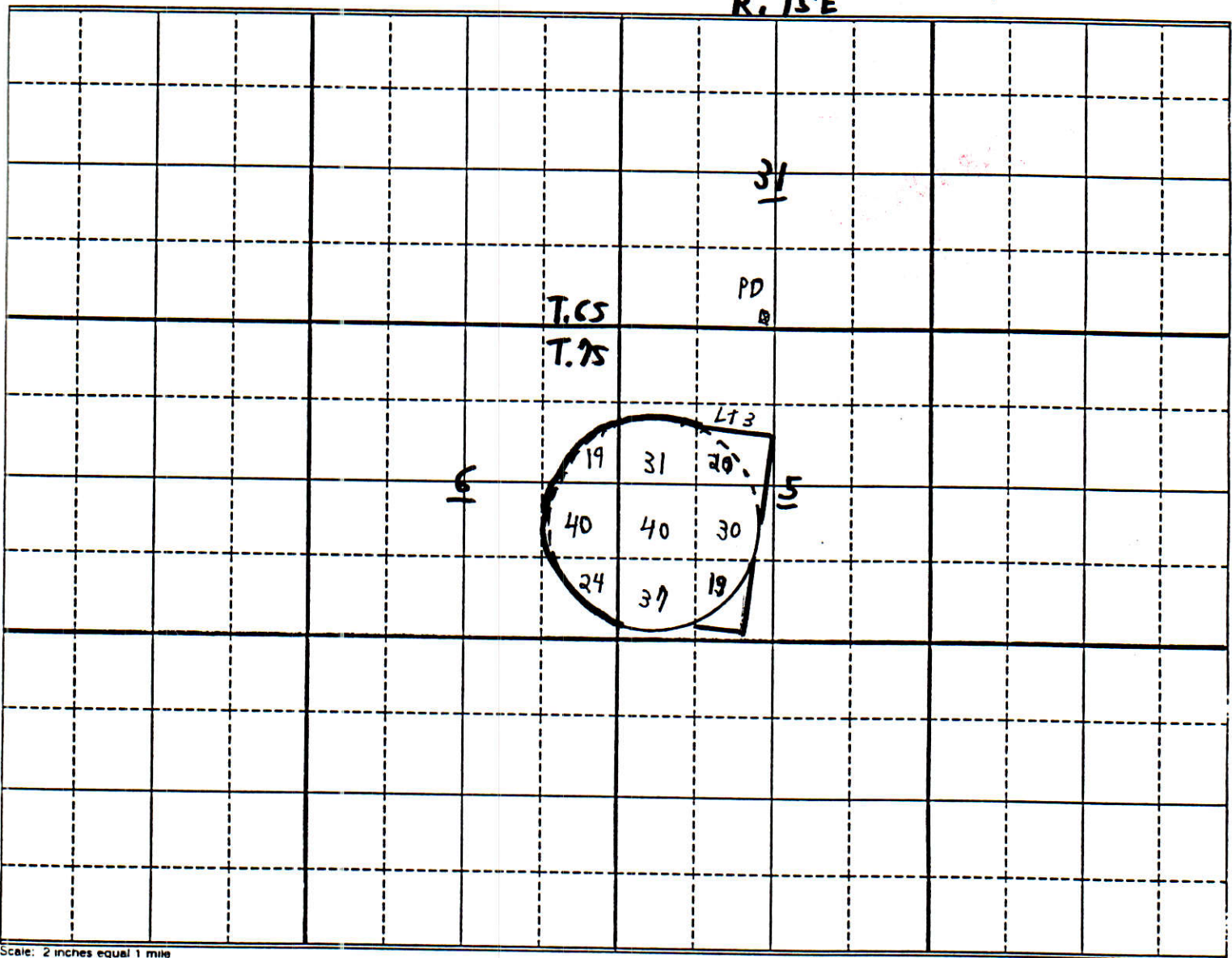


Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 25th day of February, 19 94.

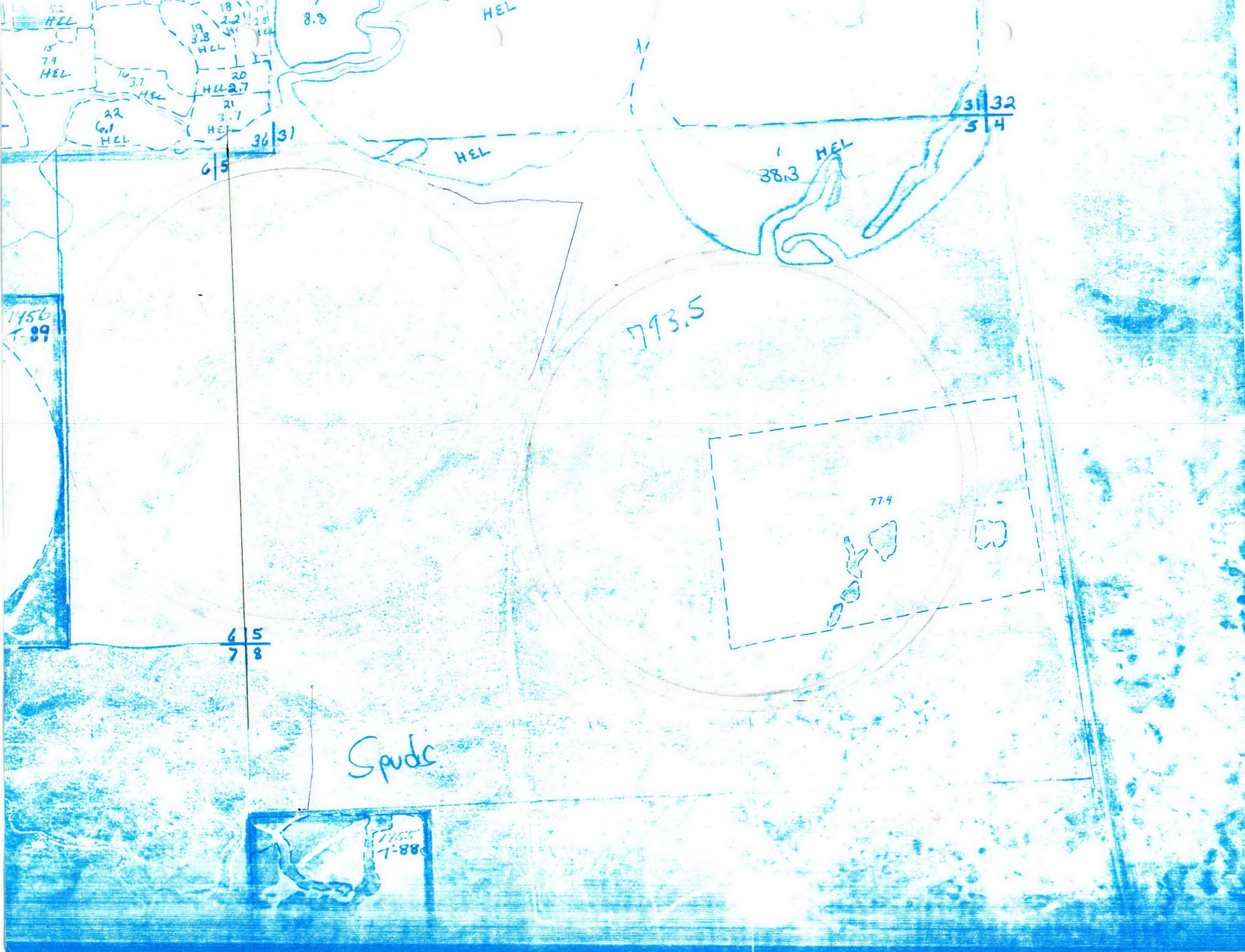
John P. Faellk
 Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by MTS Publication prepared by MB Date 3/7/94
 Published in Gooding Co. Leader Publication dates 3/16 & 3/23/94

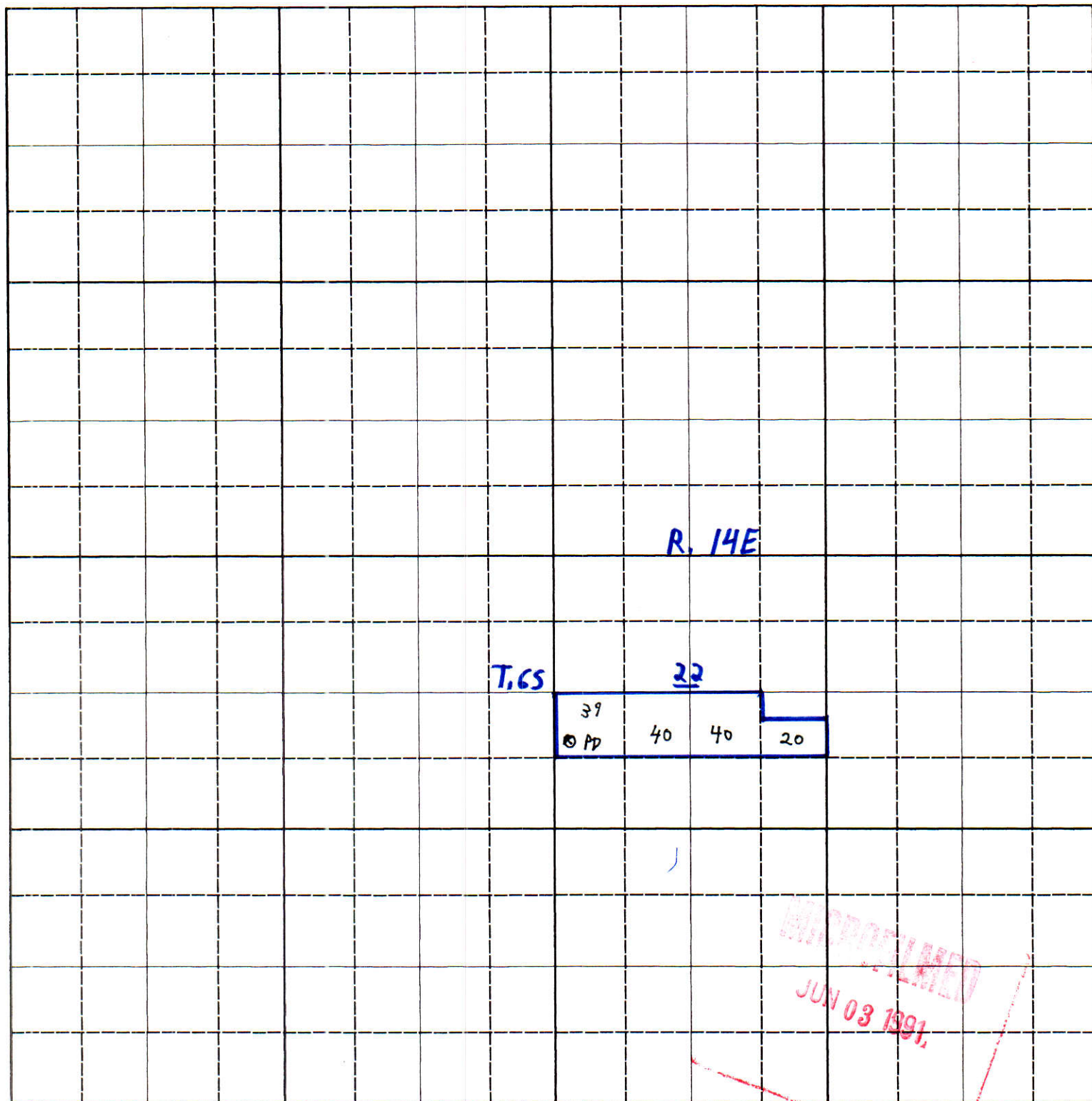
I, L. GLEN SAXTON, of the Department of Water Resources hereby
 approve the above referenced application for amendment provided the conditions
 as set forth in Permit No. 37-08702 are met.

Witness my hand this 11th day of July, 19 94 JUL 25 1994
L. Glen Saxton
 SIGNATURE



Amendment
37-08702

13. 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.

Faulkner Land & Livestock
John F. Faulkner
President (Applicant)

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESW	SWSE	SESE	Total
Claim	37-8005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5							31	20	30	40	37	19				177
Permit	37-8702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5							31	20	30	40	37	19				177
Rec	37-8005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5							31	20	30	40	37	19				177
Right	37-8005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5							31	20	30	40	37	19				177
Right	37-8702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5							31	20	30	40	37	19				177
Claim	37-8005E	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5							31	20	30	40	37	19				177
Permit	37-7372	STATE OF IDAHO.	GROUND WATER	07S15E5			10	10					30	40	40	30	40	40	40	320
Claim	37-8005B	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9														21
Permit	37-8720	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5					3	2										5
Rec	37-8005B	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9														21
Right	37-8005B	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9														21
Right	37-8720	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	22	10			4											36
Right	1-212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO LTD.	SNAKE RIVER	07S15E5																0
Right	1-213	NORTH SIDE CANAL CO LTD, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	07S15E5																0
Right	1-215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO LTD.	SNAKE RIVER	07S15E5																0
Right	1-220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO LTD.	SNAKE RIVER	07S15E5																0

Trans
1725

proof
done
11/20/02

Idaho Dept. of Water Resources
Place of Use Comparison Report

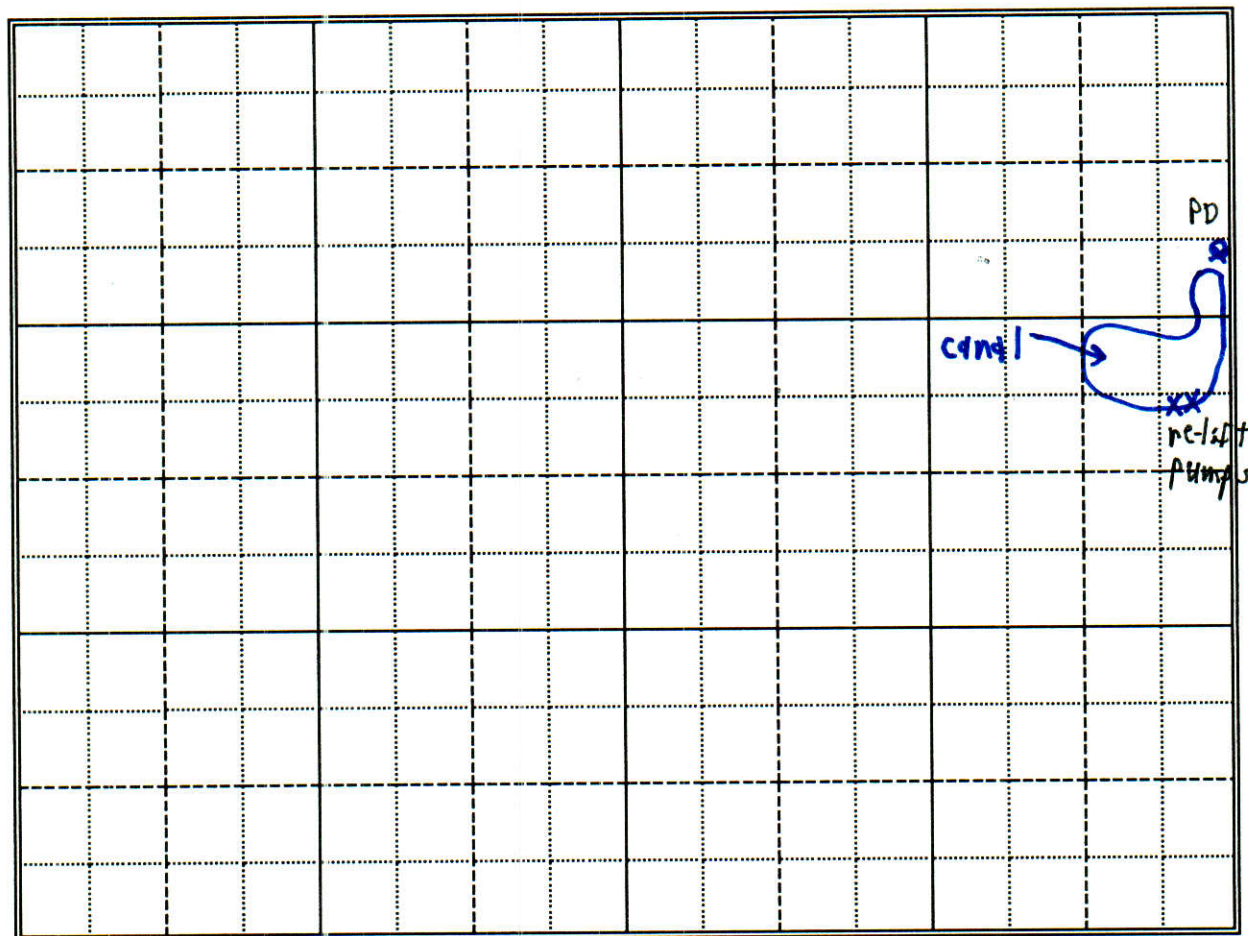
8/27/2002

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	37-8005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E6				19						40		24	83
Permit	37-8702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E6				19						40		24	83
Rec	37-8005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E6				19						40		24	83
Right	37-8005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E6				19						40		24	83
Right	37-8702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E6				19						40		24	83
Right	37-8005E	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E6				19						40		24	83
Right	36-2671K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
Right	36-7367K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
Right	36-7381K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
Right	36-7402	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
Right	36-7445K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
Right	36-7480L	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
TClaim	36-2671B	J & T DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-2671E	J & T DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-2671K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
TClaim	36-7367B	J & T DAIRY, BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7367E	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7367K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7381B	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7381E	J & T DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7381K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
TClaim	36-7402	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
TClaim	36-7402	CAROL MC FARLAND, DON MC FARLAND,	GROUND WATER	07S15E6								40			40		160
TClaim	36-7445B	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7445E	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7445K	BIG SKY DAIRY,	GROUND WATER	07S15E6							23.4	39.8		32.9	33.4		192
TClaim	36-7480C	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7480F	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		33	33		191
TClaim	36-7480L	BIG SKY DAIRY,	GROUND WATER	07S15E6							23	40		32.9	33.4		192
Right	1-212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO LTD,	SNAKE RIVER	07S15E6													0
Right	1-213	NORTH SIDE CANAL CO LTD, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	07S15E6													0
Right	1-215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO LTD,	SNAKE RIVER	07S15E6													0
Right	1-220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO LTD,	SNAKE RIVER	07S15E6													0

Denial
Travel

OL w/ 37-8005D

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



Scale: 1" = _____

615

☒ Copy of ~~USGS Quadrangle~~ Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Main Pump	US Motors	250	V014302R090R-1	Lynne & Bowler	LP 93193
Re-lift Pump	"	75	6326A-50-Y03x372	P348M Goulds	LP 95148
"	"	125	7982A/W09W222	R103R-1 Lynne & Bowler	LP 93349

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

D. FLOW MEASUREMENTS

1.

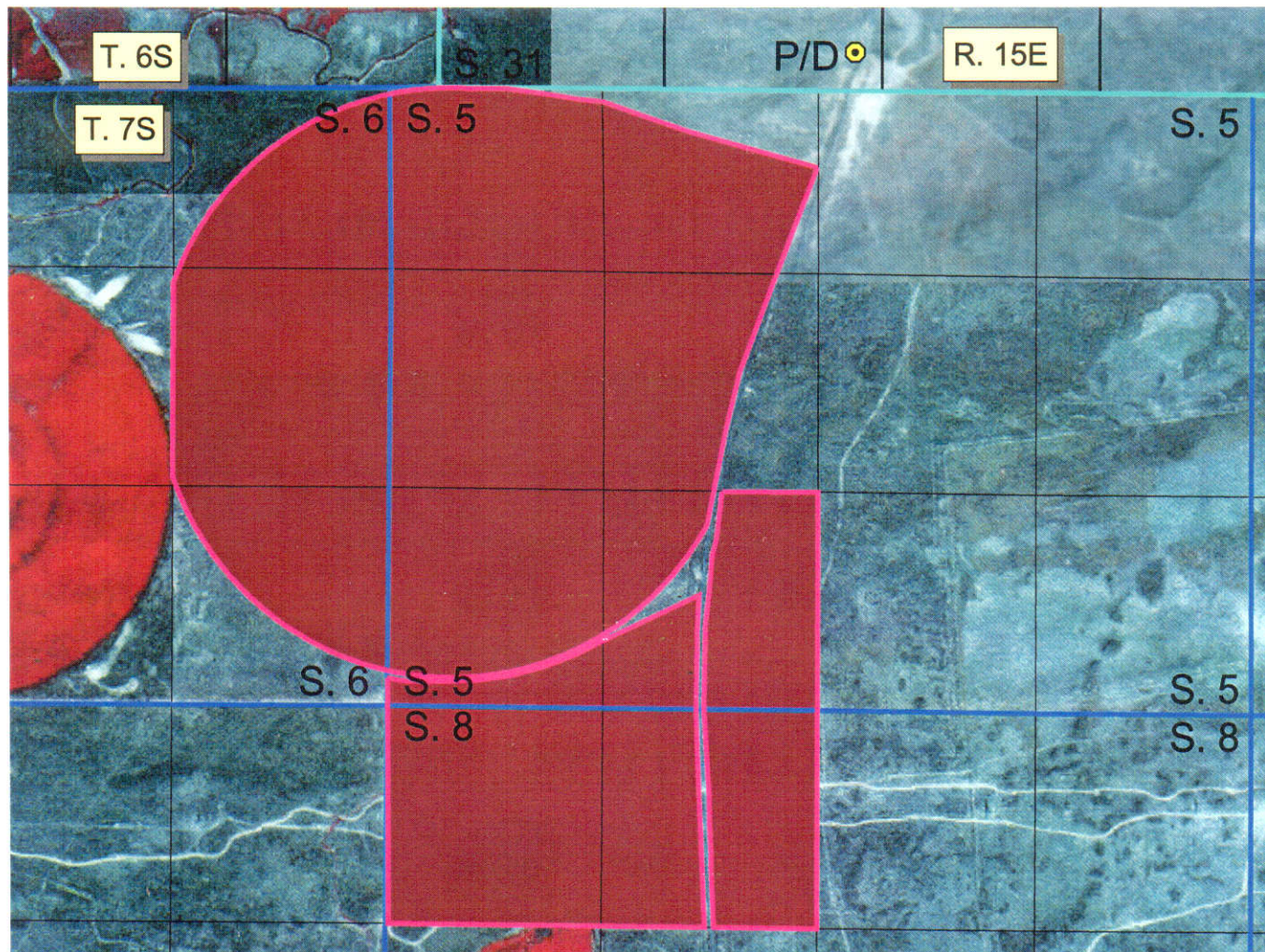
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Measured by Steelhead Engineering on 6-27-97 at 2617 ^{gpm} average flow.
See attached sheet.

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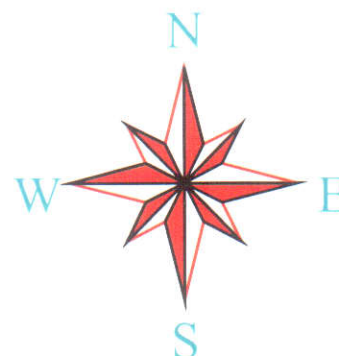
OCT 17 2002

PERMIT 37-08702 - PPU PER LICENSING EXAM



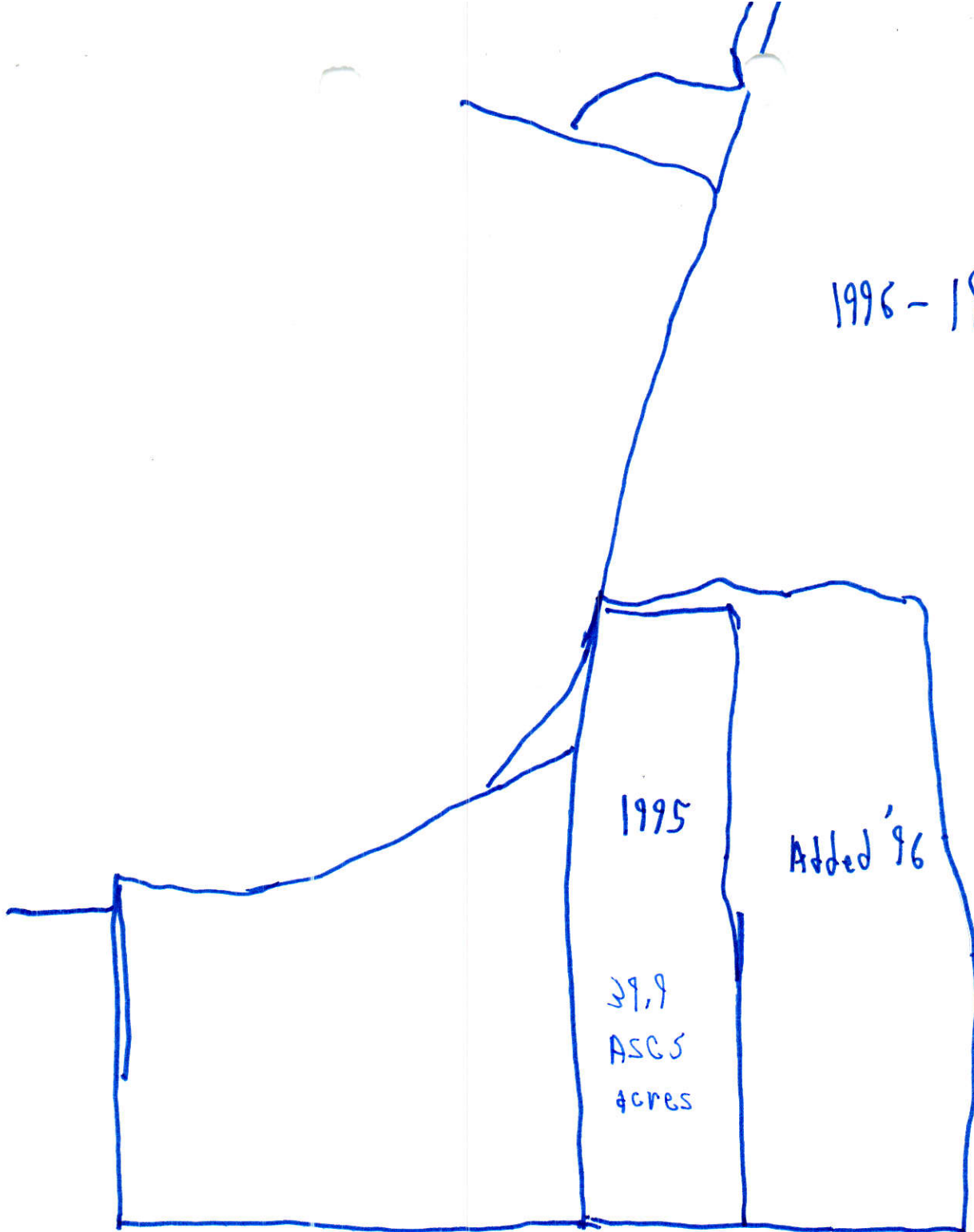
Permissable Place of Use

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OCT 17 2002

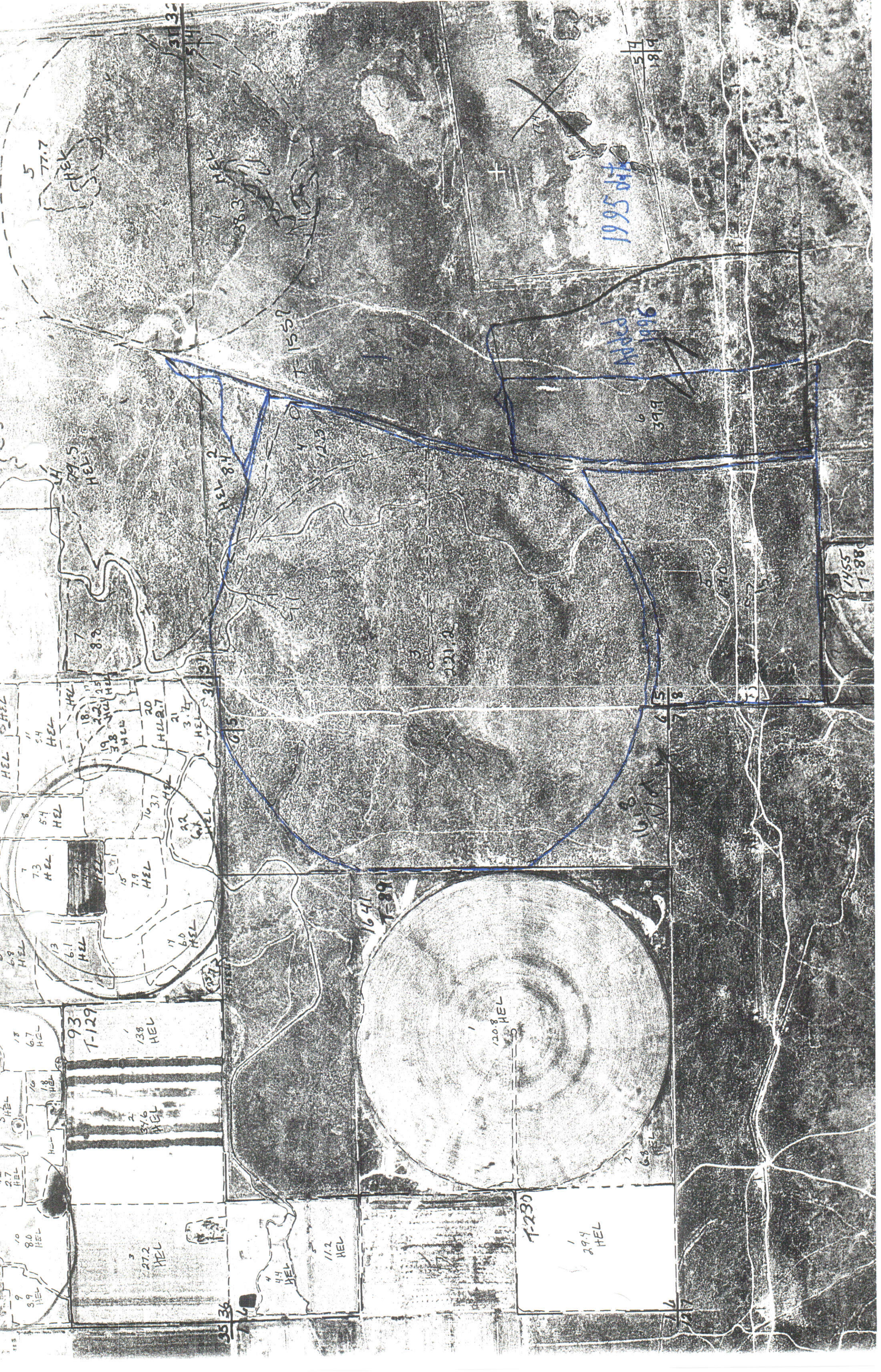


Prepared By J E Stanton 8-30-00

1996 - 1999 P/U



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OCT 17 2002





Well, Pond, Re-lift Pumps (Looking South)



Closeup of Well (Looking West)

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OCT 17 2002

Licensing Exam
Permit 37-08702
8-30-00
JE Stanton



P/U East of County Road (Looking E+SE)

MICROFILMED
OCT 17 2002

Permit 37-08702
8-30-00
JE Stanton

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 16 day of March, 1994, and the date of the last publication was on the 23 day of March, 1994.

Patty Nance

Subscribed and sworn to before me this 23rd day of March, 1994.

(SEAL)

Norma DeJae
NOTARY PUBLIC

#1772/50934

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X'S

JUL 25 1994

Lines tabular at \$ _____ 6¢/Pica
616.00 Lines straight at 30.80 5¢/Pica
Subsequent lines at 24.64 4¢/Pica
TOTAL COST \$554.44

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

PLAINTIFF ATTORNEY

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 37-08702

Notice is hereby given that SAWTOOTH SHEEP CO. INC. of Gooding, ID is the holder of Approved Permit No. 37-08702 with a priority date of 01/31/1991 authorizing the diversion of 2.5 cubic feet per second of water from groundwater within the NWSW, S22, T06S, R14E County of Gooding, to be used for irrigation of 139 acres within N1/2SW, N1/2SE, S22, T06S, R14E; Gooding County.

This Application for Amendment proposes to change point(s) of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 2.5 cfs

Period of Use: 04/01 to 10/31
Point of Diversion: SESESW, S31, T06S, R15E; Gooding County.

Place of Use: 260 acres within Lot 4 (SWNW), Lot 3 (SENE), SW, S5, T07S, R15E; SENE, E1/2SE, S6, T07S, R15E; Gooding County (Permissible place of use not to exceed 139 acres per annum).

Any protest against approval of the amending of Permit No. 37-08702 as set forth above must be filed with the applicant and with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 4, 1994.

R. Keith Higginson, Director

Published in the Gooding County Leader on 3/16 & 3/23/94.

#1772

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08702

Priority: January 31, 1991

Maximum Diversion Rate: 2.50 CFS
Maximum Diversion Volume: 556.0 AF

It is hereby certified that SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 31, 1991; and has
submitted Proof of Beneficial Use on January 13, 1995. An examination indicates that the works have a
diversion capacity of 5.83 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	2.50 CFS	556.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Twp. 06S, Rge 15E, B.M., GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 15E 5							31.0	20.0	30.0	40.0	37.0	19.0					177.0
07S 15E 6				19.0			L 4	L 3					40.0			24.0	83.0
				L 1													

Total Acres: 260

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
2. Rights 37-08005B, 37-08005D and 37-8812 are also diverted through the point of diversion described above.
3. Rights 37-08005B, 37-08005D, 37-08812 and 37-08702 when combined shall not exceed a total diversion rate of 5.83 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1040.0 af at the field headgate for the lands above.

MICHOPLINER
OCT 17 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08702

5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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

Signed and sealed this 30TH day of AUGUST, 2002.

Acting for

KARL J. DREHER
Director

MICROFILMED

OCT 17 2002

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	37-08702	Faulkner Land & Livestock Co. Inc.	2.50
Full Assignment	37-08702	Sawtooth Sheep Co. Inc.	2.50

APR 12 1994

RECEIVED

JAN 17 1995

FOR OFFICE USE ONLY
Amt. of Fee \$: 150.00
Receipt No. 507675
Receipt By: B. F. [unclear]
Date Received: 1-13-95

JAN 13 1995

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Northern Region Office

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08702 Telephone No. 934-4956
2. Name(s) of Permit Holder(s): Sawtooth Sheep Co.
3. Mailing Address: 1989 S. 1875 E., Gooding, ID 83330
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. April / yr. 1993
- a. Well Driller: Eaton Drilling Drilling Permit Number:
- b. **OPTIONAL:**
Pump Horsepower: 200 Pressure (psi): 0 Dynamic pumping level (ft): 228

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 260 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 2.5 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ✓ or No ✓
Has the measuring device been installed? Yes or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes ✓ or No
Has the measurement port been installed? Yes ✓ or No

8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: John Faulkner Telephone Number: Same **RECEIVED**

Address: Same **FEB 14 1995**

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

Signature of permit holder: [Signature] Date: 1/13/95
(include your title, if on behalf of company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER))
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

RECEIVED

FEB 14 1995

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

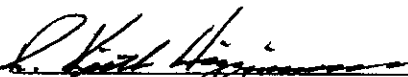
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HIGINSON
Director

FEB 14 1995

APPROVEDReceipt No. SD16588
Received By G.F. Lantz
Date 2-25-94STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 08 1994

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

Applicant Sawtooth Sheep Co. Inc. Phone 934-4956Address 1989 S, 1875 E., Gooding, ID 83330I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-08702, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☒ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other1. Point of diversion: SE 1/4 SE 1/4 SW 1/4, Section 31, Township 6S, Range 15E, B.M.,
County of Gooding. Other points of diversion _____

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

Amount 2.5 cfs for Irrig. purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)3. Place of use or land to be irrigated: Permissible place of use not to exceed 139 acres per annum

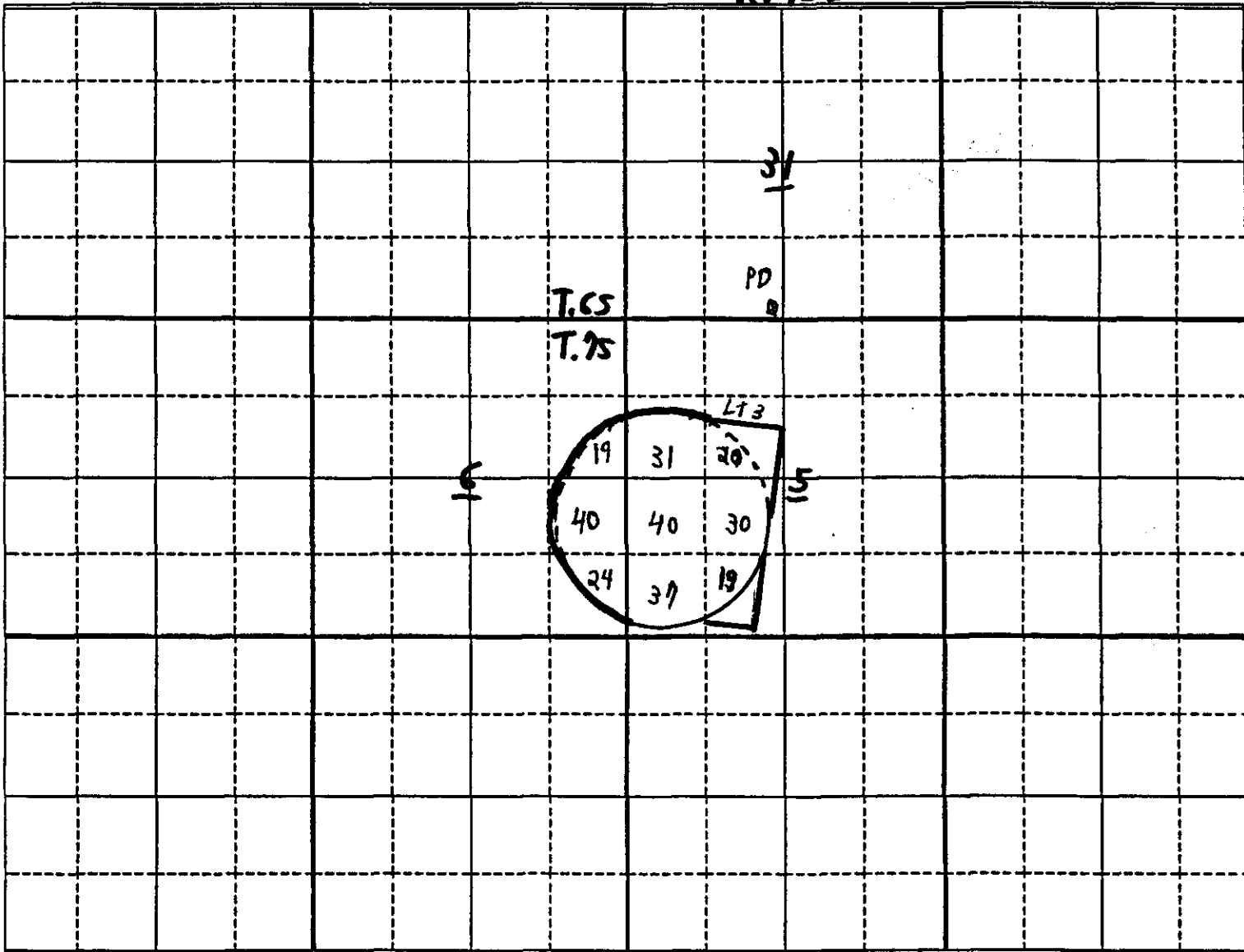
T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
75	15E	5							31	20	30	40	37	19					197
									44	43									139
		6				19									40			24	83

Total number of acres to be irrigated = 260

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated at the place of use? State of Idaho
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Leases totaling 18 years, with an option for 10 more years

Note: I want to move 90 shares of North Side Canal Co. water & 170 acres of groundwater to this property.

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 25th day of February, 19 94.

John P. Fauck
Permit Holder

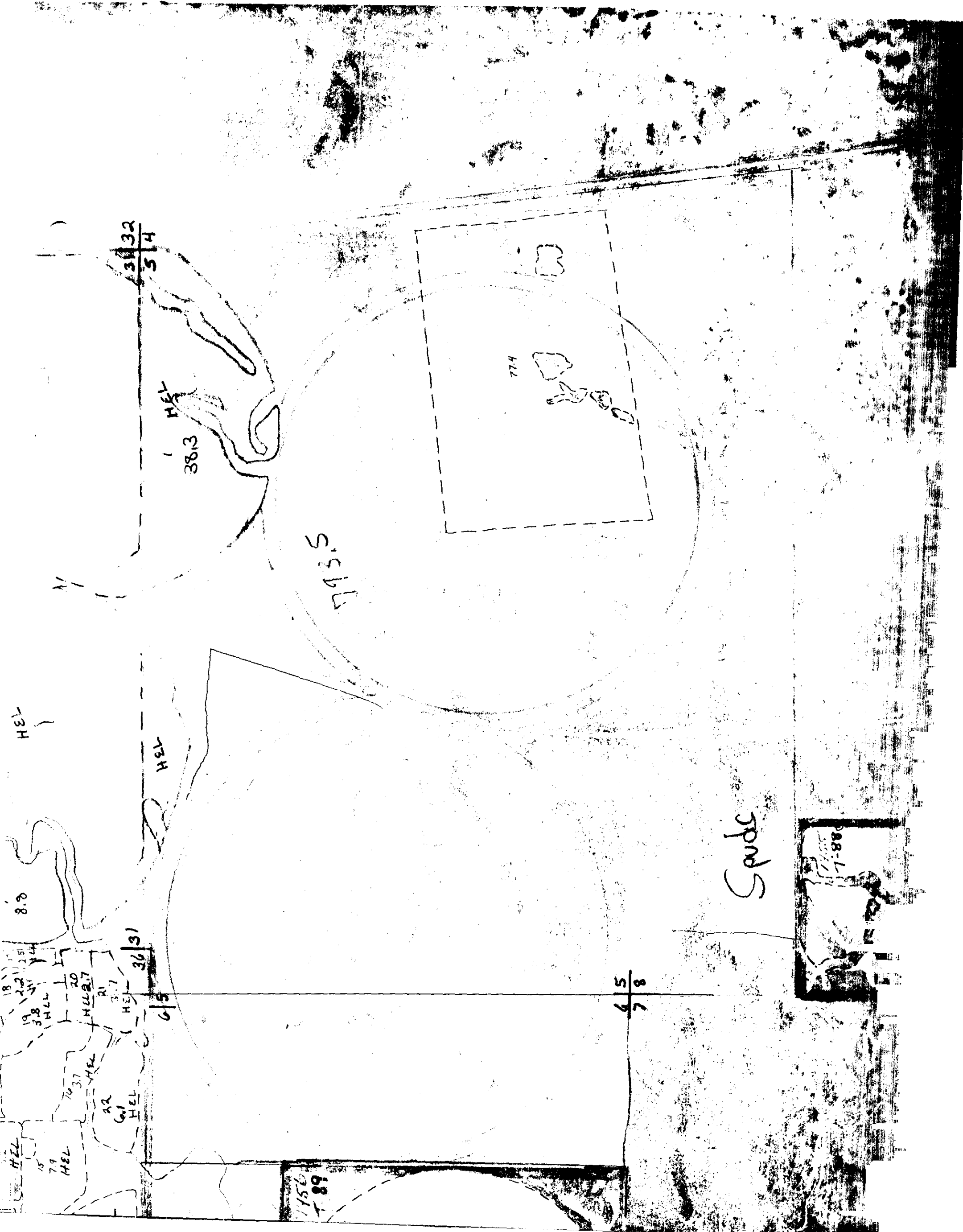
ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by MTS Publication prepared by MB Date 3/7/94
Published in Gooding Co. Leader Publication dates 3/16 & 3/23/94

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment provided the conditions as set forth in Permit No. 37-08702 are met.

Witness my hand this 11th day of July, 19 94 JUL 25 1994
L. Glen Saxton
SIGNATURE

Amount 37.08702



06/93

RECEIVED

FEB 25 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 08 1994
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

ASSIGNMENT OF ~~APPLICATION FOR~~ PERMIT

To change the ownership of an ~~application for~~ permit

I, Faulkner Land & Livestock Co. Inc. hereby assign to Sawtooth Sheep Co. Inc.
of 1989 S. 1875 E., Gooding, ID 83330
(Applicant) (Full Address)

All my right, title, and interest in and to ~~Application for~~ Permit
No. 37-08702 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

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

Made this _____ day of _____, 19____.

John T. Faulkner Pres
Applicant(s)

State of Idaho)
County of Twin Falls)
SS

On this 25th day of February, 1994, personally appeared before me the
signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Mary A. Baldwin
Notary Public

SEAL

My commission expires: 10/16/1998

Signature

APR 12 1994

database updated 3/8/94 cgy.

RECEIVED

MAR 10 1993

Department of Water Resources

For Office Use Only
\$15 Fee Received by Jan
Date 3-10-93
Receipt No. 0036947

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

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

Permit No. 37-08702

Name(s) of Permit Holder: FAULKNER LAND & LIVESTOCK CO., INC.

Mailing Address: 1989 South 1875 East, Gooding, Idaho 83330

Date Proof is Due MAY 1, 1993 Telephone No. (208) 934-4956

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Well has been drilled, holding pond has been constructed, ground has been ripped, brush cleared, + some of the rocks removed.

Costing \$ 30,000

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

Waiting for Idaho Power Co. to construct the power line to the project. We expect it to be in this summer but are not sure when. It will be too late for a crop to be put in this year.

Permit holder(s) request an extension to May 1, 19 95

FEE: \$15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to May 1, 1995.

Signed this 12th day March, 19 93

A. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08702

Proposed Priority: January 31, 1991 Maximum Diversion Rate: 2.50 CFS
This is to certify, that **FAULKNER LAND & LIVESTOCK CO. INC.**
1889 S. 1875 E.
GOODING, ID 83330

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	2.50 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWSW Sec. 22, Township 06S, Range 14E
GOODING 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>
06S	14E	22	NESW 40	NWSW 39	NESE 20	139
			NWSE 40			

Total number of acres irrigated: 139

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 3, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

0103 107

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08702

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

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

13 day of May, 1991.

[Signature]
for R. Keith Higginson, Director

[Faint stamp]
37-08702

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

FEB - 1 1991

To appropriate the public waters of the State of Idaho

Department of Water Resources

Southern Region Office

1. Name of applicant Faulkner Land & Livestock Co., Inc. Phone 934-4956

Post office address 1889 S, 1875 E, Gooding, ID 83330

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

3. Location of point of diversion is _____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____

Sec. 22 Township 6S Range 14E B.M. Gooding County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.5 for Irrig. 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 is (a) 2.5 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, sprinklers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 160 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

Two years (minimum 1 year).

RECEIVED
JUN 03 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
65	14E	22									50	39			20	40			139

Total number of acres to be irrigated 139

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Applicant

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

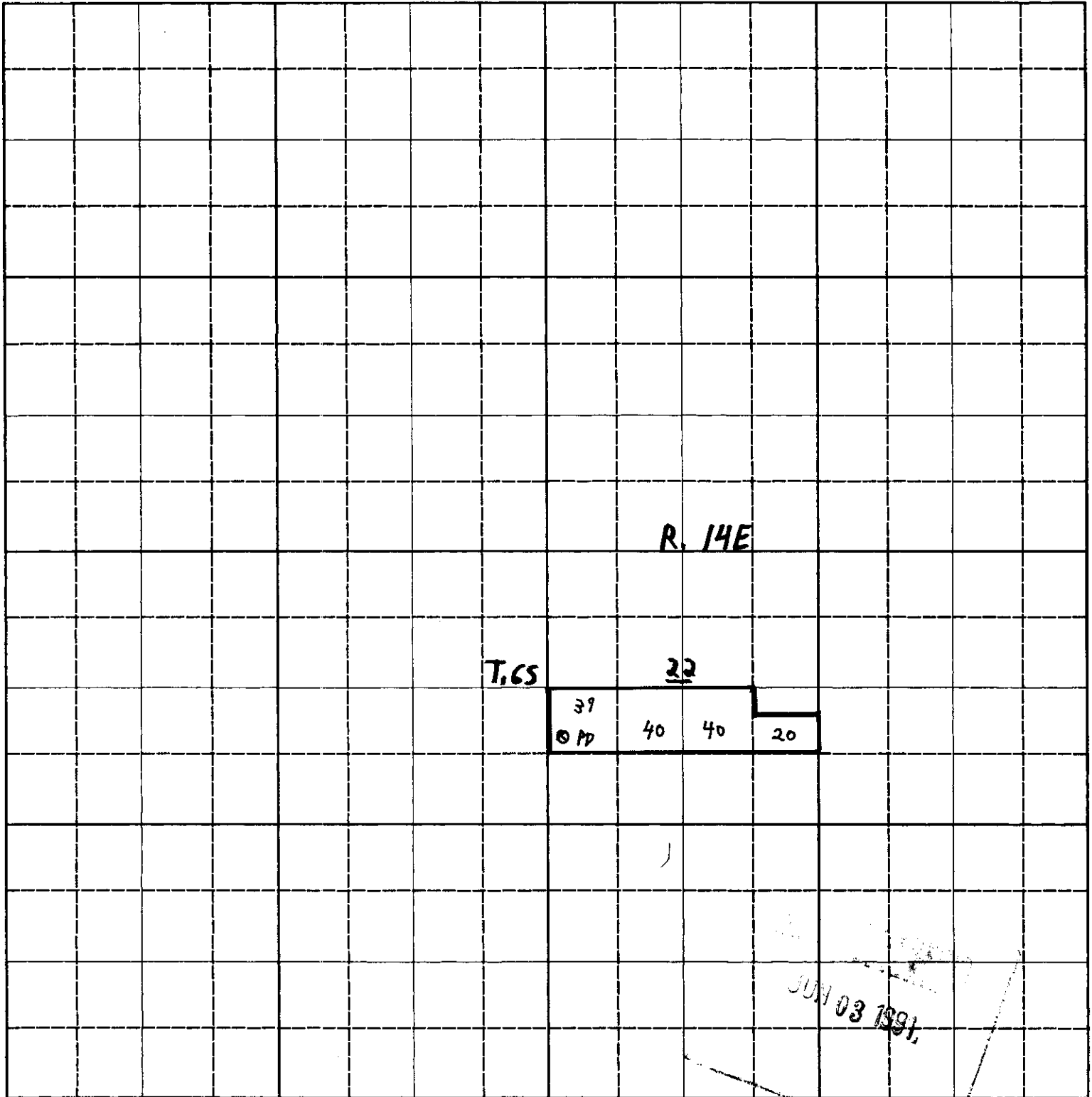
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECORDED

JUN 03 1991

13. 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.

John S. Faulkner
President (Applicant)

Received by J. E. Stanton Date 1-31-91 Time 2:20 pm Preliminary check by DRJ
Fee \$ 85.00 Receipted by JS # 5012981 Date 1-31-91
Publication prepared by BLM Date 4-9-91 Published in Boony County Leader
Publication approved TJL Date 4-30-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

JUN 03 1991

INTER-DEPARTMENT MEMO — 1

FROM *Sam Skaggs*

DATE *5-8-91*

TO *File # 37-8702*

SUBJECT *Corporate Officers*

John Faulkner - President

Erid Faulkner - Sec/Treas.

Sam Skaggs
SIGNATURE

93 10311

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

APR 29 1991

Department of Water Resources

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

17th day of April, 1991.

and the date of the last publication was on the 24th day of

April, 1991.

Subscribed and sworn to before me this 25th day of

April, 1991.

(SEAL)

Victor Landrege
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 6¢/Pica

323.4 Lines straight at 16.17 5¢/Pica

Subsequent lines at 12.94 4¢/Pica

TOTAL COST 29.11

COPY OF NOTICE

(Paste Here)

Not. Appl. Trust W.R. R.

TITLE OF NOTICE

Twinner Land

37-08702

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. H. W. R.
BILL TO Boise

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08702

FAULKNER LAND & LIVESTOCK CO. INC.

1889 S. 1875 E.

GOODING, ID 83330

Source: GROUNDWATER

Diversion Pt: NWSW Sec 22 T 06S R 14E

Use: IRRIGATION (2,500 CFS)

Total Diversion: (2,500 CFS)

Date Filed: 1/31/1991

In: T06S R14E S22 NESW NWSW NESE

NWSE

139.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mall, Boise, Idaho 83720 on or before MAY 6, 1991.

-s- R. Keith Higginson, Director
Pub: 4-17, 24 G5540

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line tabular.....6¢/Pica

7-8 pt. per line straight.....5¢/Pica

7-8 pt. per line successive
insertions.....4¢/Pica

OK TFL
4-30-91

No 5004

JUN 08 1991 5540



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2002

SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

RE: License No. 37-8702 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

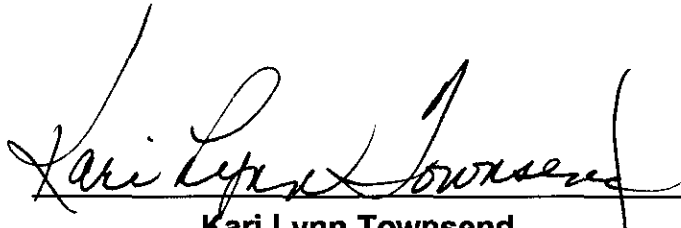
OCT 17 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8702

**SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330**


**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 17 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

37-8702

1. kwalker 8/20/2002 Place of Use

Comment: In discussing the proposed licensing of this permit it was determined that since the permit was amended in 1994 to a 260 acre ppu and overlapping right 37-08005D was transferred to this same 260 acre ppu, we should limit the ppu to 260 acres. The 2 rights together only cover 170 acres in the 260 and we did not feel we could allow a larger ppu. I have reduced the recommended place of use to those lands found within the 260 acre ppu as permitted.

2. BALDWIN 3/7/1994 App. for Amendment

Comment: App. for Amendment filed on 2/25/94 proposes to change point of diversion and change the place of use to show a permissible place of use not to exceed 139 acres per annum. Assignment of permit also filed on 2/25/94 changing ownership to Sawtooth Sheep Co. Inc. Protest withdrawn on 5/25/94.

3. VAULT 1/17/1995 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICROFILMED

OCT 17 2002

LICENSE REVIEW CHECKLIST 8702

Permit No. 37-~~7802~~ Date: 8-14-02 Reviewer: Kay Walker

Change/OK

Name/Address

ok phone number per email & proxy

Source

ok

Does change clarify original intended source? If no, void permit.

Point of Diversion:

ok

Change (P39/P49) Add (P45/P44) Feds (P40)

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

Place of Use

add

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

use p/u
as permitted -
see
comments.

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 37-8005D
File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 2.5 cfs
Fee Limit 3.0 cfs
Measured 5.83 cfs
Theoretical cfs

Recommended Total Diversion Rate

Water Uses

ok Change (P46)

Season of Use per new Standards
3-15 11-15

Irrigation cfs af
Stockwater cfs af
Domestic cfs af
cfs af
cfs af
Total cfs af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

2.5 cfs x 1.9835 x 246 days = 1219.8 af (vs) 139 acres x 4.0 (FHR) = 556.0 af

Remarks:

R55

overall = 260 x 4.0 = 1040.0 AF ← WB5

Additional Conditions

37 Watermaster Control - N/A
GW Measurement/Measuring Device
Other
Trust R55 - remove 051
Non-trust (048)

GW Dist? yes - North Snake
Water Msmt. Dist? yes - West
Crit. GWMA?
GWMA?
Government Lots?

Advance Priority?

yes
no

If yes, explain why below.

Thousand Springs GWMA

SRBA Claim?

NO - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P44 S06

Point of Diversion Overlap Review 8/16/2002 - SESW, S31, T6S, R15E

<u>Basin</u>	<u>Sequence</u>	<u>Split</u>	<u>Basis</u>	<u>Status</u>	<u>Rate</u>	<u>Owner List</u>	<u>Source Table</u>	<u>Application</u>
37	8005	B	License	Active	2.02	FAULKNER LAND & LIVESTOCK CO INC (Current)	wrAdjudicationClaim	
37	8005	B	License	Active	2.02	FAULKNER LAND & LIVESTOCK CO INC (Current)	wrAdjudicationRecommendation	
37	8005	B	License	Active	2.02	FAULKNER LAND & LIVESTOCK CO INC (Current)	wrWaterRight	
37	8005	B		Active	2.02		xrFromAdjClaimList	69586
37	8005	D	License	Active	0.41	SAWTOOTH SHEEP CO INC (Current)	wrAdjudicationClaim	
37	8005	D	License	Active	0.41	SAWTOOTH SHEEP CO INC (Current)	wrAdjudicationRecommendation	
37	8005	D	License	Active	0.41	SAWTOOTH SHEEP CO INC (Current)	wrWaterRight	
37	8702		License	DRAFT Active	2.5	SAWTOOTH SHEEP CO INC (Current)	wrWaterRight	
37	8702			Active	2.5	SAWTOOTH SHEEP CO INC (Current)	wrWaterPermit	
37	8720		License	DRAFT Active	3.2	FAULKNER LAND & LIVESTOCK CO INC (Current)	wrWaterRight	
37	8785			Active	11.78	FAULKNER LAND & LIVESTOCK CO INC (Current)	wrWaterApplication	23148
37	8812		Decreed	Active	0.82	FAULKNER LAND & LIVESTOCK CO INC (Current)	wrWaterRight	

8.95 total

← From
Rt. 36-2504

capacity = 5.83 cfs

Not
included
in
PID OL

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	37-4005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5																177
Right	37-4005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5																177
Right	37-4005D	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5																177
Right	37-4702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5																177
Right	37-4702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5																177
Right	37-4702	SAWTOOTH SHEEP CO INC.	GROUND WATER	07S15E5																177
Claim	37-4005B	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9		10	10											320
Right	37-4005B	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9		10	10											21
Right	37-4005B	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9		10	10											5
Right	37-4720	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	12	9		10	10											21
Right	37-4720	FAULKNER LAND & LIVESTOCK CO INC.	GROUND WATER	07S15E5	22	10			4											36
Right	1-212	TWIN FALLS NORTH SIDE LAND & WATER, CO. LTD.	SNAKE RIVER	07S15E5																0
Right	1-213	NORTH SIDE CANAL CO LTD, TWIN FALLS CO, NORTH SIDE LAND & WATER CO.	SNAKE RIVER	07S15E5																0
Right	1-215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO LTD.	SNAKE RIVER	07S15E5																0
Right	1-220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO LTD.	SNAKE RIVER	07S15E5																0

Trans
Denied

proof
due
11/2001
at
No 07

DL w/37-8005D

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8005D

WATER RIGHT NUMBER: 37-8005D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SAWTOOTH SHEEP CO INC 1989 S 1875 E GOODING, ID 83330 (208)539-4956
Original Owner	FAULKNER LAND & LIVESTOCK CO INC 1989 S 1875 E GOODING, ID 83330 (208)934-4956

Priority Date: 03/20/1982

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/01 to 10/31

0.410 CFS

124.00 AF

Total Diversion:

0.410 CFS

124.00 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 31, Twp 06S, Rge 15E, B.M.

GOODING County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	5							31.0	20.0	30.0	40.0	37.0	19.0					177.0
									L 4	L 3									
07S	15E	6				19.0									40.0		24.0		83.0
						L 1													

Total Acres: 260

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
3. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED

OCT 17 2002

*Recommended
as shown
here.*

*for 31 ac.
= 0.013 cfs/ac*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8005D

5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General Right No. 37-08005D is limited to the irrigation of 31 acres in the place of use described above in a single irrigation season.

Comments:

1. SKAGGS 5/18/1993 TRANSFER NO. 4062

Comment: Transfer #4062 was filed to change the point of diversion and place of use of a portion of this right that resulted in split-ting the right into parts A and B.

2. BALDWIN 3/7/1994 TRANSFER NO. 4305

Comment: T# 4305 filed on 2/25/94. Application proposes to change point of diversion and create permissible place of use not to exceed 31 acres per annum. T# 4305 proposes to split 37-08005A into parts C & D. Protest withdrawn on 5/25/94.

Dates and Other Information:

Licensed Date: 3/23/1987

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MICROFILMED
OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT
RECEIVED

A. GENERAL INFORMATION

OCT 31 2000

Permit No. 37-08702

1. Owner: Sawtooth Sheep Co. Department of Water Resources

Phone No. 934-4756

Current Address: 1989 S 1875 E, Gooding, ID 83330

2. Accompanied by: John Fulkner

EXAM DATE: 8-30-00

Address: Same

Phone No. _____

Relationship to Permit Holder: owner

3. Source: Groundwater

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Lic. 37-08005D, NSCC shares (375 shares)

2. Other water rights with the same point of diversion: 37-08005B, 8005D, 8720, 88/2

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SW	31	6S	15E	Gooding	G/S
								139	

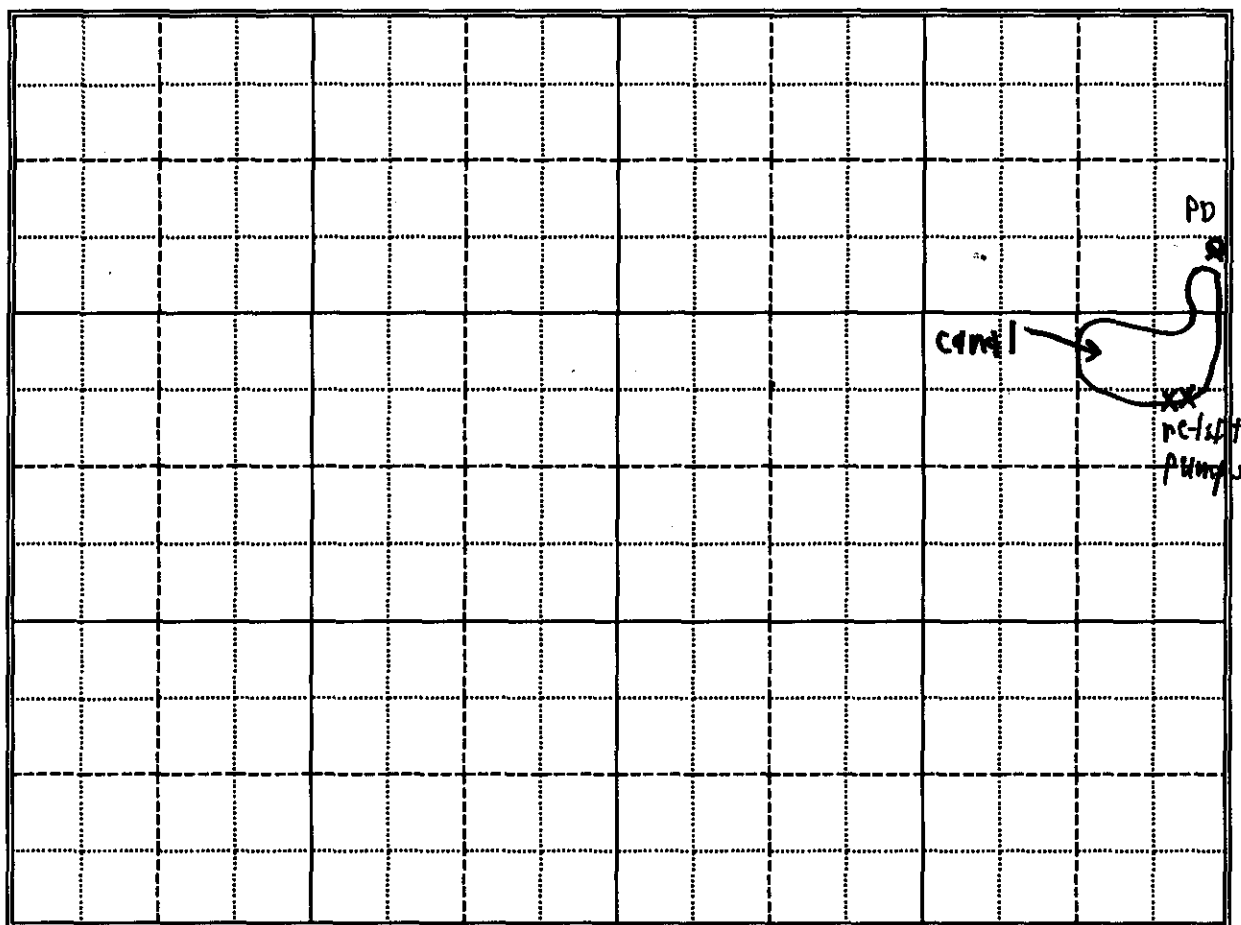
2. Place(s) of Use: Permissible Place of Use of ~~40~~ ac/yr Indicate Method of Determination G/S

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	15E	5							32.4	33.3	25.3	37.7	39.1	36					175.7
									14.4	14.3									
		6				21									40			22.1	83.1
						14.1													
		8							38.2	39.5									77.7
																			256.5

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OCT 11 2002

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



Scale: 1" =

615

☒ Copy of ~~1988~~ ¹⁹⁸⁵ ~~Groundwater~~ Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Main Pump	US Motors	250	V01H302R090R-1	Lynne & Bowler	LP 93193
Re-lift Pump	"	75	6326A-50-Y03X392	P348M Goulds	LP 95148
"	"	125	7982A/W09W222R103R-1	Lynne & Bowler	LP 93349

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Measured by Steelhead Engineering on 6-27-97 at 2617 ^{gpm} average flow.
See attached sheet.

MICROFILMED

E. NARRATIVE/REMARKS/COMMENTS

Existing well at the north end of a large pond pumps into the pond for co-mingling with canal shares. To provide water for the land south of the pond, 2 additional re-lift pumps were added at the SE corner of the pond (previous rights on this well are served by 3 re-lift pumps near the well).

Although the PPU recommended is larger than the 260 acres covered by the permit, it was all developed by the proof-of-use filing date. Additional land east of the old highway was added in 1996 and later, but is not recommended for licensing here. Owner is in the process of moving additional groundwater rights to this system for the excess land. The same well pump & motor are in place that were described in my 1993 exam for 37-08920.

Not to exceed 5.83 cfs for all rights combined on this well.

Well supplements canal shares. Exact amount of well usage is unknown, but standard volume is recommended based on average limitation on permit.

This system presently irrigates over 700 acres (~~699~~⁴⁶³ ac recommended from groundwater) with 375 canal shares. So it appears that both sources are needed to properly irrigate this farm; groundwater is therefore probably not supplemental on all of this land. Assuming 1 canal share per acre, it should be allowable to transfer groundwater from any farmed acres in excess of 375 without causing an expansion. Owner has no plans to do this as far as I know, however.

Note: Photos of the 2 re-lift pumps listed above were lost in developing. I will take more if needed.

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

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OCT 17 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

 $2617 \text{ gpm} = 5.83 \text{ cfs}$ Allow permitted amount of 2.50 cfs.**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 139 \times 4 = 556.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1209.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 556.0$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	2.5	556.0
Totals:			2.5	556.0

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name J.F. Stanton Date 10-27-00

Reviewer _____ Date _____

SEAL

MICROFILMED

OCT 17 2002

700054

H. B. B. B. B.

208-934-4896
GOODING 8330
1989 S. B. T. E. K. S.

RECEIVED

AUG 31 2000

Department of Water Resources
Southern Region

6-27-97

SITE TAG 5553

OS 15E 31 SESW

OWNER OR FAULKNER CALCO (ON)

ID PWR PILE ? BOX # 2050 MTR # 70143174

PUMP U.S. Motors HP 250 S1770 FIRM 445TPA

V460 A 283 TY RU ENCL WPI COD G SF1.15

S# 7238 / VO1U302RU90R-1

WEL LINE # LP93193 6 STAGE

12 H1H 270 BOWL

Time clock

HOUR MTR INSTALLED = 00038.57

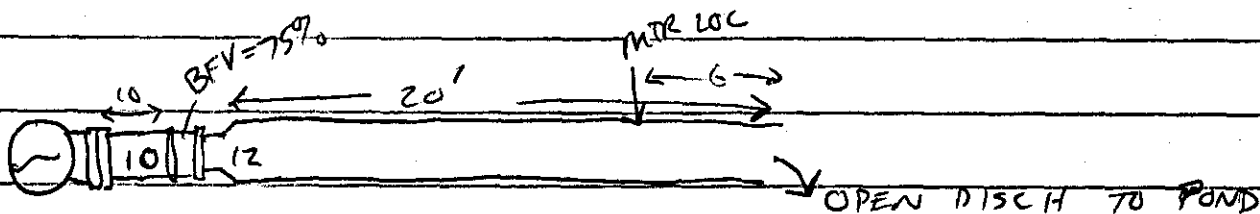


PHOTO FRM 15 RL 4

PUMPING LIFT = 234 ? (CASCADING WATER)

THRU TUBE N SIDE OF POND

MTR REV MULT 80 LK 4.8

 $t_0 = 38.56$, (X 1' 17" 06). $\phi = 12.01"$ $t_{wall} = 0.103"$ $V_g = 9.54$ $t_{1000\text{ GAL}} = 23.16$ $t_{1000} = 45.11$ $t_{1000} = 109.77$ $Q \approx 2550 - 2750$

2680 AVG?

MICROFILMED

OCT 17 2002

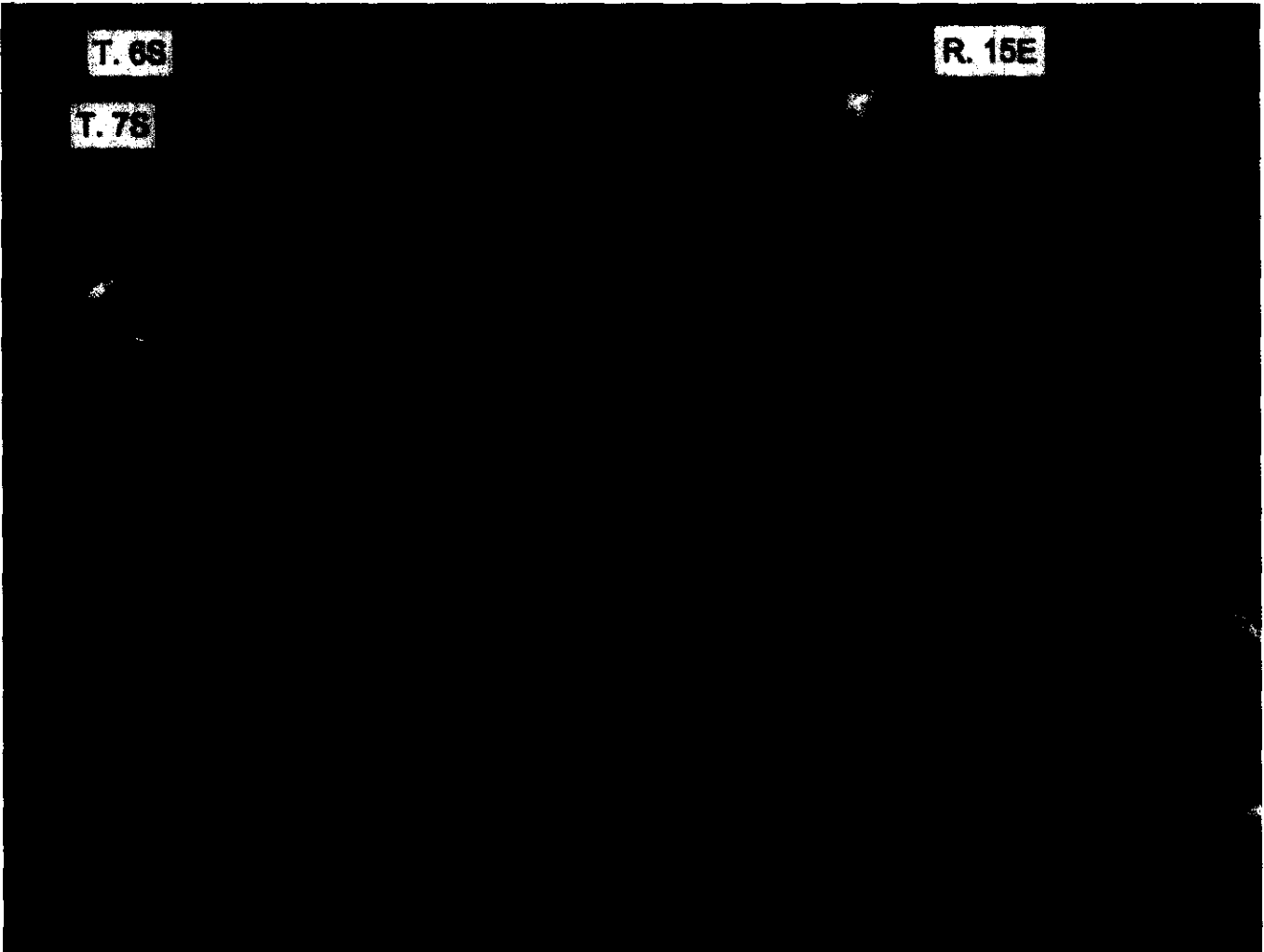
2617 gpm

PERMIT 37-08702 - PPU PER LICENSING EXAM

T. 6S

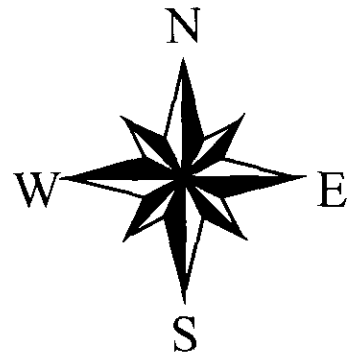
R. 15E

T. 7S



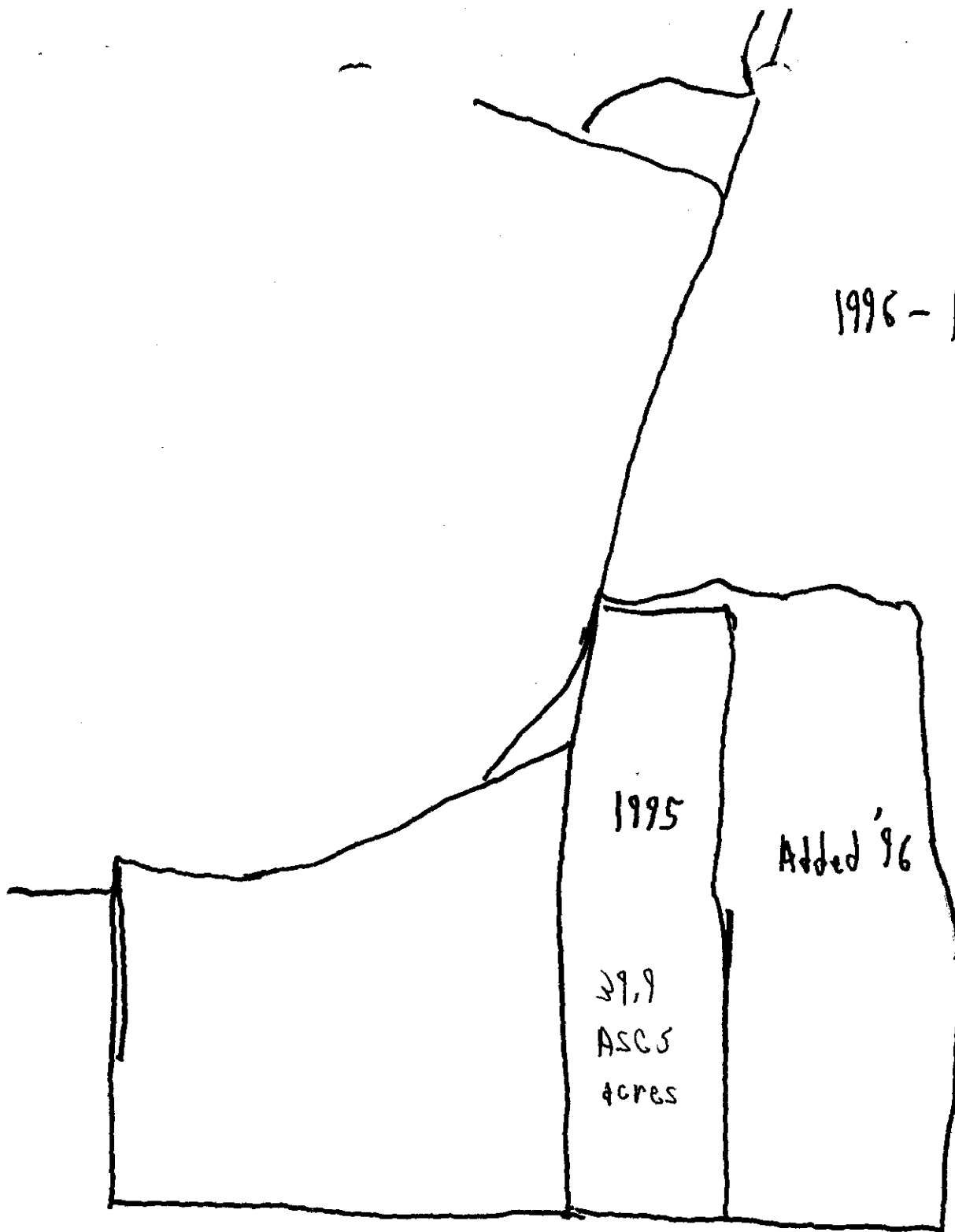
Permissable Place of Use

MICROFILMED
OCT 17 2002



Prepared By J E Stanton 8-30-00

1996 - 1999 P/4



MICROFILMED
OCT 17 2002

IDAHO
CAMAS

U.S. Department of Agriculture
Farm Service Agency

Prepared: 08-15-2000

Report ID: AVA206-R001

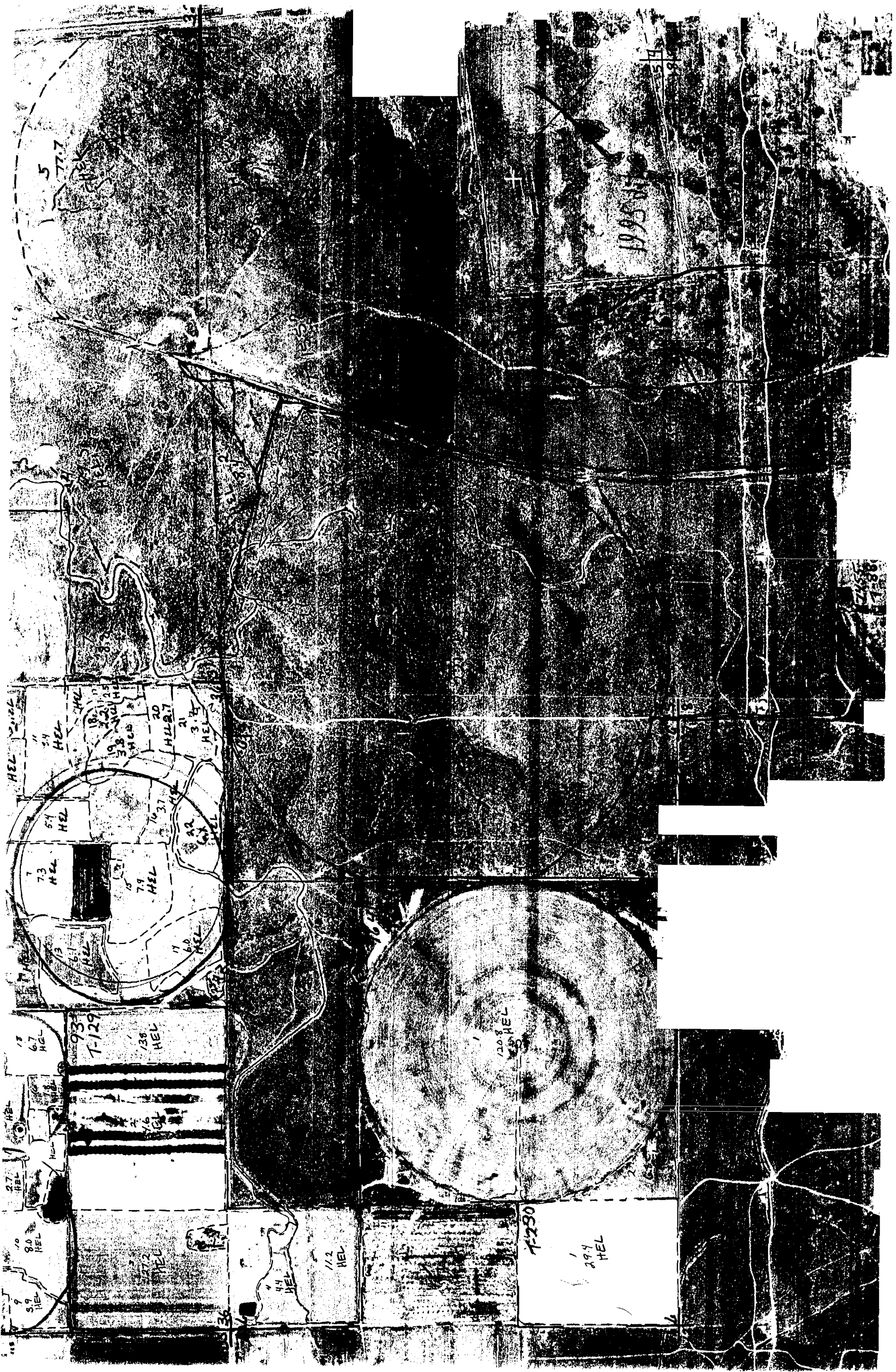
Claims Eligible for Reporting to Credit Bureaus Report

Page: 1

Claim Number	Debtor ID	Type	Debtor Name
--------------	-----------	------	-------------

Date of First Demand Letter	Days Since 1st Demand Letter
-----------------------------------	------------------------------------

No Claims Eligible for Credit Bureau Report





Well, Pond, Re-lift Pumps (Looking South)



Closeup of Well (Looking West)

MICROFILMED

OCT 17 2002

Licensing Exam
Permit 37-08702

8-30-00
JE Stanton



P/U East of County Road (Looking E+SE)

MICROFILMED
OCT 17 2002

Permit 37-08702
8-30-00
JE Stanton

S1
4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

37-08702

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

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

RECEIVED

OCT 31 2000

Department of Water Resources

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

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

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

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

C. Field Exam Appointment Made:

Date 8-30-00

Time 9 am

Place Faulkner office

Contact Person & Phone John Faulkner

D. Post-Exam Review & Processing

Exam Completed 8-30-00

Notice of Completion Turned In ✓

Field Report Completed 10-27-00

J. E. Stanton 10-27-00
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

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

Field Report Sent to S.O. _____ Region Card File Updated _____

January 23, 1995

SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08702

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

FEB 14 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08702 Reviewed by [Signature] Date 1/20/95

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 37-91-C-0005-000
200.00 Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
150.00 Amount Submitted
yes Correct?
yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 1-13-95



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

RE: Water Right No. 37-08702

Certified Mail No. 141791

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED
FEB 14 1995



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

July 11, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

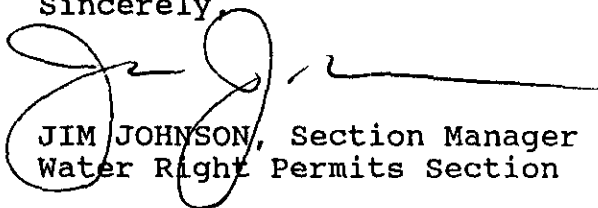
RE: Permit No. 37-08702

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,



JIM JOHNSON, Section Manager
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED

JUL 25 1994

AMENDMENT OF PERMIT REVIEW

Reviewer: Cindy Zimmerman

Date 6/10/94

APPLICATION / PERMIT NO. 37-8702

NAME Sawtooth Sheep Co

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER Change P/U, P/D * Permissible P/U
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: ESRP Mor GWMA Trust/Non-trust

B/U PROOF DUE DATE: 5/1/95 Submitted? Yes (NO) -6 months? Yes (NO)

GROUNDWATER:

- + 0.2 cfs - T17 MD requirement on permit
- 0.2 cfs - NMR <flow chart>
- *Drill. Permit - Included? No.
- Not included? 046-46A(IRR)-46B on permit
- N/A

SURFACE WATER: not in WD - T17 (=/.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. , N/A
- Surface water - 005-R04-01H (-.2 w/pump)
- R04-01J (+.2)
- Swan Falls Flag - 7 (1, Blank or Other)
- Trust - 051-052-053 (Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS (Surface Water)

- Boise (63) - 05A & 11E, NA
- Payette (65) - 047 (Payette Lake), 064 (consump. use), NA
- Snake (01, 02 & 03) - 11A (01), 061 (02/03 No W.D.Cond.), NA

USE:

- Fish Propagation - 06A/09E/010 (WQ/Choose One), 042, 002,
- 07A (Spec.), 044 (Policy 5G)
- Power - (Use Power Review)
- Mining - 06A/010/09E (WQ) & 054 (req.)
- Storage (3 comp?) - 18A (multi MD in WD), 18B (+10' dam)
- Domestic - 021 (Boise R. upstream from Lucky Peak)
- 27A (Payette R. & main tribs)

NON LAND OWNER - 004
PROTEST AGREEMENT - 020

Recommended conditions same as on the permit or subsequent amendment(s) to the permit? Yes ✓ No +cond

Conditions of Approval: Standard,
(do not include any conditions already on permit)

Comments route with 37-8005D transfer #4305.

Transfer must be approved (1st) or this amendment will be an expansion.
(Need that 31 Acres X plus transfer charges)

RECEIVED
JUN 08 1994

Department of Water Resources

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: MJS

Right Number 37-08702 Applicant Sawtooth Sheep

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

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

CHECK:

☒ Description of amended point(s) of diversion.

☒ Amount, nature and period of use. If increased, delay date of priority.

* ☒ Description of amended places of use. If expanded, delay date of priority.

☒ Ownership of point of diversion and place of use.

☒ Stream index information (reverse).

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

☒ Existing water rights from the same source, amended place of use.

☒ Right number(s) North Side CC - No GW rights

☒ Yes ☐ No Should amendment be advertised?

☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

* Expansion of transfer dated 2-25-94 is not approved.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☒ Protests processed. Yes withdrawn 5/25/94

☒ Approve.

☐ Deny.

Conditions The use of this right is limited to 139 Acres within 260 Acre Place of Use identified above.

Rights 37-08702, 37-08720, 37-08005B, 37-08005D & 37-08812 are all diverted from the same point of diversion.

By ACM Date 5/31/94

STATE OFFICE PROCESSING:

☐ Amendment correct and complete. By _____ Date _____

☒ Approved copy sent to applicant and to Region. By CE Date 7/12/94

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

27-May-1994

R. KEITH HIGGINSON
Director

ROBERT B LOCKE
2126 S 1500 E
GOODING ID 83330

RE: Application for Amendment of Permit 37-08702 and
Application for Transfer No. 4305 (37-08005 Part)

Dear Mr. Locke:

This office acknowledges receipt of the withdrawal of your protest against the above referenced applications.

Since you were the only protestant, the issue of the protests have been resolved and the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the applications without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt, P.E.
Water Rights Supervisor

AM:MB

cc: John Faulkner, Sawtooth Sheep Co. Inc.

RECEIVED

JUL 25 1994

5/25/94

To Dept of Water Resources

This is my official request to
withdraw my protest of 37-08702 and transfer
of 37-08005D.

Robert B. Beck

RECEIVED

MAY 25 1994

Department of Water Resources
Southern Region Office

Original in file
T# 4305

JUL 25 1994

From: DWR60::MERRITT 26-MAY-1994 12:01:24.33
To: DWR03::YOUNG,DWR03::SAXTON,HOLMES,SCHULTE
CC: MERRITT
Subj: PRE-HEARING CONFERENCES

YESTERDAY ON MAY 25, 1994 AT THE GOODING CITY HALL MEL SCHULTE AND I CONDUCTED THE PRE-HEARING CONFERENCES FOR:

SAWTOOTH SHEEP CO. TRANS #4305 RT 37-08005D
AMEND PERMIT 37-08702

THE PARTIES AT THE CONFERENCE INCLUDED: JOHN FAULKNER..APPLICANT
MITCH ARKOOSH..(WITH FAULKNER)
ROBERT LOCKE ..PROTESTANT

WE DISCUSSED THE ISSUES WHICH SEEMED TO FOCUS ON INJURY TO WATER RIGHTS BUT MR. LOCKE DID NOT SPECIFICALLY IDENTIFY A PARTICULAR WATER RIGHT BUT WAS MORE INTERESTED IN INJURY TO ALL WATER RIGHTS FROM THE SNAKE PLAIN AQUIFER. MR FAULKNER DESCRIBED WHAT HE WAS ATTEMPTING AND INDICATED THAT HE HAD TRANSFERRED CANAL SHARES SUFFICIENT TO USE THE SYSTEM BUT STILL WANTED TO PROCEED WITH THE APPLICATIONS. I PRESSED FOR A DATE TO SCHEDULE A HEARING THEN MR. LOCKE DECIDED TO WITHDRAW HIS PROTEST. HE WROTE OUT A WITHDRAWAL ON A SHEET OF PAPER WHICH IS INCLUDED IN THE FILE.

JACK HIRAI TRANS #4318 & #4319 OF PORTIONS OF RIGHT 36-07295

THE PARTIES AT THE CONFERENCE INCLUDED:

NAME	REPRESENTING
JACK HIRAI.....	APPLICANT
KUNIE HIRAI.....	APPLICANT (JACK'S WIFE)
GREGORY HIRAI.....	APPLICANT (JACK'S SON)
ROBERT JONES.....	APPLICANT REALTOR/DEVELOPER OF PROPOSED DAIRY
TENA PETTER.....	APPLICANT JONES REALTY
CHUCK BROCKWAY.....	APPLICANT JONES/HIRAI

HARRY SHAW.....	PROTESTANT
LORENE SHAW.....	PROTESTANT
MAXINE WALTZ.....	PROTESTANT
WANDA HAYS.....	PROTESTANT
FENTON HAYS.....	PROTESTANT
PAT TITUS.....	PROTESTANT
CAROL WILLIAMS.....	PROTESTANT
E I WILLIAMS.....	PROTESTANT
RON CASTER.....	PROTESTANT
DAN MAIER.....	PROTESTANT
DAWN MAIER.....	PROTESTANT
DANIEL PETTA.....	PROTESTANT
HAGERMAN CITIZEN ALERT (NED SWISHER & JILL JOSEPH)	PROTESTANT

RECEIVED

JUL 25 1994

HIRAI DEFERRED TO ROBERT JONES TO EXPLAIN TRANSFERS. BROCKWAY SPOKE ABOUT NO NET INCREASE IN WATER USE.

PROTESTANTS MAIN CONCERN IS THE DAIRY PROPOSED TO BE BUILT ON THE PORTION OF THE PROPERTY WHICH IS BEING SPLIT OFF FROM THE HIRAI FARM AND SOLD TO AN UNNAMED PARTY REPRESENTED BY JONES REALTY. THEIR MAIN CONCERN WAS WATER QUALITY ISSUES SINCE SEVERAL REPORTED THAT THEIR WELLS HAVE RECENTLY BEEN CONTAMINATED AND THEY SUSPECT OTHER DAIRYS IN THE AREA AND THEY JUST DON'T WANT ANYMORE CLOSER TO THERE HOUSES.

ALL PARTIES AT THE CONFERENCE WANTED MORE TIME TO PREPARE FOR THE HEARING SO THEY WANTED IT POSTPONED. WE DISCUSSED SHARING OF EXHIBITS AND WRITTEN TESTIMONY AND DECIDED THAT THEY WOULD DO THAT BY JUNE 21. THEY WOULD LIKE

THE HEARING THE FOLLOWING WEEK SO I PHONED GLEN SAXTON TO SEE ABOUT THE AVAILABILITY OF A HEARING OFFICER. GLEN INDICATED HE WAS NOT AVAILABLE AND COULD POSSIBLY DO IT JULY 12. HE INDICATED NORM YOUNG MIGHT BE AVAILABLE THE 28TH OF JUNE BUT COULD NOT SAY FOR SURE UNTIL NORM RETURNS FROM PORTLAND. I LEFT IT WITH THE GROUP THAT WE WOULD RE-SCHEDULE THE HEARING FOR EITHER JUNE 28 OR JULY 12 AND THEY WOULD BE NOTIFIED BY MAIL AS BEFORE.

ALLEN



JUL 25 1994

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF REC

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee
1	1489	Timothy P. Deeg 17m/4-27-94 147-7030	.29	1.00	1.00	.29				
2	1490	Keat Foster								
3	1491	Roger Ling								
4	1492	Bertram Drilling GF 14-29-94	.29	1.00	1.00	.29				
5	1493	Shutbold Steep to Ave 44/5-2-94 John Faulkner 37-8702 37-8005	.29	1.00	1.00	.29				
6	1494	Robert E. Locke								
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15										
Total Number of Places Listed by Sender		Total Number of Places Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international parcels. The maximum indemnity payable for nonnegotiable documents under the maximum reconstruction insurance is \$50,000 per piece subject to a limit of occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for Registered Mail parcels. Special handling charges apply only to Third-class parcels. Special delivery service also includes special handling service.				

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

PS Form 3877, Feb. 1982

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE

JUL 25 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR AMENDMENT OF PERMIT NO. 37-08702)
& APPLICATION FOR TRANSFER NO. 4305,)
OF WATER RIGHT NO. 37-08005, PART)

NOTICE OF

PRE-HEARING CONFERENCE

Sawtooth Sheep Co. Inc.)
Applicant)

SOURCE: Groundwater

Robert B. Locke)
Protestant)

COUNTY: Gooding

On February 25, 1994, Sawtooth Sheep Co. Inc., applicant, filed with the Department of Water Resources an Application for Amendment of a Permit.

On February 25, 1994, Sawtooth Sheep Co. Inc., applicant, filed with the Department of Water Resources an Application for Transfer of Water Right.

The applications were protested by Robert B. Locke on March 22, 1994.

The Department has set the matter of protests for conference for Wednesday, May 25, 1994 at 10:00 a.m. in the Multi-Purpose Room, Gooding City Hall, 308 5th Avenue West, Gooding.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from the Department upon request. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 2nd day of May, 1994.

Loren O. Holmes
Loren O. Holmes
Southern Region Manager

RECEIVED
JUL 25 1994

I hereby certify that on the 2nd day of May, 1994, I mailed a true and correct copy, postage prepaid by certified mail, of this document to the applicant(s) and protestant(s) listed below:

Mary A. Baldwin
Secretary

John Faulkner
Sawtooth Sheep Co. Inc.
1989 S 1875 E
Gooding ID 83330

Robert B. Locke
2126 S 1500 E
Gooding ID 83330

RECEIVED

JUL 25 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-May-1994

ATTN CARMEN
GOODING CITY HALL
308 5TH AVE WEST
GOODING ID 83330

Dear Carmen:

This is a follow-up to our telephone conversation on 4/29/94 to confirm the reservation of the Multi-Purpose at City Hall for a public meeting to be held by this office on Wednesday, May 25, 1994 at 10:00 a.m.

If you have any questions please feel free to contact me or Loren Holmes, the Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary Baldwin
Sr. Secretary

A faint circular stamp, likely a "RECEIVED" or "FILED" stamp, with some illegible text inside.
JUL 25 1994

April 20, 1994

Loren O. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
222 Shoshone St. E
Twin Falls, ID 83301

RECEIVED
APR 21 1994
Department of Water Resources
Southern Region Office

Re: Application for Amendment No. 37-08702
Sawtooth Sheep Co., Inc.

Mr. Holmes:

I received your letter of April 15, 1994 after I had written to you on April 18, 1994. Therefore, I was not aware of the pertinent items concerning this protest.

Your letter mentions two questions:

1. Will the change result in the diversion and use of more water than originally permitted?

The answer is obviously and without argument a "yes". There is no water being used at present on either of the two parcels; one has never had water used. Therefore, there would most definitely be more water used than originally permitted.

2. Will the rights of others be adversely affected by the change?

The Idaho Supreme Court apparently thought there would be, hence the recent decision in favor of Musser/Morris. Any existing user of ground water, whether for domestic or irrigation, is likely to be adversely affected by allowing this amendment.

Your form letter concerning conference and hearing procedures mentions two additional questions.

3. Is the transfer in the public interest?

No, the public would be adversely affected.

4. Is the proposed use contrary to conservation of water resources?

Again it is obvious that further development of both this farm ground involved and the ground water necessary to irrigate are indeed contrary to conservation of water resources.

RECEIVED

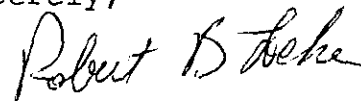
JUL 25 1994

Page 2

Loren O. Holmes, P.E.
Idaho Department of Water Resources

Based upon the guidelines your department has established,
it is quite apparent you have no alternative but to deny the
proposed transfer.

Sincerely,



Robert B. Locke
2126 S 1500 E
Gooding, ID 83330



JUL 25 1994

R E V I E W

APR 19 1994

Department of Water Resources
Southern Region Office

April 18, 1994

R. Keith Higginson, Director
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Proposed changes, Water Rights #37-08005A & #37-08702

Mr. Higginson:

In reference to the above proposed changes in water rights, John Faulkner has contacted me in an effort to have me withdraw my protest. For the record, be aware I will not withdraw my protest.

These proposed changes will result in an additional withdrawal of water from the aquifer, no matter what arguments either Mr. Faulkner or your department may present. The property under Permit #3708702 has never been developed or irrigated; the well on that property was drilled less than one year ago and has never had water pumped from it. The proposed transfer of those water rights apparently goes contrary to any "moratorium" that exists on further development of ground water.

Another point of interest is why the Idaho Land Board would have leased the land to be watered to Mr. Faulkner without having the problem of a water supply taken care of prior to the lease. Also, why would the State leased land being developed have undergone so much ground preparation for planting, including the erection of a large pivot sprinkler if it were not a foregone conclusion that these permit transfers would be allowed?

My protest will stand. I would predict that at some future point, should you allow this transfer, that your department will have to provide explanation to the public as to why transfers like this are allowed when they run contrary to the public good, the intent of the legislature, and the recent Supreme Court decision.

Be aware that I will not attend any hearings concerning this matter, as such hearings would obviously be a further waste of tax dollars.

Sincerely

Robert B. Locke

Robert B. Locke

JUL 25 1994

APR 19 1994

Department of Water Resources
Southern Region Office

April 18, 1994

RECEIVED

APR 21 1994

Department of Water Resources

R. Keith Higginson, Director
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Proposed changes, Water Rights #37-08005A & #37-08702

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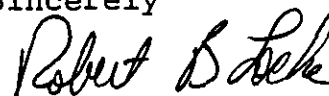
My protest will stand. I would predict that at some future point, should you allow this transfer, that your department will have to provide explanation to the public as to why transfers like this are allowed when they run contrary to the public good, the intent of the legislature, and the recent Supreme Court decision.

Be aware that I will not attend any hearings concerning this matter, as such hearings would obviously be a further waste of tax dollars.

MICROFILMED

JUL 25 1994

Sincerely



Robert B. Locke



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

15-Apr-1994

R. KEITH HIGGINSON
Director

JOHN FAULKNER
SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

RE: APPLICATION FOR AMENDMENT NO. 37-08702

Dear Mr. Faulkner:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for amendment of a permit (Section 42-211, IDAHO CODE):

- 1) Will the change result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected by the change?

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

MAILED 10

JUL 25 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

15-Apr-1994

R. KEITH HIGGINSON
Director

ROBERT B LOCKE
2126 S 1500 E
GOODING ID 83330

RE: APPLICATION FOR AMENDMENT NO. 37-08702 (Sawtooth Sheep Co. Inc.)

Dear Mr. Locke:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for amendment of a permit (Section 42-211, IDAHO CODE):

- 1) Will the change result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected by the change?

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

JUL 25 1994

R F W E ID

MAR 21 1994

March 21, 1994

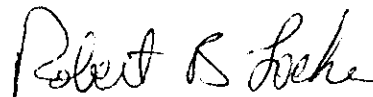
Department of Water Resources
Southern Region Office

R. Keith Higginson
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Mr. Higginson:

I wish to protest the amending of water rights
No. 37-08005A and No. 37-08702 which would allow
Sawtooth Sheep Co. of Gooding to move these water
rights to a new location.

In light of the recent Idaho Supreme Court
decision and a possible moratorium on new farm
developments it would not be in the best interests
of existing water users to allow the transfers
and additional ground water pumping.


Robert B. Locke
2126 S 1500 E
Gooding, ID 83330

MAR 21 1994

JUL 25 1994

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

16 day of March, 1994.

and the date of the last publication was on the 23 day of

March, 1994.

Patty Nance

Subscribed and sworn to before me this 23rd day of March, 1994.

(SEAL)

Norma DeJae
NOTARY PUBLIC

#1772/50934
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x's

JUL 2 5 1994

Lines tabular at _____ 6¢/Pica

616.00 Lines straight at \$30.80 5¢/Pica

Subsequent lines at 24.64 4¢/Pica

TOTAL COST \$5544

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

PLAINTIFF ATTORNEY

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 37-08702

Notice is hereby given that Southern Idaho Irrigation Company, Inc. is applying to the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, with a priority application dated 01/31/1991 authorizing the diversion of 2.5 cubic feet per second of water from groundwater within the NW1/4, S22, T06S, R14E County of Gooding, to be used for irrigation of 139 acres within NW1/2SW, N1/2SE, S22, T06S, R14E; Gooding County.

This Application for Amendment proposes to change point(s) of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 2.5 cfs
Point of Diversion: NW1/4, S31, T06S, R15E, Gooding County.

Place of Use: 260 acres within Lot 4 (SE1/4), Lot 3 (SE1/4), SW, S5, T07S, R15E; SENE, E1/2SE, S6, T07S, R15E; Gooding County (Permissible place of use not to exceed 139 acres per annum).

Any protest against approval of the amending of Permit No. 37-08702 as set forth above must be filed with the applicant and with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 4, 1994.

R. Keith Higginson, Director

Published in the Gooding County Leader on 3/24 & 3/25/94.

#1772

NOTICE OF AMENDMENT TO A WATER
PERMIT
NO. 37-08702

Notice is hereby given that SAWTOOTH SHEEP CO. INC. of Gooding, ID is the holder of Approved Permit No. 37-08702 with a priority date of 01/31/1991 authorizing the diversion of 2.5 cubic feet per second of water from groundwater within the NWSW, S22, T06S, R14E County of Gooding, to be used for irrigation of 139 acres within N1/2SW, N1/2SE, S22, T06S, R14E; Gooding County.

This Application for Amendment proposes to change point(s) of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 2.5 cfs

Period of Use: 04/01 to 10/31

Point of Diversion: SESESW, S31, T06S, R15E; Gooding County.

Place of Use: 260 acres within Lot 4 (SWNW), Lot 3 (SENW), SW, S5, T07S, R15E; SENE, E1/2SE, S6, T07S, R15E; Gooding County (Permissible place of use not to exceed 139 acres per annum).

Any protest against approval of the amending of Permit No. 37-08702 as set forth above must be filed with the applicant and with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 4, 1994.

R. Keith Higginson, Director

Published in the Gooding County Leader on 3/16 & 3/23/94.

MICROFILMED

JUL 25 1994



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

March 10, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

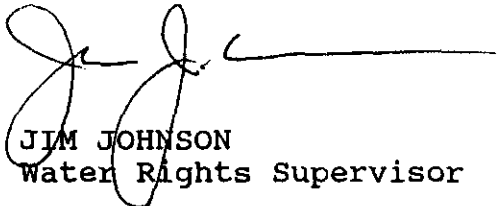
Re: Permit No. 37-08702

Dear Water Right Holder(s):

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

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

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

08-Mar-1994

R. KEITH HIGGINSON
Director

MAGIC VALLEY PUBLISHING CO
ATTN GOODING COUNTY LEADER
PO BOX 468
JEROME ID 83338

Gentlemen:

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

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

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

A faint, illegible stamp or signature, possibly a date stamp, located at the bottom right of the page.

JUL 25 1994

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 37-08702

Notice is hereby given that SAWTOOTH SHEEP CO. INC. of Gooding, ID is the holder of Approved Permit No. 37-08702 with a priority date of 01/31/1991 authorizing the diversion of 2.5 cubic feet per second of water from groundwater within the NWSW, S22, T06S, R14E County of Gooding, to be used for irrigation of 139 acres within N1/2SW, N1/2SE, S22, T06S, R14E; Gooding County.

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Any protest against approval of the amending of Permit No. 37-08702 as set forth above must be filed with the applicant and with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 4, 1994.

R. Keith Higginson, Director

Published in the Gooding County Leader on 3/16 & 3/23/94.

JUL 25 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

07-Mar-1994

R. KEITH HIGGINSON
Director

JOHN FAULKNER
SAWTOOTH SHEEP CO INC
1989 S 1875 E
GOODING ID 83330

Re: Application for Amendment, 37-08702

Dear Mr. Faulkner:

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

This office has scheduled advertising the application in the Gooding County Leader on 3/16 & 3/23/94. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB



JUL 25 1994

RECEIVED

MAR 15 1993

Department of Water Resources

FAULKNER LAND & LIVESTOCK CO., INC.

1989 South 1875 East

Gooding, Idaho 83330

(208)934-4956

March 5, 1993

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: PERMIT NO. 37-08702

Dear Sirs:

We would like to apply for an extension of time for the above referenced permit. We currently have done extensive land work on the project and have some more to do. We are now waiting for Idaho Power to construct the power line to the project and at this time have no idea when they will complete their construction. If at all possible, we would like an extension of time for approximately two to three years to complete the project.

Thank you for your consideration in this matter.

Sincerely,


John L. Faulkner
President

3/15/93- Note to the file: It looks as though this cover letter should have accompanied the previously sent & acknowledged extension request. No response is necessary at this time. K. Gustafson

APR 12 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 12, 1993

Faulkner Land & Livestock Co Inc
1889 S 1875 E
Gooding, ID 83330

Re: Permit No. 37-08702

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

APR 12 1993

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 37-08702 Reviewed by Klg Date 3/10/93

BASIC INFORMATION

3/10/93 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Recommend for approval Based on due diligence -
& Extend to 5/1/95*

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	_____
Proof due date		=	_____
Number of days late		=	_____
Priority date		=	_____
New Priority Date		=	_____

DATA ENTRY

New Address 1989 S 1875 E Klg
Change Proof Due Date 3/12/93
Change Priority Date _____

FAULKNER LAND & LIVESTOCK CO., INC.

1989 South 1875 East

Gooding, Idaho 83330

(208)934-4956

March 5, 1993

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

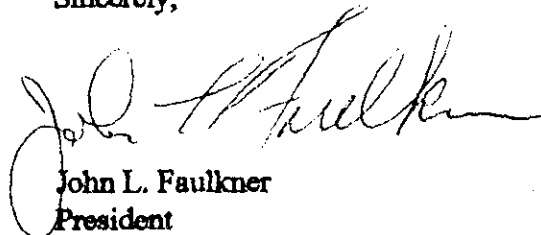
RE: PERMIT NO. 37-08702

Dear Sirs:

We would like to apply for an extension of time for the above referenced permit. We currently have done extensive land work on the project and have some more to do. We are now waiting for Idaho Power to construct the power line to the project and at this time have no idea when they will complete their construction. If at all possible, we would like an extension of time for approximately two to three years to complete the project.

Thank you for your consideration in this matter.

Sincerely,



John L. Faulkner
President

Forgot to send Application with original letter

RECEIVED

MAR 12 1993

February 28, 1993

FAULKNER LAND & LIVESTOCK CO. INC.
1889 S. 1875 E.
GOODING ID 83330

PROOF DUE NOTICE

RE: PERMIT NO. 37-08702

Dear Permit Holder:

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

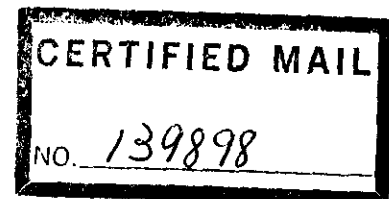
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



APR 12 1993

RECEIVED

FEB - 1 1991

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region Office

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Faulkner Land & Livestock Co., Inc.

2. Mailing Address 1889 S, 1875 E, Gooding, ID 83330

Telephone 934-4956

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

3. Proposed well location NW 1/4 SW 1/4, or Gov't Lot No. _____

Sec. 22, Twp. 65, Rge. 14E, County Gooding

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

- ☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

☐ Injection

☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. Well construction information:

A. ☒ New well ☐ Deepen ☐ Replace - See Condition 9

B. Proposed Surface Diameter 12" Proposed Maximum Depth 160'

C. Anticipated bottom hole temperature: _____

- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212° or more (Geothermal well)

JUN 03 1991

6. Construction Start Date As soon as permit for water use is approved

7. Anticipated Well Driller Eaton Drilling, Wendell, ID
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature [Signature] Date 31 Jan 1991

Title Pres.
(Owner, Firm Representative, Other)

APPROVED

Date _____

5-12-91

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

MANAGER
GROUNDWATER PROTECTION SECTION

Title

Receipt No. 5012981 Received by [Signature] Fee \$200 Date 1-31-91 JUN 03 1991

JUN 03 1991

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 14, 1991

FAULKNER LAND & LIVESTOCK CO. INC.
1889 S. 1875 E.
GOODING, ID 83330

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08702

Dear Permit Holder:

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of of measuring device options.

Also enclosed is a copy of the approved drilling permit submitted in connection with this water right.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

JUN 03 1991

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
JUN 12 1964

APPLICATION FOR PERMIT REVIEW

Application #: 37-8702
Date: 5-8-91

Reviewer: Pam Skaggs

Existing:

No

Complete in 1 year - 26A-P17
P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. 37
Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

Swan Falls Flag - 7 (1, Blank or Other)

Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
Non Trust - 048-049 or Irr & Dom)

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 05-03-1993

Other Conditions Recommended Below Magic Res.
and Corp. Officers 5-8-91

JUN 03 1991

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

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

APRIL 9, 1991

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

APR 03 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08702

FAULKNER LAND & LIVESTOCK CO. INC.
1889 S. 1875 E.
GOODING, ID 83330

Source: GROUNDWATER

Diversion Pt: NWSW Sec 22 T 06S R 14E

Use: IRRIGATION (2.500 CFS)
Total Diversion: (2.500 CFS)

Date Filed: 1/31/ 1991

In: T06S R14E S22 NESW NWSW NESE NWSE
139.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

Published 4/17/1991 & 4/24/1991

R. Keith Higginson, Director

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 37-8702/Trust Water Processing & Expedited
Approval

DATE: 4-2-91

The above application is a trust water filing which has been forwarded to the state office for expedited processing. The applicants have requested expedited approval due to the current drought conditions. The applicants propose development of a groundwater source to provide adequate supply of water on lands which have previously been irrigated with surface water. The applicants do not anticipate having an adequate surface water supply this season.

On this date I reviewed a 1983 infrared aerial photo and confirmed that all of the land under the filing was irrigated in that year. I also reviewed a 1974 black and white aerial photo and found that the land appeared to be irrigated in that year as well.

I recommend immediate processing of this trust water filing. None of the acreage under this application will count as trust acreage since this is a supplemental filing and all of the land has been irrigated with surface water.

PAGE: 1		PLACE OF USE 1/4 1/4 OVERLAP REPORT												04/01/91																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Confirms lands irrigated per 1983 waterway aerial @ EDR

TJL 4-2-91

JUN 03 1991

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

~~432T~~ ~~0100~~
FAULKNER Land &
LIVESTOCK INC

INITIAL REVIEW BY DKS DATE 2/12/91 APPLICATION NUMBER 37-08702

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 1/31/91

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

SWAN FALLS HOLD?

Yes
?

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT Names & addresses of officers
Date Requested _____

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received
☐ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☐ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

_____ See below for additional information
Date of priority recommended _____
By _____ Date _____

STATE OFFICE REVIEW

_____ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

American Falls and Big Wood Canal company
~~has~~ SRBA claims for the land.

LOCAL PUBLIC INTEREST

Comments received from:

____ City	____ Idaho Fish & Game	____ Irrigation District
____ County	____ Idaho Health & Welfare	____ Canal Company
____ Reservations	____ Division of Environment	____ Other _____

Project impacts/implications report

COMMENTS
