

x Lowell H. Jensen
(Applicant)

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
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 Sept. 6, 1990

and ending with the issue dated

Sept. 13, 1990

Colleen Babcock

STATE OF IDAHO

COUNTY OF BUTTE

On this 14 day of September
in the year of 1990, before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Linn
Notary Public for Idaho

Residing at Arco, ID.

My commission expires: 12-17-91

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT**
33-07172

JENSEN, LOWELL H.
C/O DARRAY HAIGHT
HOWE, ID 83244

Source: GROUNDWATER

Diversion Pt: SWNW Sec 1 T 06N R
28E

Use: IRRIGATION (.800 CFS) Total
Diversion: (.800 CFS)

Date Filed: 4/2/1985

In: T06N R28E S12 NENE, 40.0
ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may be sub-
mitted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new public
interest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the Di-
rector, Dept. of Water Resources, State-
house Mail, Boise, Idaho 83720 on or be-
fore SEPTEMBER 24, 1990.

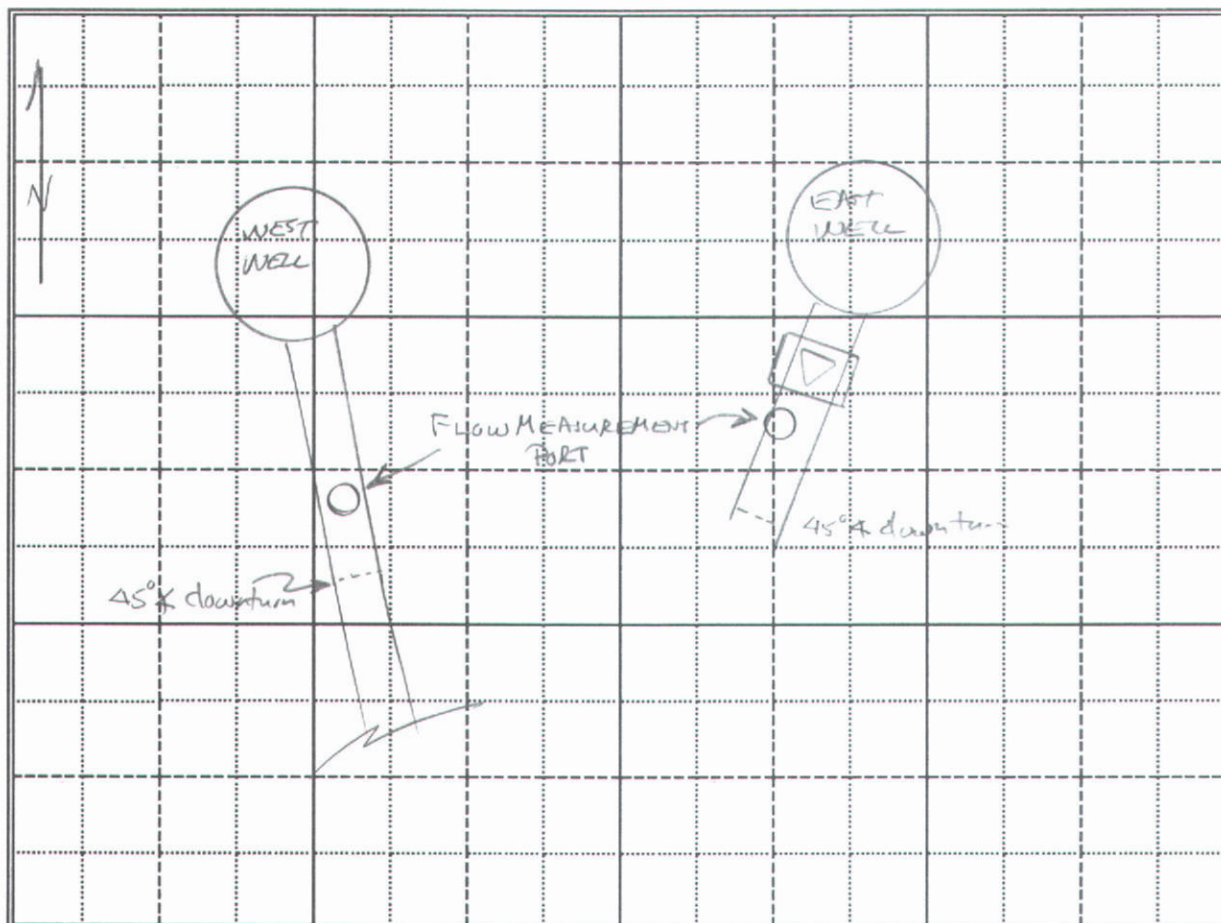
R. KEITH HIGGINSON, Director
Published 9/6/1990 & 9/13/1990

OK
BJL
9-18-90

MICROFILMED

OCT 16 1990

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WEST	GE	200	DLJ4 23123	Johnston	12.74" od
EAST	Westinghouse	150	7212	Layne-Bowles	12"

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	STATE ID/ Serial No.	Size	Calib. Date
Ultrasonic (7-28-1999)		FUJI	FLC-S1011	7K 00897B		
ultrasonic (8-21-1998)		Polysonic	TF-P	149743/ 26836		

2. Measurements: West Well $Q = 4.36 \text{ cfs}$
East well $Q = 3.67 \text{ cfs}$

Total $Q = 8.03 \text{ cfs}$

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JAN 27 2000

POINTS OF DIVERSION

T7N

T6N

R28E

PLACE OF USE
33-02138
33-07048

PLACE OF USE

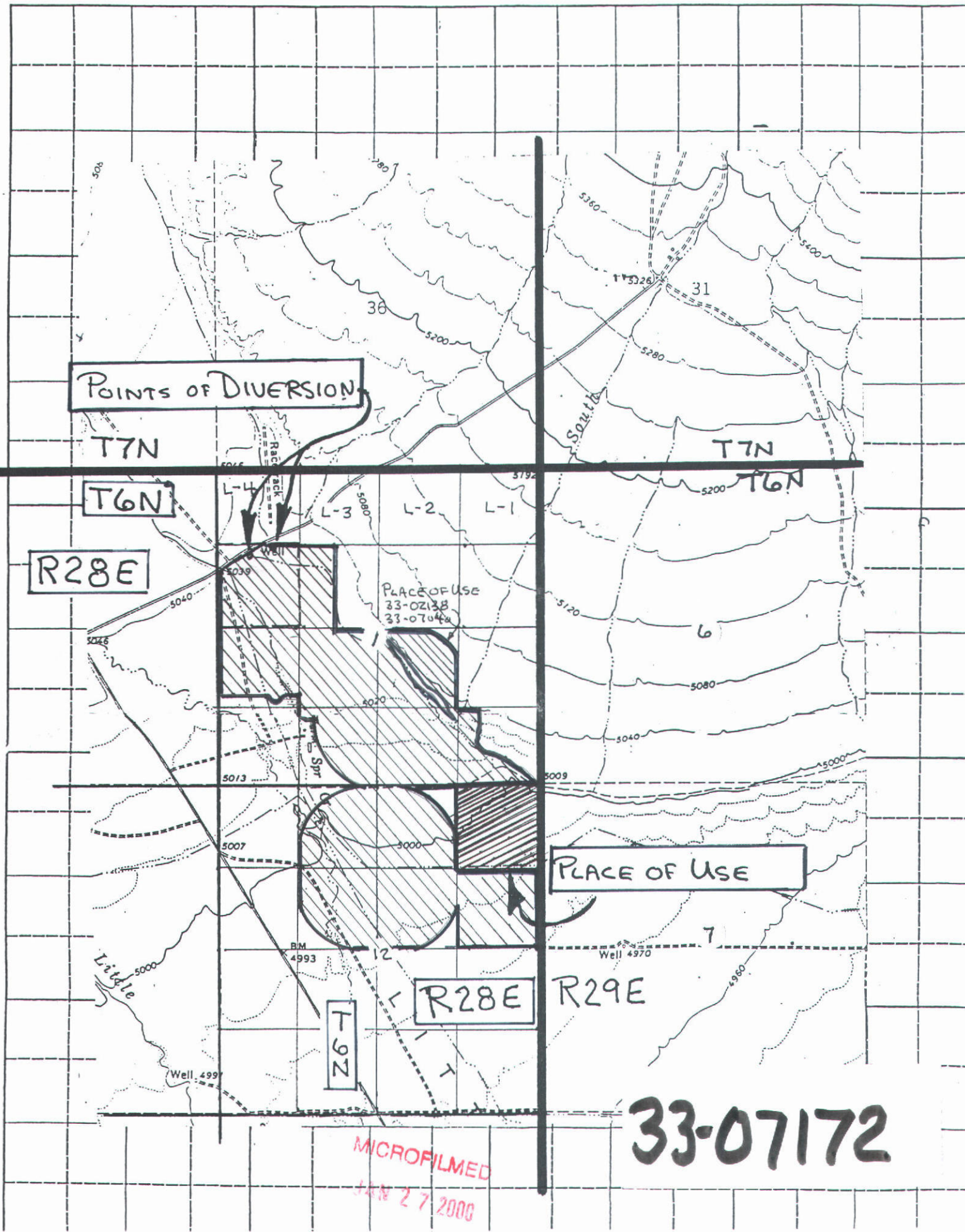
R28E

R29E

T6N

33-07172

MICROFILMED
JAN 27 2000





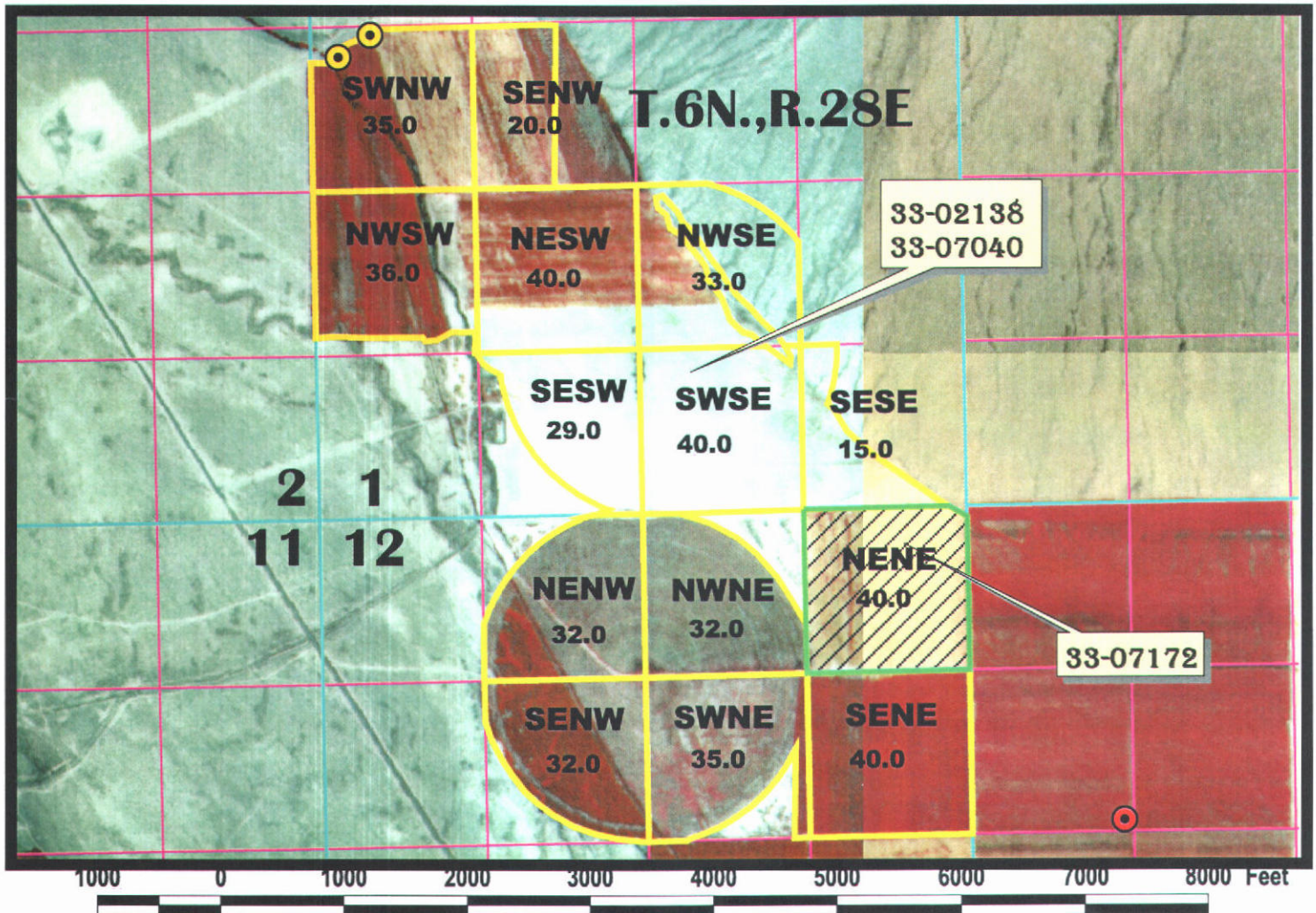
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: D. Archibald

Water Right(s): 33-02138, 33-07040, 33-07172



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

Place(s) of Use: T.6N., R.28E.

Sec. 1 (parts of) S2NW, N2SW,
SESW, W2SE, SESE,
Sec. 12 NE, E2NW

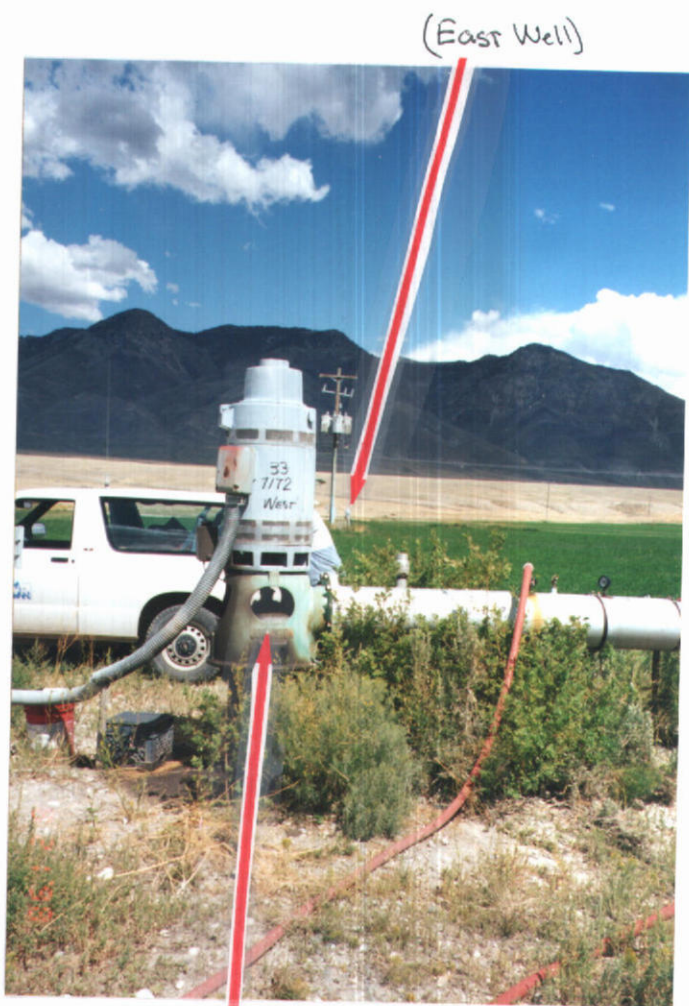
Point(s) of Diversion: T.6N., R.28E.
Sec. 1 NWSWNW (2 wells)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: August 1999

NOV 27 2000

33-07172



WEST WELL



EAST WELL

Photos 8-21-1998

33-07172

MICROFILMED

JAN 27 2000

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 33-07172

NAME AND ADDRESS: DON C ARCHIBALD
VERA M ARCHIBALD
153 E MAIN
PO BOX 16
RIGBY, ID 83442

SOURCE: GROUNDWATER

QUANTITY: 0.80 CFS
140.00 AFY

PRIORITY DATE: 04/02/1985

POINT OF DIVERSION: T06N R28E S01 NWSNW Within Butte County

TWO POINTS OF DIVERSION LOCATED IN T6N, R28E, S01, NWSNW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
-- Irrigation		04-01 TO 11-01	0.80 CFS

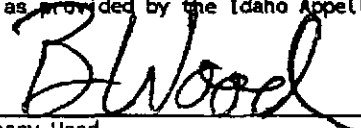
PLACE OF USE: Irrigation Within Butte County
T06N R28E S12 NENE 40.0
40.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

• •

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07172

Priority: April 2, 1985

Maximum Diversion Rate: 0.80 CFS

Maximum Diversion Volume: 140.0 AF

This is to certify, that DON G ARCHIBALD

PO BOX 96

REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 2, 1985; and has submitted Proof of Beneficial Use on November 9, 1992. An examination indicates that the works have a diversion capacity of 8.030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.80 CFS	140.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSWNW , Sec. 1, Township 06N, Range 28E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	28E	12	NENE	40		40

Total number of acres irrigated: 40

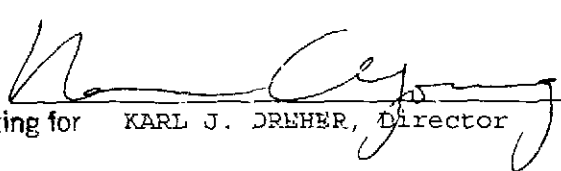
CONDITIONS OF APPROVAL AND REMARKS

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Two points of diversion are located within NWSWNW, S01, T06N, R28E.
4. Rights 33-02138, 33-07040, and 33-07172 when combined shall not exceed a total diversion rate of 8.03 cfs.
5. Rights 33-02138 and 33-07040 are also diverted through the points of diversion described above.

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 25TH day of

JANUARY, 2000.

MICROFILMED

Acting for  KARL J. DREHER, Director

RECEIVED
SEP 23 1992

RECEIVED

NOV 09 1992

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 33-07172

Telephone No. 208 356-4411

Name(s) of Permit Holder(s): Don G. Archibald

Post Office Address: P.O. Box 96 Rexburg, ID 83440

Source of Water: ground

If ground water, well driller's name: Jim Cope Date drilled: Prior to 1987

Extent of Use:

Domestic (No. of households) Irrigation 40 (No. of acres)

Stockwater (No. and type of stock) Other

Total rate and/or volume for which proof is submitted .80 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: April 1991

One of the following may be a condition of approval of your permit

Measuring device: Required? Yes No Installed? Yes No

OR

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

Fee Enclosed: \$ 100. (See License Examination Fee Schedule)

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

Don G. Archibald

208 356-4411

Name

Telephone No

P.O. Box 96

Rexburg, Idaho 83440

Address

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

9/18/92
Date

Don G. Archibald

Signature (and title if on behalf of a company or organization)
Don G. Archibald

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 ownership
domestic use or stockwater use of
less than 13,000 gallons per day.

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	CFS
Original Application	33-07172	Lowell H Jenson	0.80
Full Assignment	33-07172	Don G Archibald	0.80



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

SEP 23 1992

DATE OF CLOSING: 9/30/91

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 6 N Range 28 E.B.M.
 Section 12, 1/4 of NE 1/4 of NE 1/4, Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) Assigned by IDWR: 33-07172
- ☒ Name and Address of Former Owner/Claimant(s)(Seller): Lowell H. Jensen
St. George, UT 84770
- ☐ New Owner/Claimant (Purchaser): Don G. Archibald
- ☐ New Mailing Address: P.O. Box 96 Rexburg, ID 83440
- ☐ New Telephone Number: (208) 356 - 4411
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Deed from Jensen to Archibald dated 9/30/91
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) Don G. Archibald Date 9/18/92
- ☐ Signature of Former Owner/Claimant(s) _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

NOV 17 1992

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

THIS INDENTURE, made this 30th day of September, 1991,
between Lowell H. Jensen and Arda S. Jensen

of St George, County of Washington, State of Utah 84770

the party of the first part and

Don G. Archibald

County of Madison, State of Idaho 83440 of Rexburg, the party of the second part,

WITNESSETH, that the party of the first part, for and in consideration of the sum of

Ten and no/100----- Dollars

lawful money of the United States of America and other valuable considerations

to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,

does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to

party of the second part's heirs and assigns, forever, all the following described real estate, situated in

, County of Butte, State of Idaho to-wit

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 6 North, Range 28 East Boise Meridian,
containing 40 acres more or less

The parties of the first part assign and transfer and set over to the
parties of the second part all of their right and interest in and to

Desert Land Entry No. IDI 18788 and to Department of Water Resources

"Permit to appropriate Water" No. 33-07172 for 0.80 cfs.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto belonging or
in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits
thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the
said party of the second part, and to party of second part's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and
year first above written.

Lowell H. Jensen
x Lowell H. Jensen
Arda S. Jensen
x Arda S. Jensen

STATE OF UTAH,

County of Washington } ss.

On this 30 day of Sept

in the year 1991, before me

a Notary Public in and for said State, personally appeared

Lowell H. Jensen and Arda S. Jensen, husband and wife

known to me to be the persons whose names they subscribed to the within instru-
ment, and acknowledged to me that they executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written

(SEAL)

David W. Clark
Notary Public for the State of Utah
Residing at St George, Utah

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07172

Proposed Priority: April 2, 1985 Maximum Diversion Rate: 0.80 CFS

This is to certify, that **LOWELL H. JENSEN**
C/O DARRAY HAIGHT
HOWE, ID 83244

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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IRRIGATION	04/01 to 11/01	0.80 CFS
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LOCATION OF POINT(S) OF DIVERSION: SWNW Sec. 1, Township 06N, Range 28E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	28E	12	NENE	40		40

Total number of acres irrigated: 40

CONDITIONS/REMARKS:

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

OCT 1 1985

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07172

CONDITIONS/REMARKS:

10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

4th day of October, 1990.

for 
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant LOWELL H. JENSEN Phone 767-3415
* c/o Mrs. Darnay Haight,
Post office address Box 32, Howe, ID 83244

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

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1 Township 6N
Range 28E B.M. Butte County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.80 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.80 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells, pumps to irrigation lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 260 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

*Per letter of 8/9/90 - kw

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	
6N	28E	12	40																40

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above. Same points
of diversion as License 33-2138

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

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

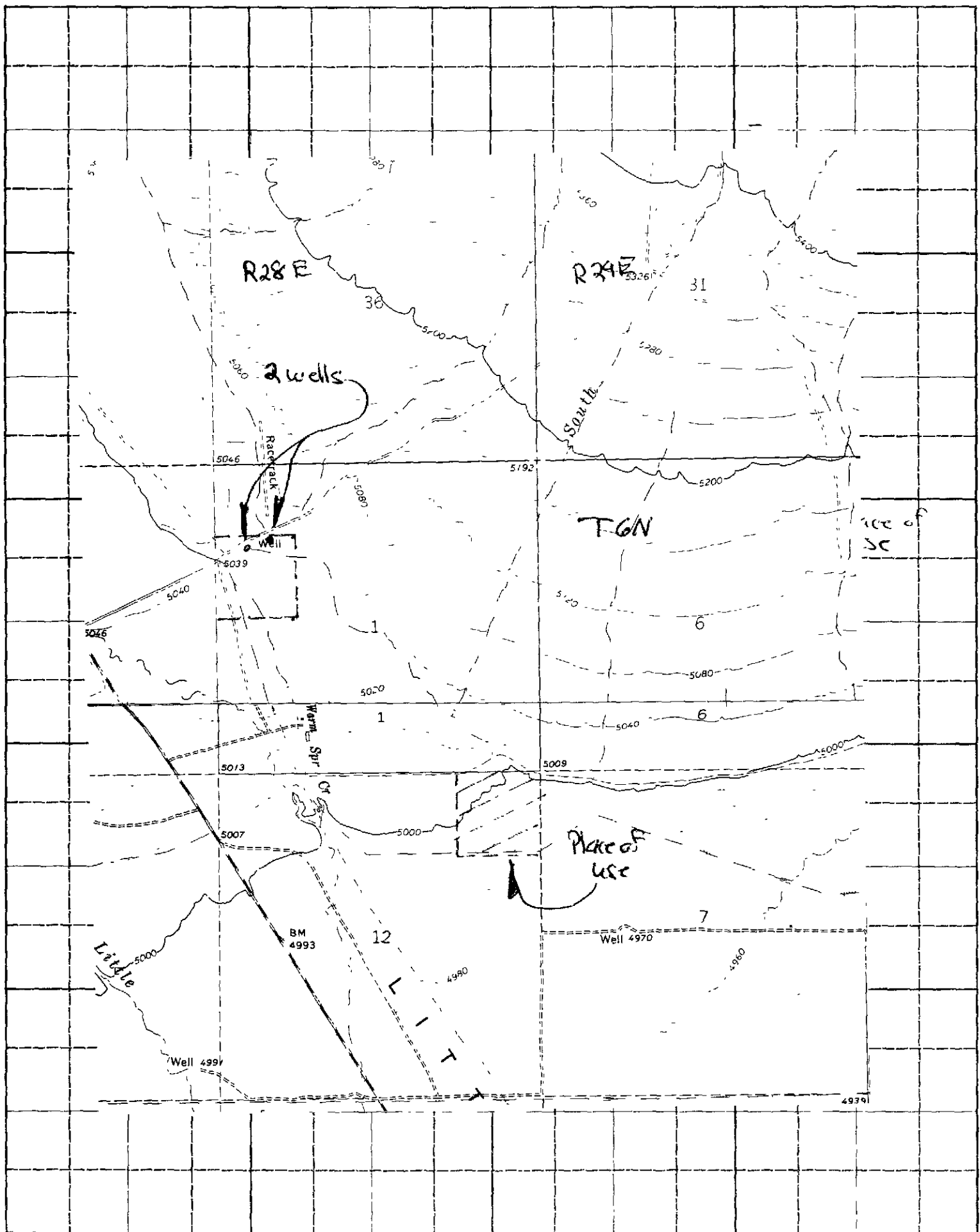
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing Desert Land Entry application I-18788 filed.

10. Remarks Mr. Robert Hall had a previous DLE on this ground and
application 33-7041.

RECORDED

OCT 16 1991

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.

OGT 17 1900

Lowell H. Jensen
(Applicant)

Received by dy Date 4-2-85 Time 10:00 am
Preliminary check by KCW Fee \$ 45.00 + 33.242
Receipted by dy Date 4-2-85
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

MICROFILMED

OCT 16 1990

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock

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 Sept. 6, 1990

and ending with the issue dated

Sept. 13, 1990
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 14 day of September
in the year of 1990, before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same

Thomas D. Lunn
Notary Public for Idaho

Residing at Arco, ID.

My commission expires 12-17-91

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT**
33-07172

JENSEN, LOWELL H.
C/O DARRAY HAIGHT
HOWE, ID 83244
Source: GROUNDWATER

Diversion Pt: SWNW Sec 1 T 06N R
28E

Use: IRRIGATION (.800 CFS) Total
Diversion: (.800 CFS)

Date Filed: 4/2/1985

In: T06N R28E S12 NENE, 40.0
ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before SEPTEMBER 24, 1990.

R. KEITH HIGGINSON, Director
Published 9/6/1990 & 9/13/1990

OK
JL
9-18-90

RECORDED

00713 1990

● ●

This
Right has been
Decreed in the
SRBA.

MICROFILMED



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

January 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON G ARCHIBALD
PO BOX 96
REXBURG ID 83440

RE: WATER RIGHT NO. 33-07172

Dear Water Right Holder(s):

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of **January, 2000**, 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. 33-07172

DON G ARCHIBALD
PO BOX 96
REXBURG ID 83440


Kari Lynn Townsend
Secretary

MICROFILMED

7/1/06

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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 a 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.

131777781 MEL

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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.

MICROFILMED

JUN 27 2000

Memorandum

To: File 33-07172

From: Kay Walker *KW*

Date: 01/18/00

Re: License Recommendations

.....

In follow-up review of this permit, I find we could allow the permit holder 0.80 cfs for his 40 acres. He has 2 other rights for 419 acres that are recommended at 1" per acre when they are combined. This field examiner recommended this right be licensed at 0.70 cfs which would be the system rate per acre amount; however, there is no reason the right holder should not be able to divert an inch per acre under this right; I have limited the system capacity to 8.03 cfs when all rights are combined.

RECORDED

LICENSE REVIEW CHECKLIST

Permit No 33-07172 Date 1/13/2000 Reviewer Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

Does change clarify original intended source? If no, void permit
Change (P39/P49) Add (P45/P44) Feds (P43)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps Right(s) OK
File reviewed OK Profile reports printed OK

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion.

Permitted rate 0.80 cfs
Fee Limit 0.80 cfs
Measured 0.80 cfs
Theoretical 0.80 cfs

Recommended Total Diversion Rate 0.80

Water Uses OK

Change (P46)

Irrigation 0.70 cfs 140 af
Stockwater 0.00 cfs 0 af
Domestic 0.00 cfs 0 af
0.00 cfs 0 af
0.00 cfs 0 af
Total 0.70 cfs 140 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp Gw (WB7/065/079)
overlap spec combined rts (W35)
>1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)

Volume Determination

0.7 cfs x 1 9835 x 214 days = 2977 af (vs) 76 acres x 3.5 (FHR) = 140 af

Remarks:

W32, W35, W36

Additional Conditions OK

Watermaster Control
GW Measurement/Measuring Device
Other
Trust 052/R55 - remove 051
Non-trust (048/049)

Government Lots? OK

Advance Priority? yes If yes, explain why below
no

SRBA Claim? YES

Adjust memo

yes - amt of water

Amend Letters

P87, S06

Second Amendment Notice

S06

WR0749NP
No. L33-07172

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/13/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	DIVERSION RATE	DIVERSION VOLUME
C	DON G ARCHIBALD PO BOX 96 REXBURG ID 83440 (208) 356-4411	04/02/1985	IRRIGATION	04/01 11/01 16/21	0.800 CFS	140.0
TOTAL DIVERSION:					0.800 CFS	

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion:

T06N R28E S01

SWNW

Stage: LICENSE

BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	SUM
06N	28E	12S	40													40.0
TOTAL ACRES															40.0	

Pou County: BUTTE

Conditions of Approval:

- ~~046~~ - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- ~~054~~ - Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
- ~~052~~ - Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- ~~055~~ - The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
- ~~046~~ - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- ~~026~~ - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- ~~004~~ - The issuance of this right does not grant any right-of-way or easement across the land of another.
- ~~03A~~ - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Dates: App. Received: 04/02/1985 Priority Date: 04/02/1985
Proof Due Date: 10/01/1993 Proof Made Date: 11/09/1992
Exam Made Date: 07/28/1999 Exam Sent to S.O.: 08/25/1999
Licensed Date:

AJ5809NP
No. R33-02138

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/13/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON C ARCHIBALD	03/03/1959	IRRIGATION	04-01 11-01	3.120 CFS	
C	VERA M ARCHIBALD					
TOTAL DIVERSION:					3.120 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R28E S01

NWSWNW

BUTTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
06N	28E	1	:									35	20			40	36			29	:		
06N	28E	12	:			32	35	40			32			32							:		
																				TOTAL ACRES		419.0	

POU County: BUTTE

Other Rights: 33-07040

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 33-07040 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.90 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1466.5 AF.

POD TWO POINTS OF DIVERSION LOCATED IN NWSWNW, S01, T6N, R28E.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 33-07040 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 419 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 156 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 33-07040 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. R33-07040

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/13/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON C ARCHIBALD	10/16/1975	IRRIGATION	04-01 11-01	5.260 CFS	
C	VERA M ARCHIBALD					
TOTAL DIVERSION:					5.260 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06N R28E S01

NWSWNW

BUTTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	28E	1	:							35	20		40	36		29		33	40	15	: 248.0
06N	28E	12	:			32	35	40		32		32									: 171.0
																			TOTAL ACRES		419.0

POU County: BUTTE

Other Rights: 33-02138

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 33-02138 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.90 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1466.5 AF.

POD TWO POINTS OF DIVERSION LOCATED IN NWSWNW, S01, T6N, R28E.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 33-02130 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 419 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 263 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 33-02138 IS ALSO DIVERTED THROUGH POINT(S) OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/13/00

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON C ARCHIBALD	04/02/1985	IRRIGATION	04-01 11-01	0.800 CFS	
C	VERA M ARCHIBALD					
	153 E MAIN					
	PO BOX 16					
	G RIGBY ID 83442					
	(208) 745-6666					
TOTAL DIVERSION:					0.800 CFS	140.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T06N R28E S01

NWSWNW

BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
06N	28E	12	: 40													40.0
TOTAL ACRES															40.0	

POU County: BUTTE

Conditions of Approval:

- A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
 - IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
 - OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
 - SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
 - BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
 - IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
 - NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 - ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: POD TWO POINTS OF DIVERSION LOCATED IN T6N, R28E, S01, NWSWNW.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 33-02138 AND 33-07040.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 30 1999
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 33-07172

1. Owner: Don G Archibald

Phone No. 256-4411

Current Address: P.O. Box 96 Pomeroy, ID 83444

2. Accompanied by: No one

EXAM DATE: 7-28-1999
8-21-1999

Address —

Phone No. —

Relationship to Permit Holder: —

3. Source: GROUND WATER

tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Canal Rights

2. Other water rights with the same point of diversion: 33-02132, 33-07040

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Method of Determination/Remarks
WEST		NW	SW	NW	1	6N	28E	Butte	USGS Quad, for site
EAST		NW	SW	NW	1	6N	28E	Butte	

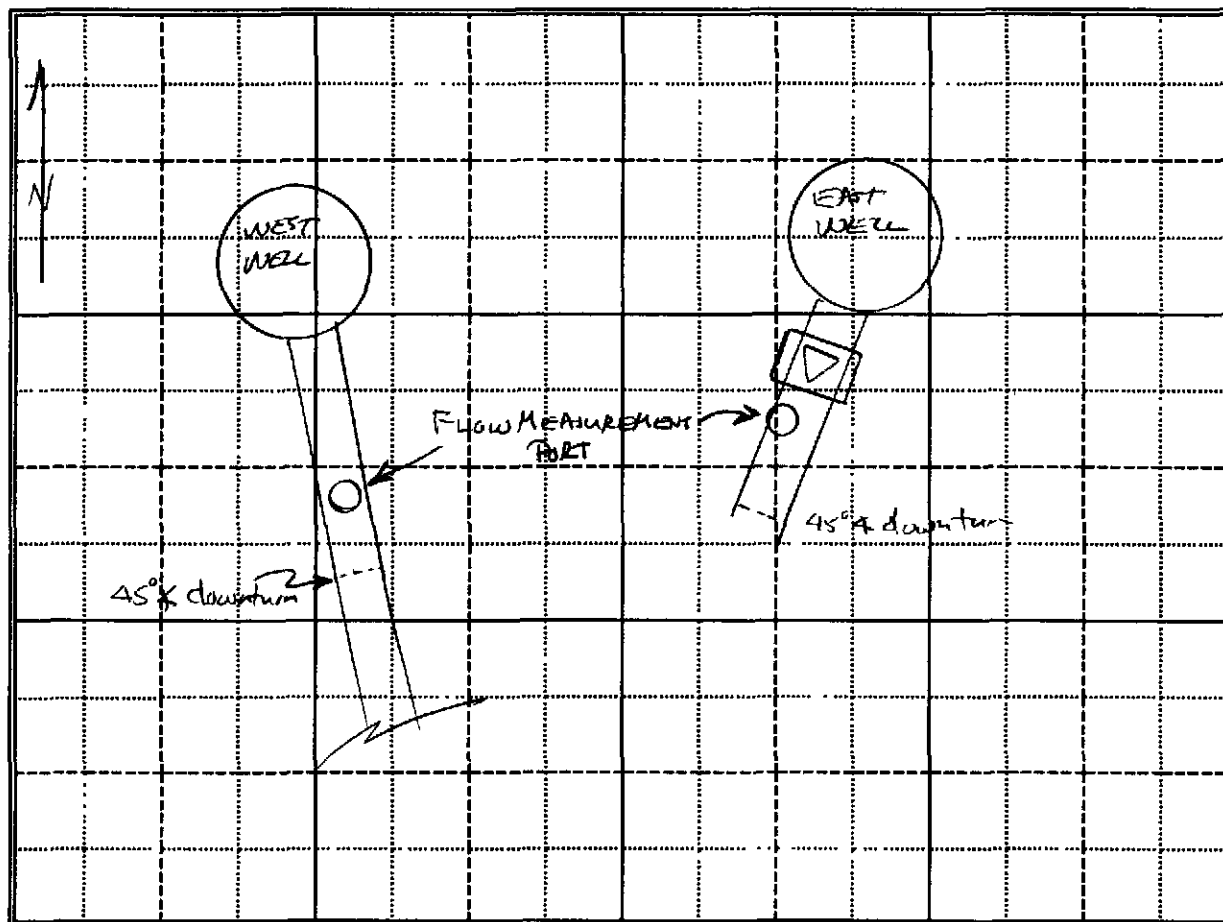
2. Place(s) of Use:

Indicate Method of Determination NAPP PHOTO (GIS)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	28E	12	40																40
																			40
SYSTEM			PLACE OF USE																
6N	28E	1							35	20	40	36		29		33	40	15	248
		12	40	32	35	40	32			32									211

459

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable



Scale: 1" = _____

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WEST	GE	200	DLJ423123	Johnston	12.74" od
EAST	Westinghouse	150	7212	Layne & Fowler	12"

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	STATE ID/Serial No	Size	Calib. Date
Ultrasonic (7-28-1998)		FUJI	FLC-S1011	7K008978		
Ultrasonic (8-21-1998)		Polysonic	TF-P	149743/26836		

2. Measurements: West Well $Q = 4.36 \text{ cfs}$
East well $Q = 3.67 \text{ cfs}$

Total $Q = 8.03 \text{ cfs}$

MICROFILMED

7-10-99

E. NARRATIVE/REMARKS/COMMENTS

Two wells with pumps to mainline with laterals w/sprinklers and center
pivots

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$$\begin{aligned} \text{Total } Q &= \text{WEST WELL } Q + \text{EAST WELL } Q \\ &= 4.36 \text{ cfs} + 3.67 \text{ cfs} = 8.03 \text{ cfs} \end{aligned}$$

$$\begin{aligned} \text{System Rate/ac} &= 8.03 \text{ cfs} / 459 \text{ ac} = 0.017 \text{ cfs/ac} \\ Q_{\text{LIMITED BY SYSTEM RATE/ac}} &= 40 \times 0.017 \text{ cfs/ac} = 0.69 \text{ cfs} \\ Q &= 0.70 \text{ cfs} \end{aligned}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$\begin{aligned} V_{\text{IR}} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 40 \text{ ac} \times (3.5) = 140 \text{ afa} \\ V_{\text{DR}} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.70 (183) (1.9835) = 254.1 \\ V &= \text{Smaller of } V_{\text{IR}} \text{ and } V_{\text{DR}} = 140 \text{ afa} \end{aligned}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	0.70 cfs	140 afa
Totals:			0.70 cfs	140 afa

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

I. AUTHENTICATION

Field Examiner's Name KEITH C. WILSON Date 8-21-1999

Reviewer _____ Date _____

SEAL

MICROFILMED

2007 2 7 2007

No 08

LOG NAME: **33-07172**

START: 07-28-1999 12.45

END: 07-28-1999 12.55

INTERVAL: 00 01 00

07-28-1999 12 45:00

+6.035E+0 ft/s

+1.647E+3 gal/m

+3.669E+0 ft3/s

+TOTAL 0003221 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 46:00

+5.529E+0 ft/s

+1.508E+3 gal/m

+3.361E+0 ft3/s

+TOTAL 0004793 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 47:00

+5.272E+0 ft/s

+1.438E+3 gal/m

+3.205E+0 ft3/s

+TOTAL 0006240 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 48:00**

+9.142E+0 ft/s

+2.494E+3 gal/m

+5.558E+0 ft3/s

+TOTAL 0007801 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 49 00**

+1.345E+1 ft/s

+3.672E+3 gal/m

+8.181E+0 ft3/s

+TOTAL 0010578 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12:50:00**

+1.567E+1 ft/s

+4.276E+3 gal/m

+9.527E+0 ft3/s

+TOTAL 0014448 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 51 00**

+1.432E+1 ft/s

+3.009E+3 gal/m

+8.711E+0 ft3/s

+TOTAL 0018264 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12:52:00**

+9.758E+0 ft/s

+2.662E+3 gal/m

+5.932E+0 ft3/s

+TOTAL 0021490 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 53:00**

+7.423E+0 ft/s

+2.025E+3 gal/m

+4.513E+0 ft3/s

+TOTAL 0023806 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12 54 00

+6.244E+0 ft/s

+1.704E+3 gal/m

+3.796E+0 ft3/s

+TOTAL 0025564 gal

-TOTAL 0000000 gal

NORMAL **

07-28-1999 12:55 00

+5.648E+0 ft/s

+1.541E+3 gal/m

+3.433E+0 ft3/s

+TOTAL 0027180 gal

-TOTAL 0000000 gal

NORMAL **

** Observed - "ERROR
CHECK"

"RECEIVED SIGNAL
ERROR"

Prior to recording data

**"SYSTEM CHECK" -

"SIGNAL CHECK"

Observed as good readings.

EXAM DATE

07-28-1999

Average Q = 3.42 cfs **

Note: Some sprinklers turned
off after first reading

RECOMMENDED Q

Q = 3.67 cfs

***RECEIVED FILM#

33-07172

8-21-1998

08-21 14:4300 *R
+ 1.876E 3GPM

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
12.7402 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2551 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1430 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.695 IN U

08-21 14:4400 *R
+ 1.848E 3GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

MODE SELECT
TO CHECK

0467.6 MMSEC
099.48 % T0

08-21 14:4500 *R
+002.90 % AI2

08-21 14:4500
+ 1.948E 3GPM

DAMPING SET
60 SEC

ZERO MODE
ZERO OPR

PRT PERIOD
1 MIN

PRT UNIT GPH
NO

+ 1.948E 3GPM

DAMPING SET
60 SEC

ZERO MODE
ZERO OPR

PRT PERIOD
1 MIN

PRT UNIT GPH
NO

PRT UNIT GPM
YES

PRT UNIT MGD
NO

PRT UNIT FPS
NO

PRT UNIT INTEG
NO

PRT UNIT AI1
NO

PRT UNIT AI2
YES

START TIME
08-21 14:48

OPERATION TIME
1 HOR

14:48+ 1.954E 3GPM 00R
+002.80% AI2 00R

14:49+ 1.962E 3GPM 00R
+002.80% AI2 00R

14:50+ 1.960E 3GPM 00R
+002.80% AI2 00R

14:51+ 1.962E 3GPM 00R
+002.80% AI2 00R

14:52+ 1.949E 3GPM 00R
+002.80% AI2 00R

14:53+ 1.958E 3GPM 00R
+002.80% AI2 00R

14:54+ 1.957E 3GPM 00R
+002.80% AI2 00R

14:55+ 1.950E 3GPM 00R
+002.80% AI2 00H

14:56+ 1.954E 3GPM 00R
+002.80% AI2 00R

14:57+ 1.953E 3GPM 00R
+002.90% AI2 00R

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

08-21 14:5700 *R
+ 1.946E 3GPM

08-21 14:5700 *R
+ 1.938E 3GPM

Q_{AVC} = 1955.9
Q = 4.36 cfs

MICROPHONE

33-07172

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Form 9/96

POINT OF DIVERSION OVERLAP REVIEW

33-07172

Permit Number

1. Analysis of Entire System, Current Application Rate per Acre (Qc):

Limit to 0.02 cfs/ac, Permitted Amount, or System Capacity, WHICHEVER IS LESS.

A. Total Number of Acres irrigated = 459 acres

B. Total Diversion Rate = 8.03 cfs

$Q_c = \text{Total Diversion rate [1.B]} / \text{Total irrigated acres [1.A]} = \text{Current Diversion Rate}$

$$Q_c = \frac{8.03}{\text{cfs}} / \frac{459}{\text{acres}} = Q_c = \underline{0.0174945} \text{ cfs/ac}$$

2. Old Application Rate per Acre = (Qo) from Licensed Flow Rates:

License # 33-02138 @ _____ cfs / _____ ac \ Adj. in combination

License # 33-07047 @ _____ cfs / _____ ac / 7.90 cfs / 419 ac

License # _____ @ _____ cfs / _____ ac

$$Q_o = \text{Total Lic. Rate} = \frac{7.90}{\text{cfs}} / \frac{419}{\text{ac}} = Q_o = \underline{0.018854} \text{ cfs/ac}$$

[Old Diversion Rate(Qo) = Licensed Flow Rate/# acres]

3. Comparison of Diversion Rates. IF:

A. $Q_o > Q_c$: $Q_o(\#2) = \underline{0.018854} \text{ cfs/ac} > Q_c(\#1) = \underline{0.0174945} \text{ cfs/ac}$
[Old Diversion Rate(Qo) > New Diversion Rate(Qc)]

EXCLUDE LICENSED LANDS . . . GO TO ITEM #4A

B. $Q_c > Q_o$: $Q_c(\#1) = \underline{\hspace{2cm}} \text{ cfs/ac} > Q_o(\#2) = \underline{\hspace{2cm}} \text{ cfs/ac}$
[New Diversion Rate(Qc) > Old Diversion Rate(Qo)]

INCLUDE LICENSED LANDS . . . CONTINUE TO ITEM #3.B.1 & 2

1. Additional Flow Rate for Licensed Lands. $Q_a = (Q_c - Q_o) \times (\# \text{ Lic. Ac})$

$$Q_a = [(\underline{\hspace{2cm}}) - (\underline{\hspace{2cm}})] \times (\underline{\hspace{2cm}}) = Q_a = \underline{\hspace{2cm}} \text{ cfs}$$

cfs/ac cfs/ac acres

2. Flow Rate New Acreage. Total Ac. (#1.A) - Lic. Ac. (#2) = New Acres

$$Q_n = (Q_c) \times (\# \text{ New Ac.}) = \underline{\hspace{2cm}} \text{ cfs}$$

$$Q_n = (\underline{\hspace{2cm}} \text{ cfs/ac}) \times (\underline{\hspace{2cm}} \text{ ac}) = Q_n = \underline{\hspace{2cm}} \text{ cfs}$$

GO TO ITEM #4B.

4. Calculate Total Flow Rate to be Licensed:

A. Rate EXCLUDING Licensed land. Total Ac. (#1.A) - Lic. Ac. (#2) = New Ac.

$$(\underline{\hspace{2cm}}) - (\underline{\hspace{2cm}}) = \underline{40} \text{ ac}$$

$$Q_t = Q_c(\#1) \times (\# \text{ New Acres}) = \underline{0.0174945} \text{ cfs/ac} \times \underline{40} \text{ ac} = \underline{0.699} \text{ cfs}$$

CONDITIONS/REMARKS: _____

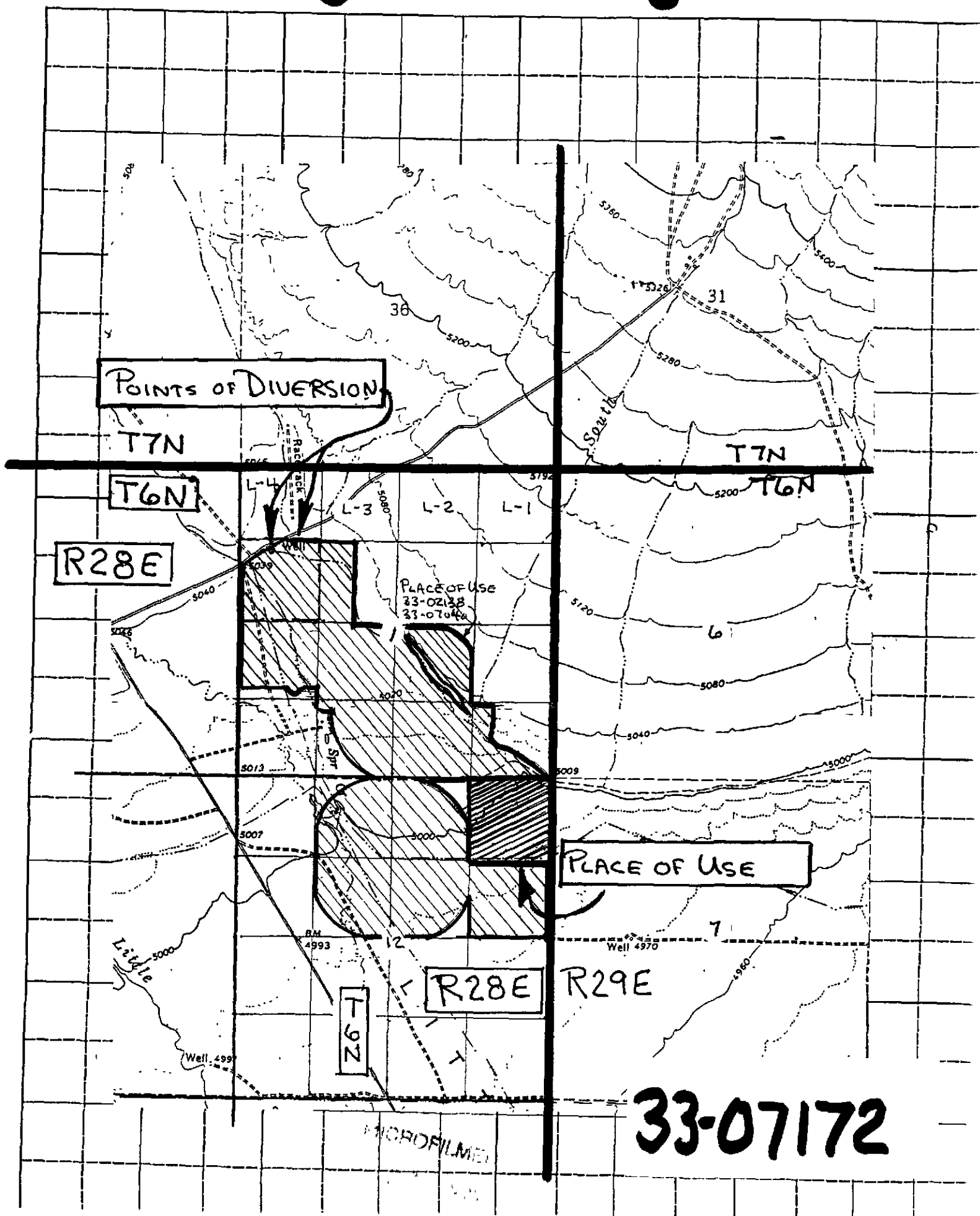
Q = 0.70 cfs

B. Flow Rate INCLUDING Licensed land.

$$Q_t = Q_a(\#3.B.1) + Q_n(\#3.B.2) = \underline{\hspace{2cm}} \text{ cfs} + \underline{\hspace{2cm}} \text{ cfs} = \underline{\hspace{2cm}} \text{ cfs}$$

CONDITIONS/REMARKS: _____

33-07172





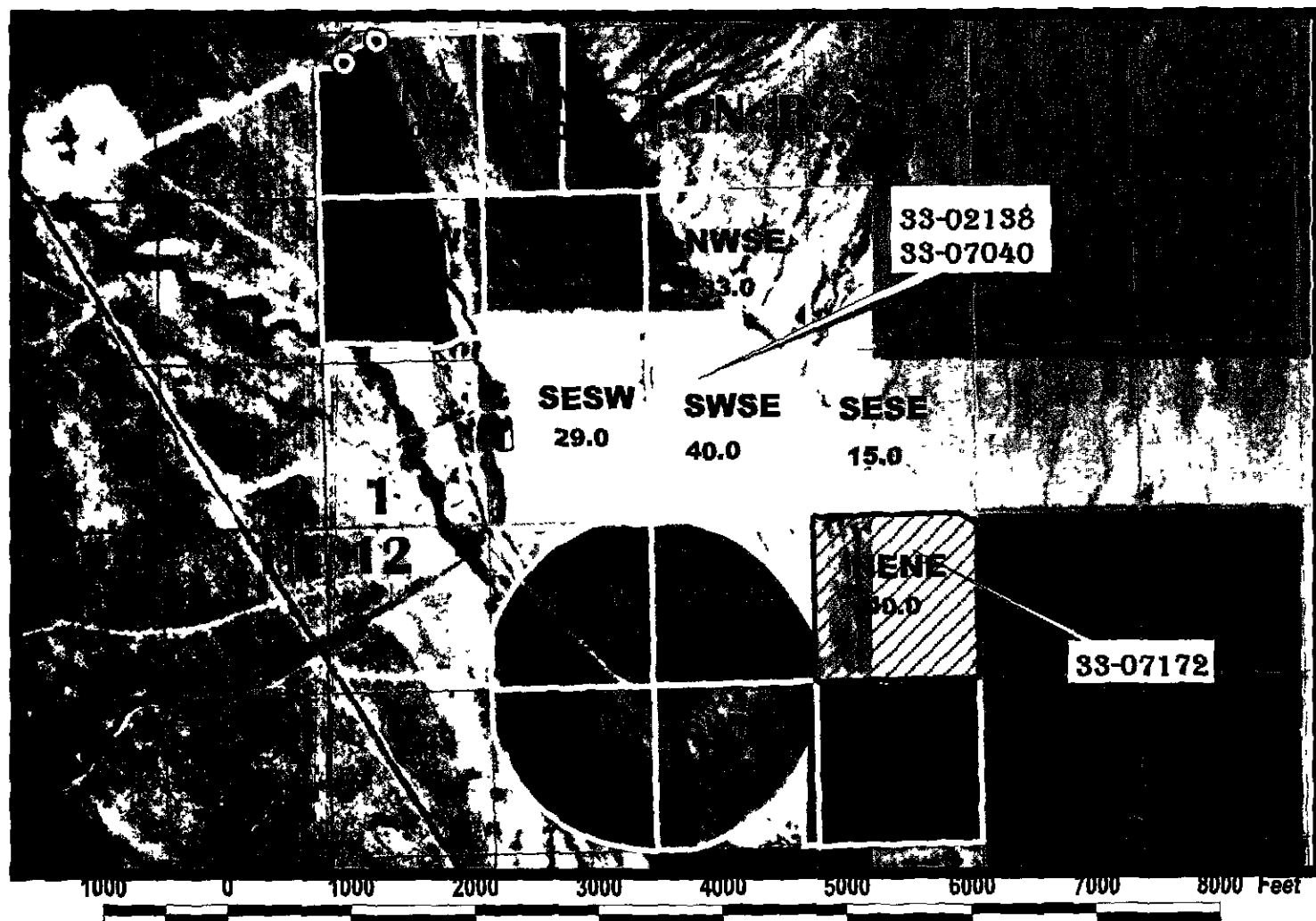
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: D. Archibald

Water Right(s): 33-02138, 33-07040, 33-07172



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use

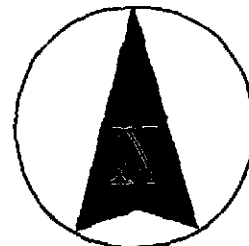


Section Line

Quarter-section line

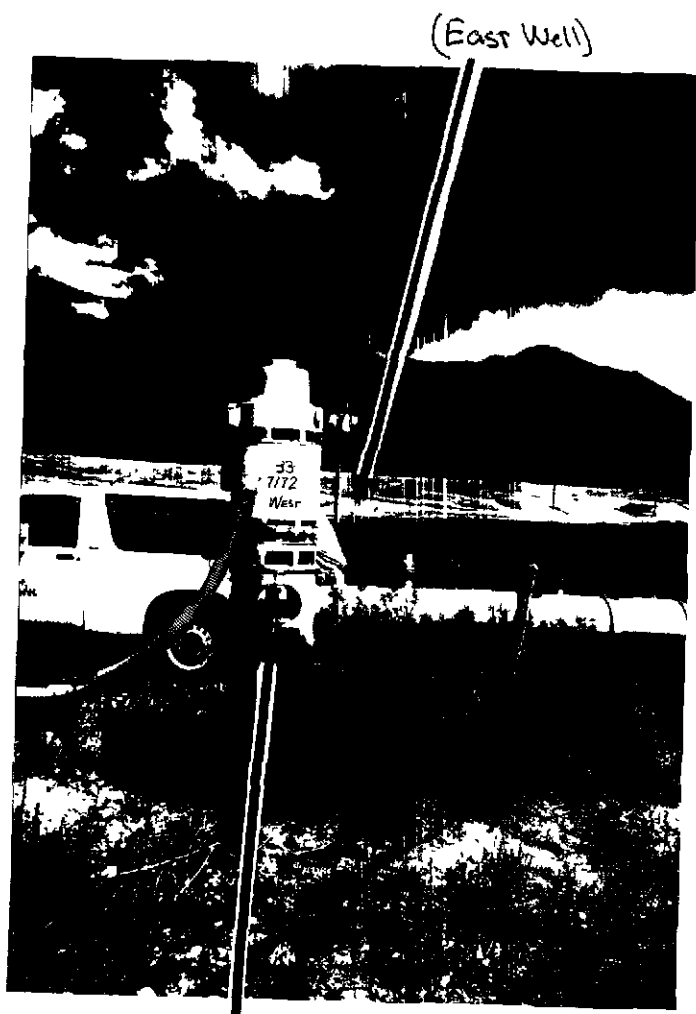
Place(s) of Use: T.6N., R.28E.
Sec. 1 (parts of) S2NW, N2SW,
SESW, W2SE, SESE,
Sec. 12 NE, E2NW

Point(s) of Diversion: T.6N., R.28E.
Sec. 1 NWSWNW (2 wells)

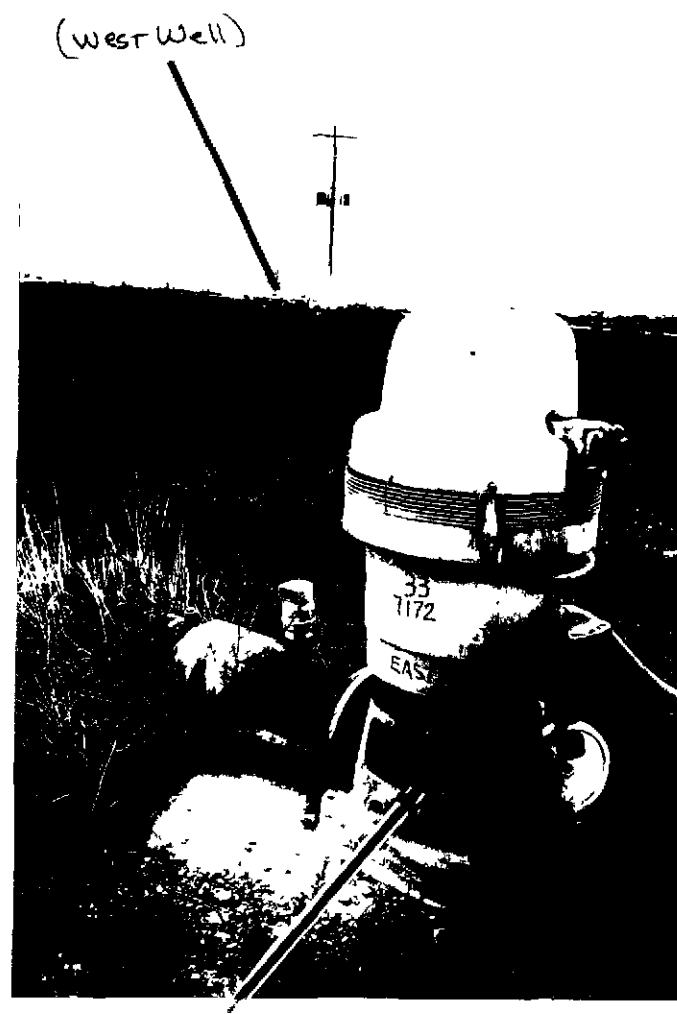


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: August 1999

33-07172



WEST WELL



EAST WELL

PHOTOS 8-21-1998

33-07172

MICROFILM

1998

November 13, 1992

DON G ARCHIBALD
PO BOX 96
REXBURG ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07172

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 33-07172

Reviewed by PC

Date 4

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

yes
yes
Correct Uses? yes

SOURCE OF WATER

 Surface water source
 ✓ Ground water source

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

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

 Required?
 Installed?
 A Waiver requested?

PRIORITY CALCULATION

Date proof received 1/1
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

for information

DATA ENTRY

New Address

Proof Made yes



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 27, 1992

Don G. Archibald
PO Box 96
Rexburg, ID 83440

RE: Permit No. 33-07172

Returned is your Proof of Beneficial Use submitted in connection with the above referenced permit. Before we can complete processing, additional information is required.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have indicated neither the well driller or the date the well was drilled. If the well was drilled prior to July 1, 1987, simply indicate this on the form and return it to me.

If your well was drilled after July 1, 1987, please submit a copy of the drilling permit. The well log should have been submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, please submit that as well. If you do not, please contact your driller and ask that he submit a copy.

Please return the requested information within 30 days of the date of this mailing.

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

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED
SEP 23 1992
Department of Water Resources

September 18, 1992

State of Idaho
Dept of Water Resources
1301 North Orchard St.
Statehouse Mail, Boise 83720

Proof of Beneficial Use papers are enclosed as follows:

- 1- check for \$100.
- 2- Form 217 Proof of Beneficial Use
- 3- Form 42-1409 (7) Notice of change of Water Right Ownership
- 4- Quit Claim Deed from Lowell Jensen

Thank you

Don D. Archibald

RECEIVED
SEP 27 1991

Department of Water Resources

September 26, 1991

Department of Water Resources
1301 N Orchard St
Statehouse Mall
Boise, Idaho 83720

RE: Permit No. 3307172 Lowell H. Jensen

Gentlemen:

Please send us a "Proof of Beneficial Form" to P O Box 16 Rigby, Idaho 83442.
Thanks.

Yours truly,

Don Archibald

Don Archibald for
Lowell H. Jensen

10/29/91 - mailed by L.H.J.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 4, 1990

LOWELL H. JENSEN
C/O DARRAY HAIGHT
HOWE, ID 83244

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 33-07172

Dear Permit Holder:

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

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

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

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

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

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KEITH C WILSON

APPLICATION NUMBER: 33-7172

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: _____

- ☐ 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.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☒ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. App 33-704)
☒ Yes ☐ No* In form for advertising.

- ☐ 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. _____
☒ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., 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? 33-P05
4-2-85 Date of priority recommended
Special conditions of approval or cover letter _____

STATE OFFICE REVIEW

By: _____

Date: _____

P05, P03, P23, P14

016 51 52 53 46 26 04

- ☐ See attached sheet for more information.

By: KW

Date: 9-20-90

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

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

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

AUGUST 28, 1990

Arco Advertiser
Box "C"
Arco, ID 83213

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 24, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

33-07172

40.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before SEPTEMBER 24, 1990.

Published 9/ 6/1990 & 9/13/1990 R. Keith Higginson, Director

RECEIVED
AUG 9 1990

Department of Water Resources

The correspondence and forms were not received by me until July 19, 1990. Apparently they were returned to you on July 13, 1990 for some reason instead of delivered. Please correct our mailing address to:

Lowell Jensen, c/o Mrs. Darray Haight,
Howe, Idaho 83244

Lowell H. Jensen

RECEIVED

OCT 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 33-7172

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes _____ No X

b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

I have made Desert Entry land application which is to be allowed when water right is granted.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes see below No _____

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

see below

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. _____

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. _____

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

same points of diversion as # 33-2138 and 33-7040

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

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

Applicant Donnell H. Jensen

Date August 3, 1990

#2 The two wells referred to in the application for permit has capacity to provide ground water for the subject land and also for the deeded cropland which adjoins subject on 3 sides. The sprinkler system was installed permanently in 1981 on the adjoining deeded land, at the same time water was used/ tested on the subject land (NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12) and proven in 1981 to have sufficient ground water to irrigate subject 40 acres by sprinkler. The subject 40 acres is all suitable for irrigation and for crop.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1990

*Re-sent
July 17, 1990*

RE: APPLICATION FOR PERMIT NO. 33-7172

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1994, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3, thru 4,5,3,5, apply to your project if it is more than 200 acres).

[Handwritten signature]

[Handwritten text]

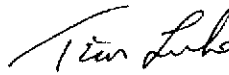
Page 2

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

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

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

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

Enclosures



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, IDAHO 83706



IN REPLY REFER TO

2520 (943)

RECEIVED
JUN 13 1990

JUN 12 1990

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

Department of Water Resources

Dear Tim:

In reference to your June 8, 1990, letter inquiring about water right applications, the following is the status of the DLEs in question:

I-18788 - Lowell H. Jensen *App No 36-7172*
5/22/85 - 40 acres classified suitable for DLE *WATER RIGHT*
- 80 acres classified unsuitable for DLE

I-8371 - Dick Sorensen
4/24/87 - Case closed

I-8372 - Mary Sorensen
4/24/87 - Case closed

There are no DLEs filed in T. 9 S., R. 13 E., Sec. 4, Lots 3 & 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

App. No. 36-8300: T. 7 S., R. 16 E., Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$. Lands patented in 1988 to James & Lucile Campbell.

App. No. 36-8301: T. 7 S., R. 15 E., Sec. 24, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$. Carey Act application I-10248 is filed on these lands.

App. No. 36-8302: T. 7 S., R. 16 E., Sec. 20, NE $\frac{1}{4}$, SE $\frac{1}{4}$. Lands patented in 1988 to James & Lucile Campbell.

If you have any further questions feel free to call Larry at 334-1735.

Sincerely,

William E. Ireland

William E. Ireland
Chief, Realty Operations Section

MAIL ROOM

OCT 13 1990

August 20, 1985

RE: Application for Permit No. 33-7172 JENSEN

Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

Gentlemen:

Please be advised that Lowell H. Jensen has filed the above referenced application with this office. He indicated he has filed Desert Land Entry No. I-18788 with your office. The legal description of his application for permit is as follows:

POINT OF DIVERSION: SWNW, Sec. 1, T. 6N, R. 28E.
R.M.. Blaine County.

PLACE OF USE: NE1/4NE1/4, Sec. 12, T. 6N, R. 28E, R.M.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC: CW

cc: IDWR - State Office

OCT 18 1985

22-7172

JENSEN, LOWELL H.

BOX 32, HOWE, ID 83244

Source: GROUNDWATER

Date Filed: 04/02/1985

Diversion Pt: SWNW Sec 01 T 06N R 28E

Use: IRRIGATION (0.80 CFS)

In: NENE Sec 12 T 06N R 28E FOR 40 ACRES

MICROFILMED

OCT 16 1990

March 26, 1985

Lowell H. Jensen
Box 32
Howe, ID 83244

Dear Mr. Jensen:

Enclosed is your application for permit, transfer and disclaimer. Please review the transfer and the permit application and if everything seems correct sign both and have the transfer signature notarized. The fee for the transfer application is \$50.00 and the permit application is \$45.00 for a total of \$95.00.

Please send the fee and all paper work back to this office.

Sincerely,

HAROLD W. JONES
Senior Resource Agent

HWJ/cz

Enclosures

