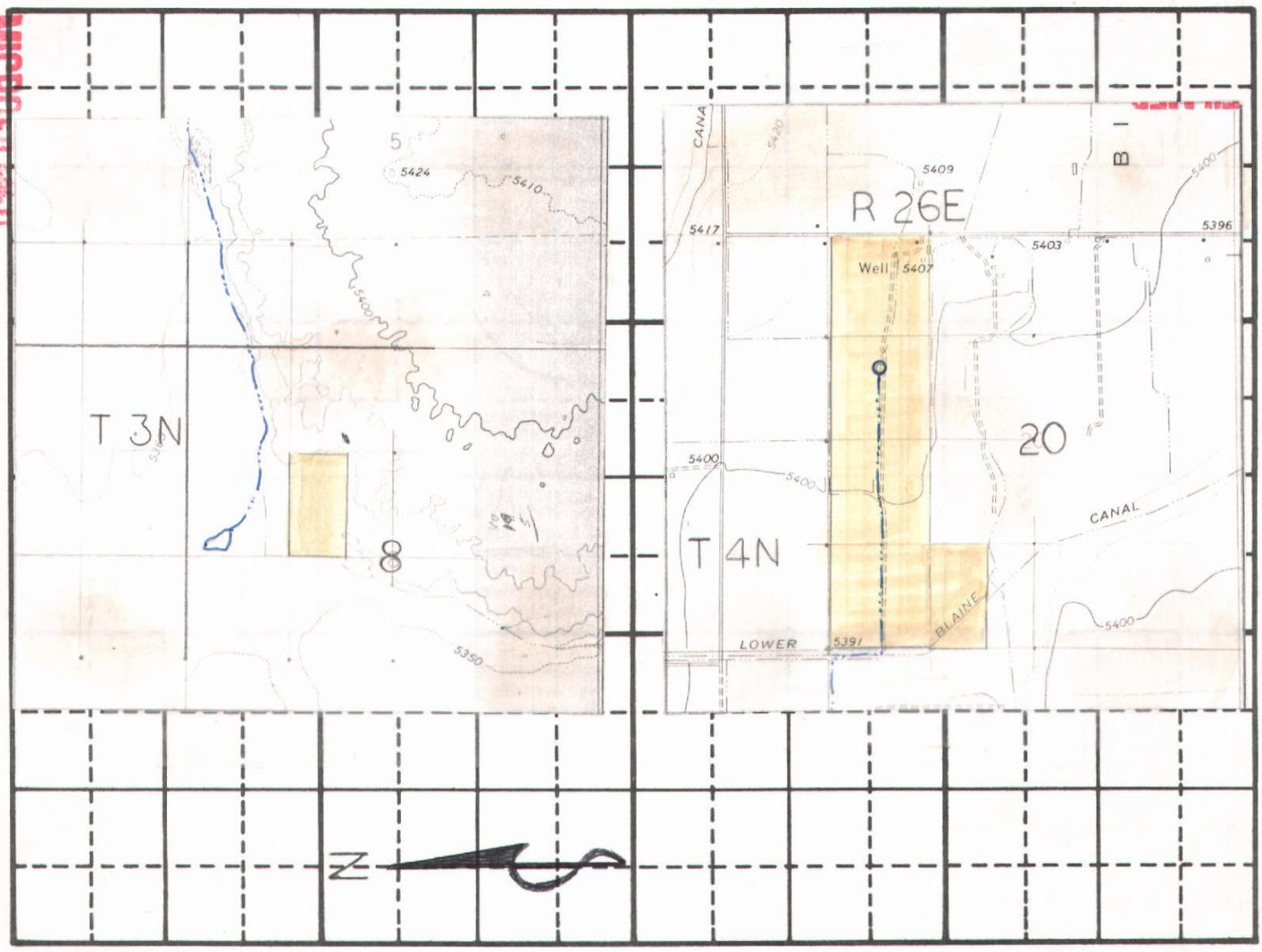
Complete the following map by showing land and point of diversion as proposed by this amendment.

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



Scale: ~~2 inches equal 1 mile.~~ 1:24,000

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

Signed at Idaho Falls, ID. , this 30 day of December , 19 83.

Norman Ankele
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by EMC Fee = $20.00 Receipted by CW Date 1-05-84

Publication prepared by BP Date 1/11/84 Published in Arco Advertiser

Publication dates 1/19 & 1/26/84

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 34-7164 are met.

Witness my hand this 6th day of April, 19 84.

L. Glen Saxton
Chief, Operations Bureau

RECEIVED
FEB 6 1984
Department of Water Resources
Eastern District Office

Affidavit of Publication

I, Donald L. Cammack
of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated January 19, 1984

and ending with the issue dated

January 26, 1984

Donald L Cammack

Subscribed and sworn to before me this

27th day of January, 19 84

Lucille A Cammack
Notary Public

Residence: Arco, Idaho.
My commission expires Life, 19

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7164 in the name of Herman Aikele, Moore, Idaho was issued for the diversion of 4.07 cfs of water from a groundwater source with the point of diversion within the SW¼NW¼ Sec. 20, T. 4N, R. 26E, B.M. Butte County; to be used for the irrigation of 301.78 acres from May 1 to Nov. 1 within the W½W½, SE¼SW¼ Sec. 20, NE¼, N½SE¼ Sec. 31, T. 4N, R. 26E, B.M.

The permit holder now proposes to amend Permit No. 34-7164, changing the amount of acres irrigated to 197.5 and the place of use to within the W½W½, SE¼SW¼ Sec. 20, T. 4N, R. 26E, SE¼NW¼ Sec. 8, T. 3N, R. 26E, B.M.

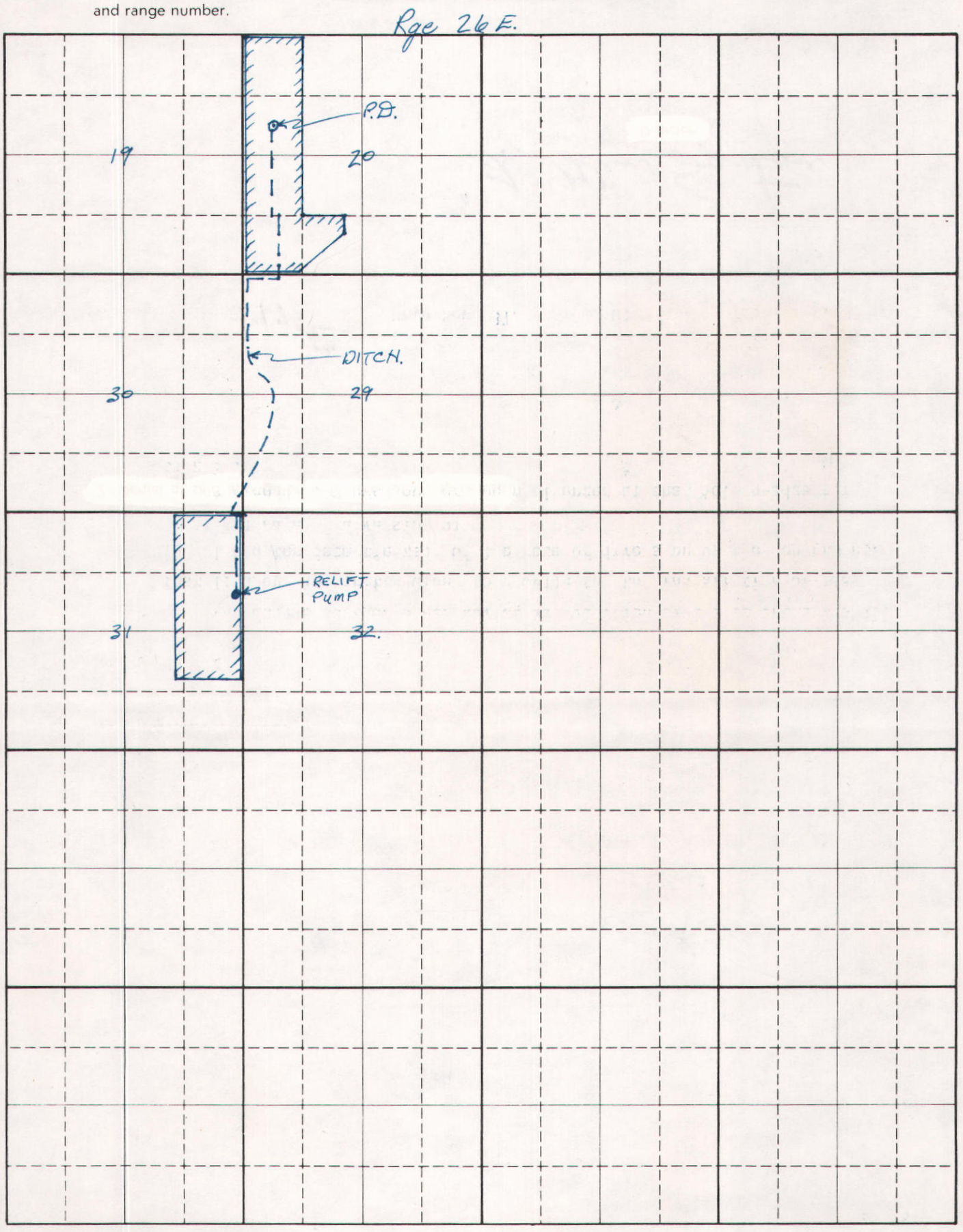
Any protest to the proposed amending of the permit must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before February 6, 1984.

A. KENNETH DUNN
Director

Published in the Arco Advertiser on 1-19 & 1-26-84.

MICROFILMED

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.

Norman Nikle
(Applicant)

MICROFILMED

Affidavit of Publication

RECEIVED
JAN 12 1977
Department of Water Resources
Eastern District Office

I, Le Eddie Cammack, of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated 12-23-76

and ending with the issue dated 12-30-76

Le Eddie Cammack

Subscribed and sworn to before me this

11 day of Jan, 19 77

Charles G Jones

Notary Public

Residence: Arco, Idaho.

My commission expires 5/14, 19 78

NOTICE OF APPLICATION FOR WATER PERMIT

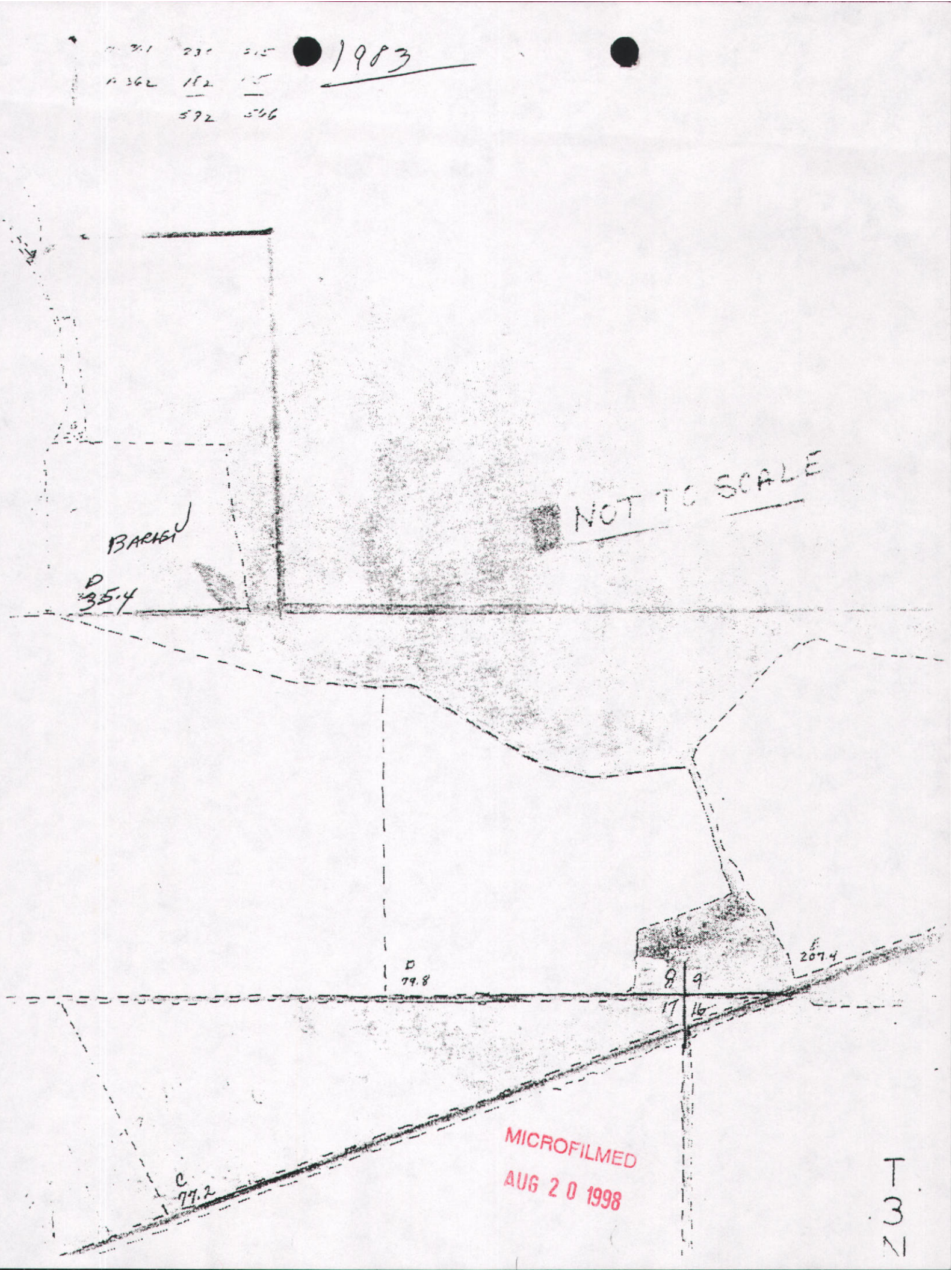
Notice is hereby given that Herman Aikele, Moore, Idaho has on 12-14-76 submitted Application No. 34-7164 for a permit to appropriate 4.07 cubic feet per second of water from a ground-water source by means of well and pump within the SW¼NW¼, Sec. 20, T. 4N, R. 26E, B.M., Butte County; to be used from May 1 to Nov. 1 for the irrigation of 301.78 acres within the W½W½, SE¼SW¼, Sec. 20, NE¼, N½SE¼, Sec. 31, T. 4N, R. 26E, B.M.

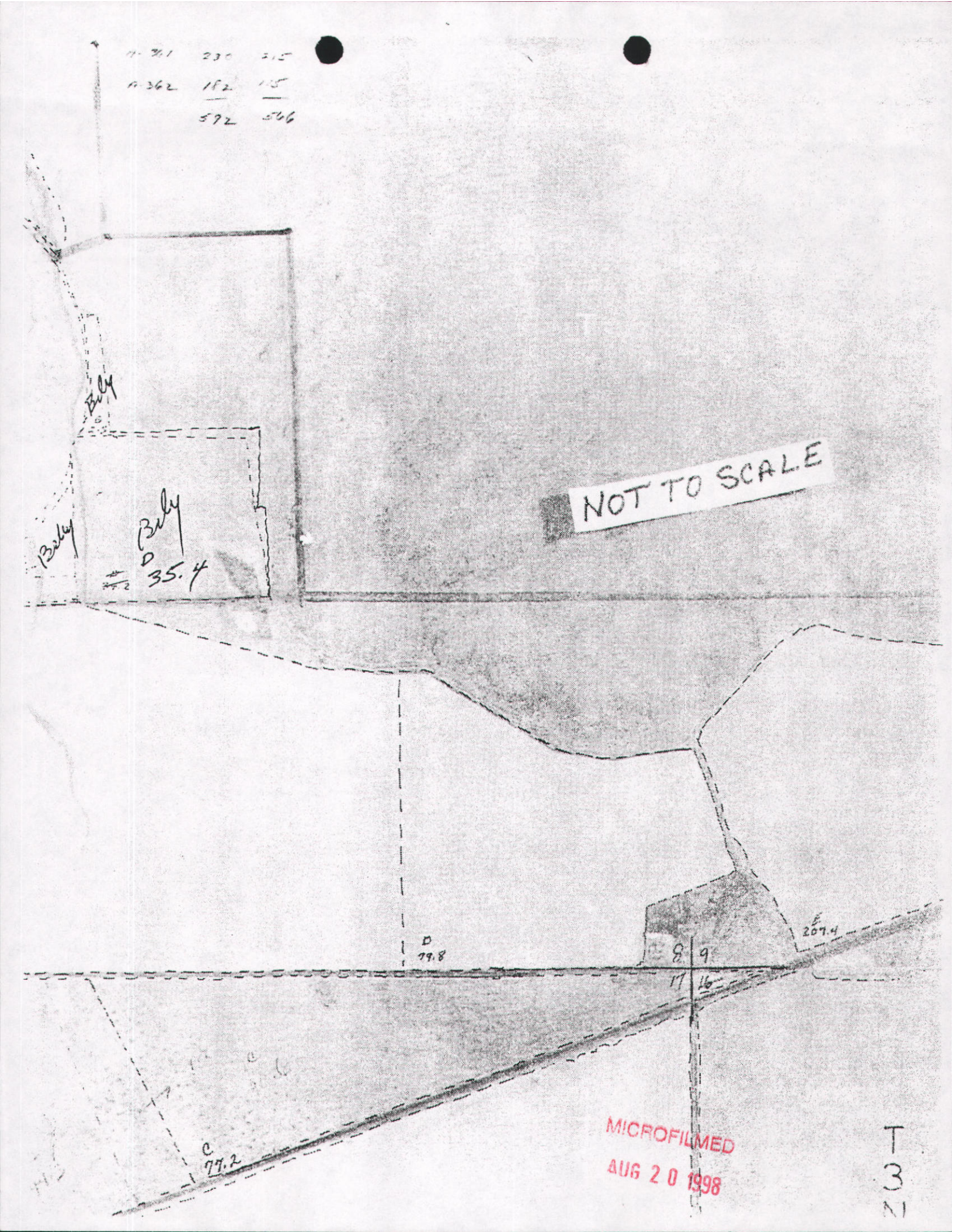
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 10, 1977.

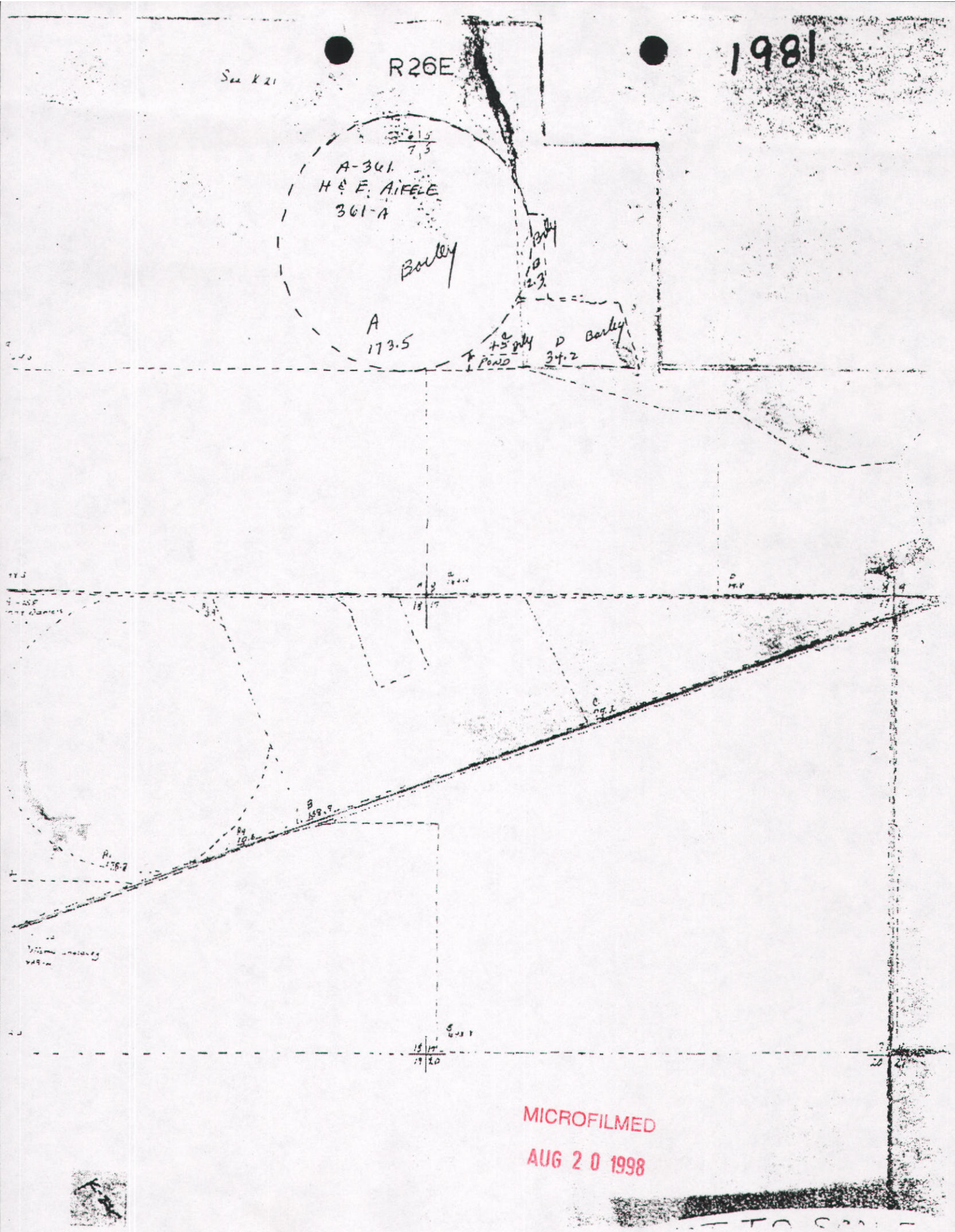
R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idaho on December 23 and December 30, 1976.

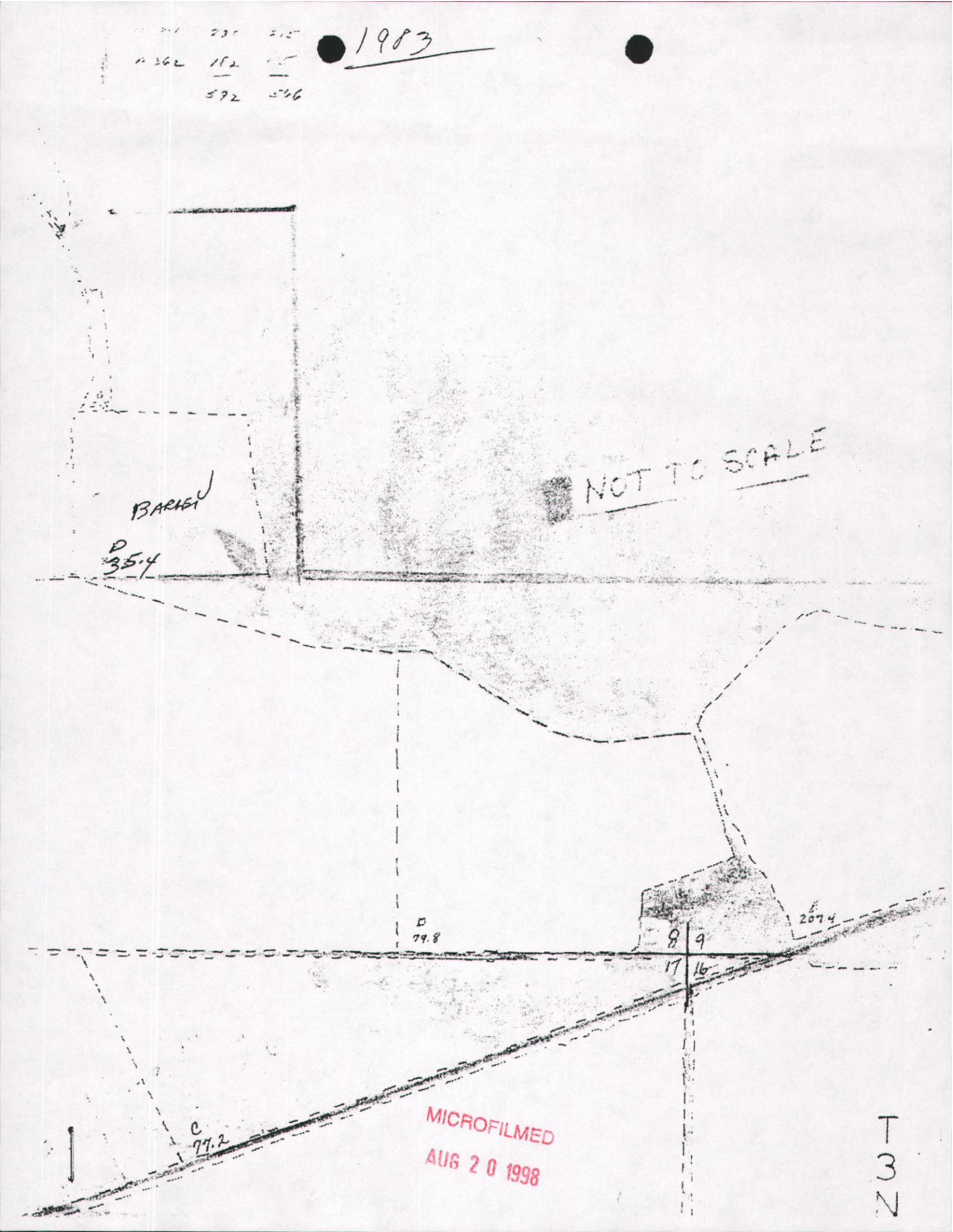
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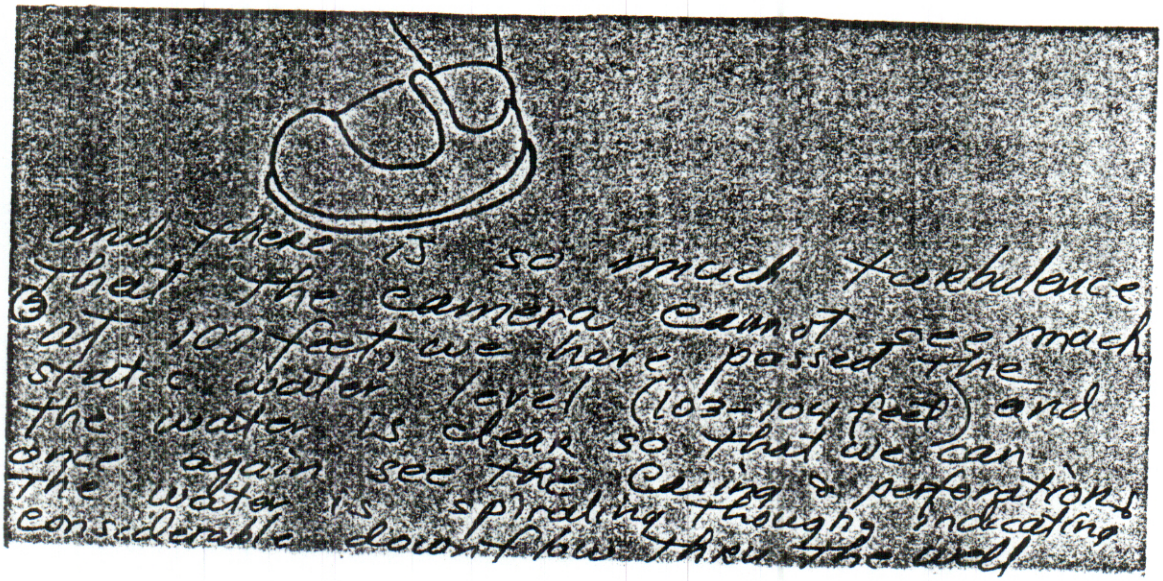


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AUG 2 0 1998

a brief rundown of what the Video cassette film shows, in early July 1987.

① Some water will be seen seeping thru the perforations at about 40 feet

② at 75 feet, the water is showing clear access the 20" casing from perforations on all sides of the well. By the time we reach 82 feet, the well is full of water,



and there is so much turbulence that the camera cannot see much

③ at 101 feet, we have passed the static water level (103-104 feet) and the water is clear so that we can once again see the casing & perforations. The water is spiraling thru, indicating considerable downflow thru the well

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DEC 0 2 1992

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AUG 2 0 1998

3477 W. 2700 N. Moore, ID

~~EIKLEY~~ AIKELE PUMP TEST 6/8/98

REA #345

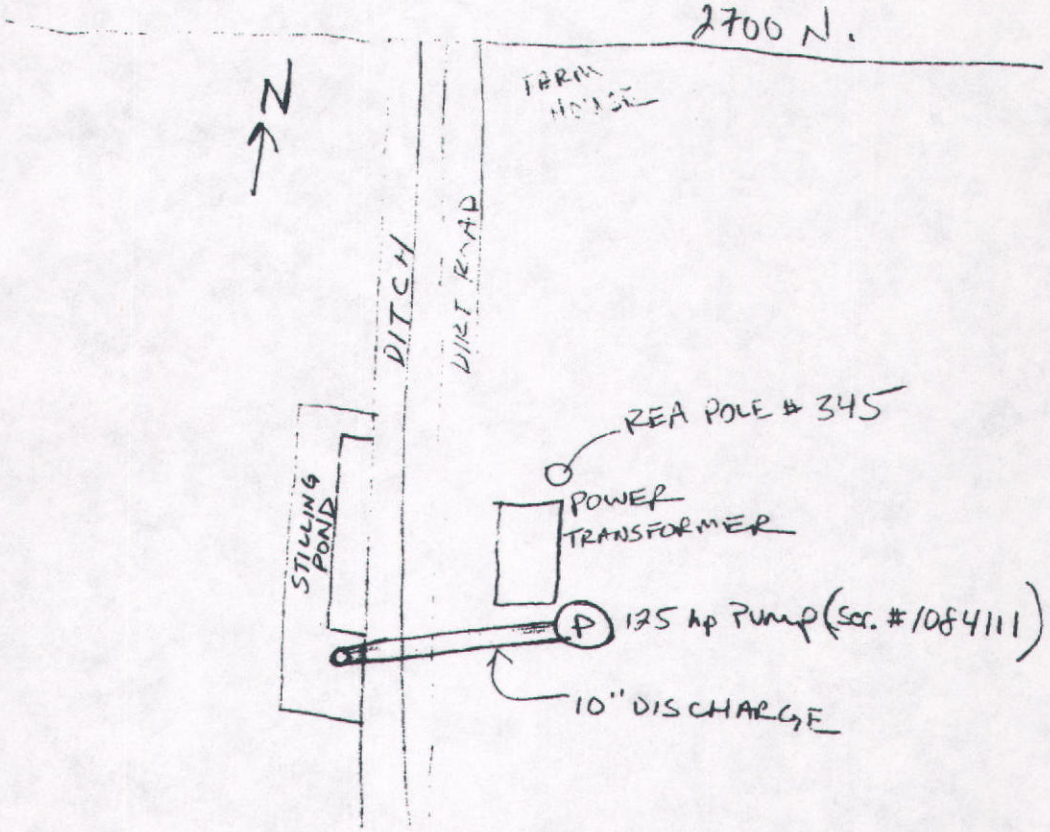
125 hp Pump Serial #1084111

10" open discharge to pond (10.00" O.D., 0.0625" wall)

Static water level = 67.0 ft. (measured at Top of pump-pad)

operating water level = 81.0 ft

FUJI ULTRASOUND w/ FLD120D Transducer



MICROFILMED
AUG 20 1998

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 06 1991
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 34-7164

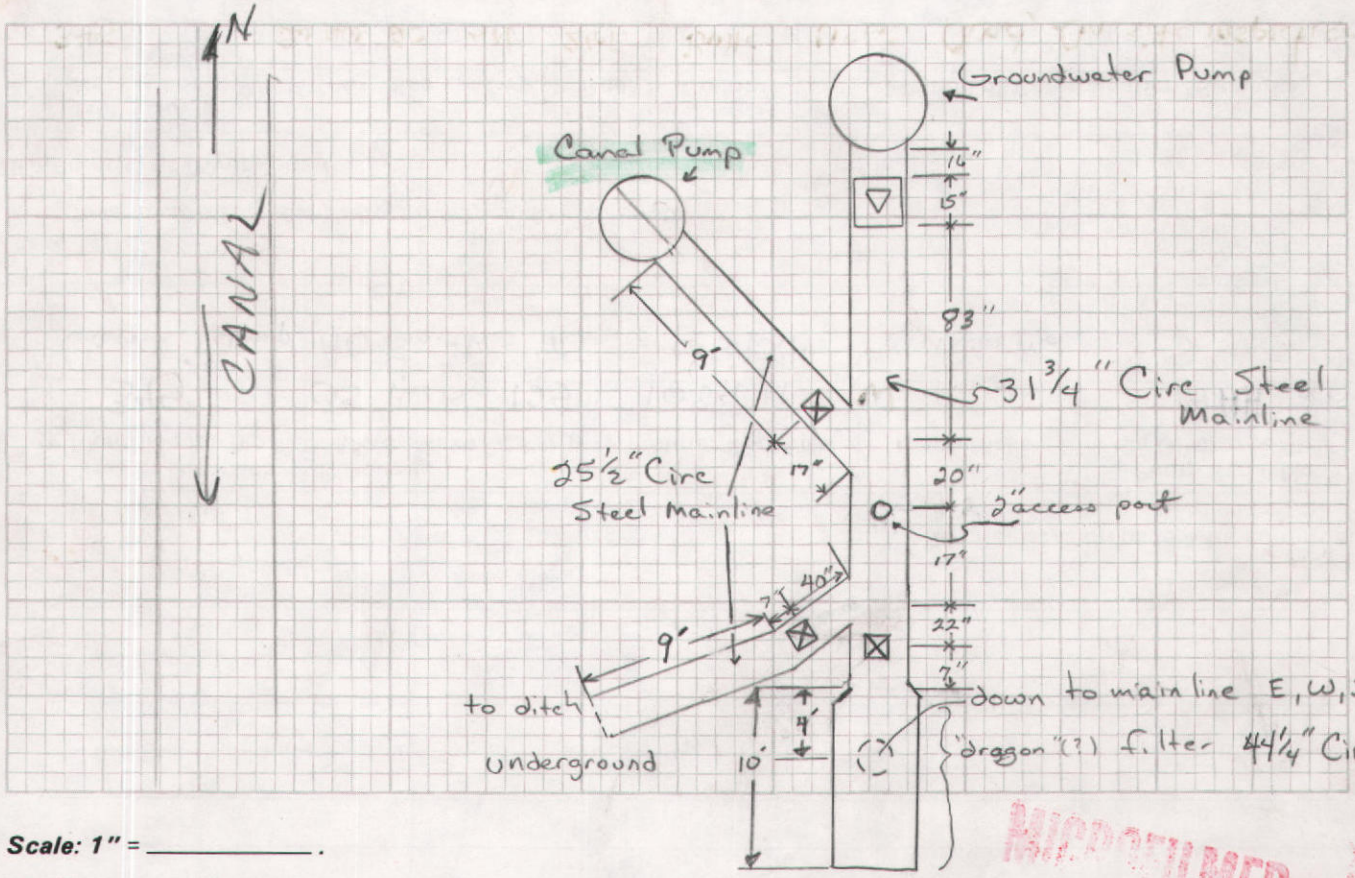
1. Owner: Herman Aikele Phone No. 527-5113
   Current Address: Box 61 Route 1 Moore, ID 83255
2. Accompanied by: Herman EXAM. DATE: 7-26-90
   Address: Same Phone No. —
   Relationship to Permit Holder: holder
3. Source: groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: See Microfiche Record
   Copy in file ☐ Copies Attached
2. Other water rights with same point of diversion:
   ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____.

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

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JAN 15 1992
JAN 15

	FT.	CL.
A-134	180	176
A-361	230	215
A-362	182	175
	592	566

34-7164
~~T4N~~ T3N
R 26E

FROM SOURCE

Mike Aikele
T-428

A-134 #451
DON AIKELE
~~134-A~~
141-A
T-98

361
H.E. AIKELE
261-A
T-175

RELIEF PUMP

#410
M. A. Kele
T-429

#410
T-429
M. Aikele

A-434
D. [illegible] - G. Blattner
T-99

A-158
Grant Daniels

POND

21.5

10

NETLANDS
his photo

JAN 15 1992

34-7164
T4N R26E

A-315
T-1

A-454

A-1
105.3

A-1-4
DON AIKELE
A-451
T-96

A-2
105.1

12.0a

18 | 17
19 | 20

A-1
19.2

9.0b

A-360
H. AIKELE
360-A
T

A-97
G. STEWART
97-A

T63

OUT

36

HIGHWAY

POINT OF DIVERSION

PD

9B06

40

40

20

9B16

30B6

A-97
G. STEWART
23-A
T64

A-416
L. REYNOLDS
77-A
T-208

#455
Joe Lambert
T-78

19 | 20
30 | 29

Joe Lambert
#455

409
Leve Aikele
182

34-7161
Herman Aikele
7-26-90

Canal Pump →

← Well Pump #345

2" Access Port →



Canal →



MICROFILMED
JAN 15 1992

34-7164
Aikele
7-26-90



MICROFILMED
JAN 15 1992

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7164 in the name of Herman Aikele, Moore, Idaho was issued for the diversion of 4.07 cfs of water from a groundwater source with the point of diversion within the SW¼NW¼ Sec. 20, T. 4N, R. 26E, B.M. Butte County; to be used for the irrigation of 301.78 acres from May 1 to Nov. 1 within the W½W½, SE¼SW¼ Sec. 20, NE¼, N½SE¼ Sec. 31, T. 4N, R. 26E, B.M.

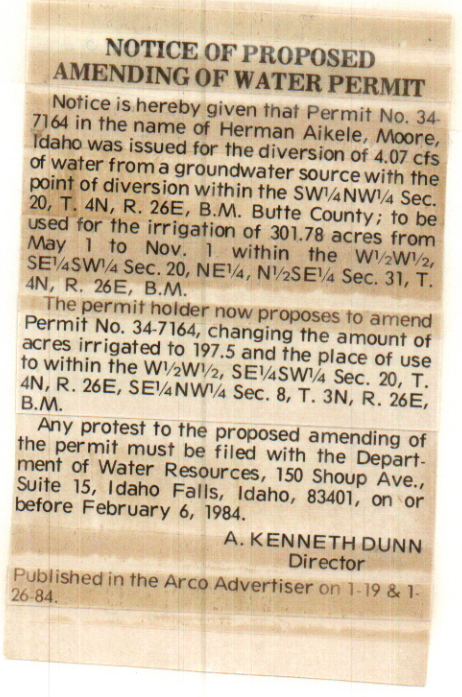
The permit holder now proposes to amend Permit No. 34-7164, changing the amount of acres irrigated to 197.5 and the place of use to within the W½W½, SE¼SW¼ Sec. 20, T. 4N, R. 26E, SE¼NW¼ Sec. 8, T. 3N, R. 26E, B.M.

Any protest to the proposed amending of the permit must be filed with the Department of Water Resources 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before February 6, 1984.

A. KENNETH DUNN

Director

Published in the Arco Advertiser on 1/19 & 1/26/84.



NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7164 in the name of Herman Aikele, Moore, Idaho was issued for the diversion of 4.07 cfs of water from a groundwater source with the point of diversion within the SW¼NW¼ Sec. 20, T. 4N, R. 26E, B.M. Butte County; to be used for the irrigation of 301.78 acres from May 1 to Nov. 1 within the W½W½, SE¼SW¼ Sec. 20, NE¼, N½SE¼ Sec. 31, T. 4N, R. 26E, B.M.

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Any protest to the proposed amending of the permit must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before February 6, 1984.

A. KENNETH DUNN
Director

Published in the Arco Advertiser on 1-19 & 1-26-84.

MICROFILMED

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Herman Aikele, Moore, Idaho has on 12-14-76 submitted Application No. 34-7164 for a permit to appropriate 4.07 cubic feet per second of water from a ground-water source by means of well and pump within the SW¼NW¼, Sec. 20, T. 4N, R. 26E, B.M., Butte County; to be used from May 1 to Nov. 1 for the irrigation of 301.78 acres within the W½W½, SE¼SW¼, Sec. 20, NE¼, N½SE¼, Sec. 31, T. 4N, R. 26E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 10, 1977.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idaho on December 23 and December 30, 1976.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED)
LICENSE NO. 34-07164 IN THE)
NAME OF HERMAN AIKELE)
_____)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), as a result of issuing an amended license and receiving exceptions, the Department makes the following Findings of Fact, Conclusions of Law and Order

FINDINGS OF FACT

1. On November 17, 1981, the Department issued Permit No. 34-07164 to Herman Aikele ("Aikele") authorizing a diversion rate of 4 07 cubic feet per second ("cfs") of ground water for the irrigation of 301.78 acres of land within parts of sections 20 and 31, T4N, R26E, B.M.

2. On December 6, 1991, the Department issued License No. 34-07164 ("the license") to Aikele authorizing a diversion rate of 2.04 cfs of ground water for the irrigation of 197 5 acres of land within parts of section 8, T3N, R26E, B.M. and parts of section 20, T4N, R26E, B.M. Shortly after issuance of the license, Aikele sought reconsideration of the licensed diversion rate. He documented that the diversion rate developed during the permit development period exceeds that determined by the Department in the proof of beneficial use examination made July 26, 1990

3. On December 31, 1998, the Department issued amended License No. 34-07164 ("amended license") as a preliminary order amending the diversion rate from 2 04 cfs to 3.95 cfs

4. On January 25, 1999, the Big Lost River Water Users Association ("BLRWUA") filed exceptions to the preliminary order. On February 8, 1999, Kent Foster responded to the exceptions on behalf of Aikele.

5. The Department responds to the exceptions of BLRWUA as follows:

a) The amendment of the diversion rate from 2.04 cfs to 3.95 cfs is not "a request for a new right" and hence, is not stayed by the moratorium order. The amended license reflects the rate of diversion which was developed under Permit No. 34-07164 but was not shown on the license.

b) The priority date for amended License No 34-07164 should not be changed and is not related to a "new appropriation" of water. Section 42-219(4), Idaho Code, provides that if proof of the beneficial application of water (proof of beneficial use) is offered subsequent to the date stated in the permit, the priority of the right established by the proof of beneficial use shall not date back to the date of the application for permit to which the right would relate. In this case, proof of beneficial use was due on November 1, 1986 and was timely submitted by Aikele on June 25, 1985. Hence, section 42-219(4), Idaho Code, does not apply to the amended license.

c) The injury and local public interest provisions of sections 42-203A and 42-1501, Idaho Code, cited in the exceptions do not apply to amended License No 34-07164. Provisions of section 42-203A, Idaho Code, deal with an application for permit, not to an amended license. Provisions of section 42-1501, Idaho Code, titled "Legislative purpose - Minimum stream flow declared beneficial use" deal with minimum stream flows, not with an amended license. In addition, the minimum stream flow provisions of section 42-1501, Idaho Code, do not apply to ground water.

d) It is appropriate for the Director to issue an amended license upon determination of error in the license. Section 67-5254(1), Idaho Code, grants authority to the Department to amend a license when "the agency first gives notice and an opportunity for an appropriate contested case . ." The Department gave such notice on January 4, 1999, when the amended license was mailed.

CONCLUSIONS OF LAW

1. Section 67-5254(1), Idaho Code, provides in pertinent part as follows.

> An agency shall not revoke, suspend, modify, annul, withdraw or amend a license, or refuse to renew a license of a continuing nature when the licensee has made timely and sufficient application for renewal, unless the agency first gives notice and an opportunity for an appropriate contested case in accordance with the provisions of this chapter or other statute.

2. The Department has complied with provisions of section 67-05254(1), Idaho Code, and is authorized to amend License No 34-07164.

3. In order to describe the extent of the water right that had been developed under Permit No. 34-07164, the Department equitably issued amended License No. 34-07164 to Aikele

SEP 2 2 1999

4. The Department should reject the exceptions filed by BLRWUA and should issue a final order confirming the amended license.

ORDER

IT IS THEREFORE, HEREBY ORDERED that amended License No. 34-07164 issued by the Department on December 31, 1998, and served on the parties of record on January 4, 1999, is adopted as the **FINAL ORDER** of the Department.

Dated this 7th day of July, 1999

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on the 7th day of July, 1999, the above and foregoing document was served upon the following, via certified mail, by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Herman Aikele
3477 W 2700 N
Moore ID 83255

Lawrence R Babcock
Big Lost River Water Users Assn
PO Box 66
Moore ID 83255

Kent Foster
HOLDEN KIDWELL HAHN
AND CRAPO
PO Box 50130
Idaho Falls ID 83405

Bill Hollifield
HOLLIFIELD AND BEVAN
249 3rd Ave E
PO Box 66
Twin Falls ID 83303

Julie L. Yarbrough

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 34-07164

Priority: December 14, 1976 Maximum Diversion Rate: 3.95 CFS

This is to certify, that HERMAN AIKELE
3477 W 2700 N
MOORE ID 83255 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1976; and has submitted Proof of Beneficial Use on June 25, 1985. An examination indicates that the works have a diversion capacity of 3.950 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	3.95 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESWNW , Sec. 20, Township 04N, Range 26E
BUTTE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03N	26E	8	SENW	21.5					21.5
04N	26E	20	NWNW	36	SWNW	40	NWSW	40	
			SWSW	40	SESW	20			176

Total number of acres irrigated: 197.5

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 691.3 af at the field headgate for the lands above.

MICROFILMED
JAN 0 6 1994

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 34-07164

CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 31st day of December, 1998.

Acting for KARL J. DREHER, Director

MICROFILMED
JAN 0 8 1999

State of Idaho
Department of Water Resources

SUPERSEDED

WATER RIGHT LICENSE

WATER RIGHT NO. 34-07164

Priority: December 14, 1976 Maximum Diversion Rate: 2.04 CFS
Maximum Diversion Volume: 592.5 AF

This is to certify, that HERMAN AIKELE
RT. 1 BOX 61
MOORE ID 83255 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1976; and has submitted Proof of Beneficial Use on June 25, 1985. An examination indicates that the works have a diversion capacity of 2.040 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	2.04 CFS	592.5 AF

LOCATION OF POINT(S) OF DIVERSION: NESWNW , Sec. 20, Township 04N, Range 26E
BUTTE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03N	26E	8	SENW	21.5					21.5
04N	26E	20	NWNW	36	SWNW	40	NWSW	40	
			SWSW	40	SESW	20			176

Total number of acres irrigated: 197.5

CONDITIONS/REMARKS:

1. The maximum diversion volume listed within this right is defined as the maximum allowable volume of water that may be diverted annually from the source identified under this right, or limited to the amount that can actually be beneficially used on the above described place of use. This right is further limited to a maximum diversion of water onto the above described place of use of 0.02 cfs per acre or 3.0 acre feet per acre per year when combined with all other appurtenant water rights.
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. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.

SUPERSEDED

AMENDED

JAN 15 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 34-07164

CONDITIONS/REMARKS:

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 6TH day of DECEMBER, 1991.

Acting for R. Keith Higginson, Director

SUPERSEDED

RECEIVED
JAN 15 1992

Form 217
12/84

RECEIVED
JUL 1 1985
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JUN 25 1985
Department of Water Resources
Eastern District Office

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

Permit No. ✓34-7164

Name(s) of Permit Holder: ✓HERMAN AIKELE

Post Office Address: MOORE ID. 83255

Telephone No. 527-3113

Source of Water: groundwater

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

✓Irrigation 197.5 (acres)

Other/ Remarks _____

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

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

Flow Measurement Port: Required? ☑ Yes ~~☐ No~~
Installed? ☐ Yes ☑ No

MICROFILMED

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

HERMAN AIKELE
(Name)

(Address) (Telephone Number)

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

6-25-85
Date

Herman Aikele
Signature of Permit Holder (and Title, if appropriate)

KW

Place Stamp Here

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Form 211
2/80

Ident. No. 34-7164

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

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

APPROVED

Comes now Herman Aikele Phone 527-3113

of (address) Moore, Idaho 83255, 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. 34-7164, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ NW ¼, Section 20, Township 4N, Range 26E, B.M., County of Butte. Other points of diversion: _____

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

Amount 4.07 (cfs or acre feet per annum) for Irrigation purposes from 5-1 to 11-1 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	26E	20						40	40			40	40	20					180
3N	26E	8								17.5									17.5

Total number of acres to be irrigated = 197.5

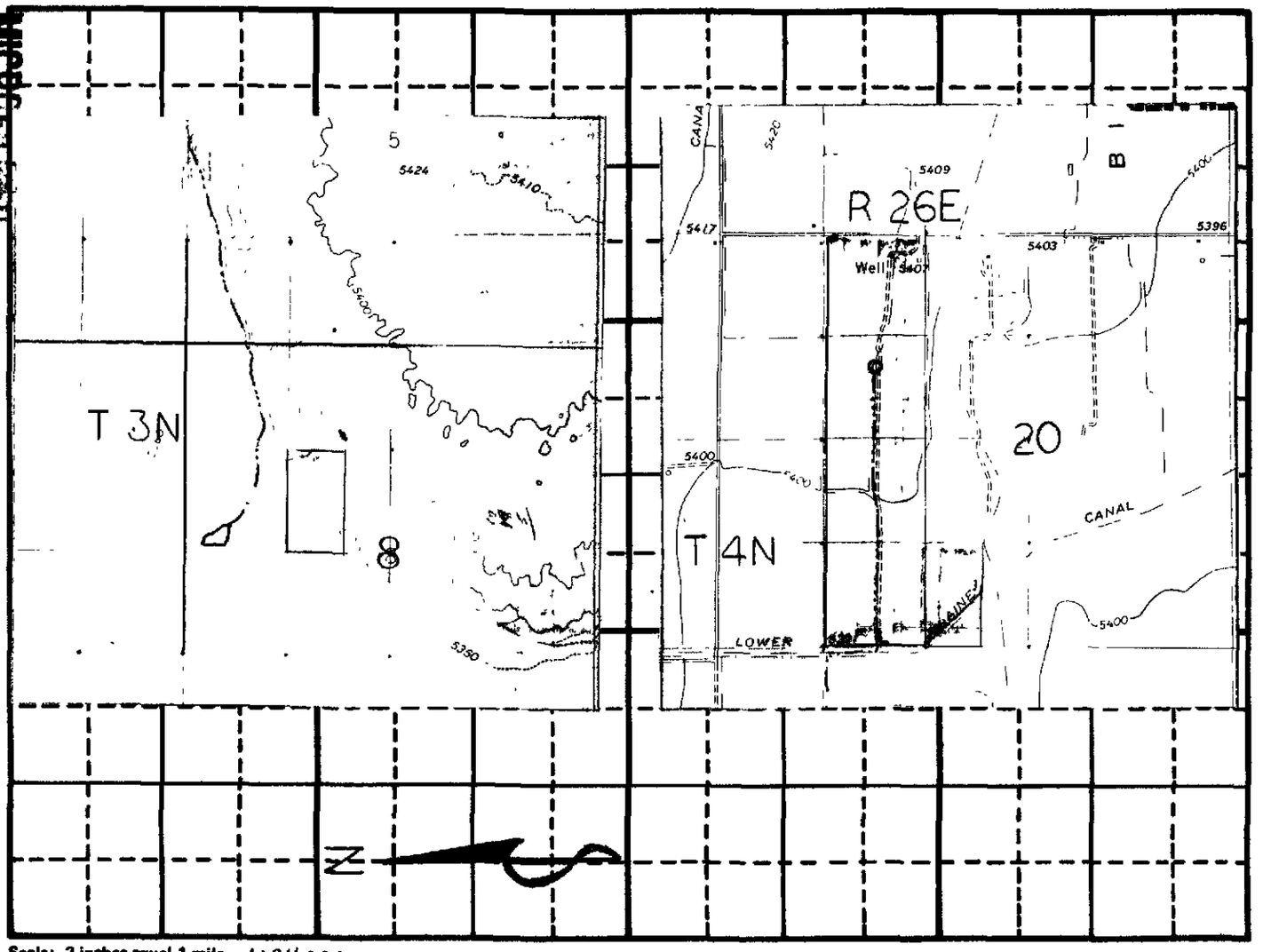
4. a. Who owns the property at the point of diversion? Herman Aikele

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

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

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.~~ 1:24,000

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

Signed at Idaho Falls, Id, this 30 day of December, 19 83.

Norman Arkoosh
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by EMC Fee = $20.00 Receipted by CW Date 1-05-84

Publication prepared by BP Date 1/11/84 Published in Arco Advertiser

Publication dates 1/19 & 1/26/84

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 34-7164 are met.

Witness my hand this 6th day of April, 19 84.

L. Glen Saxton
Chief, Operations Bureau

Affidavit of Publication

RECEIVED
FEB 6 1984
Department of Water Resources
Eastern District Office

I, Donald L. Cammack
of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated January 19, 1984

and ending with the issue dated

January 26, 1984

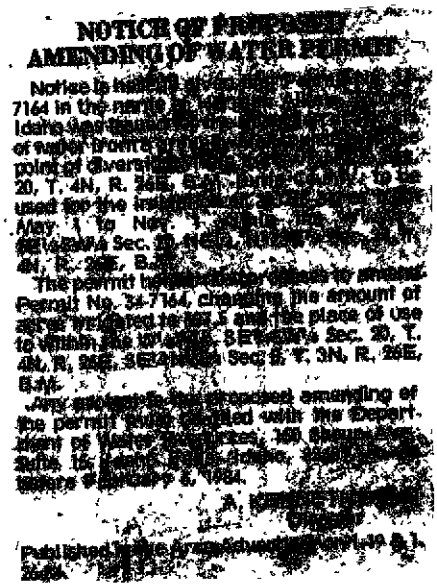
Donald L Cammack

Subscribed and sworn to before me this

27th day of January , 19 84

Lucille M Cammack
Notary Public

Residence: Arco, Idaho.
My commission expires Life , 19



NOTICE OF PROPOSED
AMENDING OF WATER PERMIT

Notice is hereby given that application
7164 in the name
Idaho has been
of water pro
point of diver
20, T. 4N, R.
used for the
May 1 to
NE¼NW¼ Sec.
4E, R. 26E,
The permit
Permit No. 34-7164, changing the amount of
water rights to be
to which the
4N, R. 26E,
B.M.
Any protest
the permit
ment of
Suite 16,
Idaho
1984.

Published
2684.

34 7164

Identification No. _____

Application No _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1 Name of applicant Herman Aikele Phone 527-3113

post office address Moore, Idaho

2 Source of water supply ground water which is a tributary of _____

3 a Location of point of diversion is SW ¼ of NW ¼ of Section 20 Township 4N

Range 26E B M Butte County; additional points of diversion if any _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼

of _____ ¼ of Section _____ Township _____ Range _____ B.M _____

4 Water will be used for the following purposes.

Amount 4.07 (cfs or acre-feet per annum) for Irrigation purpose from May 1 to Nov. 1 (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated

a 4.07 cubic feet per second and/or

b _____ acre feet per annum.

6 Proposed diverting works.

a Description of ditches, flumes, pumps, headgates, etc. well, 200 Hp. & 50 Hp. turbine pumps, ditch, pipe and sprinkler systems

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 _____ (Mo Day) to _____ (Mo Day) inclusive

c Proposed well diameter is 12 inches, proposed depth of well is 150 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 $ 100,000.00

8 Description of proposed uses

a If water is **not** for irrigation

(1) Give the place of use of water _____ ¼ of _____ ¼ 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	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	26E	20						40	40			40	40	20					180
		31	40	3.04	3.04	40									33.4	2.3			121.78

Total number of acres to be irrigated 301.78

c Describe any other water rights used for the same purposes as described above
30 inches 1899 decree from Lost River and 117 inches 1894 or 93 from Lost River.

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

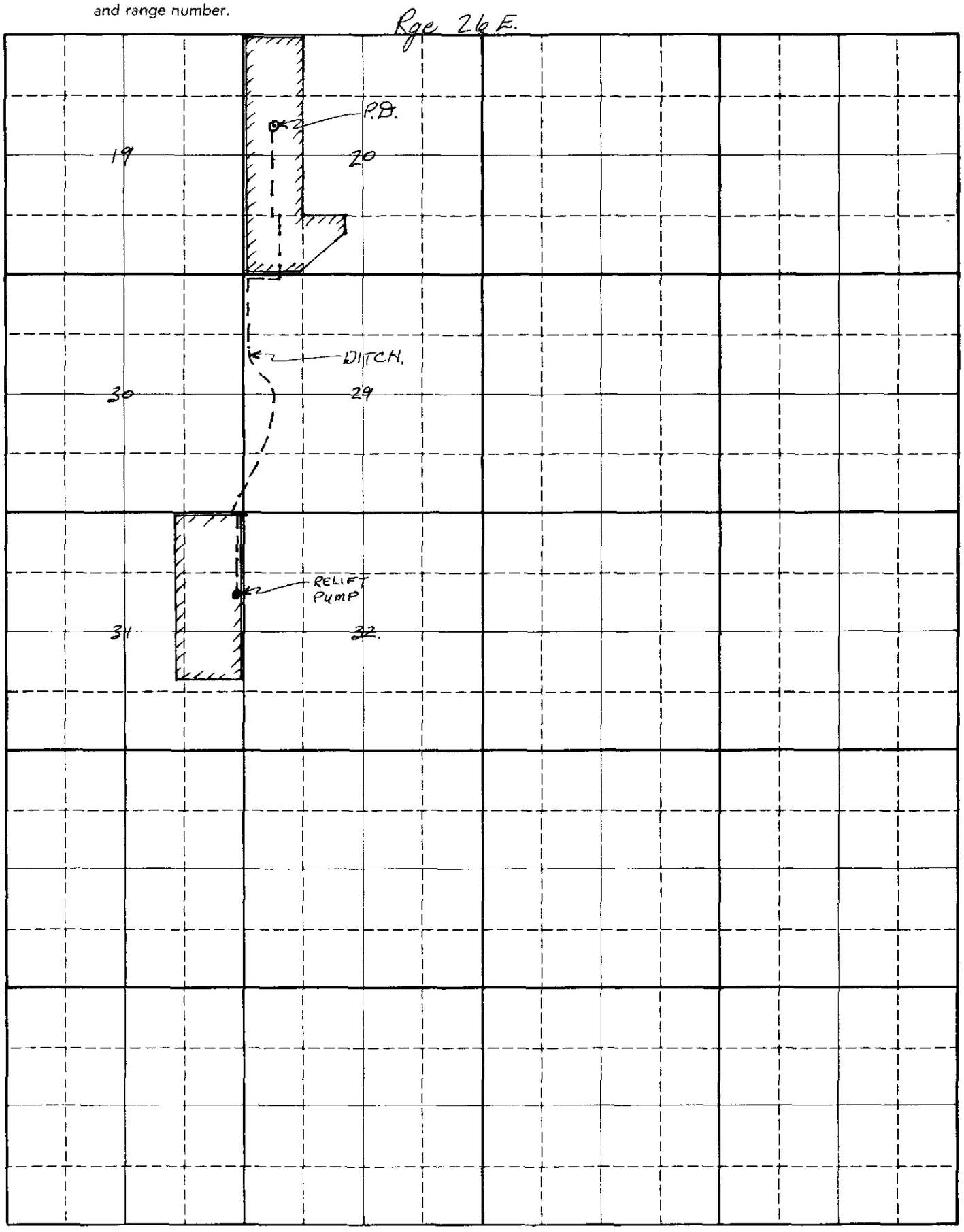
c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The well with Gerald Stewart varies in production from about 220 inches down to about 150 inches when other wells in the area are in operation.

The water from the well will be pumped into a private ditch and conveyed to the place of use in Sec. 31.

Herman Aikele owns 60% of the well under License No. 34-2429 for 4.63 cfs on 281 acres. The 165 acres belonging to Mr. Aikele are then licensed for 2.78 cfs being Q deficient by 0.52 cfs. He has filed on 180 acres in Sec. 20 meaning 15 acres more at 0.02 cfs/ac. or 0.3 c.f.s. Hence, for lands in Sec. 20 he is entitled to file on 0.82 cfs for maximum Q. Since there was an exchange filed on License 34-2472, there are no ground water rights for the 122 acres being filed on in Sec. 31. This land will be supplied water from the well by 2½ miles of private irrigation ditch which normally carries 15.0 cfs, meaning allowable shrinkage is 25% or 0.81 cfs. Therefore, the maximum Q for lands in Sec. 31 with shrinkage is 3.25 cfs bringing the total water that can be filed on to 4.07 c.f.s.

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

Herman Aikele
(Applicant)

Proposed Priority 12/14/1976

Received by CW Date 12-14-76 Time 4:25p

Preliminary check by EMC Fee $65.00

Receipted by CW Date 12-14-76 #4464

Publication prepared by CW Date 12-16-76

Published in Ada Advertiser

Publication dates Dec 23 & 30, 1976

Publication approved TLL Date 1-12-77

Priority reduced to _____ Reason _____

Protests filed by None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ROC

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. 34-7164, 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 November 1, 1986.

c 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.

The rate of diversion of water for irrigation under this permit shall not exceed 0.02 cfs per acre when diverted at the field headgate in Section 31.

Witness my hand this 17th day of November 1981.

L. Glen Saxton

Chief, Operations Bureau

Affidavit of Publication

RECEIVED
JAN 18 1977
Department of Water Resources
Eastern District Office

I, Le Estelle Cammack, of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with the issue dated 12-23-76

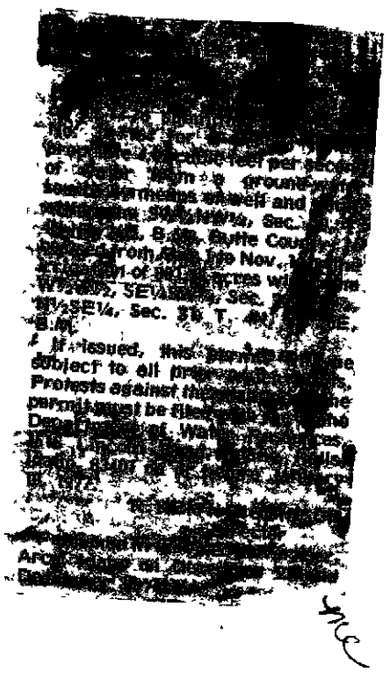
and ending with the issue dated 12-30-76

Le Estelle Cammack

Subscribed and sworn to before me this 11 day of Jan, 1977

Notary Public

Residence: Arco, Idaho.
My commission expires 5-14, 1978



Z 433 [redacted] 2 400

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail *(See reverse)*

Sent to Herman Aikens	
Street & Number	
Post Office, State, & ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date 7-7-99	

PS Form **3800**, April 1995

Z 43[redacted]42 401

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail *(See reverse)*

Sent to Lawrence Babcock	
Street & Number	
Post Office, State, & ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date	7-7-99

PS Form **3800**, April 1995

Z 433 [redacted] 2 403

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail *(See reverse)*

Sent to Bill Hollifield	
Street & Number	
Post Office, State, & ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date	

PS Form **3800**, April 1995

Z 433 [redacted] 42 402

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail *(See reverse)*

Sent to Kent Foster	
Street & Number	
Post Office, State, & ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date	

7-7-99

PS Form **3800**, April 1995

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

July 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the Matter of Amended License No. 34-07164 in the name of Herman Aikele

Dear Interested Parties:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Eastern Region

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J HAHN
KENT W FOSTER
ROBERT E FARNAM
WILLIAM D FALER
CHARLES A HOMER
GARY L MEIKLE
GAYLE A SORENSON, P A
DONALD L HARRIS
DALE W STORER
MARIE T TYLER
ROBERT M FOLLETT
FREDERICK J HAHN, III
SHAN B PERRY

U S BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P O BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV NET

Arthur W Holden
(1877-1967)
Robert B Holden
(1911-1971)
Terry L Crapo
(1939-1982)
William S Holden
(1907-1988)

Department of Water Resources
FEB 0 8 1999
RECEIVED

February 5, 1999

Shelley Walter Keen
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Boise, ID 83720-0098

Re: Exceptions to Preliminary Order Amending Water Right License 34-07164

Dear Mr. Keen:

We want to acknowledge receipt of your letter of February 2, 1999 attached to which is a copy of Mr. Babcock's so called "exceptions" to the preliminary order amending water right license 34-07164. We were not furnished previously with a copy of Mr. Babcock's letter which was apparently received at the Department office on January 25, 1999.

It is quite obvious that Mr. Babcock misunderstands the actions of the Department in amending license no. 34-07164. The amendment does not reflect a new appropriation but rather a correction of an error in the amount previously stated in the granting of the license. The original application was for more than the 3.95 cfs to which the license has recently been corrected, and, as we understand it, the correction is based upon some recent reverification by the Department of the diversion rate.

Very truly yours,

Kent W. Foster

Enclosure
G:\WPDATA\KWF\6545\KEEN0205 LTR.kmc

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 5th day of February, 1999.

DOCUMENT SERVED: Letter to Shelley Walter Keen, dated February 5, 1999

PARTIES SERVED:

Herman Aikele
3477 West 2700 North
Moore, ID 83255

Lawrence R. Babcock
BIG LOST RIVER WATER USERS ASSOCIATION
P.O. Box 66
Moore, ID 83255

William Hollifield
P.O. Box 66
Twin Falls, ID 83303

Shelley Walter Keen
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Boise, ID 83720-0098

Susan Hamlin
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Boise, ID 83720-0098

FEB 2 2 1999

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L L.C.

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

February 2, 1999

HERMAN AIKELE
3477 W 2700 N
MOORE ID 83255

Notice of Filing of Exceptions to a Preliminary Order

RE: Exceptions to Preliminary Order Amending Water Right License 34-07164

Dear Mr. Aikele:

The Department of Water Resources received from the Big Lost River Water Users Association a list of exceptions to the recent preliminary order amending Water Right License 34-07164. The list of exceptions was filed timely. I am forwarding a copy of the list of exceptions to you to make sure that you are aware of your opportunity to respond to the exceptions. If the Big Lost River Water Users Association already served you with a copy of the exceptions, you may respond within 21 days of the date you were served If you were not already served with a copy of the exceptions, you may respond within 21 days from the date of this letter.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

Cc. Susan Hamlin, IDWR Adjudication Bureau

MAILED
2 / 1999

C:\TEMP\AIKELE3.DOC

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **February, 1999,** I mailed a true and correct copy, postage prepaid, of the foregoing **Notice of Filing of Exceptions to a Preliminary Order** to the person(s) listed below:

Amended Water Right License 34-07164

HERMAN AIKELE
3477 W 2700 N
MOORE ID 83255

LAWRENCE R BABCOCK, CHAIRMAN
BIG LOST RIVER WATER USERS ASSOCIATION
PO BOX 66
MOORE ID 83255

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

BILL HOLLIFIELD
HOLLIFIELD & BEVAN
249 3RD AVE E
PO BOX 66
TWIN FALLS ID 83303

Kari Lynn Townsend
Secretary

SEP 27 1999

C:\TEMP\AIKELE31.DOC

MEMORANDUM

To: Shelley

From: Glen

RE: **EXCEPTIONS TO LICENSE NO. 34-07164**

Date: February 2, 1999

Attached are exceptions to the above referenced amended license. The exceptions appear to be timely filed. Aikele now has 21 days to respond.

I can't determine from the FAX from Babcock whether Aikele was served with a copy of the exceptions. Hence, I think we should send a copy of the exceptions to Aikele advising that he has 21 days to respond from the date of our service to him of the exceptions or from the service date of the exceptions sent to him by Babcock, whichever is earlier. The service list should include the following:

Herman Aikele
Lawrence Babcock
Bill Hollifield
Kent Foster

We should also send a copy of any correspondence to Adjudication Bureau.

SEP 2 2 1999

RECEIVED
JAN 2 5 1999
Department of Water Resources

Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098

RE: Preliminary Order for Amended Water Right #34-07164

Dear Mr. Dreher:

The Big Lost River Water Users Association herewith files this "exception" to the preliminary order issued January 4, 1999 by the Department for Water Right #34-07164, amended Water Right License dated December 31, 1998 for at least, but not limited to the following reasons to wit;

1. In the SRBA Director's Report dated May 27, 1992 page A-1374, water right #34-07164 is listed with a maximum quantity of 2.04 CFS The Amended License dated December 31, 1998 increases this quantity to 3 95 CFS, an increase of 1.91 CFS. This increase is obviously a request for a new water right as the development period for the original 2.04 CFS has long since expired. Therefore, this new appropriation falls under the Basin 34 Moratorium dated August 7, 1990 and/or the Amended Moratorium Order (April 30, 1993) that prohibits the processing and approval of pending and new applications to appropriate water from all surface and ground water sources . . (Moratorium Order at 4).

2. The priority of the new appropriation "shall not date back to the date of the application"; therefore, the priority date of the Amended License is in error. (I.C. 42-219 (4))

3. There would be injury to prior water rights and violations of the local public interest criteria as listed in 42-203A and 42-1501.

4. Water Right #34-07164 as listed in the Director's Report (May 27, 1992) is currently involved in SRBA Court proceedings (Sub Case #34-07164) and it is grossly inappropriate and premature for the "Department" to attempt to influence a sub case involved in litigation before a final decision is rendered.

All of the exhibits, evidence, and testimony heard during the trial of sub case #34-07164 is hereby incorporated as part of this "exception".

For at least the reasons heretofore stated, the Big Lost River Water Users Association requests that the Amended Water Right License #34-07164 be denied.

Dated this 23rd day of January, 1999.

Sincerely,

Lawrence R. Babcock

Lawrence R Babcock, Chairman

FAX

Precision Dynamics

To:	Karl Dreher
Company:	
Fax number:	+1 (208) 327-7866
Business phone:	
From:	Wade Babcock
Fax number:	+1 (208) 527-8918
Business phone:	
Home phone:	
Date & Time:	1/25/99 10:34:47 AM
Pages:	2
Re:	Exception for Preliminary Order For Amended Water Right License

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 4, 1999

HERMAN AIKELE
3477 W 2700 N
MOORE ID 83255

RE: Water Right No. 34-07164

Dear Mr. Aikele:

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, which supersedes the license issued on December 6, 1991, is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **The preliminary order 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.

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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.

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,

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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.

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.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

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JAN 0 8 1993

CERTIFICATE OF MAILING

I hereby certify that on the **5th** day of **January, 1999**, 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. 34-07164

HERMAN AIKELE
3477 W 2700 N
MOORE ID 83255

Kari Lynn Townsend
Secretary

MICROFILMED

JAN 04 1999

MEMORANDUM

DATE: January 4, 1999

TO: Kari Lynn, Water Right File 34-07164

FROM: Shelley W. Keen SWK

RE: Mailing of Preliminary Order Amending License

Please mail courtesy copies of the amended license and the cover letter to the following two parties:

Bill Hollifield
Attorney for the Big Lost River Water Users Association
Hollifield & Bevan
249 3rd Ave E
PO Box 66
Twin Falls ID 83303

Kent Foster
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405

Please provide copies of the amended license to Carter Fritschle and Susan Hamlin in the Adjudication Bureau.

1-4-99 Note: all copies distributed as requested. KLT

K:\WRMEMOS\MEMO DOC

MEMORANDUM

DATE: December 30, 1998

TO: Water Right File 34-07164

FROM: Shelley W. Keen SWK

RE: Response from Dave Tuthill

In response to my 10/7/98 memo to him, Dave Tuthill informed me that he would support the issuance of an amended license for up to 0.02 cfs per acre. He said that if an amended is issued, the Adjudication Bureau will submit to the SRBA Court a Supplemental Director's Report increasing the rate of flow recommendation in accordance with the license.

K:\WRMEMOS\MEMO.DOC

MEMORANDUM

TO: **Dave Tuthill**

FROM: **Shelley Keen** SWK

DATE: **October 7, 1998**

RE: **Possibility of Amended License for 34-07164 (Herman Aikele)**

We are considering amending water right license 34-07164 to increase the diversion rate from 2.04 cfs to 3.95 for 197.5 acres This right was claimed in the SRBA, but it has not yet been decreed because it is the basis for enlargement claim A34-12417, which is for land on Era Flat. Before we proceed, we would appreciate feedback from you on two items. First, has the right holder, Herman Aikele, pursued this matter in his dealings through the SRBA trial process? Second, what complications might arise in the SRBA process if we amend the license?

The following paragraphs summarize the circumstances influencing us to consider amending the license. I have also attached comments prepared by Scott King. Scott conducted the field examination for right 34-07164 in 1990, and he has recently formulated an opinion about the diversion rate for 34-07164 based on information in the water right file and on a discussion yesterday morning with Mr. Aikele

Right 34-07164 was licensed in December of 1991 for 2.04 cfs. In accordance with standard procedure at that time, the license was not issued as a preliminary order, as licenses are now. Therefore, no formal appeal process was communicated to Mr. Aikele when he received his license. On February 27, 1992, just a couple of months after the license was issued, Mr. Aikele contacted IDWR to express his disagreement with the rate of diversion on the license. Mr. Aikele's concern was expressed on a notice of error sent to the Adjudication Bureau. At the time, copies of correspondence and supporting documentation relating to the diversion rate issue were not routed from SRBA files to the water right file, and no action was taken on the license. Since 1992, Mr. Aikele has persisted in his efforts to convince IDWR that he developed and used more that 2.04 cfs under right 34-07164. Information submitted by Mr. Aikele includes the following items.

- A letter received from Mr Aikele in October of 1997 explains the background of his water use on his property and includes information concerning the number of wheel lines and sprinkler heads employed. This letter also contains water level measurements taken by Mr. Aikele in his well. His measurements indicate the water level holding at 45 feet from 1976 through 1986. From 1988 through 1993, drought years in southern Idaho, the level had dropped to 105 feet, but it began to rise again in 1994 The examination on which the license is based was conducted in 1990. According to Mr. Aikele, by 1997 the water level had recovered to 45 feet. The accuracy of the water level readings is somewhat suspect because there is evidence of cascading water in Mr. Aikele's well. However, the water level

measurements do indicate a downward trend during the drought and recovery after the drought.

- Mr. Aikele submitted a sonic flow meter tape dated 6/8/98 and showing an average flow rate from his well of 2318 gallons/minute (5.16 cfs). The measurement was made by Tom Rackow of ID Tech, Inc., using a Fuji Ultrasonic meter. On his report, Mr. Rackow noted the diversion pump's serial number, which is a match to the pump found by Scott King during his examination in 1990. Mr. Rackow also noted that the level at the time of his measurement was 67 feet and the operating water level was 81 feet. While it indicates a much higher diversion rate than 2.04 cfs, the 1998 measurement by itself cannot form the basis for a change to the license because the water distribution system was altered substantially after 1990. At the time of the 1990 field exam, water was being discharged into a pressurized sprinkler system for irrigation of Mr. Aikele's "home place", which is the place of use for 34-07164. During the 1998 measurement water was being discharged into a ditch for the irrigation of lands within sections 3 and 5-8, lands claimed underA34-12417. The irrigation of lands under right 34-07164 is now accomplished by relifting the water from a sump into the pressurized system. Nevertheless, taking Mr. Rackow's measurements of the system while open discharging and adjusting them for the pressure that might have occurred under the old system suggest a possible diversion and application rate of 3.33 cfs (125 X 8.8 X.7/2.31 X 65+81) A simple calculation for the number of wheel lines Mr. Aikele said he was using before 1990 suggests about 4.30 cfs.

- Two letters from Leon Powell (dba Leon Powell Irrigation who sold and installed the irrigation system for Mr. Aikele) describe the system installed in 1977 as consisting of 286 sprinkler heads discharging a 6.5 gpm each for a total of 4.14 cfs. This is the sprinkler system identified by Mr Aikele as 7 wheel lines and is the system for which this permit was filed.

It is not possible to be certain of the exact diversion rate achieved by Mr. Aikele prior to the drought. Nevertheless, evidence strongly suggests that the historical maximum diversion rate developed and used during the authorized development period under permit 34-07164 exceeded 2 04 cfs As Scott King notes in the attached memo, it is reasonable to believe that Mr. Aikele's system delivered around 3.95 cfs into the pressurized sprinkler system prior to the drought. Moreover, Mr. Aikele was timely and diligent in his efforts to convince IDWR that he is entitled to a licensed diversion rate exceeding 2 04 cfs Right 34-07164 has proceeded far into the SRBA process But, if possible at this point, we would like to amend the right to increase the licensed diversion rate.

MEMORANDUM

To: Dave Tuthill File
From: Scott King SMK
Date: October 7, 1998

Subject. Possibility of Amended License for 34-07164 (Herman Aikele)

As an addition to Shelly Keen's memo regarding this issue, I would like to add some information. To begin, I recall conducting the beneficial use field exam in July of 1990 on Aikele's system. I don't believe we had the ultrasonic flowmeters yet, so I used a ten-inch annubar and manometer to measure well discharge. The well was discharging into the pressurized irrigation system and my measurements indicate a flow of 2.04 cfs. I recall Mr. Aikele being very dismayed by this low flow rate. Although I don't think he was necessarily disputing the accuracy of my measurement, he made it clear that the well had produced significantly more water prior to the drought years, and that he expected the well to produce more once the drought was over and water levels in his area increased. My measurement of capacity when water levels were significantly down was not representative of capacity when water levels were much higher

A file letter from Mr. Aikele states that the seven wheel line system had 297 sprinklers with 11/64" nozzles. He then later had to reduce nozzle size to 5/32" to get adequate pressure and coverage. Although his letter attributes this to dropping water levels, I think pump wear also played a significant factor because in my telephone conversation with Mr. Aikele on October 6, 1998, he mentioned the well had pumped a lot of sand at that time. It pumped so much sand that the well caved in and had to be refurbished with many truckloads of gravel packed around the casing. Nozzle calculations result in a total flow of 4 30 cfs operating 297 11/64" nozzles at 60 psi, and 3.55 cfs for 5/32" nozzles at 60 psi.

Leon Powell's letter describes a system designed to operate at 4.14 cfs, including 286 nozzles at 6.5 g.p.m. per nozzle. This matches 11/64" nozzles at 60 psi

Theoretical calculation show that a fully loaded 125 horsepower motor driving a well pump operating at an "as designed" efficiency of 70 percent, and discharging at 65 psi, should deliver 4 15 cfs at 50 feet of lift, and 3 61 cfs at 80 feet of lift.

Tom Rackow's June 1998 measurements indicate a flow of 2318 gpm (5.16 cfs) at 81 feet of lift, pump open discharging into a pond. According to our phone conversation, Mr. Aikele believes this water level is closer to the pre-drought levels, although he also believes that the water levels have increased even more since Rackow's visit. Although this flow may not represent development period flows because this measurement was open discharge and the original system was developed to pressure discharge, the water level measurement should be a good indication of development period water levels. I believe there is good evidence to suggest that this pumping system could deliver at least 4.04 cfs into the pressurized sprinkler system.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 14, 1998

HERMAN AIKELE
3477 W 2700 N
MOORE ID 83255

RE: Water Right License 34-07164

Dear Mr. Aikele:

I am responding to the information you supplied me about the diversion rate measurement made by Tom Rackow on June 8, 1998 He measured the diversion from your well at 2318 gpm, or about 5.16 cfs, *under open discharge conditions*. License 34-07164 was issued to reflect your water use at the time of the field examination, when you were apparently diverting from your well *into the pressurized sprinkler irrigation system* on your "home place" farm. Changing from a pressurized system to open discharge conditions normally results in an increased diversion rate However, changes to your system to increase your diversion rate after the field examination cannot be recognized on your water right license. As I said in my December 17, 1997, letter to Kent Foster, any re-examination will "have to contain an analysis of historical information as well as an analysis of the current system" to show that the current rate is consistent with the rate of diversion during the development period authorized by the permit."

If Mr. Rackow's water level and diversion rate measurements are accurate, your system appears to be operating at about 43% efficiency This is consistent with the relatively high power consumption coefficient determined when the water district measured your diversion at 2 22 cfs in 1994. Assuming your system efficiency remains the same, your well would theoretically produce about 2.29 cfs, which is very close to your licensed rate, if used to pressurize an irrigation system to 50 psi (Note that a number of variables can affect the efficiency calculation. For example, cascading water in your well may explain the low efficiency figure by causing inaccurate pumping water level readings, but a better water level reading would not change the measured flow rate, only the efficiency figure.)

It does not appear to me that the diversion rate on water right license 34-07164 is in error. If you have any questions, please contact me at 208-327-7946

Respectfully,

Shelley Walter Keen

Shelley Walter Keen
Water Rights Supervisor

C: Scott King

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\\DWR03\skeen\NAMELTRS\Aikele2 doc

S.W. Kerr
8/14/98

Calculations supporting 8/14/98 letter to Herman Airhart RE: 34-07164

NOTE

$\frac{125 \text{ n.p. } (8.8) \text{ X}}{91'} = 5.16 \text{ cfs}$

5.16 cfs = Rodeo's measurement

X = 43% efficiency

added 10' to pumping level to account for friction losses, etc.

$\frac{125 \text{ n.p. } (8.8) .43}{91' + (2.31 \times 50 \text{ psi})} = 2.29 \text{ cfs}$

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS
AMPAD

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AUG 2 0 1998

ASCS-578
16-7-781

REPORT OF ACREAGE

USDA - ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE 1 OF

KEY 1 OPERATOR — KEY 2 OWNER

FARM NO: 361 A CO

NAME AND ADDRESS: HERMAN AIKELE
ERIC AIKELE
ARCO, IDAHO 83213

FARM-LAND: 230

CROP-LAND: 225 221

OTHER FARMS
OPERATOR: A-360
OWNER: A-360

PROGRAM YEAR: 1983

OTHER: K-22

OTHER INTERESTED PRODUCERS

KEY	NAME AND ADDRESS	OTHER FARMS
3		
4		
5		
6		
7		

ASSIGNMENT

CROP	JOB

MICROFILMED
JAN 2 0 1998

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled In by Reporter ONLY.)

TRACT 1	FIELD NO. 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY: WAT	BARLEY	OATS	POT 4	ALF	OTHER	CULA	KEY 5	SHARE 6	DISPOSITION 7	METHOD 8	GROSS ACRES 9	DEDUCTIONS: IDENT./MEAS. 10	DEDUCTIONS: ACRES 11	NET ACRES 12	INITIAL & DATE 13
				86.5														
361-A	A1	BARLEY		86.2									DIG	86.2			86.2	8-24-83
						87.0												
	A2	POTATOES				87.3							C	87.3			87.3	8-24-83
				2.3														
	B	BARLEY		2.4									DIG	2.4			2.4	8-24-83
						4.5												
	C	POTATOES				4.5							O	4.5			4.5	8-24-83
				35.7 ~~34.7~~														
	D	BARLEY		39.6									DIG	39.6			39.6	8-24-83
			1.0										MIX/100					
	A3	WHEAT	1.0										C	1.0			1.0	8-24-83
8-24-83																		
TOTAL OPERATOR REPORT			1.0	127.2 ~~123.2~~	0	91.5	0	0	0									
TOTAL REPORTER'S REPORT			1.0	128.2	0	91.8	0	0	0									

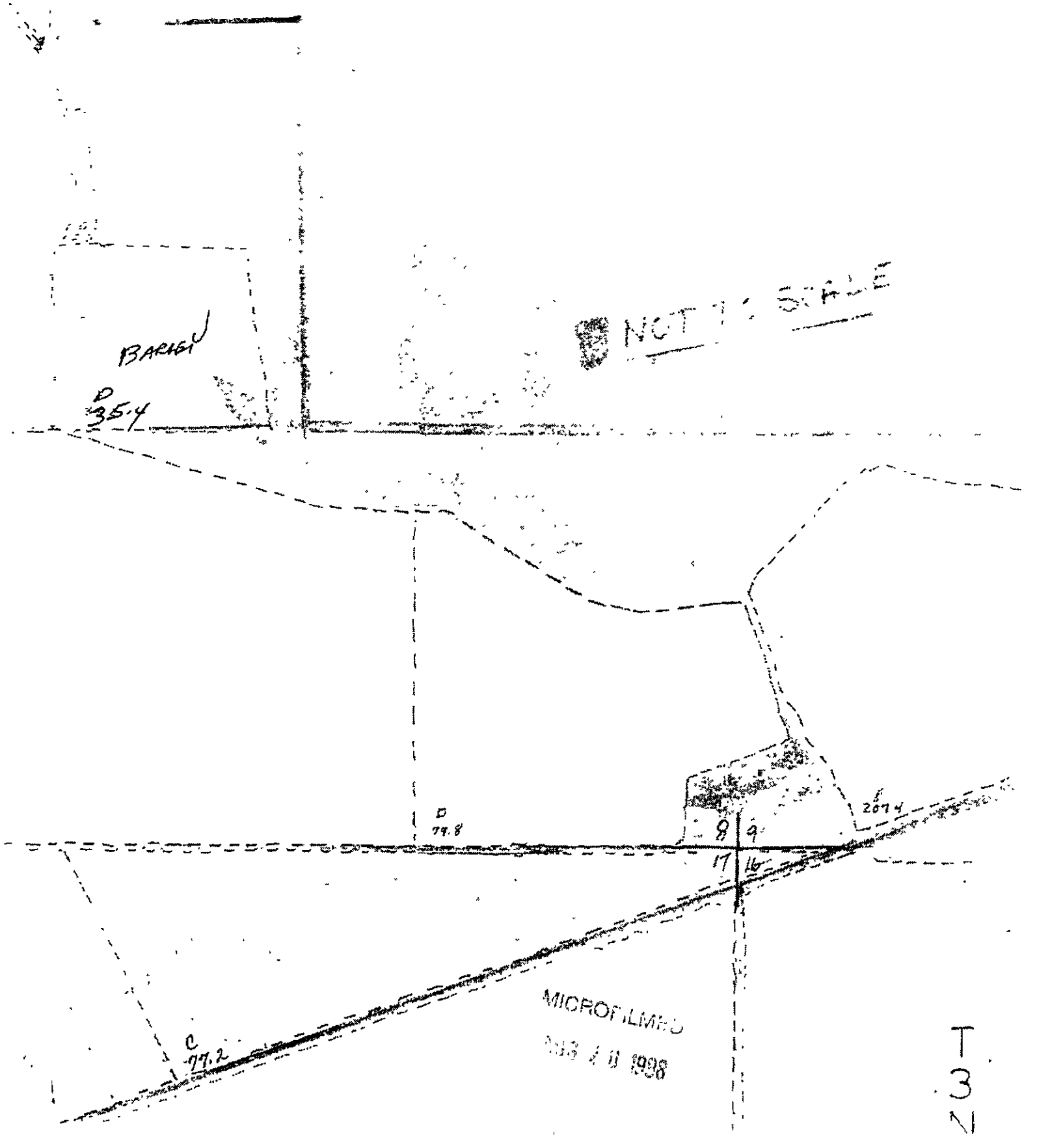
SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE: Herman Aikele — DATE: X

OPERATOR'S SIGNATURE: Eric Aikele — DATE: 8-24-83

1983


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ASCS-578
(6-7-78)

REPORT OF ACREAGE

USDA-ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE 1 OF 1

KEY 1 OPERATOR

FARM NO. 361 — NAME AND ADDRESS: HERMAN AIKELE, ERIC AIKELE, 00 ARCO IDAHO 83213 — FARM-LAND 230 — CROP-LAND 215

518 24 9467 3 — 519 56 3121 2

KEY 2 OWNER

Eric Aikele
Arco, Idaho 8321[illegible]

OTHER FARMS
OPERATOR: A-339, A-360
OWNER: A-361
PROGRAM YEAR: 19F2
OTHER:

OTHER INTERESTED PRODUCERS

KEY	NAME AND ADDRESS	OTHER FARMS
3		
4		
5		
6		
7		

ASSIGNMENT

CROP	JOB

MICROFILMED SEP 28 1982

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

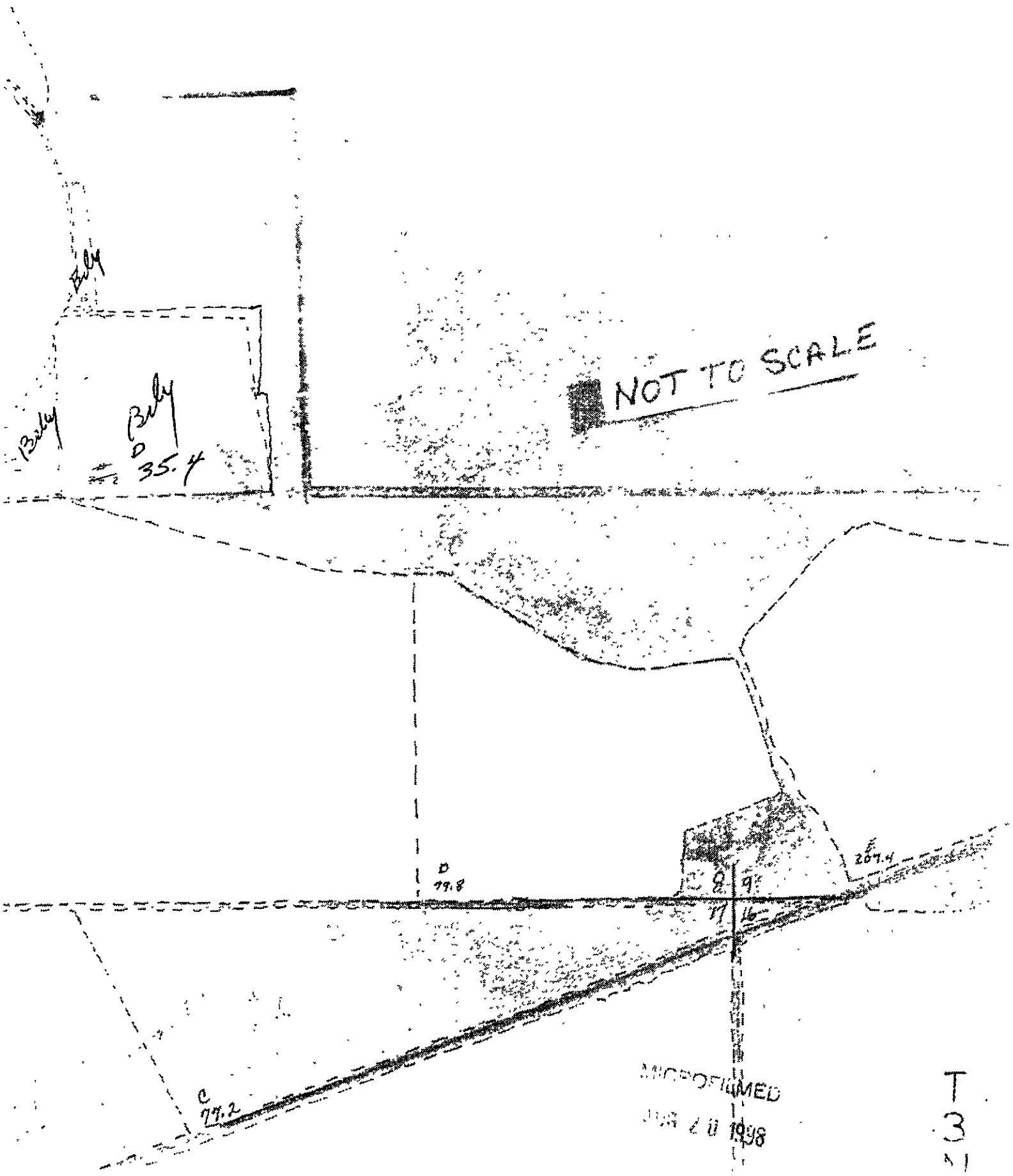
TRACT NO. 1	FIELD NO. 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY WHT	BRLY	OATS	ALF	POT	OTH	CUF	KEY 5	SHARE 6	DISPOSITION 7	METHOD 8	GROSS ACRES 9	REDUCTIONS IDENT./MEAS 10	REDUCTIONS ACRES 11	NET ACRES 12	INITIAL & DATE 13
				173.5						1	50%							mor
1-A	A	Barley		173.5						2	50%		0				173.5	9-23-82
				2.3														mor
	B	Barley		2.3						"	"		0				2.3	9-23-82
				4.5														mor
	C	Barley		4.5						"	"		0				4.5	9-23-82
				35.4														mor
	D	Barley		35.4						"	"		0				35.4	9-23-82
	No other program crops planted				total program crops planted: 215.7													
[illegible]																		
TOTAL OPERATOR REPORT				215.7					0									
TOTAL REPORTER'S REPORT				215.7					0									

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE: Herman Aikele — DATE: 9-27-82

OPERATOR'S SIGNATURE — DATE


NOT TO SCALE
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Bldg
Bldg
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MICROFILMED
JUN 2 11 1998

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Form Approved - OMB No. 40-R1808

ASCS-578 (6-7-78)

REPORT OF ACREAGE

11 122

USDA-ASCS

NOTE Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE 1 OF 1

KEY 1 OPERATOR

FARM NO.: A-361

NAME AND ADDRESS: Herman & Eric Ankele
Box 10
Arco, Idaho
83213

KEY 2 OWNER

	FARM-LAND	CROP-LAND
OTHER FARMS: OPERATOR	360	
OWNER	360	

PROGRAM YEAR: 1981

OTHER:

OTHER INTERESTED PRODUCERS

KEY	NAME AND ADDRESS	OTHER FARMS
3		
4		
5		
6		
7		

ASSIGNMENT

CROP	JOB

MICROFILMED 11 1981

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

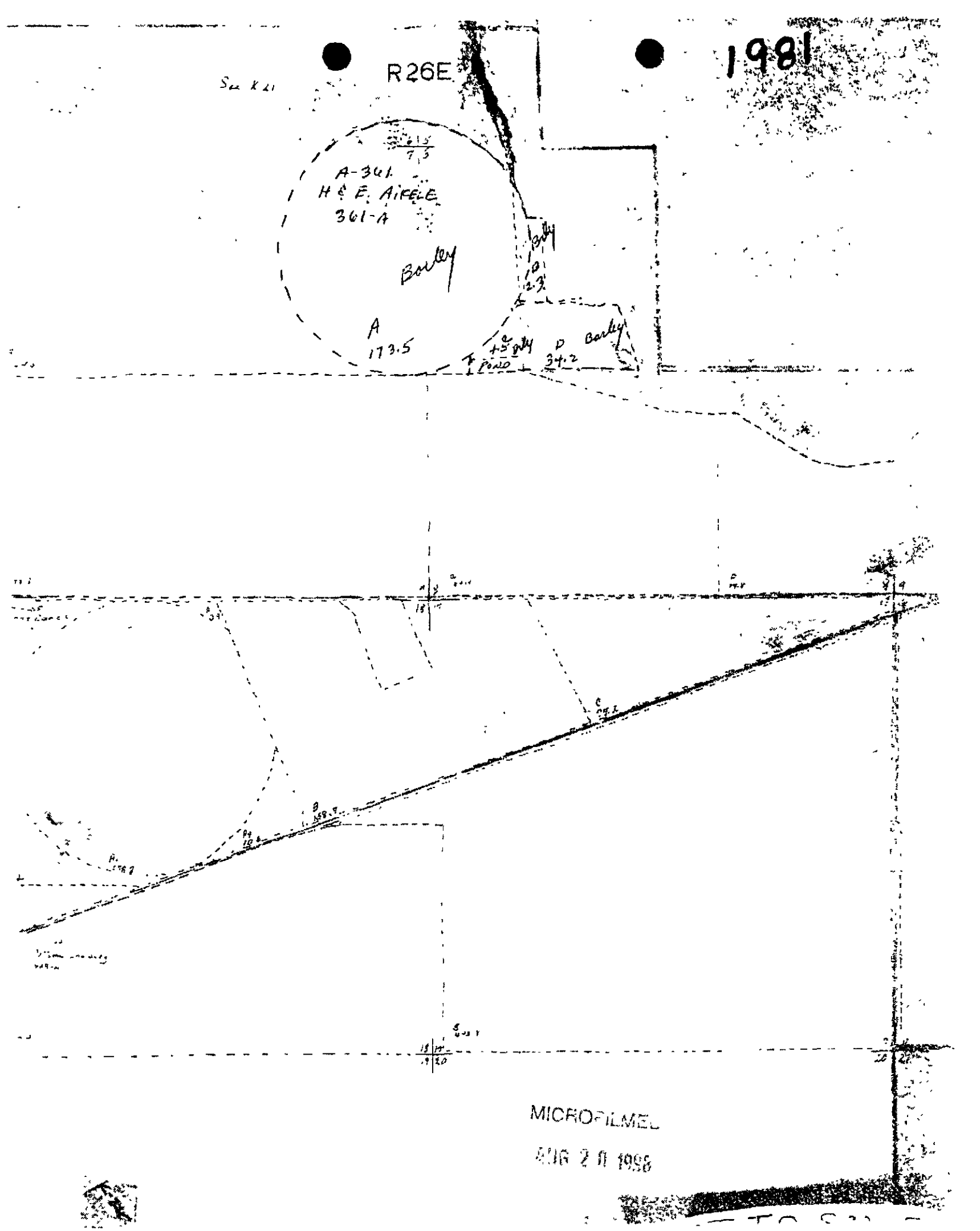
TRACT NO. 2	FIELD NO. 3	CROP OR LAND USE 4	CROP OR LAND USE SUMMARY: wht	rdy	oth	KEY 5	SHARE 6	DISPOSITION 7	METHOD 8	GROSS ACRES 9	DEDUCTIONS: IDENT./MEAS. 10	DEDUCTIONS: ACRES 11	NET ACRES 12	INITIAL & DATE 13
				173.5										
361A	A	Barley		173.5		1	100%		dw	173.5			173.5	mdw 9-25-81
				2.3										
	B	Barley		2.3		11	11		dw	2.3			2.3	mdw 9-25-81
				4.5										
	C	Barley		4.5		11	11		dw	4.5			4.5	mdw 9-25-81
				34.2										
	D	Barley		34.2		11	11		dw	34.2			34.2	mdw 9-25-81
										214.5				
dw 9-25-81		No other program crop planted												
TOTAL OPERATOR REPORT				214.5										
TOTAL REPORTER'S REPORT				214.5										

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

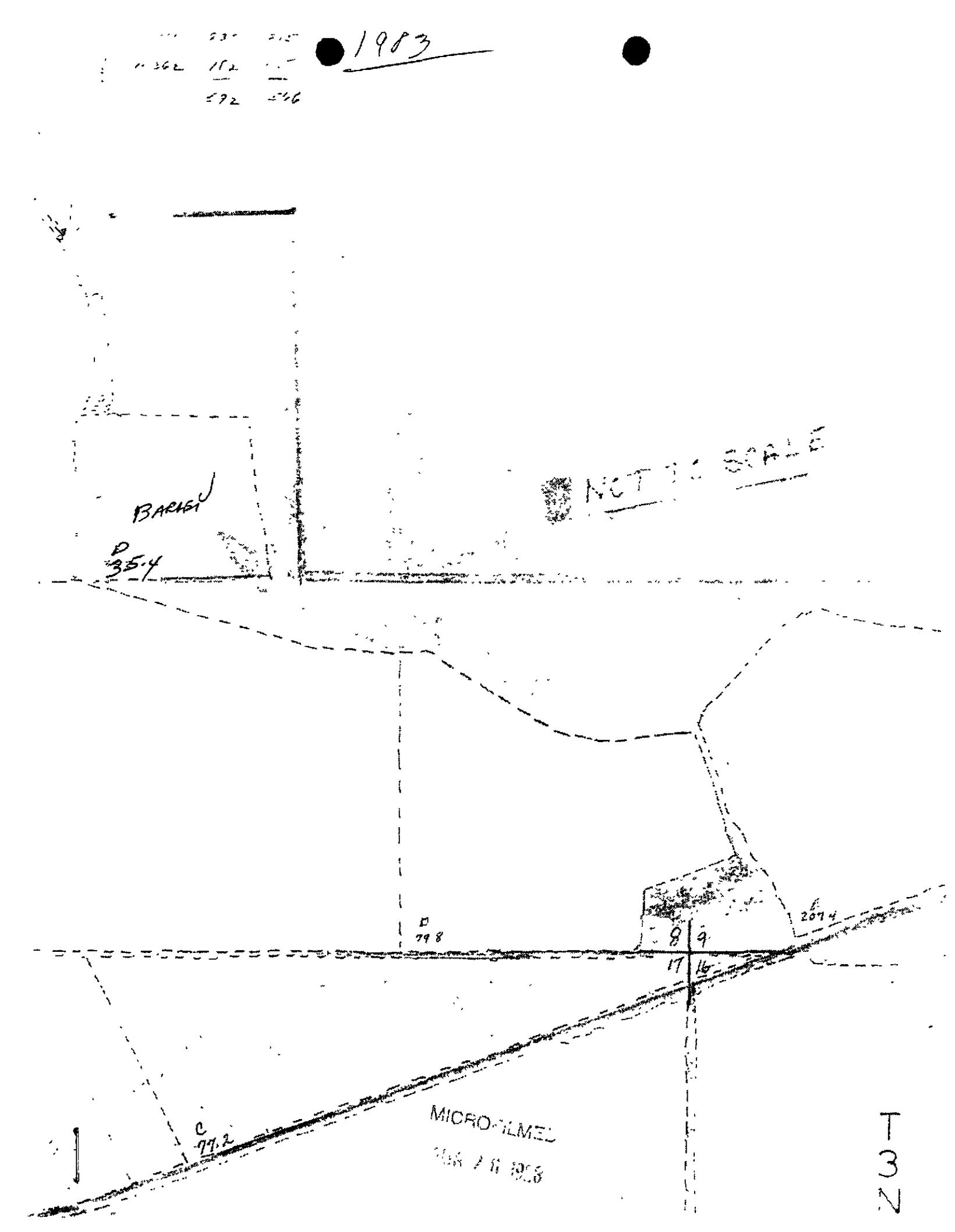
OPERATOR'S SIGNATURE: [signature] DATE: 6/24/81

OPERATOR'S SIGNATURE: [signature] DATE: 6/24/81



MICROFILMED
AUG 2 1 1998

1983



FERTILIZERS BLENDING SPREADING

ARCO FEED & FERTILIZER CO.

HAY - GRAIN - COAL - SALT - SEED - APPROVED CLEANING PLANT

PHONE 527-8200 OR 527-3113 - P.O. BOX 10

ARCO IDAHO 83213

No. 2254

DATE _____ 19____

FOR ACCT. OF Howard and Ester

SETTLEMENT SHEET

Winter Barley-1981				Spring Barley				Rambler Barley			
SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE		WEIGHT
8334	9	20	5070	8435	9	2	17410	8440	9	3	2530
8352	8	25	15010	8436	9	2	15590	8443	9	3	13540
8354	8	25	2910	8437	9	2	16910	8445	9	3	12340
8406	9	1	16810	8438	9	2	10590				
8415	9	1	14610	~~8440~~	~~9~~	~~2~~	—				
8478	9	27	6820								
TOTAL			61230				60500				29410

	GRADE	TEST	DISC	DOCKAGE	NET WEIGHT	BUSHELS	NET PRICE	AMOUNT
Barley					151,146		5¼/cwt	7934 85

	GROSS AMOUNT	
	TAX	
	OTHER DEDUCTIONS SS 2313	(2,119.65)
CHECK NO.	NET AMOUNT	5,815.20

MBF

MICRO-FILMED

FERTILIZERS BLENDING SPREADING

ARCO FEED & FERTILIZER CO.

HAY - GRAIN - COAL - SALT - SEED - APPROVED CLEANING PLANT No. 2313

PHONE 527-8200 OR 527-3113 - P.O. BOX 10
ARCO, IDAHO 83213

DATE _____ 19__

FOR ACCT OF: Eric Flat Farm
Vern & Eric Ackles

SETTLEMENT SHEET

1981 Crop Steptoe Seed Barley				1981 Crop Steptoe Seed Barley				1981 Crop Steptoe Seed			
SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE		WEIGHT
8860	3	15	60440	~~8892~~	~~4~~	~~13~~	~~47120~~	8964	5	8	15810
8864	3	20	52370	8923	4	22	26450	8965	5	10	16430
8867	3	25	19680	8924	4	22	8060	8968	5	11	15690
8869	3	29	11610	8934	4	24	51570	8975	5	14	14,120
8874	4	2	45360	8936	4	26	51430	8976	5	14	62,500
8876	4	1	19780	8940	4	27	50810				
8877	4	2	17660	8942	4	28	51910				
8878	4	3	50,860	8943	4	29	48800	8988	5	19	9210
8880	4	5	19,520	8946	4	29	15320	8977	5	14	16230
8881	4	5	17,770	8953	4	30	16030				25,440
8885	4	9	17,700	8955	5	1	17680				
8888	4	12	15,780	8956	5	3	16520				
8892	4	13	47,120	8958	5	3	17340				
				8960	5	6	16450				
				8961	5	6	15540				
TOTAL			395,650				413,960 ~~418,960~~				124,550

	GRADE	TEST	DISC	DOCKAGE	NET WEIGHT	BUSHELS	NET PRICE	AMOUNT
Barley					934,160		6.00/cwt	56,049.60
					25,440		6.00/cwt	-1,526.40

Check No. 9763 4-6-82 $11,500.00 SCID CKA
" " 9845 5-7-82 10000.00 SCID SK A
" " 9910 - 9913 ~~$ 24,895.86~~ ASCS 24,895.86
" " 9991 10,339.79 ASCS.

GROSS AMOUNT	57,576.00
TAX	
OTHER DEDUCTIONS	59,895.65
NET AMOUNT	~~57,576.00~~
	2,119.

CHECK NO.

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AUG 20 1986

FERTILIZERS BLENDING SPREADING

ARCO FEED & FERTILIZER CO.

HAY - GRAIN - COAL - SALT - SEED - APPROVED CLEANING PLANT

PHONE 527-8200 OR 527-3113 - P.O. BOX 10
ARCO, IDAHO 83213

No. 2410

DATE 8-31- 1983

FOR ACCT OF Eric Flat Farms
Norm & Eric Ambell

SETTLEMENT SHEET

Seed Barley 1982				Kasla 1982				Steptoe 1982			
SCALE TICKET NO	DATE		WEIGHT	SCALE TICKET NO	DATE		WEIGHT	SCALE TICKET NO	DATE		WEIGHT
9429	3	7	17,610	9529	4	13	17,340	9431	3	8	2380
9515	4	12	50,890	9532	4	15	18,550	9704	6	29	17,670
9516	4	12	5,420	9591	4	2	17,440	9706	6	29	18,470
9521	4	13	16,330	9603	5	4	16,920	9707	6	29	17,380
9540	4	15	18,490	9607	5	5	18,070	9708	6	29	17,360
9577	4	22	17,110	9615	5	9	12,830	9719	7	2	16,230
9580	4	23	17,920	9643	5	16	18,020	9747	7	12	52,130
9582	4	26	17,800	9662	5	26	10,570	[redacted]			
9587	4	27	18,210	9677	6	6	17,560	9698	6	14	17,230
9588	4	29	17,990					9680	6	7	17,120
9589	4	30	18,200					9672	6	2	17,380
9595	5	3	18,050					9661	5	24	16,990
9614	5	9	18,060					9659	5	21	17,550
9617	5	10	17,910					9661	5	20	10490
9635	5	13	17,200					9646	5	17	18520
TOTAL			333,190				147,300	FEED			141 620
								SEED			115.284

	GRADE	TEST	DISC	DOCKAGE	NET WEIGHT	BUSHELS	NET PRICE	AMOUNTS
Steptoe - Seed					448,410			27,[illegible]
Kasla - seed					147,300			9,574.50
Steptoe Feed					141,620			7986.72
GROSS AMOUNT								46,455.77
TAX								
OTHER DEDUCTIONS								46,290.60
NET AMOUNT								$ 325.17

#11045 - $10,000.00 - 4-25-83 - Seed
#11049 - 2,000.00 - 4-25-83 - Seed
-2436 #11171 - 8,000.00 - 5-4-83
-2436 #11419 - 7,000.00 - 7-11-83
CHECK NO. 55-2436
#11284 34,270.60 6/16/83 H603 600.00 8-31-83

MICROFILMED
AUG 2 0 1998

FERTILIZERS BLENDING SPREADING

ARCO FEED & FERTILIZER CO.

HAY - GRAIN - COAL - SALT - SEED - APPROVED CLEANING PLANT

PHONE 527-8200 OR 527-8213 - P.O. BOX 10
ARCO IDAHO 83213

No. 2353

DATE 29 August 1983

FOR ACCT. OF Era Flat Farm

SETTLEMENT SHEET

Kaplan Barley				Barley '82				Seed Barley 1982			
SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE		WEIGHT
9080	9	7	350	9178	9	22	5520	9425	2	22	16740
				9218	9	25	4380	9426	2	23	16370
								9427	2	23	15750
TOTAL											48760

	GRADE	TEST	DISC.	DOCKAGE	NET WEIGHT	BUSHELS	NET PRICE	AMOUNT
Barley					10,250#		5.25 cwt	538.12
Barley (Seed)					42,550#		6.50 cwt	2765.75
								3169.40
10565			100				GROSS AMOUNT	3707.52
10608			100				TAX	3748.52
			OTHER DEDUCTIONS					800
CHECK NO.							NET AMOUNT	2948.52

MBF

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AUG 2 8 1985

FERTILIZERS · BLENDING · SPREADING

ARCO FEED & FERTILIZER CO.

HAY · GRAIN · COAL · SALT · SEED · APPROVED, CLEANING PLANT

PHONE 527-8200 OR 527-3113 · P.O. BOX 10
ARCO IDAHO · 83213

No. 2436

DATE 8-31-83

FOR ACCT. OF Era Flat Farm

SETTLEMENT SHEET

Barley 1982				Kamela 1982			Barley 1982		
SCALE TICKET NO.	DATE		WEIGHT	SCALE TICKET NO.	DATE	WEIGHT	SCALE TICKET NO.	DATE	WEIGHT
9774	8	11	65,270	9946	9 10	17,830	9991	8 22	9,000
9775	8	11	66,810						
9776	8	16	66,110						
9779	8	16	56,330						
9787	8	23	7550						
				9876	9 5	2,010			
TOTAL			262 070			17 830			9 000

	GRADE	TEST	DISC.	DOCKAGE	NET WEIGHT	BUSHELS	NET PRICE	AMOUNT
Barley					262 070			1167.59
Barley					17 830			207.40
Barley					9 000			104.40
Barley					2 010		GROSS AMOUNT	1479.39
5-24-83 2000 # 11471							TAX	
7-18-83 2000 # 11429								
8-30-83 600 # 11402					OTHER DEDUCTIONS			5.00
8-31-83 500 # 11424							NET AMOUNT	1474.39

CHECK NO.

MICROFILMED
AUG 2 0 1998

4 FEBRUARY 1998

IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 NO. SKYLINE DRIVE
IDAHO FALLS, IDAHO. 83402

GENTLEMEN;

DURING THE LATE WINTER AND EARLY SPRING OF 1981, I DID SELL AND INSTALL A 1500 FOOT WADE RAIN CENTER-PIVOT SPRINLER SYSTEM TO HERMAN AND ERIC AIKELE PLUS A 1320 FOOT WADE RAIN WHEEL LINE AND A 1320 FOOT LINE OF 3 INCH WADE RAIN HANDLINE. THIS JOB INCLUDED INSTALLATION OF A 60 HP TURBINE PUMP WITH SCREEN TO PUMP FROM A 3 ACRE CATCHMENT POND. THE PIPE INSTALLED WAS 1500 FOOT OF 8 INCH LINE TO THE CENTER PIVOT, 600 FEET OF 6 INCH P.V.C. TO THE 40 ACRES THAT HAD THE WHEEL LINE. ALSO, ACROSS ONE END OF THE 40, I INSTALLED 1300 FEET OF 6 INCH P.V.C.LINE WITH RISER VALVES EVERY 60 FEET

THIS SYSTEM WAS INSTALLED ON LAND PURCHASED BY HERMAN AND ERIC FROM THE E.J. SOELBERG ESTATE IN THE TOWNSHIP 3N RANGE 26 EAST SECTIONS 5, 6, 7 & 8. THEY PAID ME IN FULL FOR THE JOB IN APRIL 1981.

TRULY YOURS,

LEON POWELL

Leon Powell

MICROFILMED
AUG 2 0 1998

Eastern Idaho
Agricultural Credit Association

Idaho Falls Office
P O. Box 50618 - 455 Constitution Way
Idaho Falls, Idaho 83405-0618
208/522-1547
1-800-632-8816

January 30, 1998

Idaho Department of Water Resources
Eastern District Office
900 N Skyline Dr.
Idaho Falls, Idaho 83402

Gentlemen,

On March 4, 1981, Eastern Idaho PCA made a seven year term loan to Herman Aikele for the purchase and installation of a sprinkler system on ground located in T3NR26E Sections 7 & 8. The items purchased where a 1500 ft. Wade Rain pivot, a wheel line, and a hand line. Eastern Idaho PCA secured the loan with the purchased items and a mortgage on the real estate. The loan was handled as agreed and paid in full on January 7, 1987.

Sincerely,

Doug

Doug Eck
Loan Officer
EIACA, Idaho Falls Office

MICROFILMED
AUG 2 0 1998

Arcs (3)

DATE READ	REMARKS	READINGS	KWH USED	✓	NET SALE
BOUGHT FEB.					
DEC.		6153	0		—
NOV.		6153	0		—
OCT.		6153	2290		25 56
SEPT.		5924	4620		81 54
AUGUST		5442	1370		15 69
JULY		4345	10570		179 69
JUNE		3283	4460		75 32
MAY 26	2842	2842	0		—
APRIL				✓	1620 50
MARCH					
FEB.					
JAN.					
TOTAL			33103		1 60

DATE 9 - 1

* Reduction based on actual cost construction.

CONSUMERS LEDGER FI 188 TIPP PRESS INC., SHELBYVILLE, IND

Coop# 569

1981

MICROFILMED
AUG 20 1998

REA FORM 11-FEB CC 5

NAME Aikele, Herman - Irrigatio

ADDRESS Arco (B)

READING DATE _____ DUE DATE _____

DATE READ	REMARKS	READINGS	KWH USED	✓	NET SALE
BROUGHT F'RD					
DEC.		9005	0		—
NOV.		9005	0		—
OCT.		9005	590		10 03
SEPT.		8946	1430		24 14
AUGUST		8804	10500		178 50
JULY		7754	14630		248 71
JUNE		6291	1380		23 46
MAY 5	6153	6153	0		—
APRIL		6153	0	✓	610 50
MARCH		6153	0		—
FEB.		6153	0		—
JAN.		6153	0		—
TOTAL	6153		31523		1115 24

METER RECORD

NUMBER	AMPS.	DATE SET	DATE REMOVED	NUMB
10-270-313	30	5-26-81	2-20-83	480

* Reduction based on addition

Pd 12.50 Cr. for IV-32-10B-83

Coop # 569

1982

MICROFILMED

JUN 2 0 1998

Arco % Herman Aikele (B)

DATE READ	REMARKS	READINGS	KWH USED	√	NET SALE
BOUGHT F'RD.					
DEC.		01440	-		—
NOV.		01440	0		—
OCT.		01440	1187		26 11 115 45
SEPT. 13	9003 10-2	00253	1393		34 40
AUGUST		0897	9940		258 44
JULY		9903	7060		183 56
JUNE		9197	1920		49 92
MAY 17	9005	9005	0	*	—
APRIL		9005	0	✓	869 10
MARCH		9005	0		—
FEB. 20	9005				
JAN.					
TOTAL			21430		1266 27

DATE 1395.42

16.50 underbilling in apr. becaus
of reduction in E.P. in 1982 perLR

CONSUMERS LEDGER FI 188 TIPP. PRESS INC., SHELBYVILLE, IND

Coop # 569

1983

MICROFILMED

MAR 20 1998

CONSOLIDATED TAX NOTICE AND RECEIPT

BUTTE COUNTY TREASURER, LORI BECK 1983
P.O. BOX 121, ARCO, ID. 83213
(208) 527-3047 REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
9,046 9,046L	4-00	RP03N26E083000	1349

S2NW4
NW4NW4
SEC 8

EFA FLAT

9C 120.000 AIKELE, HERMAN
& AIKELE, ATHA

DELINQUENT CERT

MOORE, ID 83255

TAXING DISTRICT	RATE	AMOUNT
STATE		
COUNTY	.002386	21.58
SCHOOL #111	.004626	41.86
CEMETERY	.000039	.36
FIRE	.000567	5.14
LIBRARY	.000431	3.90
HOSP DIST	.000533	4.82
HOSP 67		
LOST RIVER REC	.000596	5.40
TOTAL	.009178	83.06

#145 6-18-84

RECEIPT

FULL PAYMENT
TAX 83.06
PEN
SUB TOT
INT
TOT

1ST INSTALLMENT
TAX 41.53
PEN #135
SUB TOT 12-19-83
INT
TOT

2ND INSTALLMENT
TAX 41
PEN
SUB TOT
INT
TOT

LEVY SHEET AVAILABLE IN MY OFFICE.
PLEASE READ BACK OF TAX NOTICE---THANK YOU

CONSOLIDATED TAX NOTICE AND RECEIPT

BUTTE COUNTY TREASURER, LORI BECK 1983
P.O. BOX 121, ARCO, ID. 83213
(208) 527-3047 REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
17,230 17,230L	4-00	RP03N26E070100	1344

NE4 EXCEPT THE WEST 454'
SEC 7

EFA FLAT

9C 132.490 AIKELE, HERMAN
& AIKELE, ATHA

DELINQUENT CERT

MOORE, ID 83255

TAXING DISTRICT	RATE	AMOUNT
STATE		
COUNTY	.002386	41.12
SCHOOL #111	.004626	79.72
CEMETERY	.000039	.68
FIRE	.000567	9.78
LIBRARY	.000431	7.44
HOSP DIST	.000533	9.18
HOSP 67		
LOST RIVER REC	.000596	10.28
TOTAL	.009178	158.20

#135 12-14-83

#145 6-18-84

RECEIPT

FULL PAYMENT
TAX 158.20
PEN
SUB TOT
INT
TOT

1ST INSTALLMENT
TAX 79
PEN
SUB TOT
INT
TOT

2ND INSTALLMENT
TAX 79.10
PEN
SUB TOT
INT
TOT

LEVY SHEET AVAILABLE IN MY OFFICE.
PLEASE READ BACK OF TAX NOTICE---THANK YOU

MICROFILMED
DEC 21 1988

TAX COLLECTOR'S RECEIPT

BUTTE COUNTY, IDAHO

No. 10[illegible]

Arco, Idaho 6-20, 1983

RECEIVED FROM Herman & Atha Aikele

Moore, Idaho 83255

The full amount of all State and County, School, Highway District and other taxes for the year 1982 due upon the following described property as shown in the Assessment Rolls for Butte County, is:

PERSONAL PROPERTY	No.	Value
Furn. and Fixtures		
Machinery		
Mobile Homes		
Net Profit of Mines		
Trucks		
Signs & Signboards		
Not Otherwise Classified		
Total Pers. Prop.		
Total Real Prop.		
TOTAL VALUE		
Exemptions		
TOTAL FOR TAX'N		
Full Market Value		$ 17230

REAL PROPERTY	Sec. Lot Block	Twp. N.	Range E.B.M.	VALUE
NE¼ except W 454'	7	3	26	
Total Real				

TAXING UNITS	Amount
State	
County	34 89
City of Arco	
City of Moore	
City of Butte City	
Class "A" Sch. Dist. No. 111	79 59
Class "B" Sch. Dist. No. 182	
Fire Dist.	10 11
Weed Charge	
Cemetery	1 26
County Library	7 29
Hospital Bond '67	2 55
Hospital Dist.	30 19
Solid Waste	
TOTAL TAX	165 88
Amount Delinquent	
Penalty	
Interest	
Costs (Adv.)	
TOTAL PAID	

1982

Your Taxes Are Not Paid for the Years
1979 1980 1981

No..... No..... No.....

Received Payment Lori Beck
BESSIE K. TAYLOR, Tax Collector

By ..... Deputy.

XTON PRINTERS, CALDWELL, IDAHO 146712

NOTICE: THIS RECEIPT NOT VALID UNTIL CHECK IS CLEARED

MICROFILMED
AUG 2 0 1996

TAX COLLECTOR'S RECEIPT

BUTTE COUNTY, IDAHO

No. 1057

Arco, Idaho 6-20, 1983

RECEIVED FROM Herman & Atha Aikele

Moore, Idaho 83255

The full amount of all State and County, School, Highway District and other taxes for the year 1982 due upon the following described property as shown in the Assessment Rolls for Butte County, is:

PERSONAL PROPERTY	No.	Value	REAL PROPERTY	Sec. Lot Block	Twp. N.	Range E.B.M.	VALUE
Furn. and Fixtures			S½NW¼; NW¼NW¼	8	3	26	
Machinery							
Mobile Homes							
Net Profit of Mines							
Trucks							
Signs & Signboards							
			Total Real				

TAXING UNITS	Amount
State	
County	18 32
City of Arco	
City of Moore	
City of Butte City	
Class "A" Sch. Dist. No. 111	41 78
Class "B" Sch. Dist. No. 182	
Fire Dist.	5 31
Weed Charge	
Cemetery	66
County Library	3 83
Hospital Bond '67	1 34
Hospital Dist.	15 85
Solid Waste	
TOTAL TAX	87 09
Amount Delinquent	
Penalty	
Interest	
Costs (Adv.)	
TOTAL PAID	

1982

Not Otherwise Classified		
Total Pers. Prop.		
Total Real Prop.		
TOTAL VALUE		
Exemptions		
TOTAL FOR TAX'N		
Full Market Value		$ 9046

Your Taxes Are Not Paid for the Years 1979 1980 1981

No..... No..... No.....

Received Payment Lori Beck

~~BESSIE K. TAYLOR~~, Tax Collector

By ..... Deputy.

AXTON PRINTERS, CALDWELL, IDAHO 140718

NOTICE: THIS RECEIPT NOT VALID UNTIL CHECK IS CLEARED

MICROFILMED

AUG 20 1998

Leon Powell
box 604
Moore ,Id 83255

To whom this may concern

I Leon Powell, dba as Leon Powell Irrigation in 1977, did design and install an irrigation system on Herman Aikele,s farm using a deep well as a source of water. It was determined that he needed 286 heads at 6.5 GPM (1859 GPM total water).At that time there was enough water in the well to pressurize the system according to the design.

The system was designed to be capable of catching up if for some reason there was a failure in applying the needed amount of water to the crop being grown. This is a safety factor I normally design into every system I installed. There are a number of causes of failure in applying proper amounts of water.Equipment failure,electrical failure, climatic conditions,ect.

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DEC 0 2 1992

Leon Powell

MICROFILMED

I had my irrigation well drilled in 1976 for two reasons:

No. 1 - I was shopping for an additional acreage on the Era Flat because my brother, Juel, meeded the 120 acres that I was farming by his place so that he could improve his irrigation system. The well that I owned with Gerald Stewart was dedicated to that 120 acres and would go with it when I sold it to Juel.

No. 2 - It is almost impossible to do a top notch job of farming in the Lost River valley when depending on the Big Lost River Irrigation District for water delivery. In at least three out of four years, they do not get water into the canals soon enough to keep adequate moisture on alfalfa hay or spring grain to avoid stressing the crop. This stress can easily cost one ton of hay on alfalfa and 30 to 50 bushel of grain reduction on spring grain. So, I needed the well for that important first irrigation.

It is difficult to justify a thirty thousand dollar irrigation well for one irrigation on 174 acres. That is one of the reasons I looked for more land on which to use the well for the balance of the season. Once the irrigation district got water into the canals I could get along fine with my river decrees and if needed, supplement the decrees with storage water that has always been easy to purchase from people who do not need their allocation. During 1977, 78, and 79, I used the well as my sole source of water on my district farm (174 acres). I could usually go over the 174 acres in 7 days with 12 hour sets, and then drop the well water into the Aikele canal to take to my Era Flat property for 3 to 4 days. The remainder of the irrigation on Era Flat was being accomplished with my river decree and some storage water.

In 1980 my son Eric and I purchased 220 acres of the Soelberg property out in twnshp 3, R.26 E, in section 5, 6, 7, and 8, to which my well was then dedicated. We were , of course, rotating the well with my decree and storage since we had the well plumbed into my overhead irrigation system on my district farm.

Recognizing that there was pppposition to my using any storage water on the flat, in 1980 I had Leon Powell install a 75Hp. turbine pump at my well site with which I could pump the river water into my farm system, and, if necessary, drop the pump water into the canal. In actuality, the canal pump was used at times when river water was available and we did not need the well water. Usually this occured

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DEC 0 2 1992

[redacted] when there was an abundance of river water available and again in late August and early September after the need for irrigation was slacking off. It was more economical to pump with the 75 Hp. canal pump than to operate the 125 Hp. well. With the well and the canal pump I was able to have adequate water until the drought lowered my water table from 30 ft. to 110 ft.. The well was producing about 200 inches (4 cfs). When it was checked in 1990 by water resources, the flow was down to just a trifle over 2 cfs., I think 102 inches. This was after four years of the worst drought that ever hit the valley since irrigation begun in 1879. As production of the well has lowered, I have purchased additional storage water to supplement that decrease in flow. At the present time, I must purchase enough storage to irrigate my district farm - 174 acres. This requires about 15000 inches of storage and I then use the well andmy river decrees to irrigate the Era Flat property. Therefore, it is critical that I be allowed to use the well on my out of district land, and that the well be licensed for the 200 inches that it did produce before the drought.

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DEC 02 1992

MICROFILMED
AUG 26 1992

2-14-92

TO WHOM IT MAY CONCERN:

During the summer of the years 1977 and 1978, I was employed on the Herman Aikele farm and one of my responsibilities was moving his seven wheel lines twice daily. Three of them were one quarter mile in length and three were 3/8 mile long and one additional 3/8 mile line below his yard was probably 400 feet short because of the farmstead. All of them were pressurized at 60 - 65 p.s.i. and operated at the same time.

BLAKE WILLIS
Instructor at RICKS COLLEGE
AGRICULTURAL DEPARTMENT

TO: D34-07164

MICROFILMED
DEC 0 2 1992

MICROFILMED
AUG 20 1978

Jack Cushman Drilling & Pump Co.
1405 SOUTH BROADWAY - BLACKFOOT, IDAHO 83221 - (208) 785-1588

March 13, 1992

Herman Aikele
Rt. 1 Box 61
Moore, Idaho 83255

SUBJECT: Television Survey

Dear Mr. Aikele:

This letter is in regards to our telephone conversation on 3/13/92 discussing your well. After checking into our records further we found that our company, Jack Cushman Drilling, Inc. did run our television down your well on 7/2/87 and was paid-in-full on the same date.

If you need any further information, please feel free to contact me at our office.

Thank you,

BCushman

Bob Cushman, Vice-president
JACK CUSHMAN DRILLING, INC.

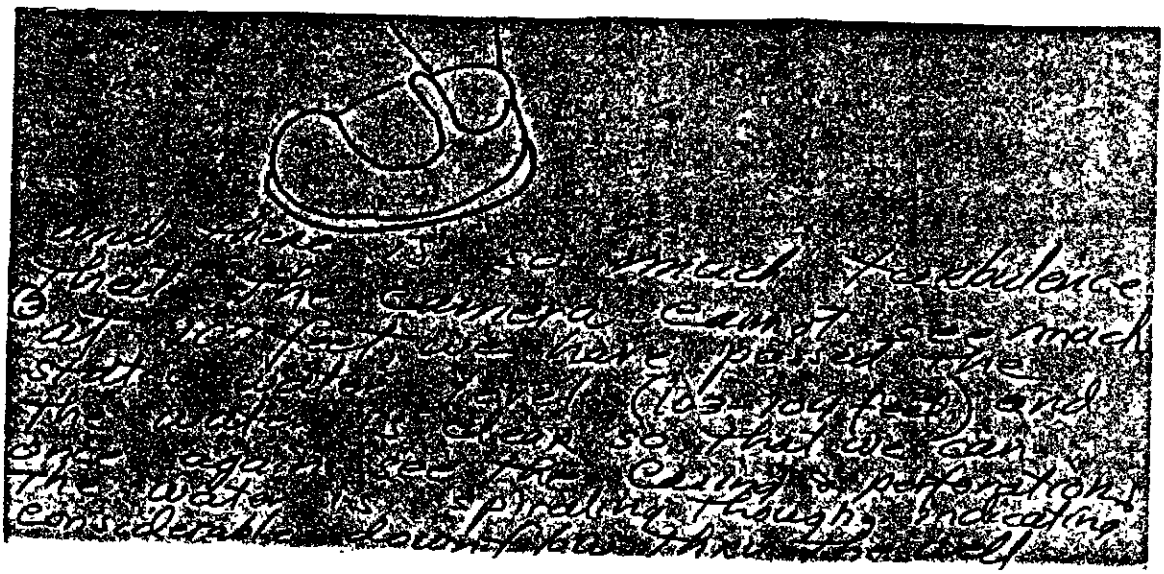
BC/mj

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DEC 0 2 1992

Schematic drawing of area of the Video Casset Film shows, in early July 1987.

① - Some water will be seen seeping from the perforations at about 40 feet

② At 75 feet the water is shooting clear across the BOP casing from perforations on well side of the well. By the time it reach 82 feet the well is full of water.



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DEC 0 2 1992

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AUG 2 6 1988

CONVERSATION MEMORANDUM

DATE: FEBRUARY 23, 1993

FILE: A34-07164 AND A34-12417 (CONFIDENTIAL)

NAME OF PARTY: HERMAN AND ERIC AIKELE

EMPLOYEE: ERIC VERNER EV

RE: DIVERSION RATE AND PLACE OF USE RECOMMENDATIONS

See file for notice of error discussions regarding the diversion rate recommendation for 34-07164. I told Herman that we did not change the recommendation because the licensed diversion rate was not changed by allocations. Jim and I had discussed this issue and I had sent Jim (Johnson) all the information that Herman had submitted as part of the Notice of Error process. Jim was reluctant to change the recommendation and wanted time to look at it more closely. I did not receive an answer regarding this matter from Jim by the filing deadline for the Director's report. The recommendation for Herman's claim was not changed and was recommended as the license was issued. I assumed that Herman would file an objection and we could revisit the issue then. This is what Herman is going to do.

The recommended place of use for 34-07164 did not include some additional land historically irrigated by the system. Right 34-12417 was recommended as a 2nd presumption expansion of license 34-07164 and includes a 394 acre permissible place of use. I told Herman that he would need to file an objection on 34-07164 if he wanted the same permissible place of use as 34-12417. I sent a memo to Lynne mentioning the problem. It appears to be an error on our part since 34-07164 should have been recommended with a permissible place of use with expansion claim 34-12417 and it should have also had remark K01 (I did not mention this information to Herman). I also pointed out the combined diversion remark limiting 34-07164 and 34-12417 to 2.04 CFS. Herman mentioned that he would be objecting to this limitation also.

I gave them 3 objection form with the instruction sheet. Herman mentioned that he might try to fill it out him self or have Kent Foster complete them. I stressed the importance of getting them to Twin Falls by the 1rst and not just post marked by the 1rst.

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AUG 20 1998

From: DWR70::VERNER 23-FEB-1993 16:01:51.56
To: DWR03::SHAFF
CC: CARLSEN,VERNER
Subj: 34-07164 & 34-12417

Don

I have discovered an error with right 34-07164. During the notice of error process the owner, Herman Aikele, filed 34-12417 as a 2nd presumption expansion of license 34-07164. We recommended 34-12417 as it was claimed with a permissible place of use, etc... The problem is that I did not change the recommendation for 34-07164 to show the permissible place of use and I did not include remark K01. Mysteriously I did put in the combined diversion rate limitation...

I didn't tell Herman that we made a mistake but that if he wanted both rights to show a common permissible place of use, he should file an objection. I think he will do so, so maybe we can correct the problem then.

Our customer traffic from Basin 34 is picking up (are we surprised)... Nothing like the last minute!!!!

Eric

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S V. Kee
4-1-96

Notes from phone conversation with Herman Aikele

- Water from the BLRID + decreed surface water rights are the primary source for the "home place" (the POU for 34-07164). GW is used early + late in the irrigation season
- The 125 h.p. well pump discharges into a ditch and water is pumped out + system pressurized with a 75 h.p. pump.
- System on the home place is 3 - 1/4 mile wheel lines and 4 3/8 mile lines all operated at once. (needs about 3.00 cfs)
- Water from the well is also run 6 miles to Era Flat under their SRBA expansion claim. Loss is about 15%. GW is ~~the primary supply for~~ the Era Flat land. commingled with SW rights for

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22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS
AMPAD

RECEIVED
JUL 15 1998
Department of Water Resources

June 19, 1998

Herman Aikele
3477 W. 2700 N.
Moore, ID 83255

Mr. Aikele,

This report is the summation of data collected from the pump test on June 8, 1998, conducted by ID Tech, Inc .

Pump Location and Description

The pump (serial # 1084111) is located on the Aikele's farm at 3477 W 2700 N Moore, ID next to REA Pole #345 The 125 hp pump uses a 10 inch open discharge to feed water into a stilling pond that is connected to the nearby ditch

Ground water levels

The static water level is 67.0 ft (measured from the top of the concrete pump pad)
The operating water level is 81 0 feet

Flow Measurements

Flow rate was tested using our Fuji Portaflow Ultrasonic Meter (serial #115L3141) with the FLD120 transducer The flow rate for the pump, based on a ten minute average, is 2318 1 gal/min

If you have any questions, please don't hesitate to call

Regards,

Tom Rackow

ID Tech, Inc
PO Box 427
Blackfoot, ID 83221
208-782-0498

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AUG 20 1998

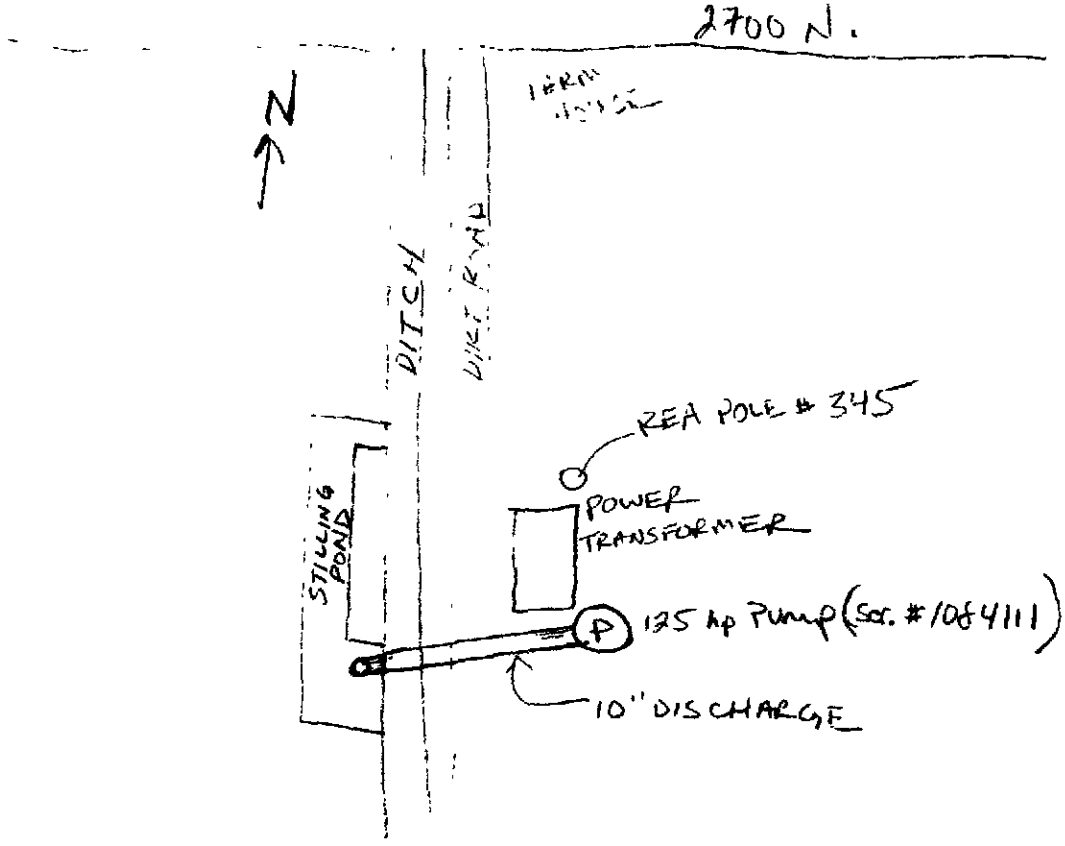
3477 W. 2700 N. Moore, ID.
~~EIKELEY~~ AIKELE PUMP TEST 6/8/98

REA #345

125 hp Pump Serial #1084111
10" open discharge to pond (10.00" O.D., 0.0625" wall)

Static water level = 67.0 ft. (measured at Top of pump-pad)
operating water level = 81.0 ft

FUJI ULTRASOUND w/ FLD120D Transducer



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JUN 20 1998

AIKELE
PUMP TEST
6/8/98

98-06-08 14:[illegible]
+9.782E+0 ft/s
+2.330E+3 gal/m
+TOTAL 0002840 gal
ABNORMAL

98-06-08 14:01:26
+9.715E+0 ft/s
+2.319E+3 gal/m
+TOTAL 0005174 gal
ABNORMAL

98-06-08 14:02:26
+9.799E+0 ft/s
+2.339E+3 gal/m
+TOTAL 0007509 gal
ABNORMAL

98-06-08 14:03:26
+9.760E+0 ft/s
+2.330E+3 gal/m
+TOTAL 0009836 gal
ABNORMAL

98-06-08 14:04:26
+9.776E+0 ft/s
+2.333E+3 gal/m
+TOTAL 0012161 gal
ABNORMAL

98-06-08 14:05:26
+9.719E+0 ft/s
+2.320E+3 gal/m
+TOTAL 0014487 gal
ABNORMAL

98-06-08 14:06:26
+9.753E+0 ft/s
+2.328E+3 gal/m
+TOTAL 0016808 gal
ABNORMAL

98-06-08 14:07:26
+9.708E+0 ft/s
+2.317E+3 gal/m
+TOTAL 0019125 gal
ABNORMAL

98-06-08 14:08:26
+9.694E+0 ft/s
+2.314E+3 gal/m
+TOTAL 0021440 gal
ABNORMAL

98-06-08 14:09:26
+9.693E+0 ft/s
+2.313E+3 gal/m
+TOTAL 0023752 gal
ABNORMAL

98-06-08 14:10:26
+9.666E+0 ft/s
+2.307E+3 gal/m
+TOTAL 0026067 gal
ABNORMAL

98-06-08 14:11:26
+9.681E+0 ft/s
+2.311E+3 gal/m
+TOTAL 0028378 gal
ABNORMAL

98-06-08 14:12:26
+9.686E+0 ft/s
+2.311E+3 gal/m
+TOTAL 0030690 gal
ABNORMAL

AVG GPM
=2318.1

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JUN 2 5 1998

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 17, 1997

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Water Right Nos. 34-02429, 34-07164, and 34-07457

Dear Kent.

In response to your request I have prepared the enclosed timeline of events relating to water rights 34-02429 and 34-07164 and application 34-07457 in the name of Herman Aikele. You and I discussed two issues related to these filings First, Mr Aikele has questioned the diversion rate on license 34-07164 Second, Mr. Aikele has asked whether application 34-07457 can be approved. I will take this opportunity to comment on those two items.

Before proceeding, however, I should note the fact that the SRBA court has set a January, 1998, trial date for right 34-07164 and related claims. **Nothing in this letter should be construed as amending or changing Water Right License 34-07164 or IDWR's recommendations to the SRBA court in the matter of claim 34-07164.**

License 34-07164

Mr. Aikele asserts that the diversion rate of 2.04 cfs on licensed right 34-07164 is erroneous because the rate was measured in the midst of the 1988 - 1994 drought, which caused the water level in his well to decline significantly. Mr. Aikele's personal measurements of the static water levels in the well appear to support his position. However, static water levels measured before irrigation has begun in the spring are not necessarily indicative of operating conditions during the irrigation season. Dynamic pumping levels during the irrigation season can be substantially different than static water levels measured in April. Moreover, the 2.04 cfs measurement is corroborated by the water district measurement of 2.22 cfs in 1994. The two measurements differ by less than ten percent.

The water district measurement resulted in the calculation of a power consumption coefficient (PCC) for Mr. Aikele's pump motor According to Scott King, an engineer with IDWR's Water Distribution Section, the coefficient of 588 kwh/af is high when compared to other nearby pumps. The high PCC indicates the possibility of low system efficiency, high pressure or lift, or a flow

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AUG 20 1998

measurement problem. Given the consistency of the two measurements on record, it seems unlikely that the problem is with the flow measurement.

Mr. Aikele apparently wants IDWR to re-evaluate his diversion system and to amend his water right license. In order to maximize our efficiency and to be responsive to needs of the many water appropriators in Idaho, IDWR strives to complete its beneficial use field examinations in one site visit. To the best of my knowledge, the examination fee structure is based on the single-visit concept. In addition, re-examinations are complicated by the fact that irrigation systems tend to be modified over time It can be very difficult to guarantee that the irrigation system has not been modified to improve performance in the period after the initial examination. Consequently, we conduct re-examinations only when completely convinced that the initial examination was in error and that the diversion system is the same or is virtually identical to the system in place during the initial examination. Post-licensing re-examinations are extremely rare

One avenue available to Mr Aikele is a re-examination by a private certified water right examiner. Once complete, the certified examiner's report could be compared to the field report completed by IDWR staff in 1990 For IDWR to consider an amended water right license, the certified examiner's report would have to demonstrate that IDWR made an error, i. e that Mr. Aikele's diversion is substantially greater than the licensed diversion rate and that the current rate is consistent with the rate of diversion during the development period authorized by the permit. To that end, the report will have to contain an analysis of historical information as well as an analysis of the current system. If Mr. Aikele decides to retain a certified water right examiner to analyze his irrigation system, I will be happy to review the examiner's report. A list of certified water right examiners can be obtained from IDWR

Application 34-07457

Application 34-07457, which proposes the diversion of an additional 5 38 cfs from ground water for irrigation purposes, is still subject to the provisions of the moratorium in place across Eastern Idaho. Under the terms of the moratorium, applications proposing the development of a new consumptive use of water will not be processed at this time unless the applicant provides a supply of water to mitigate the proposal's potential injury to other water rights.

Please note, however, that Mr. Aikele filed Snake River Basin Adjudication claim A34-12417 to cover the same land indicated as the place of use on application 34-07457. Claim A34-12417 is based on the provisions of Section 42-1426, *Idaho Code*, which waives the mandatory permit requirement for certain water uses enlarged in violation of the permit requirement. The claim provides an opportunity for Mr. Aikele to pursue a valid ground water right for the lands he proposes to irrigate under application 34-07457. It is important to note, however, that while Section 42-1426, *Idaho Code*, provides for the enlargement of the irrigated land base, it does not

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AUG 20 1998

provide for the enlargement of the diversion rate beyond the rate authorized by the associated licensed right, which is 34-07164 in this case.

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

Respectfully,

Shelley Walter Keen

Shelley Walter Keen
Water Rights Supervisor

c: Susan Hamlin
Norm Young

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AUG 20 1998

Timeline of Events
Licenses 34-02429 & 34-07164, and Application 34-07457

June 22, 1961 Herman Aikele and Gerald Stewart filed application 34-02429 for the use of ground water to irrigate 295 acres in the W½ of S20, T4N, R26E.

June 29, 1961 IDWR approved application 34-02429.

January 21, 1974 License 34-02429 was issued for the irrigation of 281 acres in the W½ of S20, T4N, R26E.

December 14, 1976 Herman Aikele filed application 34-07164 for the use of 4.07 cfs of ground water to supplement the irrigation occurring in the W½ of S20, T4N, R26E, and to provide a ground water source for lands in the E½ of S31, T4N, R26E.

November 17, 1981 IDWR approved application 34-07164

January 5, 1984 Herman Aikele filed application 34-07457 for the use of 5.38 cfs of ground water to irrigate 202 acres in Section 5, 6, 7, and 8, T4N, R26E The application was not immediately processed due to the Swan Falls litigation.

April 6, 1984 IDWR approved transfer 2991 moving Herman Aikele's 2.78 cfs of right 34-02429 to the E½ of S31, T4N, R26E. This portion of the right was renumbered to 34-02429B.

Also on this date, IDWR approved an amendment of permit 34-07164 removing 122 acres in the E½ of S31, T4N, R26E, from the place of use and adding 17.5 acres in SE¼NW¼, S8, T3N, R26E, to the place of use. At this point permit 34-07164 was the only ground water right appurtenant to Herman Aikele's lands in the W½ of S20, T4N, R26E, and right 34-02429B was the only ground water right appurtenant to Herman Aikele's lands in the E½ of S31, T4N, R26E

June 25, 1985 Herman Aikele filed proof of beneficial use for permit 34-07164. In prior conversations with me, Mr Aikele has asserted that for some reason he was not allowed to file proof of beneficial use for 34-07164 at some point in the process. While it is strictly conjecture on my part, it is possible that filing proof of beneficial use in the spring of 1984 would have complicated the amendment application he filed. Had he filed proof in the spring of 1984, Mr. Aikele may have had to wait for a field examination to take place and a license to be issued before he could apply to transfer a portion of the right. By waiting to file proof, Mr. Aikele allowed the amendment to be processed in time for the 1985 irrigation season.

Mr Aikele also submitted a proof of beneficial use statement for application 34-07457 at this time. It was kept in the water right file for later use if the application were ever to be approved.

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AUG 20 1998

Timeline of Events – Page 2

April 13, 1989 Application 34-07457 was advertised. Subsequent to the advertising, processing of the application was delayed by IDWR's investigation of water use controversies in the Big Lost River basin.

November 30, 1989 After being notified that application 34-07457 had not been approved and that irrigation of the place of use identified on the application was in violation of the mandatory permit requirement, Herman Aikele was sent an Order to Cease and Desist "the irrigation of all lands for which the right to irrigate does not exist."

July 26, 1990 IDWR staff conducted the field examination for permit 34-07164. The examiner verified the irrigation of the permitted place of use, but measured a diversion capacity of only 2.04 cfs.

December 6, 1991 IDWR issued license 34-07164 for 2 04 cfs

May 15. 1992 Director Higginson of IDWR issued a formal moratorium order on new consumptive water right permits within the Snake River Basin upstream from Weiser.

September 12, 1994 Water District 34 measured 2.22 cfs being diverted from Herman Aikele's well.

October 11, 1997 IDWR received a letter from Herman Aikele in which he outlines the development of his water use from his perspective. The letter includes some water level measurements for Mr. Aikele's well. Mr. Aikele later called and told me that the measurements are static water levels in April of the years indicated in the letter. He said he measured the water levels himself.

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AUG 20 1998

SD-4120-2 Idaho Department of Water Resources Date: 12/17/97
Comment Inquiry Time: 11:15:24

Water Right Number: 34-07164

Comment Date: 5/20/1992 User ID: VERNER

Subject: NOTICE OF ERROR

CLAIMANT SUBMITTED 2ND PRESUMPTION, EXPANSION CLAIM 34-12417 FOR ADDITIONAL ACRES IRRIGATED FROM THIS SYSTEM SINCE 1981 WHICH CAME AFTER PROOF OF BENEFICIAL USE WAS FILED FOR THIS PERMIT. I RECOMMENDED THE EXPANSION CLAIM AS CLAIMED. I CHANGED STANDARD REMARKS FOR 34-07164 TO ADD K06, K01 AND COMBINED RIGHT REMARK LIMITING 34-07164 AND 34-12417 TO 2.04 CFS AND 740.4 AFA. ALSO ADDED CONDITION CODE C05 TO 34-07164. CLAIMANT ALSO SUMITTED NOTICE OF ERROR IN DISAGREEMENT WITH DIVERSION RATE. IN MEETINGS WITH HE AND KENT FOSTER ON 4/23 I TOLD THEM THAT I WOULD SEE IF THE WR SECTION WOULD CHANGE THE LICENSED DIVERSION RATE. SUBSEQUENTLY I TALKED WITH JIM JOHNSON AND DISCUSSED THE SITUATION. CLAIMANT SUBMITTED ADDITIONAL

(Enter=Continue/Exit) (GOLD4=Prev) (GOLD5=Next) (GOLD8=Cancel)

From IDWR's adjudication database.
The Notice of Error was followed in 1993 by an objection to IDWRs recommendations concerning claim 34-07164. The objection includes [redacted] the diversion rate as a point of objection.

S.W. Keen
12/17/97

MICROFILMED
AUG 2 0 1998

SD-4120-2 Idaho Department of Water Resources Date: 12/17/97
Comment Inquiry Time: 11:15:37

Water Right Number: 34-07164

Comment Date: 5/20/1992 User ID: VERNER

Subject: NOTICE OF ERROR

INFORMATION REGARDING THE HISTORICAL USE OF THE WELL, TRYING TO SHOW THAT THE CAPACITY OF THE WELL IS GREATER THAN 2.04CFS. JIM SAID HE WOULD REVIEW THE INFORMATION AND COME TO SOME KIND OF A DECISSION. I HAVE BEEN TRYING TO CONTACT JIM, BUT HAVE NOT AS OF 5/20/92. GIVEN THIS, I DID NOT CHANGE THE RECOMMENDED DIVERSION RATE. IT WILL BE LEFT AS LICENSED.

(Enter=Continue/Exit) (GOLD4=Prev) (GOLD5=Next) (GOLD8=Cancel)

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AUG 2 0 1998

PRESENTATION OF MY FARM HISTORY AND REASONS FOR MY OBJECTIONS

RECEIVED
OCT 17 1997
Department of Water Resources

I was honorably discharged from the U.S.Navy on 13 May 1946. During the summer and fall of 1946, I worked for my father on his farm. In 1947, I negotiated a purchase from my father of 185 acres of farmland which had with it a water right of 85 inches of 20 May 1884, 30 inches of 1 June 1883 and 23 inches of 27 March 1899. This 1899 right is not much more than a flood water right most years, but it does carry a little storage water. This leaves me with 115 inches of dependable water. If you subtract from that the usual BLRID canal shrink of 25%, it leaves me with 86 inches of water with which to irrigate 185 acres. In view of this shortage, I bought storage water and participated in two co-op wells to adequately irrigate my farm.

In 1976, I finally decided to go for my own well. I received a well permit dated 14 December 1976 and by years end my well was drilled and a 125 hp. irrigation pump installed. (The original used pump that we installed was powered by a 200 hp motor.) (We were only using 125 hp so in order to save on the Electric Co's demand charge we traded for a 125 hp motor as soon as we found one.)

In 1977, knowing that I had a good well producing over 4.0 cfs., I contracted the installation of a sprinkler system on my 185 acre farm in township 4, R26E Section 20. This system consisted of seven wheel lines - three were 1300 feet in length and four of them were 1960 feet long. These seven wheel lines had a total of 297 sprinkler birds. Using 11/64" nozzles, my irrigation pump would pressurize the entire system to 65 psi. In order to utilize my decreed river water, I installed in 1979 a 75 hp. turbine pump to pump my river water from the canal into my sprinkler system.

In 1980, having proven the dependability of my deep well (285 ft. deep) and having some excess water, I, with my son, Eric purchased 212 acres of land from the E.J. Soelberg Estate five miles south of my home farm. We received easements from my brothers Don & Juel to transport our water through their farms to our farm located in township 3, R26 EBM, Sections 5, 6, 7, and 8. We knew that there would occasionally be some waste water from Don & Juel's farms that would reach our farm and because of this we constructed a catchment pond that holds about six acre

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AUG 20 1998

feet of water. Into this pond we installed a 60 hp. turbine pump to pressurize a 170 acre center pivot and two 1300 foot wheel lines. The plumbing for this system consisted of a 1500 ft. 8" pipe to the center pivot and a 1320 ft. X 6" mainline with valves for the wheel lines. This system was completely in place by 1 April 1981, along with debts incurred to finance the project.

With the crop planted, we prepared our beneficial use application and went to the Idaho Falls office of IDWR to file the application. At their office we were told that we could not file immediately (first year), but must file within five years. Not knowing what lay ahead, we accepted that and filed the papers in May 1985. Instead of being advertised promply (within 60 days) as had been done in prior years, the advertising was done in February 1989 - - - three years and eight months after it was received by IDWR. This advertising attracted 15 protests, none of which were filed timely. The well was measured in July 1990 - 5 years into a severe drought, resulting in 2.04 cfs of water which was only one-half of what it produces before the drought.

During 1988, with my well water flow diminishing, I changed sprinkler nozzles from 11/64" to 5/32" to stretch the reduced flow. Then in 1992, I installed a 20 hp. ditch pump to supplement the well and purchased storage water to supply this small pump. With the well and the ditch pump I could pressurize 2/3 of my system and raise a fair crop. With my river water and an occasional day or two with the well, we were able to farm the land in section 3 as well.

Now, in 1997, three years after the drought ended, our water table is back up to around 50 feet and the well is back to pre 1988 production and we have sufficient water to properly irrigate the full 397 acres.

We cite three reasons why the proposed decree should be amended to include the full production of the well that existed prior to 1988 and is once again back to it's original production and it should also be adjudicated to our entire ~~397~~ 394.7 acres that we have been farming and irrigating since April 1981.

A. Had my application been accepted and promptly processed in 1981, this would all have been settled sixteen years ago.

B. Had the filing made in May of 1985 been processed promptly [illegible]

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certain that there would have been no protests and everything would have been in place before the beginning of the drought.

C. Over one-half of my water enters the well beginning at 45-50 feet, however, the main flow from the upper aquifer enters the well between 70-85 ft. This water falls to the static level of the lower aquifer at 105 ft., but it enters the well so rapidly that the well is full of water at the 82 ft. level. This we are able to see in the video tape that Jack Cushman of Blackfoot, Idaho video taped 2 July 1987. During the winter of 87-88, the water table in the well dropped from 45 ft. to the static level of 105 ft. where it remained until July 1994 when it slowly began to return, reaching the 45 ft. level during the summer of 1997.

Following is the water level in my irrigation well No. 34-07164 from 1976 through August 1997:

1976 - - 45 ft.	1983 - - 45 ft.	1990 - - 105 ft.
77 - - 45 ft.	84 - - 45 ft.	91 - - 105 ft.
78 - - 45 ft	85 - - 45 ft.	92 - - 105 ft.
79 - - 45 ft.	86 - - 45 ft.	93 - - 105 ft.
80 - - 45 ft.	87 - - 60 ft.	94 - - 100 ft.
81 - - 45 ft.	88 - - 105 ft.	95 - - 90 ft.
82 - - 45 ft.	89 - - 105 ft.	96 - - 60 ft.
		1997 - - 45 ft.

Water in my house well (125 ft deep) stands at about 35 ft. now. During the drought it fluctuated between 93 and 97 ft. It lies about 3800 ft. north and 300 ft. east of the irrigation well.

Sincerely Yours,

Herman Aikele

Herman Aikele

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JUN 2 0 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 12, 1997

Herman Aikele
3477 W 2700 N
Moore, ID 83255

RE: Water Right No. 34-07164

Dear Herman:

I have reviewed IDWR records to get some perspective related to your request for reconsideration of the rate of diversion for licensed water right 34-07164. Based upon what I have seen in the files, you will have to submit the following items before any further consideration can be given to your request.

1. A written request for IDWR to reconsider the diversion rate at this time

2. Information to indicate that during the period between November 17, 1981, and June 25, 1985, you diverted more than 2.04 cfs from your well and applied it to beneficial use. November 17, 1981, is the date your permit was approved. June 25, 1985, is the date you submitted your proof of beneficial use statement. The information we received in 1992 focused on the period from 1977 to 1980, which is not relevant to this appropriation because it is prior to the date your permit was approved.

3. Information to explain why only 2.04 cfs could be diverted from your well on July 26, 1990. Please bear in mind that IDWR also has water district records indicating your system was measured at only 2.22 cfs on September 12, 1994. You will have to demonstrate that the measured diversion rates were caused by drought conditions, measurement errors, or some other anomalous condition. Perhaps you could provide water level data for a 15 year period beginning around 1980.

4. A statement that you have not changed your diversion system in any appreciable way since the July 26, 1990, measurement. Photographs taken on September 26, 1990, indicate that your pump was pulled at that time. If you made substantial changes to your diversion system to improve your rate of diversion after your beneficial use statement was filed on June 25, 1985, IDWR cannot reflect those improvements on right 34-07164.

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

Respectfully,

Shelley Walter Keen

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED
MAR 25 1997

K:\NAMELTRS\AIKELE.DOC

Table Records (BLWELLS.DBF)

WR_NUMBER	WELL_NO	POLE_NO	OWNER			
34-07164	74	345	AIKELE, HERMAN			
OTHR_NAME			QQQ	LEGAL	DIV_NAME	
			NE	04N26E20SWNW		
MEAS_OPTN	AGREE_OK	SITE_TAG	GPS_FILNAM	LONG	LAT	
2				0.0000000	0.0000000	
ALTITUDE						
0.000						
OTHR_RIGHT						
34-12417						
TOT_WR_CFS	DUP_CFS	TOT_WR_AF	DUP_AF	TOT_WR_ACR	USES	
2.04		740.40		.		
WR_NOTES						
WTRRIGHT						
SYSTEMTYPE					UTILITY	
					LRE	
MOTOR_HP	METER_MFG	METER_SN	METER_MLTP	EXAMINER	MEAS_DEV	MEAS_DAT94
145.0					Sonic	09/12/1994
MEAS_GPM94	MEAS_KW94	MEAS_DAT95	MEAS_GPM95	MEAS_KW95	MEAS_DAT96	
998.0	.	/ /	.	.	/ /	
MEAS_GPM96	GPM96_QUAL	MEAS_KW96	HIGH_CFS	MEAS_PCC95	MEAS_PCC96	
.		.	2.22	0.0	.	
MOTOR_PCC	KWH95_INCL	KWH95_USED	TOT_KWH95	VOL_AF_95	PCC_DAYS95	
588.6	Y	Y	68080	115.7	26	
KWH96_INCL	KWH96_USED	TOT_KWH96	PCCVOLAF96	QMTR_AF_96	PCC_DAYS96	
Y	Y	123840	210.4	.	48	
EST_DAYS96	ESTMTD_SFD	PCC_SFD				
0	0.0	106.1				
COMMENTS						
NOTES	NAME	ACTNO				
	AIKELE/HERMAN	0001803D				
STREET		POLE_NO2	CITY	ST	ZIP	ZIP_F
		345	ARCO	ID	83213	
AREA	MTRNO	MTR_MFG	MOTOR_HP2	KWH_JAN96	KWH_FEB96	KWH_MAR96
	46002282		125	0	0	0
KWH_APR96	KWH_MAY96	KWH_JUN96	KWH_JUL96	KWH_AUG96	KWH_SEP96	
0	0	21040	66640	21360	5840	

Aikele's PCC of 588 kwh/Af is high for his location*, indicating possible low efficiency, high pressure or lift, or flow measurement problem.

* compared to other nearby pumps

MICROFILMED
MAR 2 4 1997

A Norm,

M Here is some correspondence Peter A.
D found while cleaning out old files
B of Lynnes. It relates to the Herman
D Aikele license (34-07164) we recently
amended. Bar code says you have
the file.

S. W. Keen

~ 34-07164

EIVED

0 6 1992

d Water Resources

you made
es and
, 1987,
water in

ıe and
/ use of

nc
th.. ..... and where it has been used.

The claim 34-10780 was primarily the use of waste water from a surface irrigation potato farmer and for which I have no documentation. Beside, that land is now watered by center pivot and there is no waste water.

ENCLOSURES:

Herman Aikele

(1) Statement addressing the well examination conducted on Ausust 21, 1990.

(2) Three testimonials, Leon Powell, Kurt Aikele and Blake Willis concerning production of the well.

(3) My statement as to the necessity of having an irrigation well. Also some of the problems in dealing withe the BLRID.

(4) Copy of Amended Notice of Claim to a water right acquired with State Law.

(5) A copy of my response to SRBA claims of Herman Aikele--Notice of Error.

(6) A copy of my Water Right as recommended in the Snake River Adjudication.

(1)

A STATEMENT FROM MY WATER LICENCE 34-07164

"An examination indicates that the works have a diversion capacity of 2.04 cfs of water from a ground water source.

This examination was made 07-21-1990, 5 years into the worst drought in recorded history and does not represent the

FILMED

August 4, 1992 Reference: Water Right 34-07164

Mr. David Shaw
Dept. of Water Resources
Boise, Idaho 83805

RECEIVED
AUG 0 6 1992
Department of Water Resources

Dear Dave,

When you were in Mackay last spring I believe you made the statement that if we can document well deliveries and place of use of the water in years prior to Nov. 19, 1987, that we would be allowed the continued use of that water in the Snake River adjudication process.

In regard to that, I have talked to you by phone and now submit this information that I feel can prove my use of the resource and where it has been used.

The claim 34-10780 was primarily the use of waste water from a surface irrigation potato farmer and for which I have no documentation. Beside, that land is now watered by center pivot and there is no waste water.

ENCLOSURES: Herman Aikele

(1) Statement addressing the well examination conducted on Ausust 21, 1990.

(2) Three testimonials, Leon Powell, Kurt Aikele and Blake Willis concerning production of the well.

(3) My statement as to the necessity of having an irrigation well. Also some of the problems in dealing withe the BLRID.

(4) Copy of Amended Notice of Claim to a water right acquired with State Law.

(5) A copy of my response to SRBA claims of Herman Aikele--Notice of Error.

(6) A copy of my Water Right as recommended in the Snake River Adjudication.

(1)

A STATEMENT FROM MY WATER LICENCE 34-07164

"An examination indicates that the works have a diversion capacity of 2.04 cfs of water from a ground water source.

This examination was made 07-21-1990, 5 years into the worst drought in recorded history and does not represent the

MICROFILMED
SEP 2 ? 1000

diversion capacity of this facility in normal times. As proof of this statement I submit the following information:

#1 The well was drilled and tested in the fall of 1976. Following that test, Mr. Leon Powell was contracted to design and install an irrigation system using the production of said well. His statement is enclosed. Also the statements of two young men of integrity who did my irrigating in '77, '78 and '79 are enclosed. They are Kurt Aikele, who is my son, and Blake Willis, who is now an instructor at Ricks College.

As evidence that I did begin farming out in Township 3 in 1981, I can produce my purchase contract of the 220 acres from the Earl Soelberg estate. Also, the loan negotiated with Eastern Idaho P.C.A. for the installation of irrigation equipment on the property, both of these transactions having taken place in early 1981.

If needed, I can produce crop records on that land from 1981 thru 1991 from the ASCS office, including one year in which we were hailed out and received over $60,000.00 in payment as hail insurance.

Also, I had the pump out of the well for repairs in 1987. At that time I had a T.V. video taken of the well. That video is available as evidence. At that time, July 3, 1987, there was a considerable volume of water entering the well at the 70 to 80 foot level. By Aug, 21, 1990 that water was gone with the drought. My water table now stands at 110 feet and had done so since Aug. 1988.

(3)

I had my irrigation well drilled in 1976 for two reasons:

No. 1

I was shopping for an additional acreage on the Era Flat because my brother, Juel, needed the 120 acres that I was farming in Sec. 31 TWSP 4,R26, so that he could improve his irrigation system. The well that I owned with Gerald Stewart was dedicated to that 120 acres and would go with it when I sold it to Juel.

No. 2

I have learned from hard experience that it is almost impossible to do a top notch job of farming in the Lost River valley when depending on the Big Lost River Irrigation District for water delivery. In at least three out of four years they do not get water into the canals soon enough to avoid stressing the crops. This stress can easily cost one ton of hay per acre on first crop alfalfa and 30 to 50 bushel of grain reduction on spring grain. So, I need the well for that important first irrigation.

...MEL
SEP 27 1991

It is difficult to justify a thirty thousand dollar irrigation well for one irrigation on 174 acres. That is one of the reasons I looked for more land to replace the land I was selling to Juel Aikele, on which to use the well for the balance of the season. Once the irrigation district got water into the canals I could get along fine with my river decrees and if needed, supplement the decrees with storage water that has always been available from people who do not need their allocation. During 1977, 78 and 79, I used the well as my sole source of water on my district farm (174 acres). I could usually go over the 174 acres in 7 days with 12 hour sets, and then drop the well water into the Aikele canal to take to my Era Flat property for 3 to 4 days. The remainder of the irrigation on Era Flat was being accomplished with my river decree and some storage water.

In 1980 my son Eric and I purchased 220 acres of the Soelberg property out in twnshp 3, R.26 E, in section 5, 6, 7, and 8, to which my well was then dedicated as the primary water source. We were, of course, rotating the well with my decree and storage since we had the well plumbed into my overhead irrigation system on my district farm.

Recognizing that there was opposition to my using any storage water on the flat, in 1980 I had Leon Powell install a 75 Hp. turbine pump at my well site with which I could pump the river water delivered via the Moore Canal, Aikele Stub, and Aikele Canal into my farm system, and if necessary, drop the pump water into the Aikele Canal. In actuality, the canal pump was used at times when river water was available and we did not need the well water. Usually this occured during June when there was usually an abundance of river water available and again in late August and early September after the need for irrigation was slacking off. With the well and canal pump I was able to have adequate water until the drought lowered my water table from 30 ft. to 110 ft...From 1977 thru 1987 the well was producing 200 to 225 inches of water. When it was checked in 1990 by water resources, the flow was down to just a trifle over 2 cfs., I think 102 inches. This was after 5 years of the worst drought that ever hit this valley since irrigation began in 1879. As production of the well has decreased, I have purchased additional storage water to supplement that decrease inflow. At the present time, I must purchase enough storage to irrigate my district farm - 174 acres. This requires about 15000 inches of storage and I then use the well and my river decrees to irrigate the Era Flat property, Twnship 3, R26E. Therefore, it is critical that I be allowed to use the well on my out of district land, and that the well be licensed for the 207 inches that it did produce before the drought.

Storage water is quite expensive and not at all dependable now that it is being administered by the BLRID (Lawrence Babcock, Lewis Rothwell, etc.)

1994

In 1990 I purchased about 6500 inches of storage for use on my district farm. My director (Gerald Stewart) would not sign my transfer of storage, neither would Lewis Rothwell, the Chairman of BLRID. They did continue to deliver water to me, calling it an overdraft on my decree. I ended that season with a 2200 inch overdraft and had never been credited for the 6500 inches of storage that I had purchased.

In 1991 I purchased what I considered to be sufficient storage to see me through the season. This time they credited my account but Lawrence Babcock decided not to deliver it to me.

On July 20, 1991, he stopped delivery of any storage water to me without notifying me of the stoppage. Since that water was being put into the Aikele canal, in which the flow varies from 500 inches to 1500 inches at my pump site, I did not know I had been turned off until August 23, at which time I received a letter from BLRID Attorney Lyng telling me that they were disallowing my use of storage because it was going out of the District. I ended up using 139 inches of Juel Aikele's water for 33 days because I was never notified by ditchrider Babcock that he had cut off my storage. Also I was denied the use of storage on my district farm.

This year, 1992, I purchased about 13,000 inches of storage. BLRID credited me for it and was delivering it, until through mismanagement of the reservoir they ran out of water. I still had over 7000 inches of credit with which I planned to finish irrigating my crops and do my fall irrigation.

I apologize for belaboring the point but you must understand the way I have been treated by BLRID to know how vital it is that my well be licensed for 4.07 CFS, and the use of it be allowed on my entire 394.7 acres. When this drought is over that well will return and I want to be allowed to use it as I did for the ten years before the drought.

If I am not allowed to use 34-07164 on my entire 394.7 acres, the BLRID will be in a position to deny my farming the Era Flat property, which is what they have wanted to do all along. I strongly suspect that Rita Lundy and Lawrence Babcock have orchestrated the denial of my use of 34-07164 on my land outside the district through some influence with the Department of Water Resources.

Dave, so that you will know how I manage my water, I offer the following explanation.

Each year during this drought I have ordered 200 inches

of water from BLRID. The canal shrink is usually about 40% so that means a charge to me of 333 inches at the Moore diversion. The shrink (133 inches) I charge to storage, arriving at my farm with my 115 inches of 83 and 5-20-84 decree plus 85 inches of storage. At my well I pump about 40 inches into my sprinkler system for my district farm, adding to the 100 inches being lifted from ground water by my well, I take 160 inches on by and out of the district, 115 inches of decree the balance (35 inches) storage that I am rotating against my well production of 100 inches.

Thank you,

Norman Wilde

(2)

LEON POWELL
BOX 604
MOORE, ID 83255
FEB, 1992

TO WHOM THIS MAY CONCERN

I LEON POWELL, DBA AS LEON POWELL IRRIGATION IN 1977, DID DESIGN AND INSTALL AN IRRIGATION SYSTEM ON HERMAN AIKELE,S FARM USING A DEEP WELL AS A SOURCE OF WATER. IT WAS DETERMINED THAT HE NEEDED 286 HEADS AT 6.5 GPM (1859 GPM TOTAL WATER).AT THAT TIME THERE WAS ENOUGH WATER IN THE WELL TO PRESSURIZE THE SYSTEM ACCORDING TO THE DESIGN.

THE SYSTEM WAS DESIGNED TO BE CAPABLE OF CATCHING UP IF FOR SOME REASON THERE WAS A FAILURE IN APPLYING THE NEEDED AMOUNT OF WATER TO THE CROP BEING GROWN. THIS IS A SAFETY FACTOR I NORMALLY DESIGN INTO EVERY SYSTEM I INSTALLED. THERE ARE A NUMBER OF CAUSES OF FAILURE IN APPLYING PROPER AMOUNTS OF WATER.EQUIPMENT FAILURE,ELECTRICAL FAILURE, CLIMATIC CONDITIONS,ECT.

Leon J Powell

February 12, 1992

Kurt Aikele
1226 West 100 South
Blackfoot, ID 83221

To whom it may concern,

During the years 1977- 1979, I was managing the family farm and and attending Ricks College. I graduated in the spring of 1979 with an Associate degree in Farm Crops Management. I would return to the farm each spring, care for the crop through harvest and return to school each fall. I have since completed a Bachelors degree in Health Care Administration from Idaho State Universtiy. Currently, I am employed as a Fireman/EMT with the Blackfoot Fire Department. I am also the part business manager for The Center For Human Relations, a group practice in psychology, in Pocatello.

During the years in question, I operated the section of ground immediately south of Dad's home as well as the piece west of where Steven Aikele now lives in Section 31. The ground at Dad's house was watered with the deep well that is located about 1/4 mile south of the house. It operated the seven wheel lines that watered this part of the farm.

Sincerely,

Kurt Aikele

2-14-92

TO WHOM IT MAY CONCERN:

During the summer of the years 1977 and 1978, I was employed on the Herman Aikele farm and one of my responsibilities was moving his seven wheel lines twice daily. Three of them were one quarter mile in length and three were 3/8 mile long and one additional 3/8 mile line below his yard was probably 400 feet short because of the farmstead. All of them were pressurized at 60 - 65 p.s.i. and operated at the same time.

Blake D. Willis

BLAKE WILLIS
Instructor at RICKS COLLEGE
AGRICULTURAL DEPARTMENT

(5)

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W FOSTER
ROBERT E. FARNAM
WILLIAM D FALER
STEPHEN E MARTIN
CHARLES A HOMER
GARY L MEIKLE
MICHAEL D CRAPO
GAYLE A SORENSON, P A
DONALD L HARRIS
MARIE T TYLER
JOHN G SIMMONS
ROBERT M FOLLETT
KUMEN L. TAYLOR
JAMES K SLAVENS

WEST ONE BANK
P O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM LYMAN BELNAP, P A
RANDALL B REED
RONALD D CHRISTIAN

ARTHUR W HOLDEN
(1877-1967)
ROBERT B HOLDEN
(1911-1971)
TERRY L CRAPO
(1939-1982)
WILLIAM S HOLDEN
(1907-1988)

February 26, 1992

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: SRBA Claims of Herman Aikele -- Notices of Error

Gentlemen:

The Notice of Error form cards for the above-named client and the claims set forth below are either enclosed with this letter or have been previously sent in.

You are hereby notified on behalf of the above-named claimant that the errors described below were made in the Recommendations of the Director with respect to the following claims:

1. **34-07164**--The amount of water was cut under this right from 4.07 cfs to 2.04 cfs and the number of acres was reduced from 400 to 197.5. These must be changed back to the amounts and the acreages shown in the claims in order for the records to conform to the actual use which had persisted for many years prior to November 19, 1987., specifically, 1961 through 1987

~~2. 34-10780--This claim was disallowed and must be~~ allowed in order to ~~have the records~~ reflect the actual practices and ~~use~~ which persisted for ~~many years prior to~~ November ~~19~~, 1987.

Yours very truly,

Kent W. Foster

#6545.00/srs

Enclosure

JAN-1[illegible]

NOTICE OF ERROR FORM

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: [illegible]

1. Water right number: 34-10780

2. Name: HERMAN AIKELE

   Address: Route 1, Box 61
   Moore, Idaho 83255

   Weekday Telephone Number: 523-0620

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

4 Describe the changes you wish to have made in the proposed recommendation:

5. Describe why you disagree with the proposed recommendation:

6. Date:

SIGNATURE Herman Aikele

NOTICE OF ERROR FORM

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

1. Water right number: 34-07164

2 Name: HERMAN AIKELE

Address: Route 1, Box 61
Moore, Idaho 83255

Weekday Telephone Number: 523-0620

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3 Describe the portion of proposed recommendation with which you disagree:

THE QUANTITY OF WATER AND THE PLACE OF USE.

4 Describe the changes you wish to have made in the proposed recommendation:

I WISH TO HAVE THE PRE-DROUGHT QUANTITY OF WATER RESTORED, ALSO THE PLACE OF USE EXTENDED TO COVER ALL OF MY IRRIGATED LAND.

5 Describe why you disagree with the proposed recommendation:

PLEASE READ THE ATTACHED STATEMENTS - 1, 2, & 3

6. Date: AUGUST 4, 1992

SIGNATURE Herman Aikele

YOUR WATER RIGHT AS RECOMMENDED IN THE SNAKE RIVER BASIN ADJUDICATION

(6)

MAY-27-1992 4676

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-07164	HERMAN AIKELE RT 1 BOX 61 MOORE ID 83255	12/14/1976	IRRIGATION	04-15	10-15	2.04 CFS 691.20 AFY	LICENSE

TOTAL QUANTITY: 2.04 CFS

SOURCE: GROUNDWATER TRIBUTARY:
POINT OF DIVERSION:
T04N R26E S20 NESWNW
PLACE OF USE: IRRIGATION
T03N R26E S06 SENW 21.5
T04N R26E S20 NWNW 36.0 SWNW 40.0 NWSW 40.0 SWSW 40.0 SESW 20.0
197.5 ACRES TOTAL
REMARKS: A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 986.7 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 394.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00168F, 34-000170, 34-00654A AND 34-12417.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 197.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 34-12417 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.04 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 740.4 AF IN A SINGLE IRRIGATION SEASON.

FORM NO. 42-1409(2)a 1/8

(4)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 34-7164
Date Received _____
Receipt Number _____

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Herman Aikele Phone (208) 527-3113

Mailing Address Route 1, Box 61, Moore, Idaho Zip 83255

2. Date of Priority (Only (1) per claim) December 14, 1976

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4.a. Location of existing

point of diversion is: Township 4N. Range 26E. Section 20,

____ 1/4 of SW 1/4 of NW, Govt. Lot, ____ B.M., County of Butte

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of ____ 1/4,

Govt. Lot ____ B.M., County of _____

ending point is: Township ____ Range ____ Section ____, ____ 1/4 of

____ 1/4 of ____ 1/4 Govt. Lot ____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

Well and pump.

6. Water is claimed for the following purposes:

			(Both dates are inclusive)		(cfs)	(acre feet)
For	Irrigation	purposes from	04/01	to 11/01	amount 4.07	or
For		purposes from		to	amount	or
For		purposes from		to	amount	or
For		purposes from		to	amount	or

7. Total quantity claimed (a) 4.07 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 504 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	5										3.3							3.3
		6														1.6	13.8		15.4
		7	40	21.8	13.7	38.2													113.7
		8					27.3	40	20.3										87.6
4N	26E	20					40	40			40	40	20						180

Total number of acres irrigated 400

11. In which county(ies) are lands listed above as place of use located?
Butte

12. Do you own the property listed above as place of use? Yes X No ___
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Expansion of 34-7164, 34-0168, 34-0017, and 34-0654. or None ( )

14. Remarks:

Last Name Aikele Ident. Number 34-7164

15. Basis of Claim (Check one) Beneficial Use ____ Posted Notice ____
Permit X Decree ____ License ____

If applicable provide IDWR Water Right Number 34-7164
Court ____ Case Number ____ Decree Date ____
Plaintiff vs Defendant ____

16. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Herman Aikele Date 11-16-90
Herman Aikele

For Organizations: I do solemnly swear or affirm that I am ____ (Title) of ____ (Organization), that I have signed the foregoing document in the space below as ____ (Title) of ____ (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ____

Title and Organization ____ Date ____

State of Idaho/or ____)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 16th day of November, 1990.

Notary Public Kent W. Foster
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

17. Notice of Appearance:
Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 11/16/90

Last Name Aikele Ident. Number 34-7164

January 10, 1992

HERMAN AIKELE
RT. 1 BOX 61
MOORE ID 83255

RE: WATER RIGHT NO. 34-07164

Dear Water Right Holder(s):

Enclosed is a copy of your water right license.

This right is included in the Snake River Basin Adjudication and you will be receiving further information regarding this in the near future.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

JAN 15 1992

Form 219-Supp.
7/87

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Scott N King Date 1-26-90

Owner: Herman Aikele Permit No. 34-7164

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE-DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 31 3/4

T = Pipe Thickness in Inches = _____

ID = 2 [(0.1592 X CIR) - T] = ... 9 7/8 measured

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10.02

State ID No. 0991417

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = 23.3"

Low Reading = 17.6"

High - Low = H = ... 5.70

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$

$$Q = \frac{(9\frac{7}{8})^2 (\sqrt{5.70}) (3.94)}{448.8} = 2.04 \text{ CFS}$$

SKETCH (If not shown on Field Report)

JAN 15 1992

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 06 1991
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 34-7164

1 Owner Herman Aikele Phone No 527-5115

Current Address Box 61 Route 1 Moore, ID 83255

2. Accompanied by Herman EXAM. DATE: 7-26-90

Address Same Phone No. —

Relationship to Permit Holder: holder

3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1 Other water rights with same place of use: See Microfiche Record

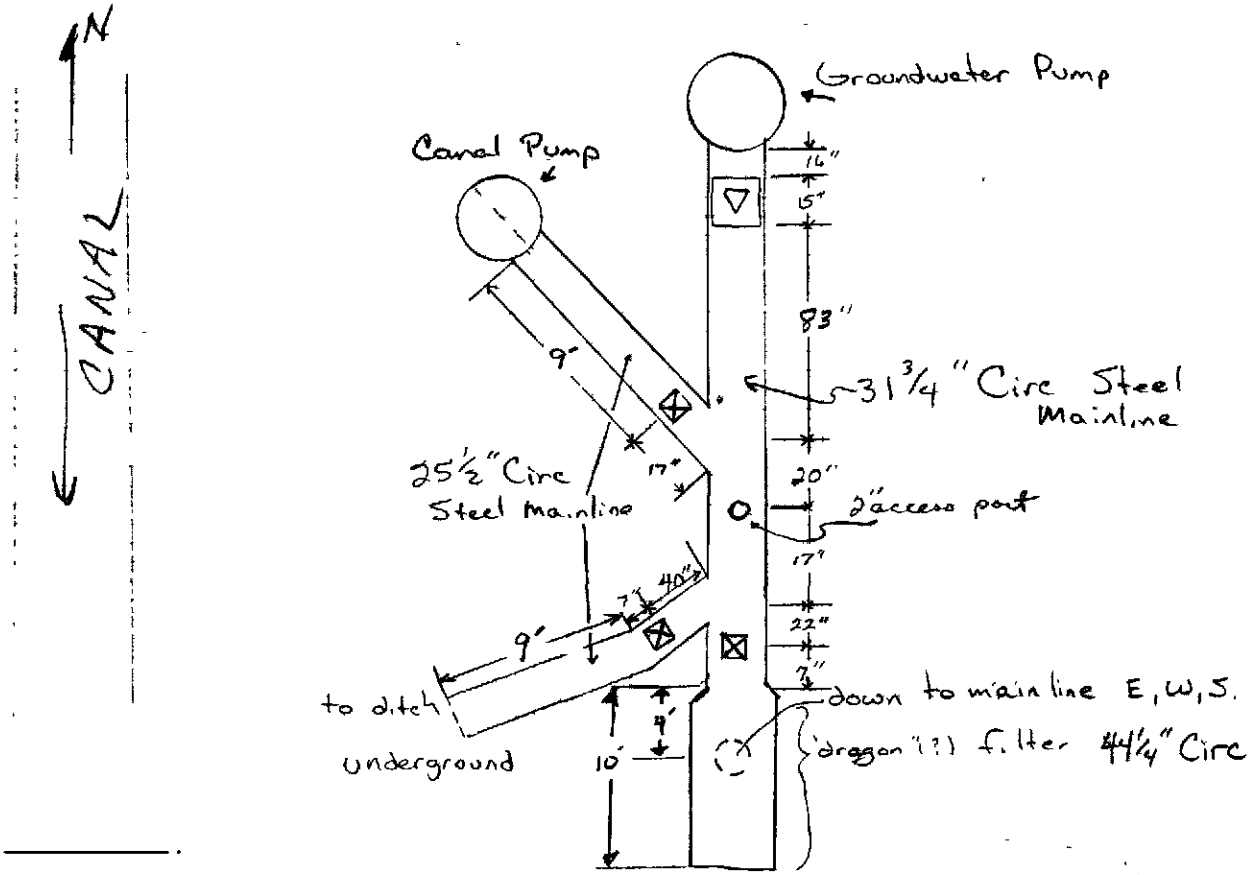
Copy in file ☐ Copies Attached

2. Other water rights with same point of diversion: _____

_____ ☐ 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.

System Description (continued)

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

Well, pump, to mainline + pump in Canal

☐ 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
345	US motor	125	1084111	Worthington	14 HH 300 4
Canal Pump	AO Smith	75	603456	Fairbanks Morse	8"

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
345			SW	NW	20	4N	26E	Butte	USGS Quad, On site inspection

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	26E	20						36	49			40	40	20					176
3N	26E	8								21.5									21.5
																			~~185~~ 197.5

JUL 15 1982

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Guage	Excel				100psi	
Flow Meter	Annubar	Dieterich	7517-316-55	~~191146~~ 091417	10.02	
Flow Indicator	Manometer	IDWR			46"	

2 **Measurements:**

ID 9 7/8" Circ 31 3/4"
Operating Pressure 54 psi
Manometer (16.0", 21.5") (17.4", 23.3")

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1 Measured Method. See Annubar Supplement

2 Alternate Method for Checking Purposes:

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 Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation:

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = (197.5)(3) = 592.5

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = (2.04)(213)(1.9835) = 862 AF/annum

V = Smaller of V_{IR} and V_{DR} = 592.5

2 Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4/1	11/1	2.04	592.5
Totals:			2.04	592.5

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 SCOTT KING for Eric Wilson

Signature Scott King

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

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

Mike Aikele
T-428

(51)
(3)
A
77.6
B
13.6

A-134 #451
DON AIKELE
141-A
T-98

#410
M Aikele
T-429
C8
A
175.5
D
103

#410
T-429
M. Aikele
A
181.9

Rel
#410
T-429
M. Aikele
A
181.9

A-137 180 176
A-361 230 215
A-362 182 172

34-7164
T-3
R 26E

215

T-434
T-399

A
148.1
A2 1.9
A3 1.9
B2 2.4
A3 3.9

B
141.5
B1 3.6
B2 2.4

B3 3.6
B4 2.2
A2 1.6
18
17

A
140.7
A2 1.2
10
B2 7.8

B
97.2

13
18
A-158
Grant Daniels

NETLANDS
his phoro

JAN 15 1992

A-1-4
DON AIKELE
A-451
T-96

34-7164
T4N R26E

A-2
168.1

A-1
192

18 | 17
19 | 20

A-97
G. STEWART
97-A

A-97
G. STEWART
23-A
T64

POWER OR DIVERSION

455
Joe Lambert
T-78

A-97
G. STEWART

19 | 20
30 | 29

Joe Lambert
455

409
Steve Aikele
-182

34-7161
Herman Aikele
7-26-90





JAN 15 1992

34-7164
Aikele
7-26-90



JAN

4/86

RECEIVED
SEP 3 1986
Department of Water Resources
Eastern District Office

RECEIVED
SEP
Department of Water Resources
Eastern District Office

For Office Use Only
Fee Received
ok-MJ Date 9-15-86
Receipt # 39887
Receipt by MJ
Sent to S.O. 9-17-86

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

RECEIVED
SEP 18 1986
Department of Water Resources

1. Permit No. 34-7164

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: AIKELE, HERMAN

3. Post Office Address: Box 109 ARCO, Idaho 83213

Telephone No. 208-527-8209

4. Source of Water: Groundwater

5. Extent of Use:

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

Irrigation 197.5 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted ~~5.0~~ 4.01 cfs 500 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1978

8. Person to contact to accompany the department representative during the field examination:

HERMAN Aikele
(Name)

Box 10, ARCO, ID. 527-8209
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

9-2-86 Herman Aikele JAN 15 1992
Date Signature of Permit Holder (and title, if appropriate)

Resubmitted
9-12-86

copy retained for file

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

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

34-7164
AIKELE, HERMAN
MOORE, ID 83255

0013474

JUL 30 1986

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

JAN 15 1992

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

---

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 16, 1985

HERMAN AIKELE

MOORE ID 83255

RE: Permit No. 34-7164

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

RECORDED
JAN 15 1992

April 9, 1984

RE: Permit No. 34-7164

Herman Aikele
Moore,
Idaho 83255

Dear Mr. Aikele:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

Form No. 211a
11/78

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET
G. F. RAMSEY

INITIAL REVIEW BY: JAN 6 1984

Right Number 34-7164 Applicant HERMAN AIKELE

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

N/A ☑ Description of amended point(s) of diversion.
N/A ☑ Amount, nature and period of use. ~~If increased, delay date of priority.~~
OK Description of amended places of use. ~~If expanded, delay date of priority.~~
OK Ownership of point of diversion and place of use.
OK Map.
OK Signature (must be permit holder).
OK Fee.
☑ Existing water rights from the same source, amended place of use. – Done rt. 34-2429 is being removed via transfer
☐ Right number(s) _____
☑ Yes ☐ No Should amendment be advertised?
☐ ~~Yes~~ ☑ ~~No~~ ~~Should date of priority be delayed? If yes, to what date?~~ _____

FINAL REGIONAL PROCESSING REVIEW:

OK Affidavit of publication received. Feb 6, 1984
☑ Amendment published correctly.
N/A Protests processed.
☑ Approve.
☐ Deny.
Conditions _____

By GMC Date 3-22-84

STATE OFFICE PROCESSING:

☑ Amendment correct and complete. By Jami Date 4-5-84
☐ Approved copy sent to applicant and to Region. By _____ Date _____

APR 27 1984
Department of Water Resources

MICROFILMED

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7164 in the name of Herman Aikele, Moore, Idaho was issued for the diversion of 4.07 cfs of water from a groundwater source with the point of diversion within the SW¼NW¼ Sec. 20, T. 4N, R. 26E, B.M. Butte County; to be used for the irrigation of 301.78 acres from May 1 to Nov. 1 within the W½W½, SE¼SW¼ Sec. 20, NE¼, N½SE¼ Sec. 31, T. 4N, R. 26E, B.M.

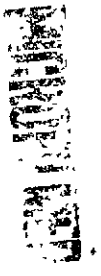
The permit holder now proposes to amend Permit No. 34-7164, changing the amount of acres irrigated to 197.5 and the place of use to within the W½W½, SE¼SW¼ Sec. 20, T. 4N, R. 26E, SE¼NW¼ Sec. 8, T. 3N, R. 26E, B.M.

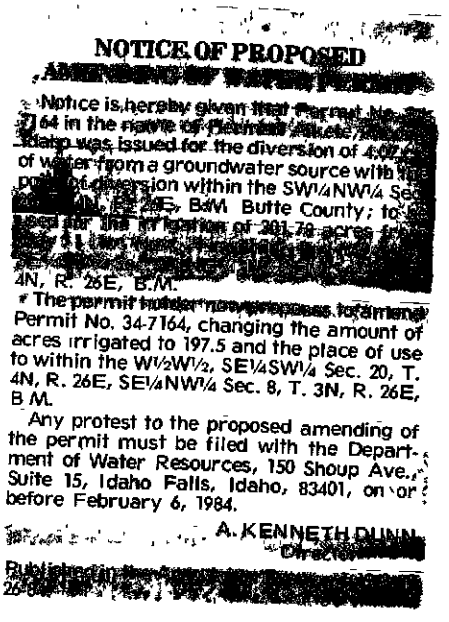
Any protest to the proposed amending of the permit must be filed with the Department of Water Resources 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before February 6, 1984.

A. KENNETH DUNN

Director

Published in the Arco Advertiser on 1/19 & 1/26/84.





NOTICE OF PROPOSED

Notice is hereby given that Permit No. 34-7164 in the name of [redacted] was issued for the diversion of 4.07 cfs of water from a groundwater source with the point of diversion within the SW¼NW¼ Sec. [redacted], R. 26E, B.M. Butte County; to be used for the irrigation of 301.78 acres [redacted] 4N, R. 26E, B.M.

The permit holder now proposes to amend Permit No. 34-7164, changing the amount of acres irrigated to 197.5 and the place of use to within the W½W½, SE¼SW¼ Sec. 20, T. 4N, R. 26E, SE¼NW¼ Sec. 8, T. 3N, R. 26E, B.M.

Any protest to the proposed amending of the permit must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before February 6, 1984.

A. KENNETH DUNN

Director

[redacted]

December 16, 1981

Re: Permit No. 34-7164

Herman Aikele
Moore,
Idaho 83255

Dear Permit Holder:

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 a measuring device, or an access 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 access port.

We have enclosed a form entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

Form No. 202a
3/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: _____ APPLICATION NUMBER: 34-7164

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Quantity of water and period of use.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: _____
Date: _____
Comments: See attachment

- ☐ Yes ☑ No Field check required.
- ☐ Yes ☑ No Critical groundwater area.
- ☐ Yes ☑ No Request dam safety information. Sent by: _____ Date: _____
- ☐ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☐ Yes ☐ No* In form for advertising.
  Final date for protests: _____
- ☐ Yes ☑ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: _____
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application.
- ☑ Publication dates and paper, recorded on application.
- ☑ Protests, dates, withdrawal, etc., recorded on application.
- ☑ Recommendation & initial, recorded on application.
- ☐ Yes ☑ No Measuring device required.
- ☑ Yes ☐ No Access port required.
- ☐ Yes ☑ No Will water be delivered by watermaster? If yes, what district? _____

✓ 12-14-1976 Date of priority recommended.

Special conditions of approval or cover letter. _____

* The rate of diversion of water for irrigation under this permit shall not exceed .02 cfs per acre when diverted at the field head gate in Section 31.

By: _____ Date: _____

STATE OFFICE REVIEW:

SLW/LO3 OK, * Special cond

☐ See attached sheet for more information.

By: _____ Date: 11/17/81

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.____.____.____.____.____

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.____.____.____.____.____

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.____.____.____.____.____

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.____.____.____.____.____

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.____.____.____.____.____

MEMO

FROM: ERNIE
TO: FILE 34-7164

NOVEMBER 4, 1981

Explanation of Quantity on Application. Complying with a request by the applicant, this application was drafted to provide for the delivery of one inch per irrigated acre at the field headgate or relift pump in the SE¼NE¼, Sec. 31, T. 4N, R. 26E, after the water traveled approximately 2½ miles thru a ditch originating at the p.d. in the SW¼NW¼, Sec. 20. To allow for seepage and evaporation in the ditch, a loss of 25% was incorporated in the total quantity. This is the normal percentage assessed by the local irrigation district for conveying water thru their area canals.

The quantity was calculated as follows:

$$X = Q \text{ at p.d.}$$
$$X - 1/4(X) = 2.44\text{cfs}$$
$$3/4\ X = 2.44\text{cfs}$$
$$X = 3.25\text{cfs}$$

0.82cfs for the land in Section 20 was added to 3.25cfs for a total of 4.07cfs. It should be noted no shrinkage was applied to the Q for irrigation in Section 20. However, the quantity would have correctly been 0.88cfs.

Rather than amending the application to include the additional 0.06cfs, I recommend the application be approved for the requested amount with the condition that no more than 0.02cfs/irrigate acre can be diverted at the field head gate in Section 31. This would serve to restrict the application of water to be within statutory limits.

The actual percentage of loss could be determined when conducting the licensing field exam.

February 7, 1977

RE: Application for Permit No. 34-7164

Mr. Herman Aikele
Moore,
Idaho 83255

Dear Mr. Aikele:

Those lands located in Sec. 31, T. 4N, R. 26E, B.M., and listed in the above application for permit are licensed for ground water under License No. 34-2472. However, Mr. Juel Aikele filed an exchange of water right No. 1631 exchanging this ground water for water from the Big Lost River via the Moore Canal for all lands appurtenant to License No. 34-2472.

The Department desires to know the present status of this exchange. If the exchange is no longer taking place, the application for permit you filed would not be acceptable in its present form. Provided the exchange is still solvent, the Department feels a more permanent and binding agreement such as a transfer of water right is necessary prior to final action.

If you have questions concerning this matter, please feel free in contacting this office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw
Enclosures

P.S. For your convenience, we have enclosed License No. 34-2472 and Exchange No. 1631.

Return to Region 1-31-77

Ron [redacted] -

34-[redacted]64

Shouldn't the shrinkage be only calculated for the land in sec. 31?

$122 \cdot .02 = 244$ cfs

$244 \times 25\% = 0.61$

$\therefore$ Q allowable with loss =

$3.25 + 0.61 = 3.86$ cfs

The statement about the loss is very confusing. Where did the 10% per mile come from? What does the 15.0 cfs have to do with the % of loss.

INTER-DEPARTMENT MEMO — 1

RECEIVED

FEB 1 1977

Department of Water Resources
Eastern District Office

FROM Bob Fleenor

DATE January 31, 1977

TO Ron Carlson

SUBJECT 34-7164

Shouldn't the shrinkage only be calculated for the land in Section 31?

122 x .02 = 244 c.f.s.
244 x 25% = 0.61 $3/4(x) = 2.44$ $x = 3.25$
Therefore: Q allowable with loss is very confusing. Where did the 10% per mile come from? What does the 15.0 c.f.s. have to do with the % of loss.

3.25 - FOR SEC 31
.88 FOR SEC 20
4.13

3.25
.88

0.88

Bob
SIGNATURE

December 16, 1976

RE: Application for Permit No. 34-7164 AIKELE

Arco Advertiser
Box "C"
Arco, Idaho 83213

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 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.

An affidavit of publication must be submitted to the Department along with the publication bill.

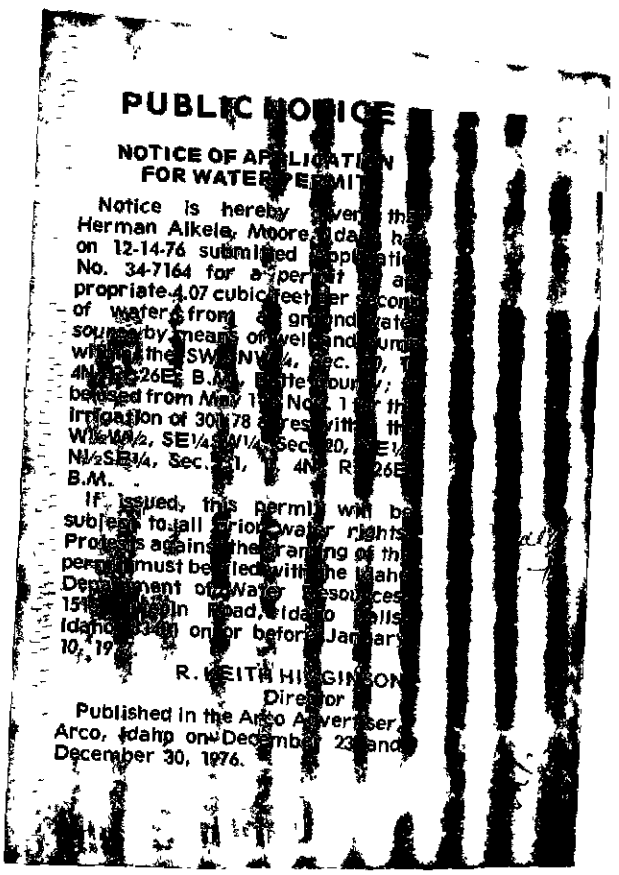
Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-12-77 by CW

RDC:CW

Enc: Legal Notice (1)



PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Herman Alkela, Moore, Idaho has on 12-14-76 submitted Application No. 34-7164 for a permit to appropriate 4.07 cubic feet per second of water from a ground water source by means of well and pump in the SW¼NW¼, Sec. 20, T. 4N., R. 26E., B.M., Butte County; to be used from May 1 to Nov. 1 for the irrigation of 30.78 acres within the W½W½, SE¼SW¼, Sec. 20, E½NE¼, N½SE¼, Sec. 21, T. 4N., R. 26E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of this permit must be filed with the Idaho Department of Water Resources, 1510 Hilton Road, Idaho Falls, Idaho 83401 on or before January 10, 1977.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idahp on December 23 and December 30, 1976.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Herman Aikele, Moore, Idaho

has on 12-14-76 submitted Application No. 34-7164

for a permit to appropriate 4.07 cubic feet per second XXXXXXXXXXXXXXXXXX acre feet per annum

of water from a ground-water source

by means of well and pump

within the SW¼NW¼, Sec. 20, T. 4N, R. 26E, B.M., Butte County;

to be used from May 1 to Nov. 1

for the irrigation of 301.78 acres

within the W½W½, SE¼SW¼, Sec. 20, NE¼, N½SE¼, Sec. 31, T. 4N, R. 26E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 10, 1977.

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho

on December 23 and December 30, 1976

December 7, 1976

Mr. Herman Aikele
Moore,
Idaho 83255

Dear Mr. Aikele:

We are returning your check No. 92-41 in the amount of $65.00 because we must research conflicting water rights on land covered by your application before we can receipt the filing fee, and we cannot hold your check while this is being done.

Your application overlaps with other water rights and this office does not have all the information necessary to evaluate the conflicts. We have requested additional information from our Boise Office and should have this within a few days. When we have the necessary information to evaluate your application, we will contact you.

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

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

MC:CW

Attachment

November 24, 1976

Mr. Herman Aikele
Moore,
Idaho 83255

Dear Mr. Aikele:

Enclosed please find your application for permit. We find it necessary to return this application as the statutory filing fee was not included.

For your convenience, we have taken the liberty of retyping your application in order to obtain a clearer copy. On the plat map in Item 11, please indicate the location of the relift pump. Please review this application and if it meets with your approval, sign at the bottom of Page 3 and return to this office with the statutory filing fee of $65.00 for further processing.

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

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosures (2)

Bob:

(see Lic 34-2429)

I figure only 3.32 allowable?

or

I don't understand remarks re: shortage in private ditch!

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. _____
			X Source GW.
			X Point of Diversion
			X County
			X Quantity of Water and Period of Use
			X Description of Diverting Works
			X Time required for B/U of water
			X Place of Use or Acres Irrigated
			X Map
			X Signature
			X Fee
(1)	EMC	12/7/76	In form to receipt YES.
(2)	EMC	12/7/76	Send Copies to:
			NA Idaho State Health Department
			Idaho Fish and Game Department
			Bureau of Land Management
(3)	EMC	12/7/76.	Request Special Use Permit from U.S.F.S.
			Request Easement from B.L.M.
			NA Request Information from Applicant
(4)	EMC	12/7/76	In form for advertising YES.
(5)	EMC	12/14/76.	Platted on Map No. Basin 34, Twn 4N, Rge 26E.
(6)	EMC	12/7/76	Located within Water District No. _____
(7)	EMC	12/7/76.	Critical groundwater area: yes ____ no X
(8)	EMC	12/7/76.	Groundwater levels:
			____ Declining, X Stable, ____ Increasing
			(comment) OB WELL 4N, 26E 21 ABBB
(9)	EMC	12/7/76	Other rights on the same place of use 1/47 water surface H_2O from Big Lost River.
(10)	EMC	12/7/76.	Comments: License #34-2429.
(11)	CW	1-12-77	Affidavit of Publication received (date) January 12, 1977
(12)	CW	1-12-77	Final date for protests January 10, 1977
			Protests received: yes ____ no X
(13)	RDC	1/12/77	All requested information received from agencies or applicant: yes ____ no ____
(14)	"	"	Action recommended:
			✓ Approve ____ Deny
			12/14/76 Proposed Priority
			____ Reason for Reduction
			✓ Measuring device required
			____ See attached sheet for other conditions for approval
			____ No special conditions for approval

(15) District E By RDC Date 1/12/77

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RECEIVED
NOV 09 1981
Department of Water Resources

4.50
cfs. .99
3.51

L. 34-2472 6.82 cfs. filed exchange #1631.

L. 34-2429 4.63.

	NW¼				SW¼				
	NE	NW	SW	SE	NE	NW	SW	SE.	
4N 26E Sec 20	37	36	39	39	40	39	26	15	=281

5.62

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