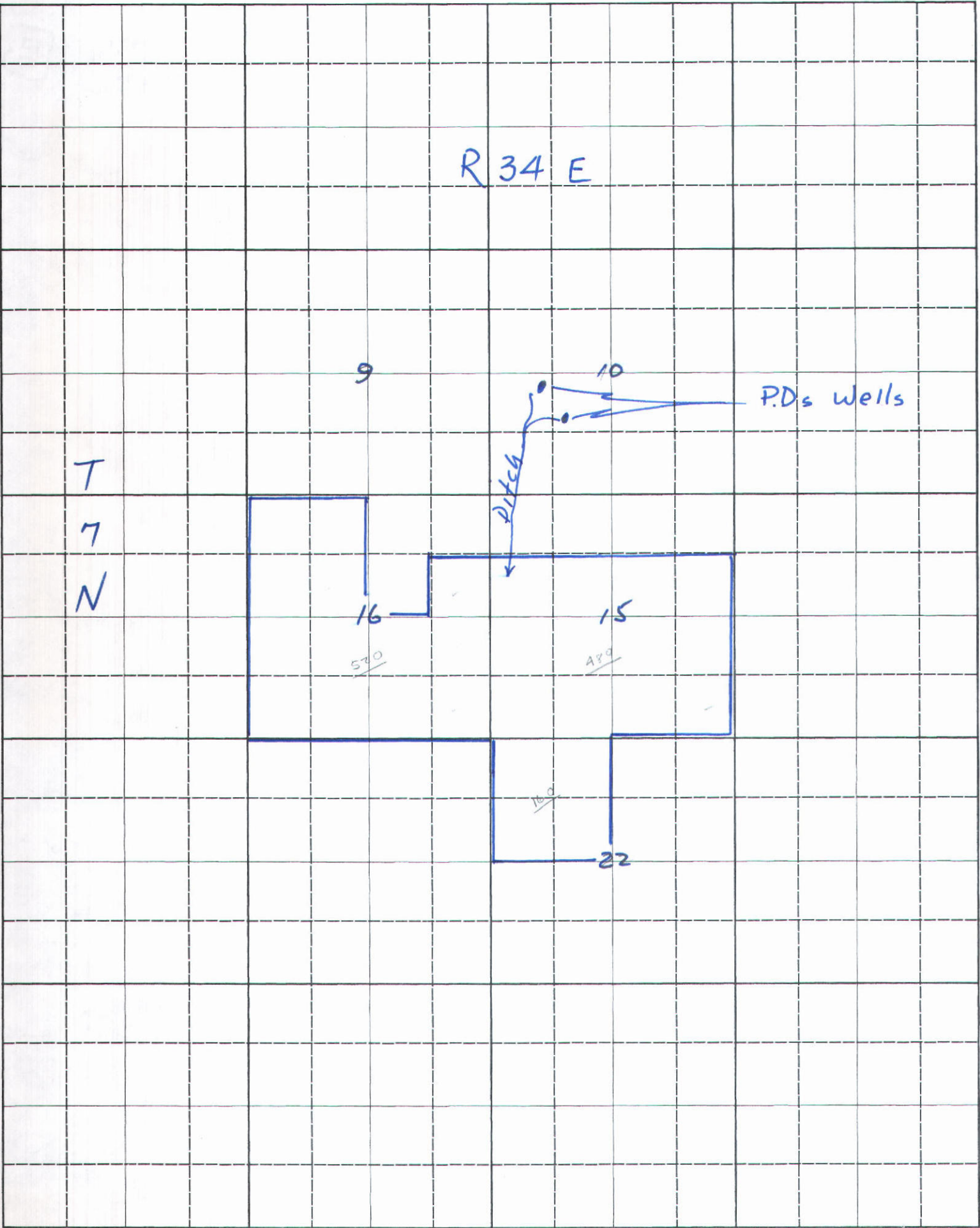


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Ben D. Jarnberg
(Applicant)

RECEIVED

MAR 23 1979

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

NOTICE OF APPLICATION
FOR WATER RIGHT

NOTICE IS HEREBY GIVEN that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

31-7311

Ben D. &/or David R. Jernberg, P. O. Box 1766, Billings, Mt. 59103.

Source: groundwater Date Filed: 2/20/1979; Amount: 16.00 CFS; Diversion Point: NWSW NESW Sec. 10 07N R 34E, Jefferson Co.; Use: Irrigation (16.00 CFS) from 04/01 to 11/01.

Place of Use: SWNE SENE SWNW SENW NESW NWSW SWSW Sec. 15 T 07N R 34E SESW NESE NWSE SESE SWSE Sec. 15 T 07N R 34E SENE NENW NWNW SWNW SENW NESW NWSW Sec. 16 T 07N R 34E SWSW SESW NESENWSE SESE SWSE Sec. 16 T 07N R 34E NENW NWNW SWNW SENW Sec. 22 T 07N R 34E for 1160 acres.

Diversion Means: Well, pump, open ditches.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before March 19, 1979.

C. Stephen Allred
Director

Published February 28 and March 7, 1979.

STATE OF IDAHO,

County of Jefferson

ss

I, Karl Hanosky
Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Twenty-Eighth day of February, 19 79

and the last publication on the

Seventh day of March, 19 79

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Karl S. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Seventh day of March, 19 79.
[SEAL]

Evelyn M. Flagler
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

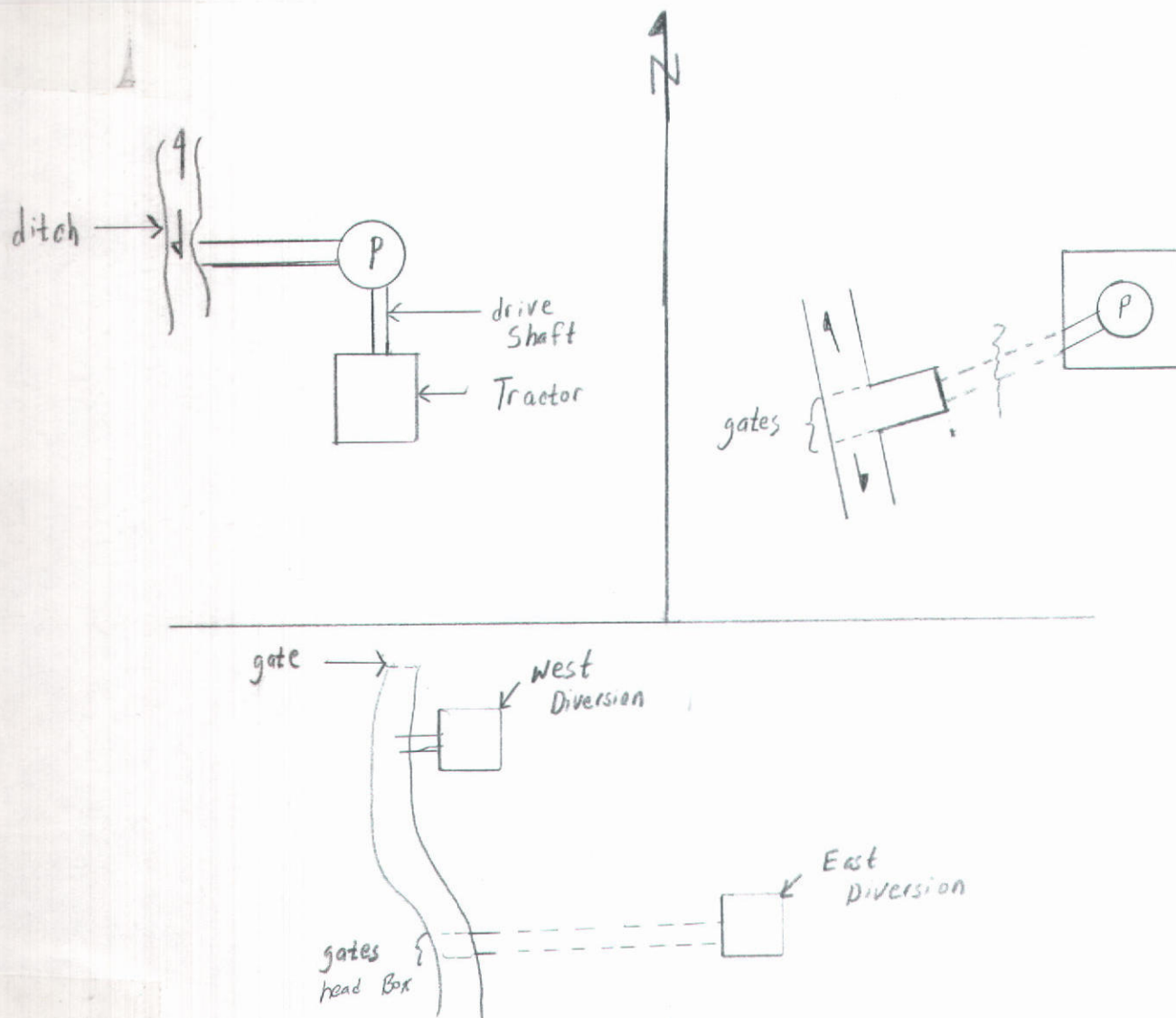
My commission expires 7-15, 19 81

Publication Fee: \$ 15.58

MICROFILMED

31-7311

Diversion Diagram



MICROFILMED
SEP 10 1997

U.S.

A206

A107
A191

7/16.3

16/15
21/22

39

33

27

23

39

40

40

40

39

40

40

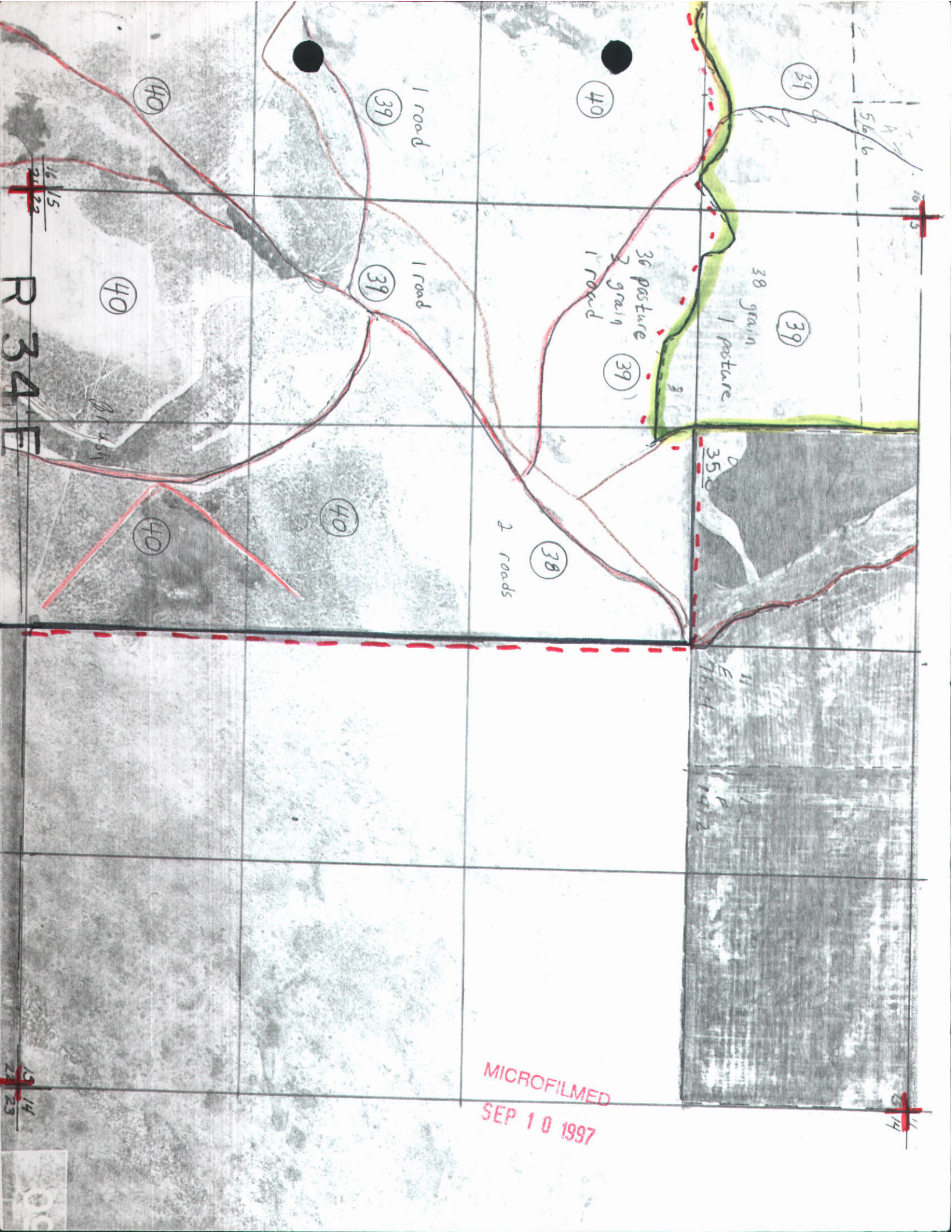
40

40

40

40

MICROFILMED
SEP 10 1997



MICROFILMED
SEP 10 1997

R 34 E

16 15
24 22

13 14
21 23

3
10

100.5

500

3 C 81.3

2 B 10.7

AUS T/142
(A190)

A 83.8

12.9

(4)

(28)

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SEP 10 1997

road

38 grain
1 pasture

(39)

35.8

76.4

101.2

11
14

F5 ←

MICROFILMED
SEP 10 1997

8 9
7 6

A107
A200

T143

(39)

(40)

(27)

(26)

9 10
16 15

(28)

2
B
68.3

A
56.6

(40)

(39)

38 grain
1 pasture
1 rd. = (39)

(38)

(34)

60.7

29.7

$35 + 5 = (40)$

(40)

36 pasture = (39)
3 grain
1 road

(20)

1
A
171.7

34.2

9 grain
30 pasture
1 road = (39)

(39)

(39)

1 road

(39)

1 road

road

F4



7108

4 3
9 10

MICROFILMED
SEP 18 1997

Out

68.3

(40)

(27)

4107
7123
A109

(33)

(26)

56.6

(39)

(24)

9 10
12 15

Out

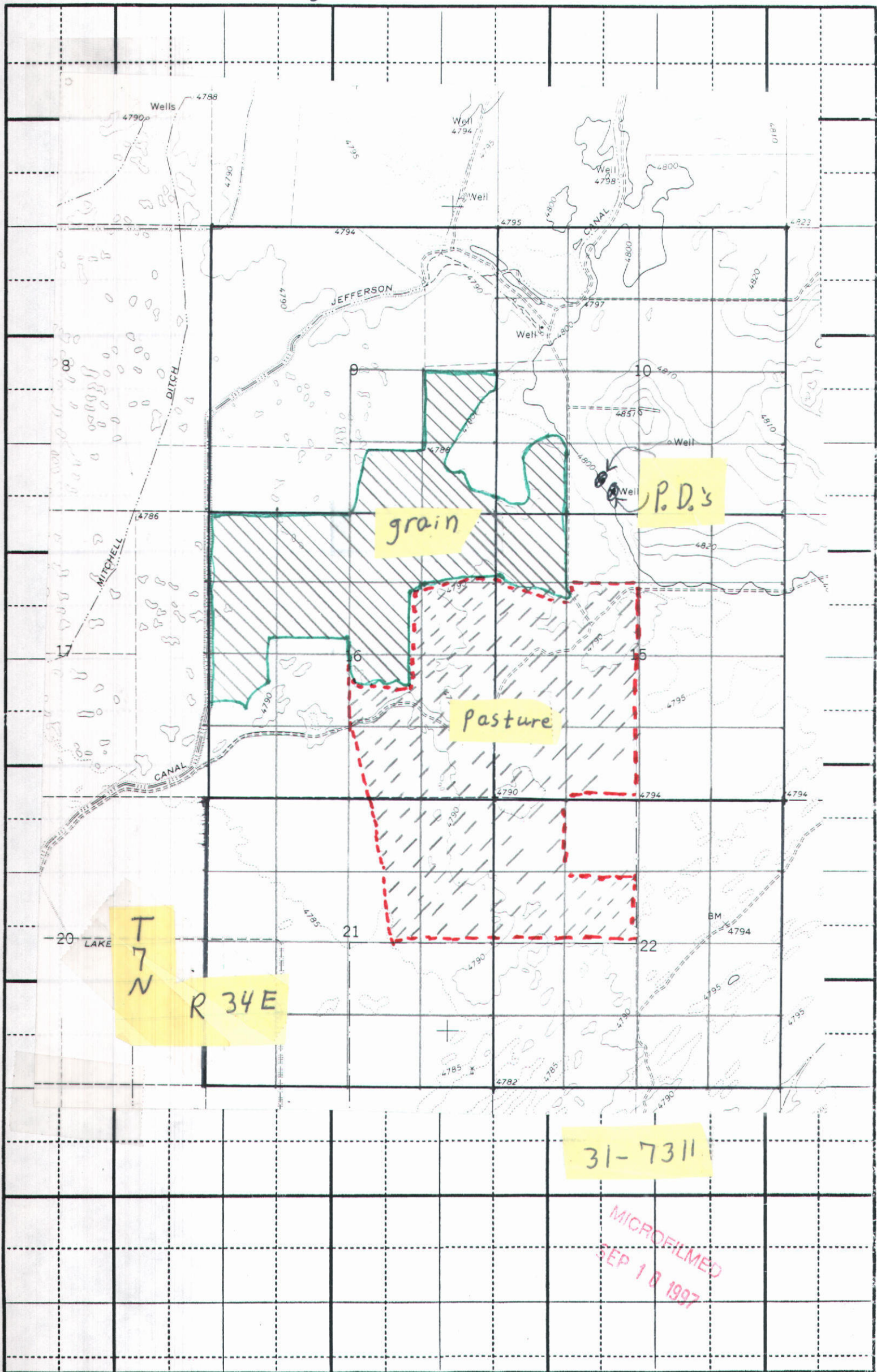
(4)

(28)

(39)

NAME OF APPLICANT Jeberg

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.



31-7311
W

MICROFILMED
SEP 10 1997



MICROFILMED
SEP 10 1997

#31-7311



Pasture Ditch System



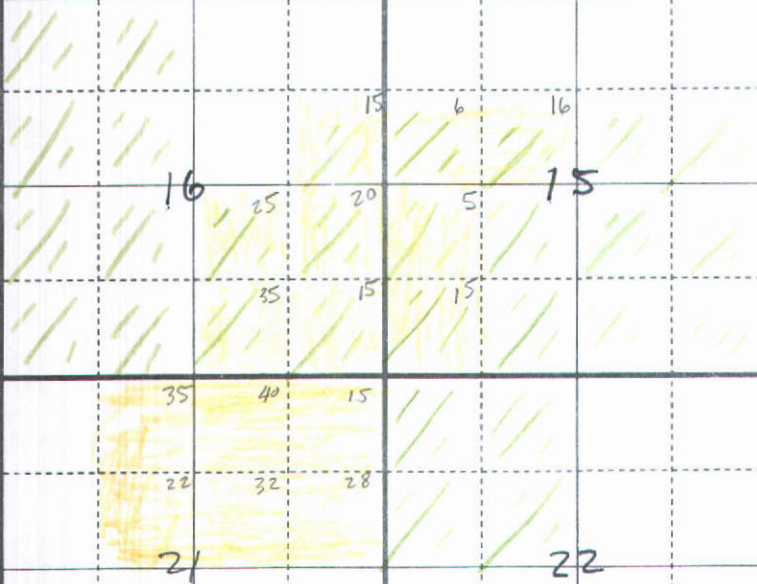
MICROFILMED
SEP 10 1997

31-7311



Typical "Pasture" Ground

MICROFILMED
SEP 10 1997



31- 2395 - 3.65 cts per 324 ac = 0.01 cts/ac

31- 7311 16 cts per 1160 ac = 0.01 cts/ac

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07311

Priority: April 23, 1979

Maximum Diversion Rate: 4.62 CFS
Maximum Diversion Volume: 367.5 AF

This is to certify, that DAVID R JERNBERG
BEN D JERNBERG

3170 SYCAMORE LN
BILLINGS MT 59102

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 20, 1979; and has submitted Proof of Beneficial Use on August 2, 1984. An examination indicates that the works have a diversion capacity of 19.280 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	04/15 to 10/15	4.62 CFS	367.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 10, Township 07N, Range 34E
JEFFERSON 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>
07N	34E	9	NESE 33	SWSE 27	SESE 26	86
		10	NWSW 4	SWSW 28		32
		15	NWNW 39	SWNW 5		44
		16	NENE 39	NWNE 40	SWNE 34	
			NENW 40	NWNW 39	SWNW 38	
			SENE 34	NWSW 20	NWSE 15	299

Total number of acres irrigated: 461

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

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SEP 10 1997

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 31-07311

CONDITIONS OF APPROVAL AND REMARKS

6. Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B.M., but this additional use is not an appurtenance of the land upon which it occurs.
7. Two points of diversion are located in the SESW, S10, T7N, R34E.
8. Rights 31-02357 and 31-02395 are also diverted from the points of diversion described above.
9. Any application for transfer proposing to change the point of diversion, place of use, nature of use, or period of use of this right or any portion of this right shall include for consideration by the director the entire use of water on the uncultivated pasture land referenced above. Action taken by the director on any such transfer application may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.

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 5TH
day of SEPTEMBER, 1997.


KARL J. DREHER Director
Acting for

MICROFILMED

SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 31-07311

This is to certify, that DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 23, 1979

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.62 CFS	367.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 10, Township 07N, Range 34E
JEFFERSON 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>
07N	34E	9	NESE 33	SWSE 27	SESE 26	86
		10	NWSW 4	SWSW 28		32
		15	NWNW 39	SWNW 5		44
		16	NENE 39	NWNE 40	SWNE 34	
			NENW 40	NWNW 39	SWNW 38	
			SENW 34	NWSW 20	NWSE 15	299

Total number of acres irrigated: 461

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of T7N, R34E, B. M., but this additional use is not an appurtenance of the land upon which it occurs.

RECORDED

SEP 10 1937

PERMIT NO. 31-07311

CONDITIONS OF APPROVAL AND REMARKS

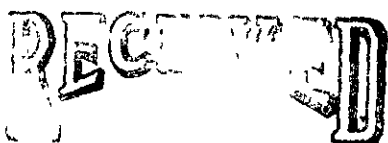
3. Two points of diversion are located in the SESW, S10, T7N, R34E.
4. Rights 31-02357 and 31-02395 are also diverted from the points of diversion described above.

Witness my hand this 5TH day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

1101007

SEP 10 1997



FEB 19 1987

STATE OF IDAHO

Ident. No. 31-07311APPLICATION FOR AMENDMENT
Department of Water Resources (For Licensing Purposes)

Comes now Ben D. Jernberg &/or David R. Jernberg Phone 406 252-6072
of (address) Box 1442 Billings, MT 59103, 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. 31-7311, and requests that the permit be changed as follows:

(2 points)

1a. Point of diversion: SE 1/4 SW 1/4, section 10, Township 7N, Range 34E,
B.M., County of Jefferson. Other points of diversion: _____

1b. Source: groundwater tributary to -----

2a. Period and nature of use:

Amount 13.45 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)

2b. The maximum quantity diverted shall not exceed 13.45 cfs or * acre feet
per year.

*See reverse side

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	34E	9													33		27	26	86
		10																	32
		15						39	39	38	40	39	40	40					275
		16	39	40	40	40	40	39	38	34		20			39	39	33	40	481
		21	40	27	23	40													130
		22						40	40	40									120

Total number of acres to be irrigated = 1124

4. Date of priority: April 23, 1979 (Late Proof)

5. Conditions (if any): ~~The maximum combined rate of diversion under this right and Right Nos. 31-2357 & 31-2395 shall not exceed 19.28 cfs.~~

6/1/94 *The maximum combined annual volume under this right and Right Nos. 31-2357 and 31-2395 shall not exceed 3372.0 acre feet.

The rate of diversion & annual volume under this right shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water when all rights appurtenant to the place of use from the same source are considered cumulatively.

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

Signed at Billings Mont., this 5 day of Feb., 1987
Ben W. Darnburg
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by af Date 2-19-87 # 41469

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, _____, of the Department of Water Resources hereby Approve the above Application for Amendment for Permit No. 31-7311.

Witness my hand this _____ day of _____, 19 87.

Director

MICROFILMED
SEP 11 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31-7311 IN THE)
NAME OF BEN D. AND/OR DAVID R. JERNBERG) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1984; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holders that the permit lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on August 2, 1984;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 31-7311 be REINSTATED and the priority advanced to April 23, 1979.

Dated this 21st day of August, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
AUG 21 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Ben D. Jernberg &/or David R. Jernberg Phone (406) 252-6072

Post office address P. O. Box 1766, Billings, Montana 59103

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

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township 7N

Range 34E B.M. Jefferson County, additional points of diversion if any: _____

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 7N, R. 34E, B.M.

4. Water will be used for the following purposes:

Amount 16.0 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. 16.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. wells, pump and open ditches

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 24 inches; proposed depth of well is 100 feet.

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

8. Description of proposed uses:

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

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

Range _____ B.M.

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

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

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

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

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

[illegible]

Total number of acres to be irrigated 1160

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

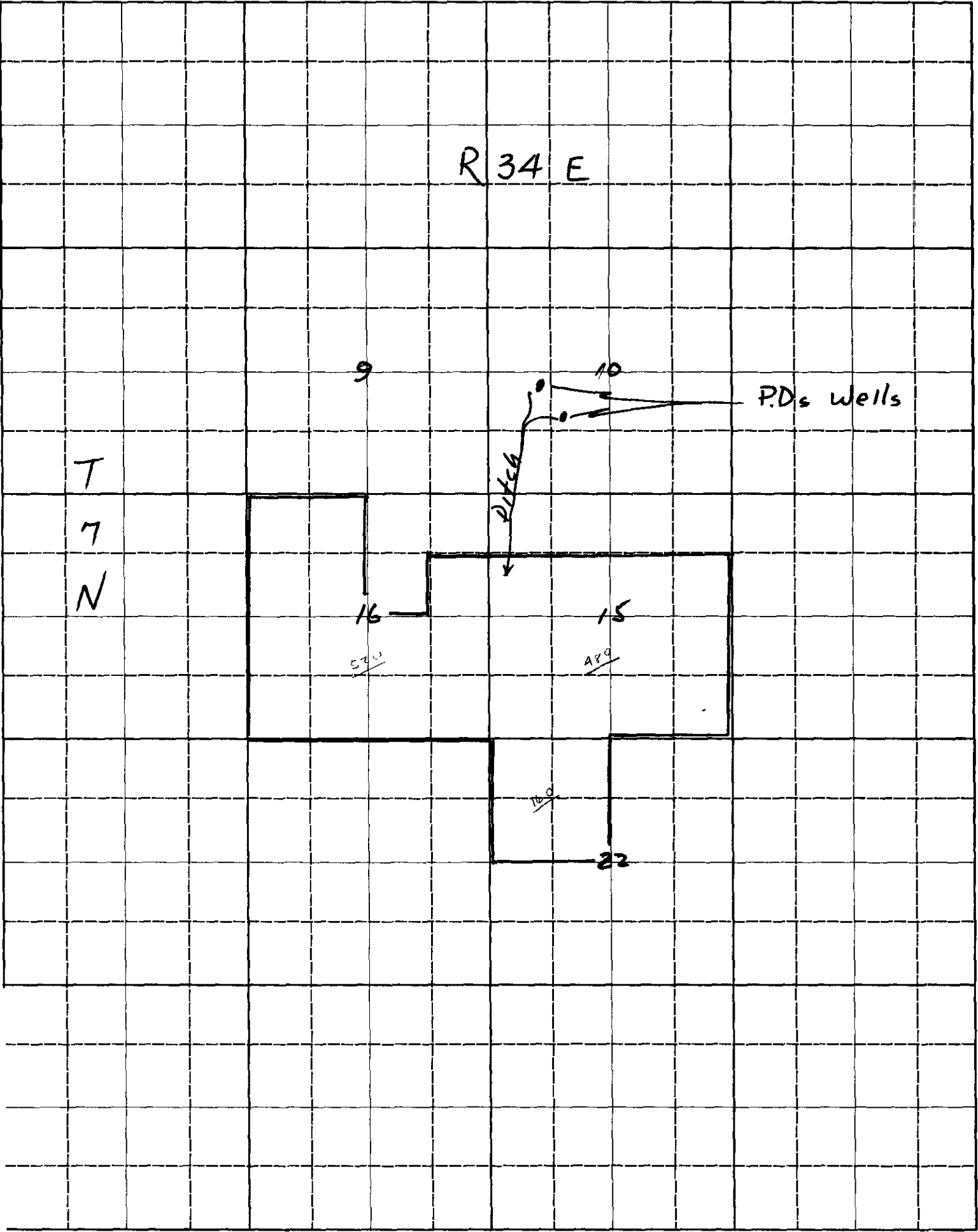
9. a. Who owns the property at the point of diversion Applicant

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

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.

Ben D. Jernberg
(Applicant)

Proposed Priority 2-20-79

Received by dh Date 2-20-79 Time 4:00 p.m.

Preliminary check by [Signature] Fee \$185.00

Receipted by dh Date 2-20-79 #12890

Publication prepared by dh Date 2-23-79

Published in Rigby Star

Publication dates March 1 & 8, 1979

Publication approved [Signature] Date 3/27/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC J.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7311, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 28th day of June, 19 79.

[Signature]
Chief, Operations Bureau

1-23-79
23
Editor Resources

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss

I, Karl Hanosky
Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Twenty-Eighth day of February, 19 79

and the last publication on the

Seventh day of March, 19 79

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Karl S. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Seventh
day of March, 19 79.
[SEAL]

Evelyn M. Flagler
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 7-15, 19 81

Publication Fee: \$ 15.58

MICROFILMED

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

Decreed by 31-7311



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

November 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

RE. Application for Transfer

Dear Mr Jernberg

I received your request for information about changing water rights 31-02357, 31-02395, and 31-07311. Under Section 42-222, *Idaho Code*, you may apply to change the point of diversion, place of use, period of use, or nature of use of an existing water right. The Department of Water Resources (IDWR) will approve the application, called a transfer, if no other water rights are injured, the change does not result in the enlargement of the original right, the change is consistent with the conservation of water in Idaho, and the change is a beneficial use consistent with the local public interest. As you requested, I am faxing a transfer application form to your Montana number. I will also mail a better copy with the original of this letter.

As you prepare your transfer application, please pay special attention to the conditions addressing the watering of 663 acres of uncultivated pasture under right 31-07311. These conditions were placed on the license to allow irregular use of water to continue on the pasture without acknowledging that the use rises to the same level as irrigation of cultivated cropland. If you are contemplating changing the watering of pasture to the irrigation of cropland, you will need to support your transfer application with records showing the timing and amount of water use, in cubic feet per second and acre-feet, on the pasture land during each of the last five years that it was watered. When reviewing the transfer application, IDWR will evaluate your records and act to ensure that your proposal does not result in the use or consumption of more water than occurred under the original right. One possibility is that IDWR will approve the transfer with a reduction in acreage. Because of the complicated nature of this evaluation, it may be useful for you to obtain the services of a private irrigation expert to assist with your transfer application.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

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

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DATE: 11.13.00

TO: Ben Jenkins
1-406-656-2934

FROM: Shelley Kean
IDWR

DOCUMENT

DESCRIPTION:

Letter of response re application
for transfer.

COMMENTS:

COVER SHEET + 1 PAGES

PLEASE CONTACT
ENTIRE DOCUMENT

Kari Lynn
327-7941

IF YOU DON'T RECEIVE THIS

MICROFILMED

MAR 1 2003

Department of Water Resources

1301 N Orchard St.

Boise, Id. 83720

11-3-00

RECEIVED

NOV - 3 2000

Department of Water Resources

Dear Sirs:

I would like to make a change in my water use if possible. Due to the higher cost of operation I would like to move or sell the part of Water License 31-02357, and 31-02395 that I am using to irrigate the 663 acres of pasture land. I am using as much water on the pasture land as the farm ground and I would like to put it to more beneficial use.

Due to the fact that I have 2 points of Diversion and the volume of water that these 2 wells produce I am using Water license numbers 31-07311, 31-02357, and 31-02395 to irrigate the 1124 acres that I have license's for. The license's show that there is 1141 acres of water right.

Could you please advise me what I need to do.

Please Fax me the info.

Fax 406-656-2934 Mont.

Fax 602-214-1862 Ariz.

Thank You

Ben D. Jernburg
3170 Sycamore Ln.
Billings, Mont. 59102

MICROFILMED

1997

P 326 991 596

US Postal Service

Receipt for Certified Mail.

No Insurance Coverage Provided

Do not use for International Mail (See reverse)

Sent to DAVID R. JERNBERG BEN D JERNBERG	
Street & Number 3170 SYCAMORE LN	
Post Office, State & ZIP Code BILLINGS MT 59102	
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	RECEIVED
TOTAL Postage & Fees	\$
Postmark or Date	MAY 11 1997

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee and charges for selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits Otherwise, affix to back of article Endorse front of article
RETURN RECEIPT REQUESTED adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

WATER ALLOCATIONS - S.W. KEEN

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

- 1 ☐ Addressee's Address
2 ☒ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to.

DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LN MICRO
BILLINGS MT 59102

4a Article Number

- 4b Service Type Department of Water Resources
☒ Registered ☐ Insured
☒ Certified ☐ COD
☒ Express Mail ☐ Return Receipt for Merchandise

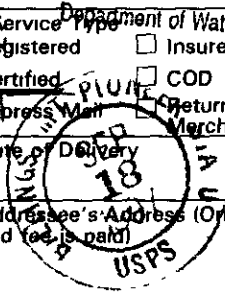
7 Date of Delivery

8 Addressee's Address (Only if requested and fee is paid)

5 Signature (Addressee)

6 Signature (Agent)

P. U. Keen



UNITED STATES POSTAL SERVICE

Official Business

RECEIVED
SEP 22 1997

Department of Water Resources

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237.

S.W. KEEN



PENALTY FOR PRIVATE
USE OF MAIL
MICROFILM DEPARTMENT
OF POSTAGE, \$300

4825 1 61



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

September 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

RE: Water Right No. 31-07311

Dear Water Right Holders:

I have enclosed the Amendment of Permit and the Water Right License for water right no. 31-07311. The amendment and the license together are a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **They 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.**

Please note that as of July 1, 1996, water right owners are required to record changes of water right ownership and changes of mailing address with IDWR. If you acquired a water right or changed your mailing address prior to July 1, 1996, you have until July 30, 1998, to notify IDWR. If you acquire a water right or change your mailing address after July 1, 1996, you must notify IDWR within 120 days of the change. Failure to comply with these requirements could result in a \$100 late filing fee. Contact any IDWR office to obtain the proper reporting form.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED
SEP 10 1997

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of **September, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit and Water Right License)** to the person(s) listed below:

Water Right No. 31-07311

DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 10 1997

MEMORANDUM

DATE: August 11, 1997

TO: Water Right File 31-07311

FROM: Shelley W. Keen *SWK*

RE: Licensing recommendations

The field examiner for right 31-07311 reported that the permit holder is diverting from two wells with a combined capacity of 19.28 cfs to irrigate 461 acres of cropland and 663 acres of uncultivated pasture land.

Licensed right 31-02357 supplies 4.6 cfs to the to 356 acres of the cropland. The licensed place of use for 31-02357 does not correspond exactly to the place of use found by the examiner for 31-07311, but it will be brought into conformance through the SRBA process. Right 31-07311 should be licensed for 4.62 cfs to bring the 461-acre place of use up to .02 cfs per acre when combined with 31-02357. Right 31-02357 contributes 1246 acre feet of volume (3.5 af per acre * 356 acres). Right 31-07311 should be licensed for 367.5 af to bring the total for the 461 acres up to 3.5 af per acre.

Licensed right 31-02395 is for 3.65 cfs appurtenant to 324 acres that mostly overlap the 663 acres of uncultivated pasture land. Again, the SRBA process will adjust the place of use for 31-02395. To bring the 663-acre area up to 0.02 cfs per acre, license 31-07311 should authorize a diversion of 9.61 cfs, comprised of the 4.62 cfs licensed rate plus 4.99 cfs more.

RECEIVED

SEP 10 1997

WR0749NP
No. L31-07311

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/11/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID R JERNBERG	04/23/1979	IRRIGATION	04/15 10/15	4.620 CFS	367.50 AFA
C	BEN D JERNBERG					
	3170 SYCAMORE LN			TOTAL DIVERSION:	4.620 CFS	367.50 AFA
	BILLINGS MT 59102					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 19.280 CFS

Point(s) of Diversion: T07N R34E S10 SESW JEFFERSON 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	:											
07N	34E	9	:																																						
07N	34E	10	:																																						
07N	34E	15	:																																						
07N	34E	16	:	39		40		34				40		39		38		34				20				15															
																																								TOTAL ACRES	461.0

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
31-02357 31-02395

Other Water Rights Listing Overlapping Place(s) of use:
31-02357 31-02395 31-07311

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

Remarks:

Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B.M., but this additional use is not an appurtenance of the land upon which it occurs.
Any transfer of this right changing the place of use or nature of use of this right shall require that a proportional share of the irrigation occurring on the land described as the place of use under this right shall be discontinued. In addition, the entire additional use of water upon uncultivated pasture shall be permanently discontinued.
Two points of diversion are located within SESW, S10, T7N, R34E.

WR0749NP
No. L31-07311

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/11/97
PAGE: 2

Remarks: Rights 31-02357 and 31-02395 are also diverted from the points of
diversion described above.

Dates: App. Received: 02/20/1979 Priority Date: 04/23/1979 (Priority Date Advanced.)
Proof Due Date: 06/01/1984 Proof Made Date: 08/02/1984 (Proof Received Late.)
Exam Made Date: 08/01/1986 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 07/23/97 SKEEN 07/23/97 SCURTIS 08/11/97 SKEEN

WR5809NP
No. 31-02357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/23/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID R. JERNBERG TERRETON ID 83450	11/13/1956	IRRIGATION	00/00 00/00	4.600 CFS	
TOTAL DIVERSION:					4.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07N R34E S10 SESW JEFFERSON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07N	34E	9	:					:					:			28	23	:	25		35	35	:	146.0
07N	34E	10	:					:					:			15	35	:					:	50.0
07N	34E	15	:					:		40			:					:					:	40.0
07N	34E	16	:	40	40	40		:					:					:					:	120.0
TOTAL ACRES																							356.0	

Pou County: JEFFERSON

Dates:	App. Received:	Priority Date:	11/13/1956
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	04/16/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 03/26/85 05/22/88 CONVERT

16 17.5
1246

AJ5809NP
No. A31-02395

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/23/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN D JERNBERG PO BOX 1442 BILLINGS MT 59103 (406) 252-6072	10/09/1961	IRRIGATION	04-01 11-01	3.65 CFS	
					TOTAL DIVERSION:	3.65 CFS
					CONSUMPTIVE USE:	810.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07N R34E S10 SESW JEFFERSON 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				
07N	34E	15	:							06	16	:		05	15	:					:	42.0			
07N	34E	16	:				15	:				:					20	25	35	15	:	110.0			
07N	34E	21	:	15	40	32	28	:	35		22	:									:	172.0			
																			TOTAL ACRES						324.0

POU County: JEFFERSON

Other Rights: 31-02357, 31-07311.

Remarks: GEN CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DHS

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

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

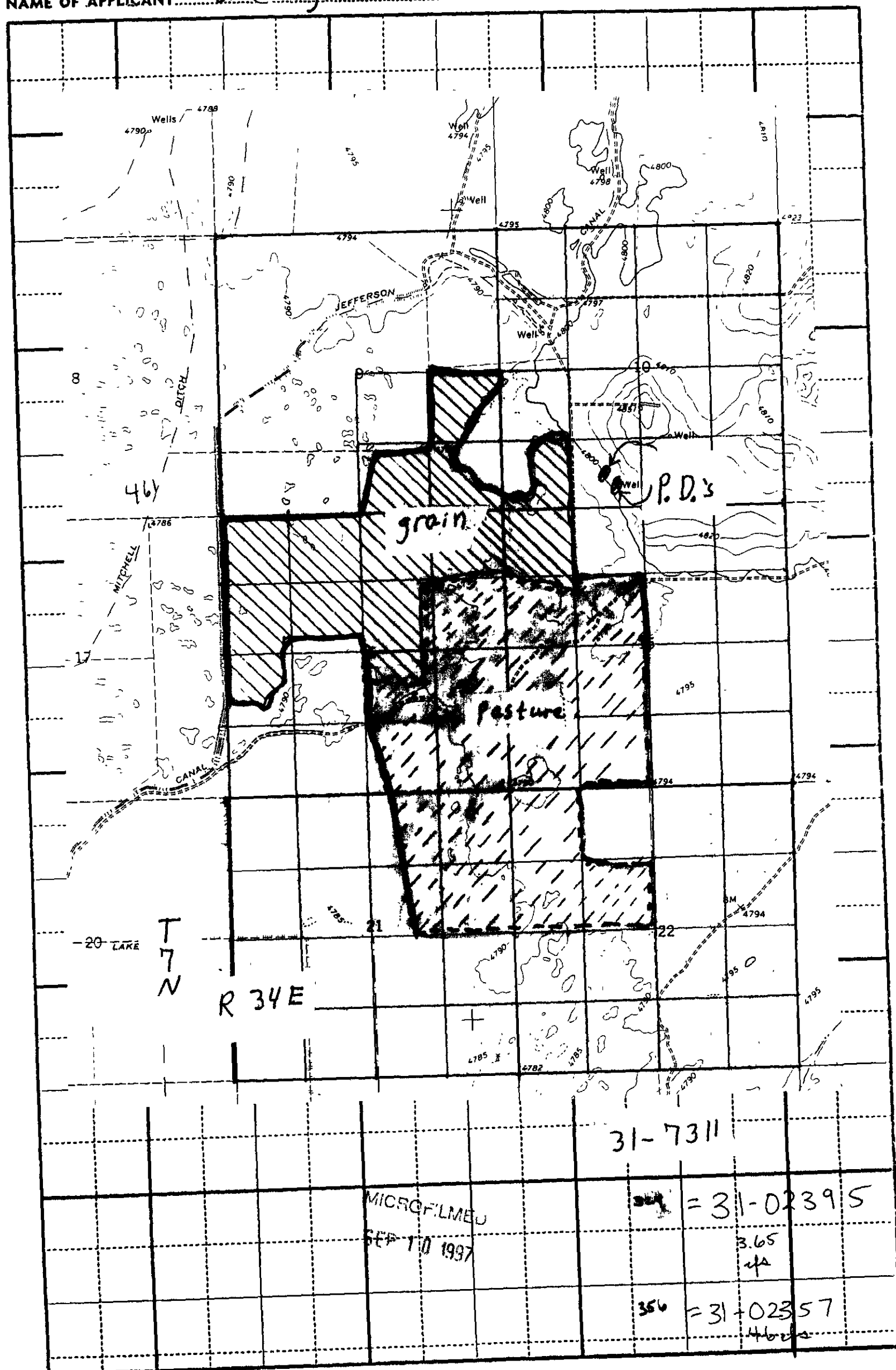
Audit: 03/10/89 CARLSEN 03/27/95 DSMITH 03/30/95 POST-STD

[illegible][illegible][illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3107311	GROUNDWATE :																	520
A3107311	GROUNDWATE :	39	40	40	40 :	40	40	39	38	34 :	40	40	40	40 :	39	39	33	481
L3107311B	GROUNDWATE :			06	40 :										39	24	33	182

Jel serg

Form No. 0

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

File 31-67311

MEMORANDUM

DATE: July 23, 1997

TO: Water Right File 31-07311

FROM: Shelley W. Keen *SWK*

RE: Conditions of Approval

When licensing right 31-07311, please include the following conditions of approval, which are intended to:

1. Authorize Mr. Jernberg's historical practice of diverting water onto uncultivated pasture in order to foster growth of native forage plants.
2. Guard against water use expansion via the conversion of the pasture use to the irrigation of a more consumptive cultivated crop.

Water diverted under this right, and an additional ^{4.99}~~7.93~~ cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B. M., but the right to this additional use is not an appurtenance of the land upon which it occurs.

Any transfer of this right changing the place of use or nature of use of the right shall require that a proportional share of the irrigation occurring on the land described as the place of use under this right shall be discontinued. In addition, the entire additional use of water upon uncultivated pasture shall be permanently discontinued.

MICROFILMED

SEP 10 1997

MEMORANDUM

TO: File 31-07311A & B

FROM: Sharla

DATE: July 7, 1997

RE: Current Address/Phone Numbers

Per telephone conversations between Shelley Keen and the right holder, the current mailing address and associated telephone numbers supplied by the holder are as follows:

Address: 3170 Sycamore Ln.
Billings, MT 59102

Phone: (406)252-6072 (home)
(406)670-4001 (mobile - primary number)
(406)656-2962 (office)

The address change has been made in the database.

MICROFILMED
SEP 10 1997

Aug 5, '95

P.O. Box 1442
Billings, MT. 59103

Shelley Walter Keen
Water Rights Supervisor
R.E. Water Right No. 31-07311

RECEIVED

AUG 08 1995

Department of Water Resources

Dear Mr. Keen

In reference to your letter of July 31, 1995
I will try to give you the history as accurate
as possible before 1984.

We run our full stream of water on the
452 A. of ~~farm~~ ground about 7 days then
move it to the pasture ground for from
10 days to 14 days then back on the farm ground
for about 7 days again or however long it takes.
We usually start the water on the pasture
about 1 month earlier than the farm ground
and water approx 30 days straight. To get
plenty of water on the natural pasture is very
~~necessary~~ necessary to make more pasture for the
cattle because it is dry country.

At this time I have plenty of water out
of my 2 open flow wells to irrigate all this
land. I would very much like to get
a license on this water to help insure that
I can keep doing this. It's my livelihood.

NOTED
SEP 10 1995

Thank You
Ben D. Turnberg

M E M O R A N D U M

DATE: August 4, 1995

TO: File 31-07311

FROM: Shelley W. Keen

RE: Call from Ben Jernberg

SUK
(406) 656-2962

=====

Mr. Jernberg called today to discuss his farming practices for the land covered by permit 31-07311. He told me that in the 1980s his practice was to use the entire flow from the two wells to irrigate the cropped land. He then ran the entire flow onto the pasture land for 10 to 14 days. This rotation occurred all summer.

Mr. Jernberg said he would send a letter detailing what he told me on the phone.

MICROFILMED

SEP 10 1997



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

July 31, 1995

BEN W JERNBERG
PO BOX 1442
BILLINGS MT 59103

RE: Water Right No. 31-07311

Dear Mr. Jernberg:

I am writing in response to your inquiry about Water Right No. 31-07311. Your right has not been licensed because we are still trying to quantify the beneficial use you receive from irrigating hundreds of acres of uncultivated pasture. The annual diversion volume authorized on most licensed irrigation rights in Idaho is based on the requirements of cultivated crops. While you may get some benefit from applying water to uncultivated pasture land, it is not logical that the volume of water required is the same as that required to grow marketable crops.

In the interest of obtaining your license, you may be able to help us with the information we need. We need to know the total annual volume (in acre-feet or gallons) of water pumped from your two wells and the portion of that volume (in acre-feet or gallons) applied to the 663 acres of uncultivated pasture. If you are unable to determine exact volumes, we could possibly use information on the portion of the total flow rate (cfs, gallons per minute, or inches) diverted to the pasture and how many hours or days the flow is diverted to the pasture land each growing season. We would prefer information showing volumes prior to 1984, but any figures after that year would be helpful as well.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK

MC10-1121

10 10 1995

RECEIVED

JUL 11 1995

OFFICE OF THE
ATTORNEY GENERAL

Idaho Dept of Water Resources

P.O. Box 4449

Boise, Id. 83711-4449

P.O. Box 1442
Billings, MT. 59103

7-6-95

RECEIVED

JUL 13 1995

Department of Water Resources
Adjudication Bureau

Dear Sirs:

In regards to my Ident. No. A 31-07311 my records show that it is still a permit. I understood that they were going to give me a license on this water. I have never heard any more from anyone on this.

Could I get you to forward this to The right place and have someone explain to me if I had the right or wrong info.

My phone no. 406-252-6072 office 406-245-8002
Fax 406-656-2962. Home

I would very much like to have a license on this if possible.

Thank You
Ben D. Jernberg

MICROFILMED

SEP 10 1997

MEMORANDUM

TO: File 31-07311
FROM: Sharla
DATE: June 1, 1994
RE: License Issuance

Licensing of this right has been split into two parts, A and B in line with Gary Spackman's memo of 3/17/89.

The A portion is for the irrigated cropland, totalling 461 acres. The B portion is for the natural pasture ground totalling 663 acres. The volume for portion A is the standard 3.5 afa per acre. The volume for portion B has been figured at half the standard rate, 1.75 afa per acre.

The conditions noted by Gary have also been added. As noted in a previous memo by Gary, the east well is already licensed beyond it capacity. Therefore, the licenses for parts A and B are based solely upon the west (new) well. The capacity of the west well is 13.45 cfs. A total of 1124 acres are irrigated by the well. The flow rate to the pasture ground has not been restricted, thus a rate per acre of 0.0119 has been used for calculating the flow rate for each portion. This eliminates the need for conditions limiting the combined rate of diversion.

MICROFILMED

SEP 10 1997

MEMORANDUM

TO: Jim Johnson and File no. 31-7311
FROM: Gary Spackman *Gary*
DATE: March 17, 1989
RE: Licensing of permit to appropriate water no. 31-7311 in the name of Ben David Jernberg

For approximately two years, we have struggled to determine how this permit should be licensed. When the field examiner examined the beneficial use, he found that approximately 1/3 to 1/2 of the place of use was irrigated cropland, and the other 1/2 to 2/3 of the place of use was uncultivated pasture ground. The field examiner suggested that the license be split into two parts, one for the cultivated ground, and the other for the uncultivated pasture. He did not suggest, however, the restrictions which ought to be placed on the license for the uncultivated pasture.

I originally suggested since the cultivated ground was grain, and not alfalfa, that if the annual volume was to be reduced for the native pasture, it also ought to be reduced for the grain crop, which does not consumptively use as much water as alfalfa. Because of difficulty in determining these amounts, I decided since we have licensed for the volume required by alfalfa in the past, that we should not selectively restrict the annual volume for irrigation of the uncultivated pasture.

Concerns were raised about my suggestion, and I have subsequently corresponded with the permit holder to obtain annual volume numbers that would confirm the extent of his beneficial use. Ben Jernberg submitted some information on instantaneous flow rates, which does not help me in determining the annual volume.

Because of expressed concern over exaggerated annual volume licensing, I want to retract my initial position, and suggest that this water right be split in two parts. The A part should be licensed as a normal irrigated use, and should describe those acres that were found to be irrigated, cultivated cropland at the time of the examination. The B portion of the split should represent those acres that were uncultivated natural pasture, but still irrigated. One of the technical reviewers probably should determine the number of acres for each part.

We do not need to restrict the instantaneous flow rate to the natural pasture ground. It may be necessary to obtain all the head possible for irrigation of the uneven uncultivated pasture. I suggest, however, the following special conditions be imposed

NOT RECORDED

SEP 10 1987

on the license:

1. The lands described as the place of use under this license shall not be irrigated as cultivated cropland without filing a transfer with the Department of Water Resources.

2. The total acres irrigated under this right, if changed by a transfer to cultivated irrigation, shall be reduced by one-half prior to irrigation of the cultivated land.

Finally, I suggest that the field headgate ^{volume}~~capacity~~ normally recommended be divided in half for the uncultivated pasture. Although a 50% reduction is not supported by evidence of less water use, a reduction is necessary to insure against enlargement of the use at a later time.

MICROFILMED

SEP 10 1967

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. _____

Name(s) of Permit Holder(s) _____

Post Office Address. P.O. Box 1442, Billings, Mont 59103

Tel. No 406-252-6072

☒ I hereby certify that construction of diversion works for the above referenced permit began on 10-1-79 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit. I have it done have been saving water for 2 yrs

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason

7-10-82
Date

Ben D. Teruberg
Signature of Permit Holder

Ben [unclear]
P.O. Box 1442
Billings, Mont. 59103



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
SEP 10 1937

State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

March 3, 1989

Ben D. Jernberg and
David R. Jernberg
P.O. Box 1442
Billings, MT 59103

MAR 9 1989

Department of Water Resources
Eastern District Office

RE: Permit to appropriate water no. 31-7311

Gentlemen:

Permit to appropriate water no. 31-7311 was examined by an Idaho Department of Water Resources Examiner in 1986. The examiner found approximately 1124 acres irrigated in Section 9, 10, 15, 16, 21, and 22 of T7N, R34E, B.M., Jefferson County. Of the acreage irrigated approximately two-thirds of the land was, for the most part, uncultivated pasture with mixed sage brush and native growth.

The Department has struggled to determine how much water to license for the native growth. It is not logical that it should receive the same amount of water as cultivated cropland.

This letter is a request for any information which you may have regarding total annual volume of water which you may have pumped from the two wells located in SE1/4SW1/4, Section 10, T7N, R34E. The volumes should probably reflect volume pumped prior to August 2, 1984, but any volume after the measurement would be helpful.

If you fail to submit the above requested information within thirty (30) days the department will reduce the flow rate and annual volume under permit 31-7311 to an amount that is commensurate with a presumed diversion for uncultivated lands.

Sincerely,



Gary Spackman, Manager
Water Right Permits Section

cc: Eastern Region

MICROFILM

SEP 10 1987

3-10-89

(Use water from 2 Mills)
approx ^(Electric) 400 in - ^(Diesel) 600 in - From April 15 to Oct 15
180 day approx

Ben W. Jernberg

620 Acres of leveled Farm Ground plus
the balance of grazing ground

RECEIVED

MAR 9 1989

Department of Water Resources
Eastern District Office

RECEIVED

MAR 10 1989

Department of Water Resources
Eastern District Office

RECEIVED

MAR 16 1989

Department of Water Resources

MICROFILMED

SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 3, 1989

Ben D. Jernberg and
David R. Jernberg
P.O. Box 1442
Billings, MT 59103

RE: Permit to appropriate water no. 31-7311

Gentlemen:

Permit to appropriate water no. 31-7311 was examined by an Idaho Department of Water Resources Examiner in 1986. The examiner found approximately 1124 acres irrigated in Section 9, 10, 15, 16, 21, and 22 of T7N, R34E, B.M., Jefferson County. Of the acreage irrigated approximately two-thirds of the land was, for the most part, uncultivated pasture with mixed sage brush and native growth.

The Department has struggled to determine how much water to license for the native growth. It is not logical that it should receive the same amount of water as cultivated cropland.

This letter is a request for any information which you may have regarding total annual volume of water which you may have pumped from the two wells located in SE1/4SW1/4, Section 10, T7N, R34E. The volumes should probably reflect volume pumped prior to August 2, 1984, but any volume after the measurement would be helpful.

If you fail to submit the above requested information within thirty (30) days the department will reduce the flow rate and annual volume under permit 31-7311 to an amount that is commensurate with a presumed diversion for uncultivated lands.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

cc: Eastern Region

RECORDED
SEP 10 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

June 15, 1987

RE: Permit No. 31-7311

Ben D. &/or David R. Jernberg
Box 1442
Billings, MT 59103

Gentlemen:

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

Note that two changes have been made from the information found on the Application for Amendment form which you returned to us in February. The rate of diversion was changed from 16.0 to 13.45 cfs, and one additional condition (#4) was added.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 10 1987

MEMORANDUM

TO: File 31-7311

FROM: Jim Johnson *JW*

DATE: May 11, 1987

RE: Review of Field Examination

System Description

Water from two wells is used to irrigate a total of 1124 acres. Within this acreage are two existing water rights that have appropriated groundwater for irrigation of 680 acres. Water for the two rights comes from one of the two wells found being used.

Review of Existing Rights

The two existing water rights identify that one well common to both water rights is used to supply water to lands identified in each right. The lands identified under each right do not overlap.

Right 31-2357 is for 4.6 cfs for irrigation of 356 acres.

Right 31-2395 is for 3.65 cfs for irrigation of 324 acres.

} 31-02357 measured capacity of 8.25 cfs

Neither of the licenses identify the capacity of the well used, however, during the examination of this right, the well was measured and was flowing 5.83 cfs. For the purpose of this review, it is assumed that 5.83 cfs is the capacity of this well.

Water Right Overlap Analysis

Since two wells are used under the present system and only one well has existing water rights, then all the lands found irrigated must be included under this right.

Calculations

Total lands irrigated	1124
Land covered by existing rights	- 680
Land irrigated w/o existing rights	444 acres

Amount of water used under present system	19.28 cfs
West well	13.45
East well	5.83

Rate/acre application = $19.28 \text{ cfs} / 1124 = 0.017$

Rate/acre of existing rights = $5.83 / 680 = 0.0086$

Note: Since the rate/acre of the existing rights is significantly less than the rate/acre found under the present system, part of this water right should be appurtenant to the 680 acres of land covered by the two existing rights.

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MAY 10 1987

Page 2

Rate amount for lands not covered by existing rights
 $444 \text{ ac} \times 0.017153 = 7.62$

Rate amount for lands covered by Rts. 31-2357 & 31-2395
 $(0.017 - 0.0086) \times 680 = 5.83$

Total rate = 13.45

Volume calculations

$1124 \times 3.0 = 3372.0$

$13.45 \times 214 \times 1.9835 = 5709 - 2040 = 3669.0$

Use 3372.0 AFA

Conditions

R38

#4 as shown on existing proposed license

MICROFILMED
SEP 10 1987

INTER-DEPARTMENT MEMO — 1

FROM Gary
TO Jim File

DATE April 22, 1987

SUBJECT After our discussion regarding the Allen Merritt transfer, I think this needs some reconsideration. We have two wells. The old well ~~is~~ (East Well) is licensed beyond its capacity. The west well is apparently new, and has never been licensed. Capacity is 13.45 cfs. I suggest that we treat the well as a brand new source & license for only the water produced from the west well. Then we do away with condition No. 5, and No. 6.

SEP 10 1997

SIGNATURE
Gary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

January 26, 1987

RE: Permit No. 31-7311

Ben D. &/or David R. Jernberg
Box 1442
Billings, MT 59103

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains all of the information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

REC'D OF LMED

SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No _____

1. **Measurement Calculations**

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{IR} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{3.0 \text{ AF} \times 1124 = 3372.0 \text{ AF}} \\ V_{DR} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{214 \text{ days} \times 16.0 \times 1.9835 = 6791.5 \text{ AF}} \\ V &= \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{3372.0} \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. **Overlap Review**

- a) Other water rights with same place of use: 31-2357, 31-2376, 31-2395

- b) Other water rights with same point of diversion: 31-2357, 31-2395

- c) Analysis: 31-2376 - g.w., Lic. - different pld -
no plu overlap. - data entry
corrected
31-2357 - g.w., Lic. - same pld, 4.6 cfs,
plu overlap.
31-2395 - g.w., Lic. - same pld, 3.65 cfs,
plu overlap.

Capacity of wells = 19.28 cfs

Capacity of system
cannot provide
an inch per acre.

1124 ac. $\times$ 0.02 = 22.48 cfs needed. ALLOW 16.0 cfs as

- 4.6 Lic. 31-2357
14.68 cfs
- 3.65 Lic. 31-2395
11.03 cfs remaining

SEP 10 1997

recommended.

exam fee

(late proof)

30 day
P/D & P/U

4. Permit Holder: Ben D. Jernberg &/or David R. Jernberg
Address: P.O. Box 1442, Billings, MT 59103

5. Source: G.W. tributary to ✓

- | 6. Beneficial Use | Period of Use
From To | Rate of Diversion
Q (cfs) | Annual Volume
V (afa) |
|-------------------|--------------------------|------------------------------|--------------------------|
| Irr. | 4-1 11-1 | 16.0 cfs | ★ |

Allowable Maximums: 16.0 cfs *

- [illegible]

- [illegible]

9. Recommended Conditions/Remarks: R/7/31-2357 & 31-2395, 14.28 cts,

~~SECRET~~ (for file envelope)

★ The maximum combined annual volume under this Right and Rts. 31-2357 and 31-2395 shall not exceed 3372.0 Acre-feet.

- ## 10. 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 _____

11. Examiner's Signature _____ Date _____

Checked in Regional Office by _____ Date _____

Approved in State Office by Larry Walker Date 12-2-86

MICROFILMED
SE 10 1997

INTER-DEPARTMENT MEMO — 1

FROM

Bary

TO

Jim Mori — KAY —

DATE

November 28, 1986

SUBJECT

Although the aerial photograph appears to show some native growth (possibly sagebrush) in the pasture, it is my feeling we should not split.

Most grain crops do not require 3.5 ac-ft/acre annually, but we still license for the greater alfalfa amount. Same reasoning applies to the pasture I think.

NO SPLIT.

MICROFILMED

SEP 10 1997

Bary

SIGNATURE

31-7311

8-22-86

From John Arambarr.
To File 31-7311

RECEIVED

OCT 9 1986

Subj Place of Use

Department of Water Resources

Two distinctly different irrigation uses were found. One use was for the irrigation of a grain crop; the other being irrigation for enhancement of natural vegetation used as cattle pasture (see photos).

I feel that possibly the crop land and pasture land should be licensed separately. It was obvious that the pasture needs and receives less acre feet per annum than the grain crop, and I recommend the licensing volume be reduced accordingly for the pasture land.

The grain crop is outlined in solid yellow on the ~~area~~ aerial photo, ~~white~~ and the pasture is out lined in red dashed lines.

MICROFILMED
SEP 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 9 1986

Department of Water Resources

A. GENERAL INFORMATION

1. Owner. Ben & David Ternberg Permit No. 31-7311
Current Address: P.O. Box 1442, Billings, MT 59103 Phone No. 406-252-6072
2. Accompanied by: Joe Llamas EXAM. DATE: 8-21-86
Address: HC 63, Box 1710 Terreton Phone No. 663-4496
Relationship to Permit Holder Operator
3. Source: groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use 31-2357, 31-2395,
☒ Copies Attached
2. Other water rights with same point of diversion. 31-2357, 31-2395 Both from
East Well ☒ 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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SEP 10 1997

System Description (continued)

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

West Well: pump driven by tractor (3:1, rpm: pto)
open discharges into ditch used for flood irrigation.

East Well₂ pump open discharges downstream
from west Well₂

* Note ditch flow can be reversed depending upon use.

☐ 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
West	N/A	?	N/A	Amarillo	580
East	U.S. Motors	60	990653	Wintroath	9767

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

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

[illegible]

- 6. Place(s) of Use:**

Indicate Method of Determination

[illegible]

Do not use this space

ET 1 U 1997

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pygmy Meter		Scientific		090187	2 1/2'	

2 Measurements:

West well = 13.45 cfs
East Well = 5.83 cfs
Total = 19.28 cfs
R.P.M.: 3000 rpm @ tractor = 1000 rpm @ pump
(3:1 reducing ratio)

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1 Measured Method. See Discharge Notes

2 Alternate Method for Checking Purposes None Available

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure 0 psi x 2.31 = _____ ft (1), Dynamic pumping level: _____ ft (2)
Total Head (1) + (2) = _____ (3), Flow rate _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
Panel Input HP (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation.

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1124 \times 3.5 = 3934.0$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 16.00 \times 214 \times 1.9835 = 67915.0$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 3934.0$

2 Volume Calculations for Other Uses. None

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SEP 10 1997

H. REMARKS AND OVERLAP REVIEW ANALYSIS

R 17 (31-2357/31-2395) 19.28 cfs

R 05

16.00 cfs recommended by permit

0.02 cfs/ac x 1124 ac = 22.48 cfs > 16.00 cfs

Capacity = 19.28 cfs > 16.00 cfs

See Memo on place of use (Aug 22, 1986)

I. 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	16.00	3934.0
Totals:			16.00 cfs	3934.0 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

J. AUTHENTICATION

Field Examiner's Name

John Arambarri

Signature

John W. Arambarri

Certification Date

9-8-86

Field Report Preparation Date

8-21-86

CONSULTANT SEAL

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

MICROFILMED

SEP 14 1987

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date Aug 21, 1986 DISCHARGE MEASUREMENT NOTES

River at West Well 31-7311

[illegible]

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

0 .10 .20 .30 .40 .50 .60 .70 .75 .80

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

31-7211

Date Aug 21, 1986 DISCHARGE MEASUREMENT NOTES

River at Total

Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
						At point	Mean in vertical			
0.35	0.7	2.38		100	45	2.22			1.67	3.71
1.2	1.0	2.38		120	43	2.79			2.38	6.64
2.2	1.0	2.38		150	40	3.75			2.38	8.93
									Total	19.28
								-	West	-13.45
								=	East	= 5.83

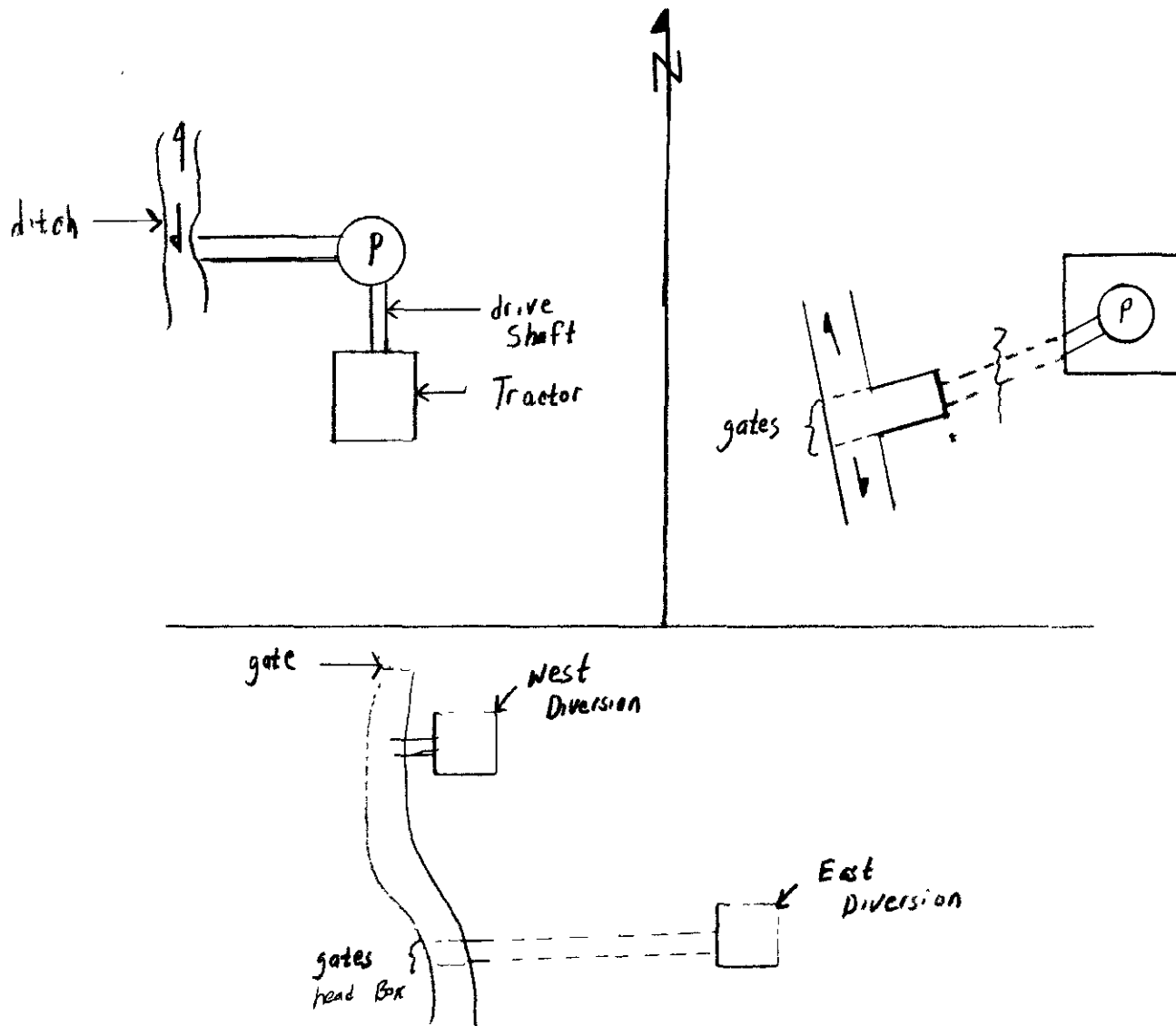
MICROFILMED
SEP 11 1987

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

.10 .20 .30 .40 .50 .60 .70 .75

31-7311

Diversion Diagram



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SEP 10 1997

U.S.

A206

A.07
A.198

7/6.3

16/15
21/22

23

27

33

39

39

39

40

40

40

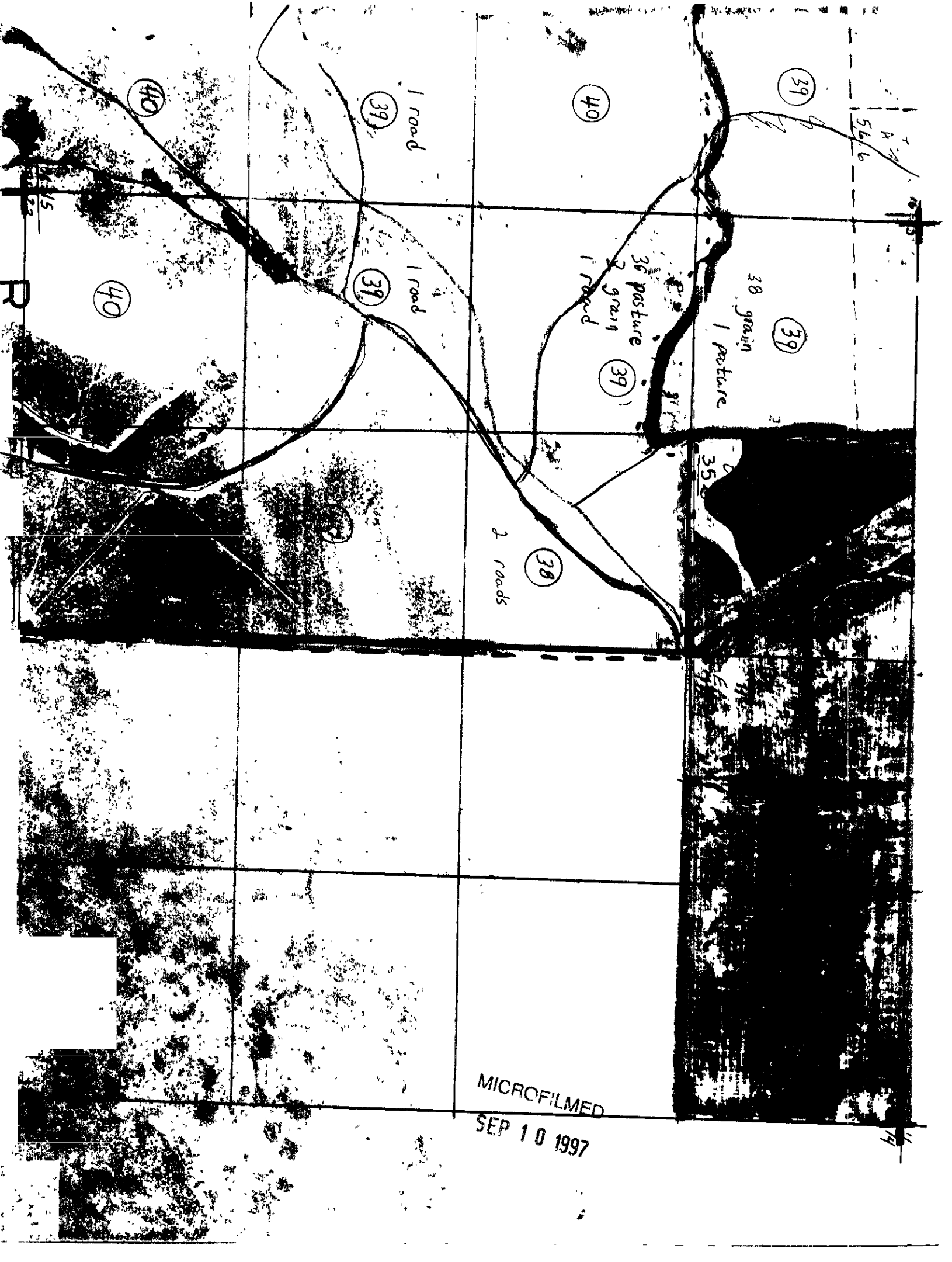
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SEP 10 1997



3
10

3 2
10 11

PHS

(4)

(28)

MICROFILM
SEP 10 1997

road

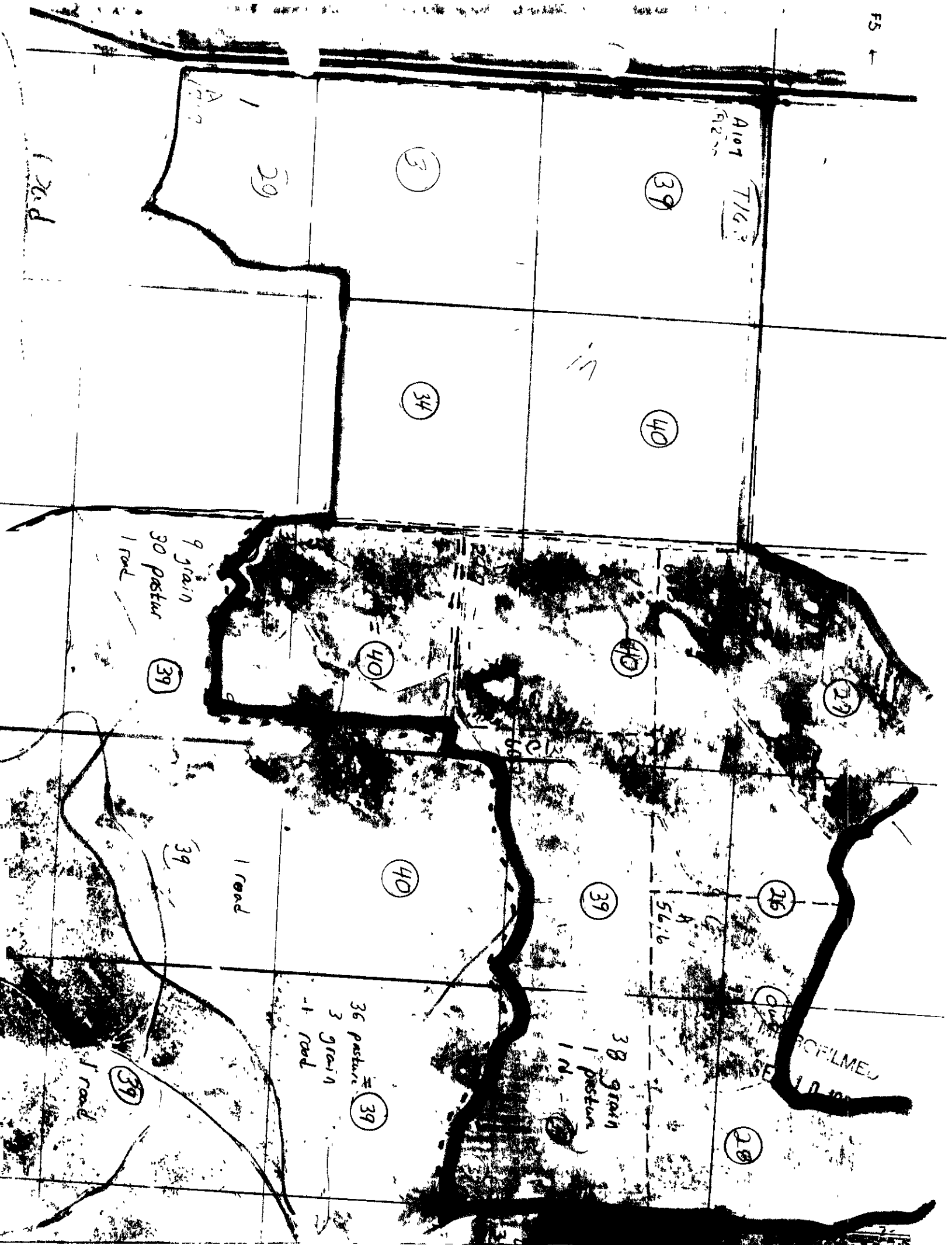
30 grain
1 pasture

(39)

-P/D-

11
14

35



Red Solid Line = Major Ditches

Brown Solid Line = Road

Green/Yellow Line = Grain Boundary

Red Dashed Line = Pasture Boundary

F4

↑

4 3
9 10

108

out

MICROFILMED
SEP 10 1937

40

39

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33

67

72

24

4

F4

↑

4 3
9 10

708

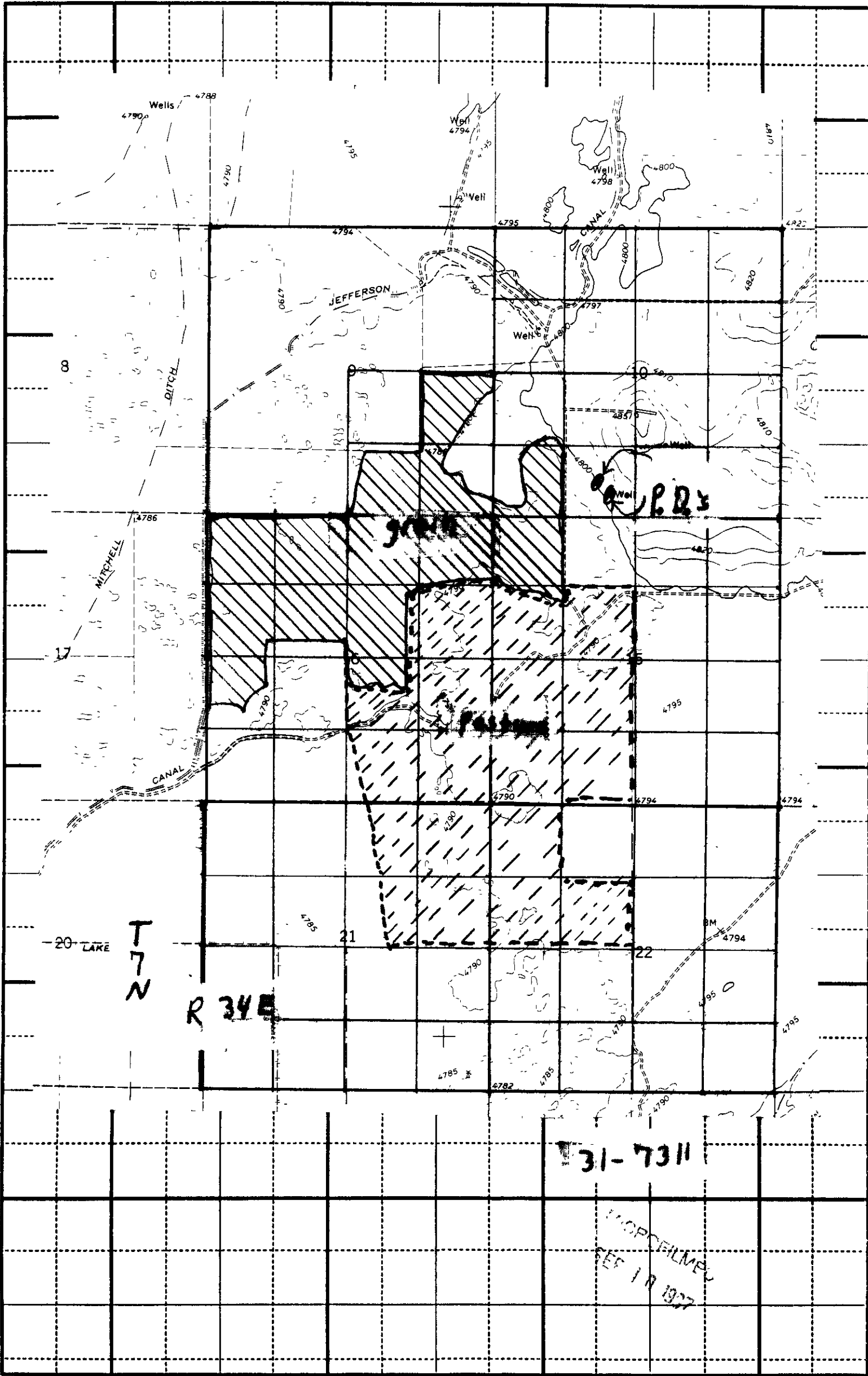
Out

MICROFILMED
40
SEP 10 1937



NAME OF APPLICANT Jeffery

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

31-2357

State of Idaho License and Certificate of Water Right

Water License No. 0-26615

Amount 4.6 c.f.s.

Water District No.

Priority November 13, 1956

THIS IS TO CERTIFY that **DAVID R. JERNBERG**

of **Terreton, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **November 13**, 1956; that Permit No G-26615 was issued under said application; that Certificate of Completion of works, with a carrying capacity of **4.6** second feet, was issued thereunder on **June 13**, 1962, showing that said works were completed on the **27th** day of **November**, 1961; and that on the **27th** day of **November**, 1961,

DAVID R. JERNBERG

of **Terreton**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-26615 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **12** of Licenses at page **7295**, on the **13** day of **June**, 1962;

The right hereby confirmed dates from **November 13**, 1956;

The Point of Diversion is located

In the **SE 1/4 SW 1/4**, Sec. **10**, Tp **7 N**, R. **34 E**, B M **County Jefferson**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **4.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	34 E.	9	NE 1/4 SE 1/4	33	25
			SW 1/4 SE 1/4	38	35
			SE 1/4 SE 1/4	35	35
			SE 1/4 SW 1/4	29	23
		10	SW 1/4 SW 1/4	35	28
			NW 1/4 SW 1/4	17	15
			SW 1/4 SW 1/4	37	35
			NW 1/4 NW 1/4	39	40
		15	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
Total number of acres to be irrigated:				356	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13th day of **June**, 1962.

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer.

MICROFILMED
SEP 10 1987

31 2357

LICENSE AND CERTIFICATE OF WATER RIGHT 31-2395

Water License No. G-30241 Priority October 9, 1961 Amount 3.65 c.f.s.

THIS IS TO CERTIFY that DAVID R. JERNBERG

of Terreton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 9, 1961; that Permit No. G-30241 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.65 second feet, was issued thereunder on March 14, 1968, showing that said works were completed on the 3 day of October, 1966; and that on the 3 day of October, 1966 DAVID R. JERNBERG

of Terreton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation & stock watering under Use Permit No. G-30241 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~for~~ ~~Value~~ ~~of~~ ~~license~~ ~~at~~ ~~Boise~~ ~~Idaho~~ on the 14 day of March, 1968.

The right hereby confirmed dates from October 9, 1961.

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 10, Twp. 7 N, R. 34 E, B.M. Jefferson County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.65 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N	34 E	15	SW 1/4 NW 1/4	6	6 29
			SE 1/4 NW 1/4	16	16 38
			NW 1/4 SW 1/4	5	5 39
			SW 1/4 SW 1/4	15	15 40
		16	SE 1/4 NE 1/4	15	15 40
			NE 1/4 SE 1/4	20	20 39
			NW 1/4 SE 1/4	25	25 24
			SW 1/4 SE 1/4	35	35 33
			SE 1/4 SE 1/4	15	15 40
		21	NE 1/4 NE 1/4	15	15 40
			NW 1/4 NE 1/4	40	40 27
			SW 1/4 NE 1/4	32	32 23
			SE 1/4 NE 1/4	28	28 40
			NE 1/4 NW 1/4	35	35
			SE 1/4 NW 1/4	22	22
		Total number of acres irrigated:			324

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14 day of March, 1968.

State Reclamation Engineer.

MICROFILMED
SEP 10 1997

31 2395 30241

██████████ 018 ██████████

SEP 10 1997

E18

	NESE	40	01	31-7360	ZWEIFEL		P	03-12-1981	GROUNDWATER
	NESE	40	01	31-7360	ZWEIFEL		P	03-12-1981	GROUNDWATER

E 18

HRR156

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

PAGE 2681
06/24/1986

TOWNSHIP	RANGE	SECTION	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	15	NENE		40	01	31-2346	COPE	C	L	07-22-1955	GROUNDWATER
			NENE		40	01	31-7216	COPE & JERNBERG	C	L	11-22-1976	GROUNDWATER
			NENE		40	01	21-2346	COPE	C	L	07-22-1955	GROUNDWATER
			NENE		40	01	31-7216	COPE & JERNBERG	C	L	11-22-1976	GROUNDWATER
			SWNE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SENE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NENH		40	01	31-2346	COPE	C	L	07-22-1955	GROUNDWATER
			NENH		39	01	31-7216	COPE & JERNBERG	C	L	11-22-1976	GROUNDWATER
			NENH		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			SWNH		06	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SWNH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SENH		16	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SENH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NNSH		05	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			NNSH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSH		15	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SWSH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NWSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
		16	NENE		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			NENE		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			SWNE		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			SENE		15	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SENE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NENH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NENH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWNH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SENH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER

F 18

HRR156

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

PAGE 2682
06/24/1986

TOWNSHIP	RANGE	SECTION	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	16	NNSH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESH		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESE		20	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			NESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NWSE		25	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			NWSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSE		35	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SWSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESE		15	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER

MICRONISED
SEP 10 1987

	NESE	01	31-7320	12-0-1984 GROUNDWATER	HUNTER	
					SAUER ENTERPRISES	
06	SENE	01.04.43	31-0182	11-21-1916 SPRING LAKE	ALDHOUSE	
					ALDHOUSE	
	NNNN	01.43	31-2338	12-01-1954 GROUNDWATER	NEILSON	
08	NNNE	01.43	31-2235	02-12-1925 GROUNDWATER	WAGONER	
	SENE	01.43	31-2136	12-08-1913 SPRINGS	MITCHELL	
09	NEI	01.43	31-2272	10-17-1943 GROUNDWATER	NORDSTROM	
					JEFFERSON IRRIGATION CO	
	NEN.	01	31-7384	03-15-1983 GROUNDWATER	MARTWELL	
	NNNN	01.04.43	31-0160	12-08-1913 SPRING LAKE	MITCHELL	
	NNNN	01.04.43	31-0161	09-08-1913 SPRING LAKE	MITCHELL	
	SENN	01.04.43	31-0183	11-13-1914 SPRING LAKE	ALDHOUSE	
					ALDHOUSE	
10	NNNE	01	31-7216	11-22-1976 GROUNDWATER	COPE & JERNBERG	
	NNNN	01	31-2243	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO LTD.	
	NNNN	01	31-2243	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	
	NNNN	01	31-2243	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	
	SENN	01	31-2243	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	
	NESN	01	31-7311	04-23-1979 GROUNDWATER	JERNBERG	
					JERNBERG	
	NNNN	01	31-7311	04-23-1979 GROUNDWATER	JERNBERG	
					JERNBERG	

■■■■ LIG ■■■■

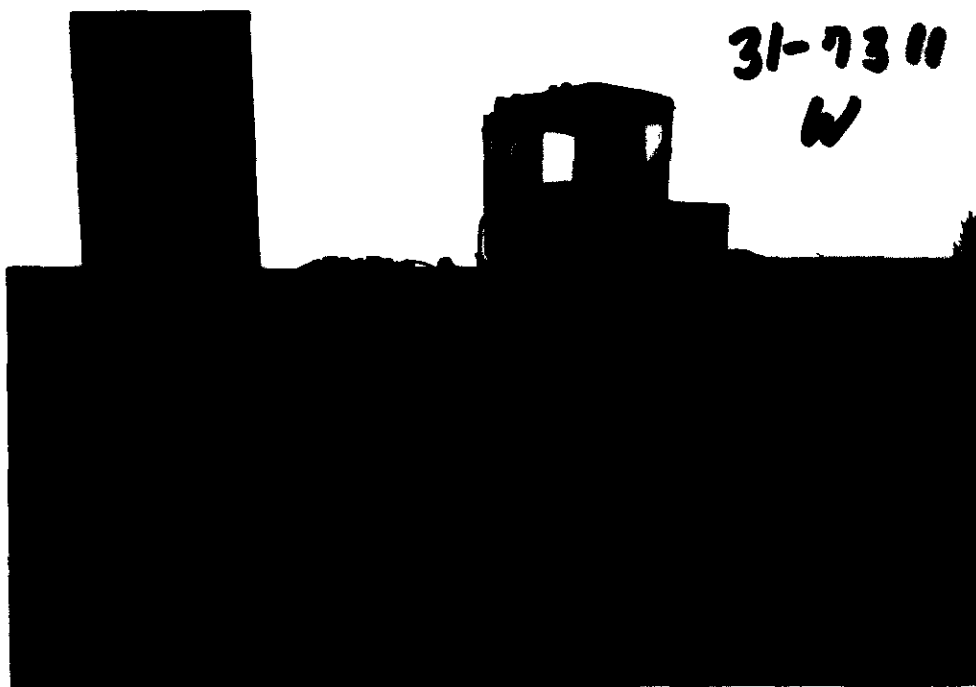
PAGE

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

PAGE 954
01/04/1986

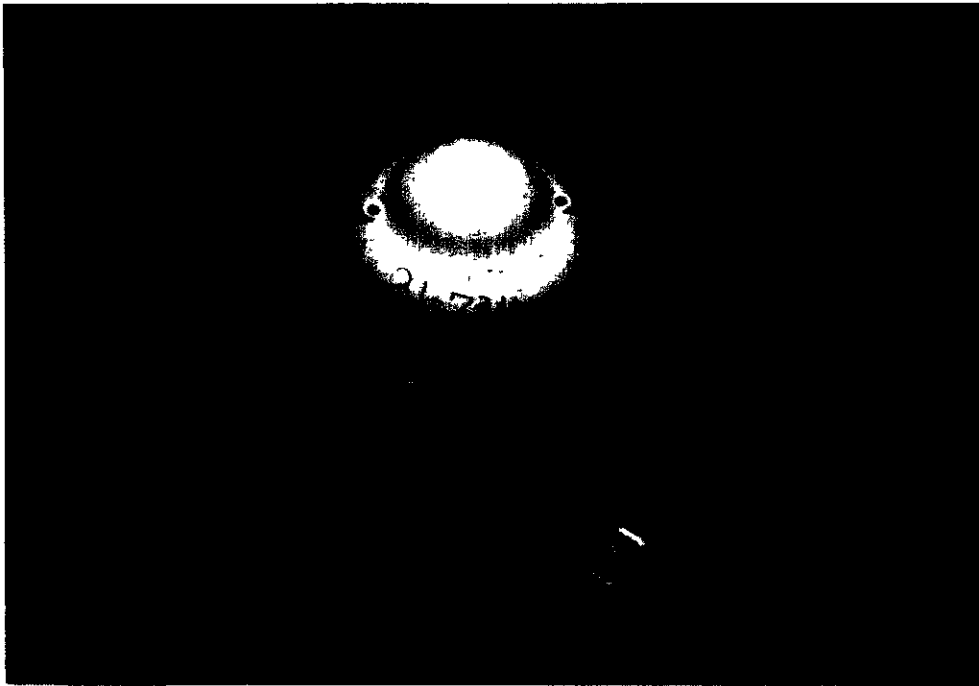
TRN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME	OWNER CODE
07N	34E	10	SESN	01		31-2357	L		11-13-1956 GROUNDWATER	JERNBERG	C
			SESN	01.04		31-2395	L		10-09-1961 GROUNDWATER	JERNBERG	C
			NWSE	01		31-2346	L		07-22-1955 GROUNDWATER	COPE	C
			NWSE	01		31-2449	L		03-17-1973 GROUNDWATER	COPE & JERNBERG	C
			SWSE	01		31-2346	L		07-22-1955 GROUNDWATER	COPE	C
			SWSE	01		31-2449	L		03-17-1973 GROUNDWATER	COPE & JERNBERG	C
		11	NNNN	01		31-2376	L		03-23-1959 GROUNDWATER	JERNBERG	C
			NNNN	01		31-2428	L		10-09-1964 GROUNDWATER	JERNBERG	C
		13	SWNE	01		31-2265	L		05-22-1940 GROUNDWATER	CHEELY CANAL CO.	C
			SENE	01		31-7360	P		03-12-1981 GROUNDWATER	ZWEIFEL	C
			NWSE	01		31-2265	L		05-22-1940 GROUNDWATER	CHEELY CANAL CO	C
			SWSE	01		31-2265	L		05-22-1940 GROUNDWATER	CHEELY CANAL CO.	C
		16	SWSW	01		31-2134	L		02-01-1914 JEFFERSON LAKE	PALMGREN	D
									HARMOOD	D	
									JEFFERSON IRRIGATION CANAL CO	C	
		18	NWNN	01		31-7320	P		12-18-1984 GROUNDWATER	HUNTER	D
									SAUER ENTERPRISES	C	
		19	NNNN	01.43		31-2283	L		08-22-1945 GROUNDWATER	HAYES	C
			SENN	01.43		31-2283	L		08-22-1945 GROUNDWATER	HAYES	C
		20	NNNN	01		31-7266	L		08-22-1977 GROUNDWATER	MITCHELL	C
		22	SWSE	01.04.43		31-0236	D		01-30-1917 MUD LAKE	PALMGREN	D
									SPALDING	C	
			SWSE	01.43		31-2061	L		10-03-1910 MUD LAKE	HANSON	C
			SWSE	01.43		31-2062A	L		10-03-1910 MUD LAKE	NORDSTROM	C
			SWSE	01.43		31-2062B	L		12-10-1917 MUD LAKE	NORDSTROM	C
		23	NNNN	01.04		31-2448	L		04-23-1979 GROUNDWATER	JERNBERG	C

REC'D
CITY OF IDAHO
JAN 10 1986



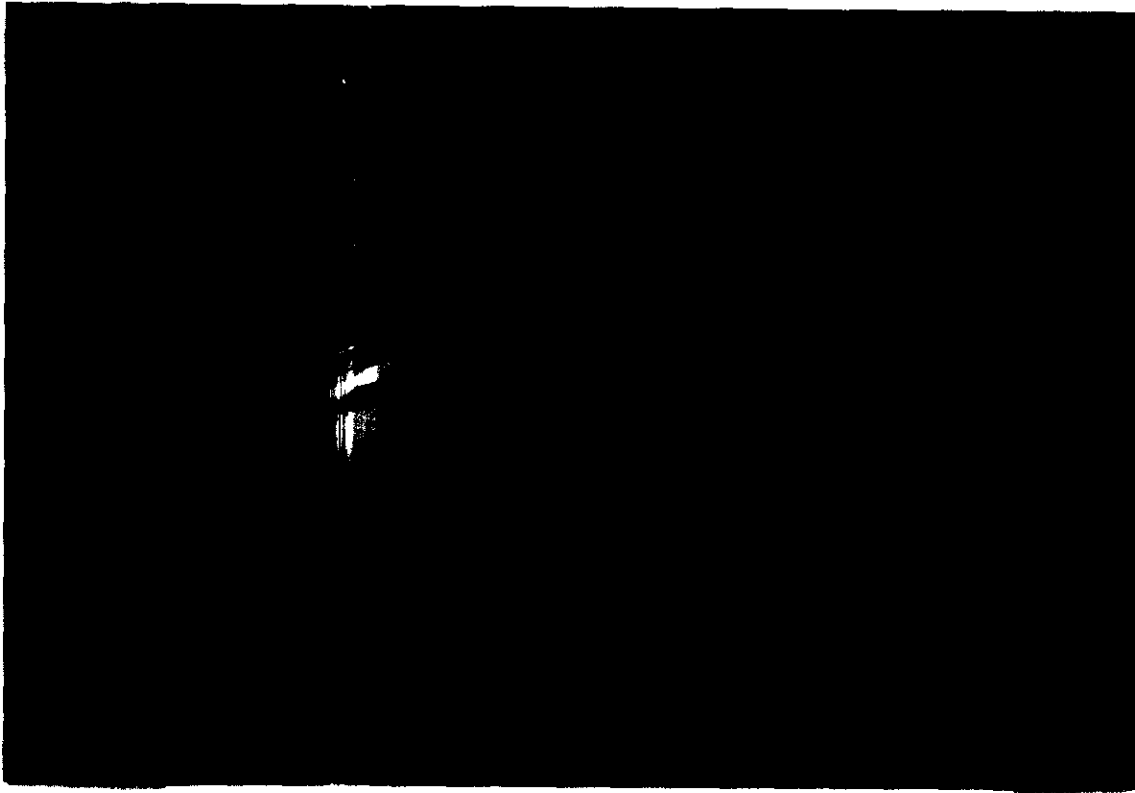
31-7311
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14-0000 11-11-11
SEP 10 11-11

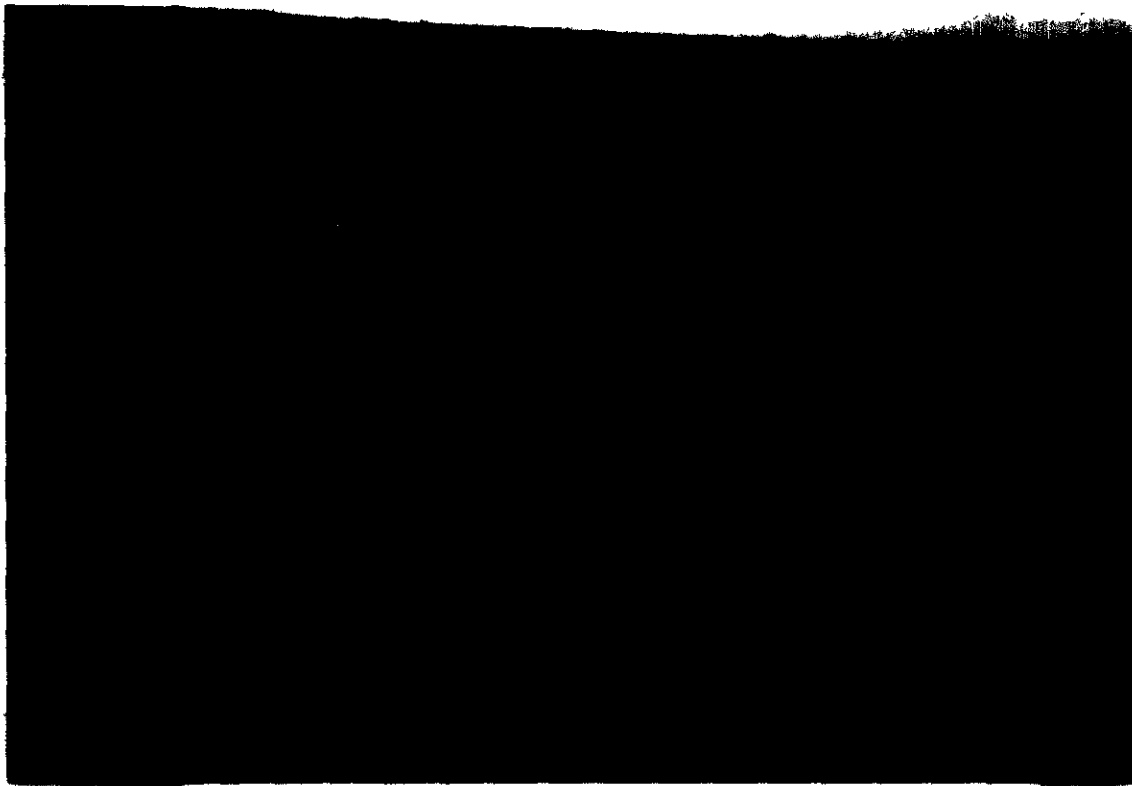


SEP 1 1967

#-31-7311



Pasture Ditch System



See 100-1000

31-7311

Typical "Pasture" Ground

SEP 10 1967



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 1, 1986

Ben Jurnberg
P.O. Box 1442
Billings, MT 59103

Dear Mr. JurnBerg:

Attached herewith is Departmental receipt no. 39742 in
the amount of \$ 475.00 for your Exam Fee.

Thank you for your prompt attention.

Sincerely,

Michele Davis
Office Secretary

Attachment

MICROFILMED
SEP 10 1997

4/86

RECEIVED

JUN 25 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received 475.00Date 6-25-86Receipt # 39792Receipt by MDSent to S.O. 6-27-86 7-1

RECEIVED

JUL 3 1986

1. Permit No. 31-7311

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE Department of Water Resources

- ☒ 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: Ben W. Jernberg or David P. Jernberg
 3. Post Office Address: P.O. Box 1442, Billings, Mont 59103
 Telephone No. 406-252-6072

4. Source of Water: ground water

5. Extent of Use:

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

Irrigation 1160 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 16.0 cfs _____ acre-feet

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

West Pump May 1, 1980 East Pump May 1, 1976

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

Ken Bare or Joe Llamas (Name) Ken 208-663-4495
Territon, Idaho (Address) Joe 208-663-4496 (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.)

6-19-86
Date

SEP 10 1986

Signature of Permit Holder (and title, if appropriate)

copy in the file 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
EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn

D

31-7311
JERNBERG, BEN D.
JERNBERG, DAVID R.
P.O. BOX 1442
BILLINGS, MT 59103

June 16, 1986

138744
CERTIFIED MAIL

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 or geologists 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

MICROFILMED

SEP 10 1987

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.

Eastern Region

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

Sincerely,

Ron D. Carlson
RC

RONALD D. CARLSON
Regional Manager

Enclosure

MICROFILMED

1977, 10, 27

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 30, 1984

BEN D. JERNBERG
P.O. BOX 1442
BILLINGS MT 59103

RE: Permit No. 31-7311

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your permit.

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

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

Enclosure

RECORDED

SEP 10 1984

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 31-7311

DATE:

Date proof received

214

Aug. 2, 1984

Proof due

-152

June 1

Number of day proof late

62

Priority date

+ 51

Feb. 20, 1979

New priority date

113

Apr. 23, 1979

Remarks:

07/11/84

INTER-DEPARTMENT MEMO --- 1

FROM Rita Fleck

TO File 31-7311

SUBJECT Returned Lapse Notice

DATE 7-19-84

I received the returned lapse notice and could not get a phone line to the county courthouse. I checked the telephone book for the town closest to the property and found a phone number for David Jernberg. I contacted his residence and determined that he is one of the permit holders. His address is Terreton, Idaho 83350. Note that no attempt was made to find an address sooner, since the proof due notice was delivered to the address indicated on the permit, but the lapse notice was returned.

I'm sending the lapse notice to Terreton, ID.

WLF: [unclear]



SIGNATURE

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below Permit No 31-7311

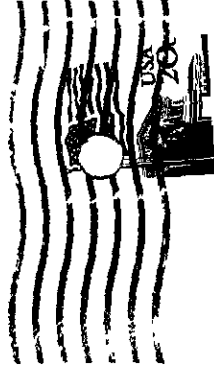
Name(s) of Permit Holder BEN D. JERNBERG
 Post Office Address P.O. Box 1442 Boise, Idaho 83724
Billings, MONTANA 59103 Tel No 406-252-6072

Source of Water UNDERGROUND WELL (number of households)
 Extent of Use ☐ Domestic (number and type of stock)
☐ Stockwater
☐ Irrigation 600 (acres)
☐ Other

Measuring Device Required? ☐ Yes ☒ No Not Installed? ☐ Yes ☒ No
 Access Port Required? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed
 Date 7-23-84 Billings, Montana Signature of Permit Holder [Signature]

BEN D. FERNBERG
PO Box 144298
BILLINGS, MT. 59103

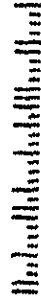


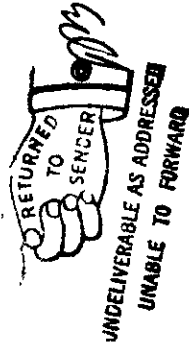
RECEIVED

AUG 2 1984



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720





RECEIVED
JUN 25 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise Idaho 83720

4110 47 21

S T A T E O F I D A H O
DEPA MENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

JERNBERG, BEN D. & DAVID R.
P. O. BOX 1766
BILLINGS, MT 59103

LAPSE NOTICE

JUNE 05, 1984

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 31-7311 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED MARCH 31, 1984.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

6-20-1984
Rita J. Lusk

UDH 6041

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

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

128560

JERNBERG, BEN D. & DAVID R.
P. O. BOX 1766
BILLINGS, MT 59103

P R O O F D U E N O T I C E

MARCH 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 31-7311 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

93



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

JOHN V EVANS
Governor

C STEPHEN ALLRED
Director

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

July 10, 1979

Ben D. &/or David R. Jernberg
P.O. Box 1766
Billings, MT 59103

Dear Mr. Jerberg:

RE: Permit No. 31-7311

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

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

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

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

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

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

If you have any questions, please let us know.

Sincerely,

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

Enclosures

UNRECORDED

31-7311

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. ✓ Source
3. 2 Point of Diversion
4. 16. Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. 1160 Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 185. Fee & Rec't. No.

Copies Sent To:

<u>N^o</u> Idaho Health Department	<u>N^o</u> U.S.F.S.
<u>✓</u> Idaho Fish & Game Dept.	<u>✓</u> Dept. of Lands
<u>✓</u> Bureau of Land Management	<u>✓</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ noOther rights on same land 31-2395 - overlapping land does not exceed 0.02 cfs/ac. see attached sheet.Withdrawals of all protests received N/A yes no

Conditions:

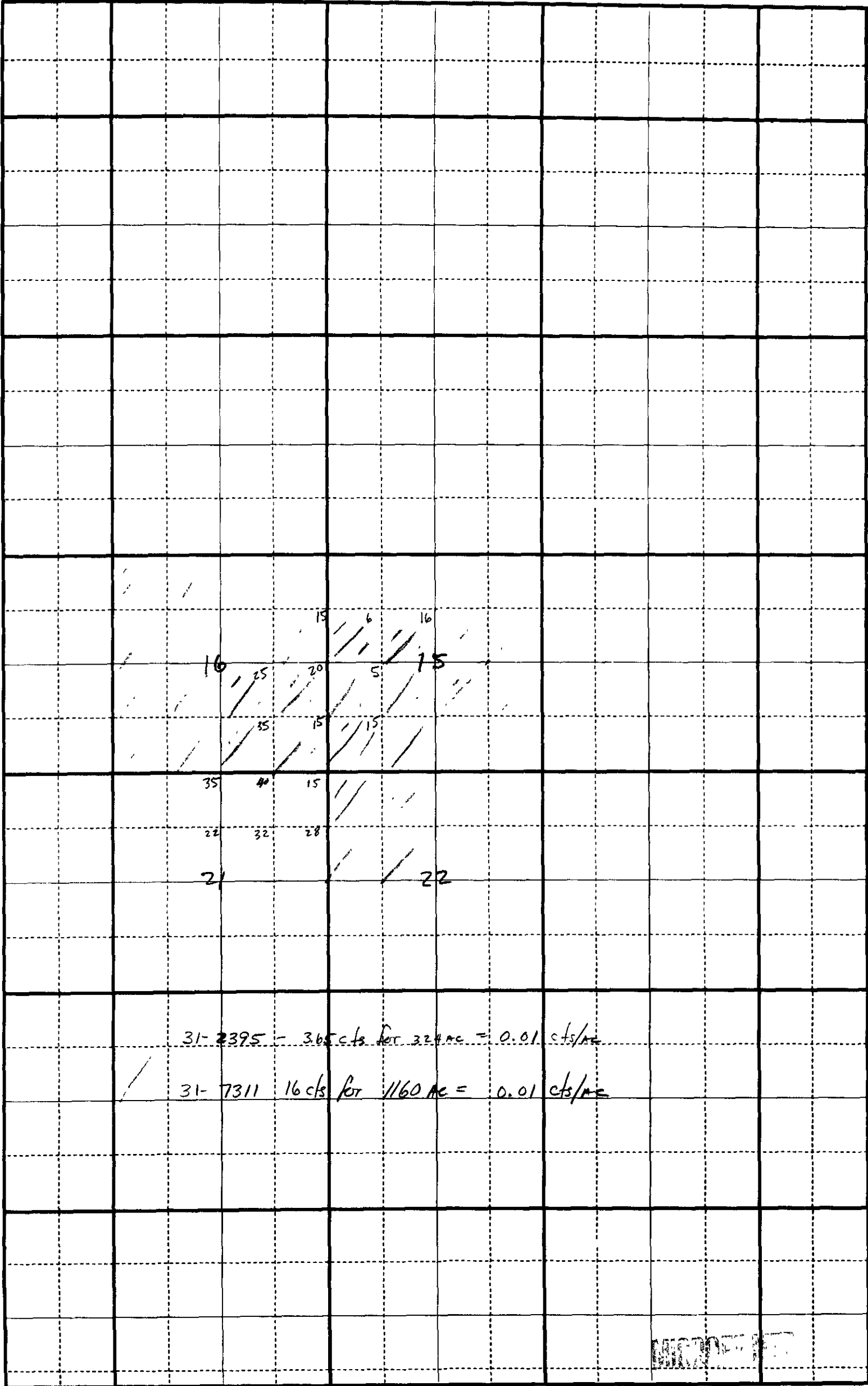
ID Power Co. Letter - Snake R. NoID Power Co. Letter - G.W. & Tribs. YesSnake River Condition NoPayette River Letter NoPriority Date 2/20/79Water Quality #16 NoWater Quality #10 intrastate interstateMeas. Dev. or Sc. Meas. Yes O/CTotalizing meter NoSupplemental NoRight-of-Way Cond. NoWatermaster Cond. No
Wtr. Dist No. ✓Meas. Dev. Cond. for apps within a Water Dist. ✓

Reviewer

Date

NAME OF APPLICANT.....

Form No. 0



31- 2395 - 365 cts for 324 ac = 0.01 cts/ac

31- 7311 16 cts for 1160 ac = 0.01 cts/ac

MADEIRA

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Jernberg

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

(1) J.C. 2/24/79
(2) " "

In form to receipt

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) 11 4

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4) " "

In form for advertising

(5) " "

Platted on Map No. 317N34E

(6) 11 "

Located within Water District No. Bar 31

(7) 11 11

Critical groundwater area: yes no X

(8) 11 11

Groundwater levels:

Declining, ✓ Stable, Increasing

(comment)

(9) 11 11

Other rights on the same place of use No, Two have lapsed

(10) 11 11

Comments:

(11) dk 3-21-79

Affidavit of Publication received(date) 3-23-79

(12) dk 3-21-79

Final date for protests MARCH 11, 1979

Protests received: yes no X

(13) RDC 5/22/79

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

✓ Approve Deny

2/20/79 Proposed Priority

Reason for Reduction

✓ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

RECEIVED
MAY 1 1979

Department of Water Resources

(15) District E By RDC Date 5/22/79

MICROFILMED

ewh.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

FEBRUARY 23, 1979

The Rigby Star
P. O. Box 37
Rigby, Idaho 83442

Gentlemen.

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 19, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

FILED
MAR 1 1979
IDAHO FALLS, IDAHO

NOTICE OF APPLICATION FOR WATER RIGHT

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

31-2311-

JERNBERG, BEN D. &/or DAVID R.

P. O. BOX 1766, BILLINGS, MT 59103

Source: GROUNDWATER

Date Filed: 02/20/1979

Amount: 16.00 CFS

Diversion Point: NWSW NESW Sec 10 T 07N R 34E, JEFFERSON Co.

Use: IRRIGATION (16.00 CFS) from 04/01 to 11/01

Place of Use. SWNE SENE SHNW SENW NESW NWSW SWSW Sec 15 T 07N R 34E SESH NESE
NWSE SESE SHSE Sec 15 T 07N R 34E SENE NENW NWNW SHNW SENW NESW
NWSW Sec 16 T 07N R 34E SWSW SESH NESE NWSE SESE SHSE
Sec 16 T 07N R 34E NENW NWNW SHNW SENW Sec 22 T 07N R 34E
FOR 1160 ACRES

Diversion Means: WELL, PUMP, OPEN DITCHES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before MARCH 19, 1979.

C. STEPHEN ALLRED

Director

Published 3/1 & 3/8/79.

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