

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

MICROFILMED
 MAR 02 1989
 R. 17E
 PD, PU
 T. 55
 11

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.

Herschel C Kermer
(Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
)SS.
County of Lincoln)

NOV 10 1988

Department of Water Resources
Southern Region Office

Have Combes, being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
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, know as House Bill 145; that the annexed advertisement was
published once

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

of said advertisement was on the 2 day of Nov

19 88, and the date of the last publication was on the 9

day of Nov, 19 88

Subscribed and sworn to before me this 9th
day of Nov, 19 88.
(SEAL)

Louana M. Lema
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

Number of Lines in Notice 25

Number of Insertions 2x

Lines tabular at 5/Pica

25 Lines straight at 13.00 4/Pica

25 Subsequent lines at 11.37 3/Pica

TOTAL COST 24.37

COPY OF NOTICE
(Paste Here)

Kerner - Stockwater
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
2148 4th Ave E. Twin Falls

BILL TO

Id
83301

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application has been filed
to appropriate the public waters of the
State of Idaho:

37-08361
KERNER, HERSHEL, 513 HWY. 75
NORTH SHOSHONE, ID 83352
Source: GROUNDWATER
Diversion Pt: NENE Sec 11 T 05S R 17E;
Lincoln County; 6 miles North of
Shoshone.

Use: COMMERCIAL (.080 CFS)

Date Filed: 6/16/1988

In: T05S R17E S11, NENE

The permit 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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301 on or before
NOVEMBER 21, 1988.

R. Keith Higginson, Director
Publish: November 2 and 9 L3179

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4/Pica

7-8 pt. per line tabular 5/Pica

7-8 pt. per line successive

insertions 3/Pica

No 3210

MICROFILMED

MAR 02 1989

3179

RECEIVED
SEP 21 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

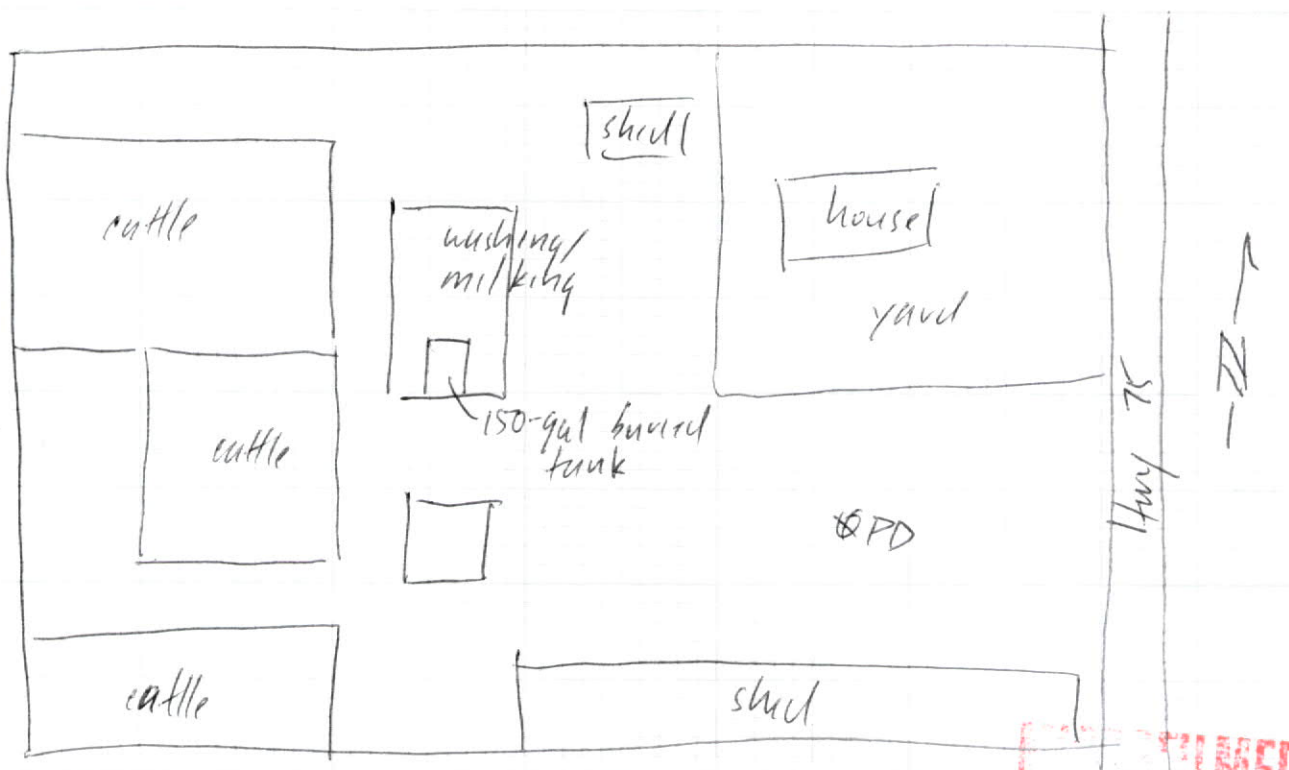
Permit No. 37-8361
1. Owner: Hershel Kirner Phone No. 886-7524
Current Address: 573 Hwy 75 North Shoshone ID 83352
2. Accompanied by: Hershel EXAM. DATE: 6/14/90
Address: same Phone No. _____
Relationship to Permit Holder: _____
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none ☐ Copies Attached
2. Other water rights with same point of diversion: none ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

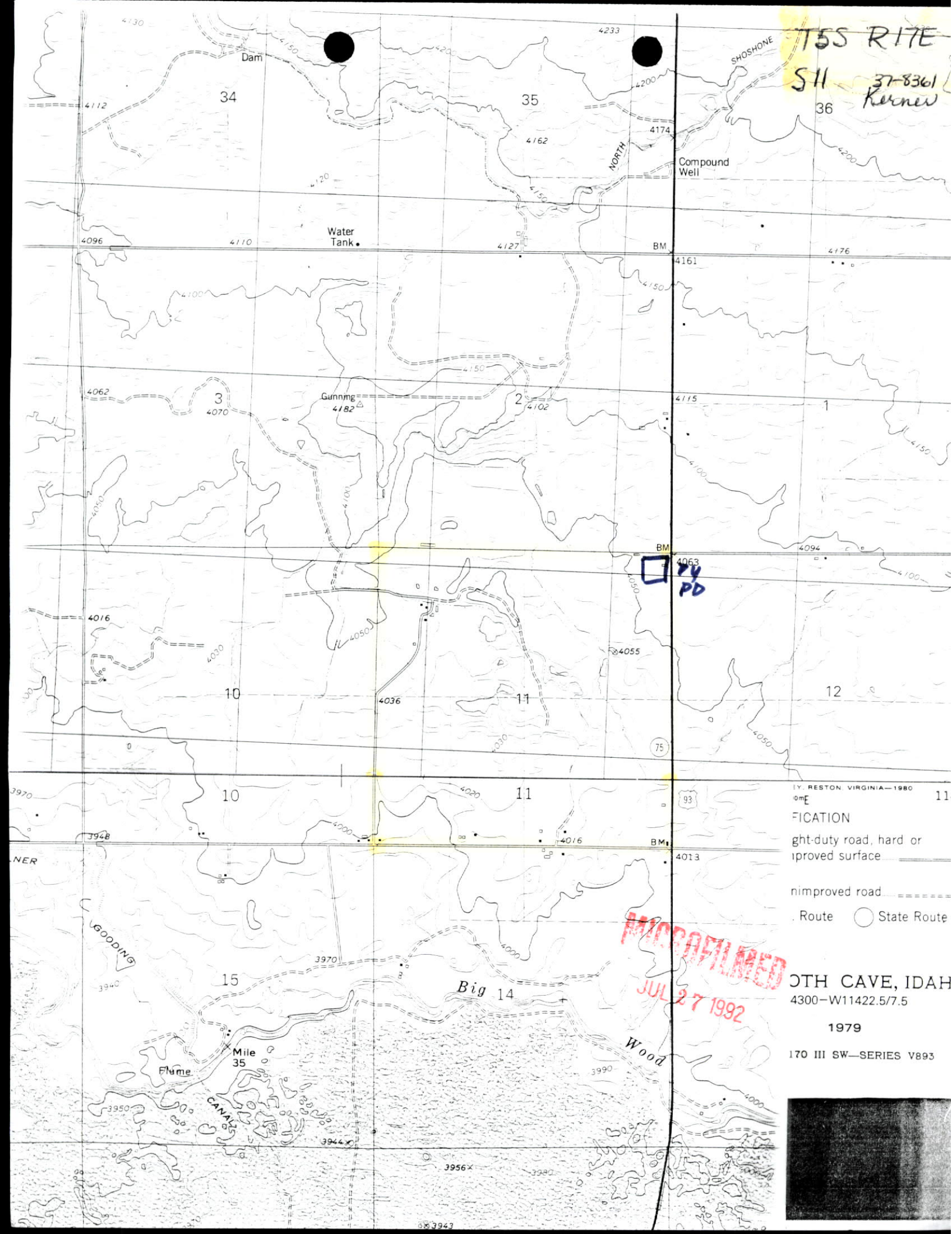
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

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

JUL 27 1992



T55 RITE
SH 37-8361
Kerner

SHOSHONE

Compound Well

Water Tank

Gunning

BM

74
PD

BY RESTON, VIRGINIA—1980

IFICATION

ght-duty road, hard or
proved surface

nimproved road

. Route ○ State Route

OTH CAVE, IDAH

4300—W11422.5/7.5

1979

170 III SW—SERIES V893

MICROFILMED
JUL 27 1992

Big 14

Wood

Mile 35

Flume

CANAL

3943



P/D

buried
tank



Small
fronch

MICROFILMED

JUL 27 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08361

Priority: June 16, 1988

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 0.5 AF

This is to certify, that HERSHEL KERNER

513 HWY 75 N

SHOSHONE ID 83352

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 16, 1988; and has submitted Proof of Beneficial Use on January 22, 1990. An examination indicates that the works have a diversion capacity of .030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.03 CFS	0.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE, Sec. 11, Township 05S, Range 17E
LINCOLN County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

05S 17E 11 NENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Commercial use is for a dairy barn.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 10th day of June, 1992.

MAINTAINED

Acting for R. Keith Higginson, Director

JUL 27 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Hershel Kerner Phone 886-7524

Post office address 513 HWY. 75 North, Shoshone, ID 83352

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

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

Sec. 11 Township 5S Range 17E B.M. Lincoln County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.08 cfs for Commercial purposes from Jan 1 to Dec 31 (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) 0.08 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump

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 _____ inches; proposed depth of well is _____ 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

1 years (minimum 1 year).

MICROFILMED

MAR 02 1989

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. commercial use in dairy barn

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of 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	
5S	17E	11	C																

C is commercial use

Total number of acres to be irrigated _____

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: System was developed in 1966.

Same well serves home on property. Amount applied for is approximate;
exact well capacity is not known.

MICROFILMED

2000 02 10

708 US 693

RECEIVED

R. ME

PD, PU

T.55

11

MICROFILMED

MAR 02 1989

Herold C Kerner
(Applicant)

6/16/88

Received by J. S. Smith Date 6-16-88 Time 4 pm Preliminary check by Harry Anderson
Fee \$ 30.00 Receipted by [Signature] # S000446 Date 6-16-88
Publication prepared by M. Baldwin Date 10/20/88 Published in Lincoln Co. Journal
Publication approved M. Baldwin Date 11/22/88

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. 37-8361, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
March 1, 19 90.

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:

Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Witness my hand this 2nd day of February, 1989.

[Signature]

MICROFILMED

MAR 22 1989

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
)SS.
County of Lincoln)

NOV 10 1988

Department of Water Resources
Southern Region Office

Paul Bomber, being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
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, know as House Bill 145; that the annexed advertisement was
published once

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

of said advertisement was on the 2 day of Nov

19 88, and the date of the last publication was on the 9

day of Nov 19 88

Subscribed and sworn to before me this 9th

day of Nov, 19 88
(SEAL)

Laurena M. Leime
NOTARY PUBLIC
LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

Number of Lines in Notice 25

Number of Insertions 2x

Lines tabular at 25 5/Pica

Lines straight at 13.00 4/Pica

Subsequent lines at 11.37 3/Pica

TOTAL COST 24.37

COPY OF NOTICE
(Paste Here)

Kerner-Stockwater
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

Dept of Water Resources
2148 4th Ave E. Twin Falls

BILL TO

Id
83301

NOTICE OF APPLICATION
FOR WATER RIGHT
The Following application has been filed
to appropriate the public waters of the
State of Idaho:
37-08361
KERNER, HERSHEL, 513 HWY. 75
NORTH SHOSHONE, ID 83352
Source: GROUNDWATER
Diversión Pt: NENE Sec 11 T 05S R 17E;
Lincoln County; 6 miles North of
Shoshone.
Use: COMMERCIAL (.080 CFS)
Date Filed: 6/16/1988
In: T05S R17E S11, NENE
The permit 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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301 on or before
NOVEMBER 21, 1988.
R. Keith Higginson, Director
Publish: November 2 and 9 L3179

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1984)
7-8 pt. per line straight 4/Pica
7-8 pt. per line tabular 5/Pica
7-8 pt. per line successive
insertions 3/Pica

No 3210
MICROFILMED

MAR 02 1989

3179

July 13, 1992

HERSHEL KERNER
513 HWY 75 N
SHOSHONE ID 83352

RE: WATER RIGHT NO. 37-08361

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MICROFILMED

JUL 27 1992

June 3, 1992

HERSHEL KERNER
513 HWY 75 N
SHOSHONE ID 83352

RE: WATER RIGHT NO. 37-08361

Dear Water Right Holder(s):

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

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

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

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

APPROVED
JUL 27 1992

DATE: 05/15/92
PAGE: 1

TOTAL DIVERSION:

Tributary to:

0.03 CFS

T05S R17E S11

COMMERCIAL

23

Pow County: LINCOLN

Place(s) of use:

- Water used under this right if discharged into a natural channel
- or subsurface system shall meet Idaho Water Quality Standards.

Remarks: Commercial use is for a dairy barn.

06/16/1988

Field Exam Fee: R (Received)

05/15/92 SKAGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

KERNER, HERSEL

37-8361

Permit No.

RECEIVED

SEP 21 1990

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☒ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☐ Check for Government Lots. If so, make a copy of Government Plat

Department of Water Resources

Check of P/D index 6-4-90 A.S. (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index 6-4-90 A.S. (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
☐ Photographs of Point of Diversion and Place of Use
☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed OK 6/10/90 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent DR 8/17/90 (Initial and date)

Exam Reviewed by Manager of Regional Office ZH 8/24/90 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

LICENSE REVIEW CHECKLIST

Permit # 37-08361

Date 05-15-92
as

	Yes	No	
NAME	<u>—</u>	<u>✓</u>	Address Change?
PRIORITY DATE	<u>—</u>	<u>✓</u>	Advance? <u> </u>
	<u>—</u>	<u>✓</u>	Memo to Advance
	<u>—</u>	<u>✓</u>	Order to Reinstate Needed?
TOTAL CFS	<u>—</u>	<u>✓</u>	Incorrect Fee for rate recommended?
	<u>NA</u>	<u>—</u>	Disagree with Actual Measurement?
			<u>.03 cfs (COMM)</u>
	<u>—</u>	<u>✓</u>	Disagree with Theoretical? <u> </u>
	<u>✓</u>	<u>—</u>	Limited by Capacity? <u>.03 cfs</u>
TOTAL VOLUME			Rate/ac <u>—</u> AFA Irr. Season <u>—</u>
			<u>—</u> Standard Irr. Season
			<u>—</u> Season Recommended
	<u>—</u>	<u>✓</u>	Disagree with Examiner's Calculations?
			<u>450 x 365 / 325,850 = .5 AFA (COMM)</u>
	<u>—</u>	<u>✓</u>	Limited by Flow? <u>.03 x 365 x 1.9835 = 21.7 > .5</u>
SOURCE	<u>—</u>	<u>✓</u>	Changes? Clarification of <u>Originally</u>
	<u>—</u>	<u>✓</u>	<u>Intended</u> source
	<u>—</u>	<u>✓</u>	Notice of Intent to Void.
P/D			Verify with Map
	<u>—</u>	<u>✓</u>	Amendment Needed? <u> </u>
	<u>—</u>	<u>✓</u>	Is Overlap Analysis a Consideration?
P/U			Verify with Map
	<u>—</u>	<u>✓</u>	Amendment Needed? <u> </u>
	<u>—</u>	<u>✓</u>	Is Overlap Analysis a Consideration?
USES	<u>—</u>	<u>✓</u>	Change(s) in Nature of Use? <u> </u>
	<u>—</u>	<u>✓</u>	Amendment Needed? <u> </u>
REMARKS	<u>—</u>	<u>✓</u>	Multiple P/Ds in 1/4 1/4? <u> </u>
	<u>✓</u>	<u>—</u>	Non-Irr. Uses <u>COMM/Dairy Barn</u>
	<u>—</u>	<u>✓</u>	Special Overlap Condition <u> </u>
	<u>—</u>	<u>✓</u>	Other <u> </u>
CONDITIONS	<u>—</u>	<u>✓</u>	Measuring Device
	<u>—</u>	<u>✓</u>	W/Master Control
	<u>—</u>	<u>✓</u>	Overlap
	<u>09E</u>	<u>—</u>	Water Quality
			DATES/MISC
		<u>✓</u>	Water Dist.
		<u>✓</u>	App Rec'd
		<u>✓</u>	Exam Made

COMMENTS/MEMOS NEEDED: Reduced Rate
250' average from well logs in same section

License — 10-Day ✓ 15-Day — Special Correspondence

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 21 1990

Department of Water Resources

A. GENERAL INFORMATION

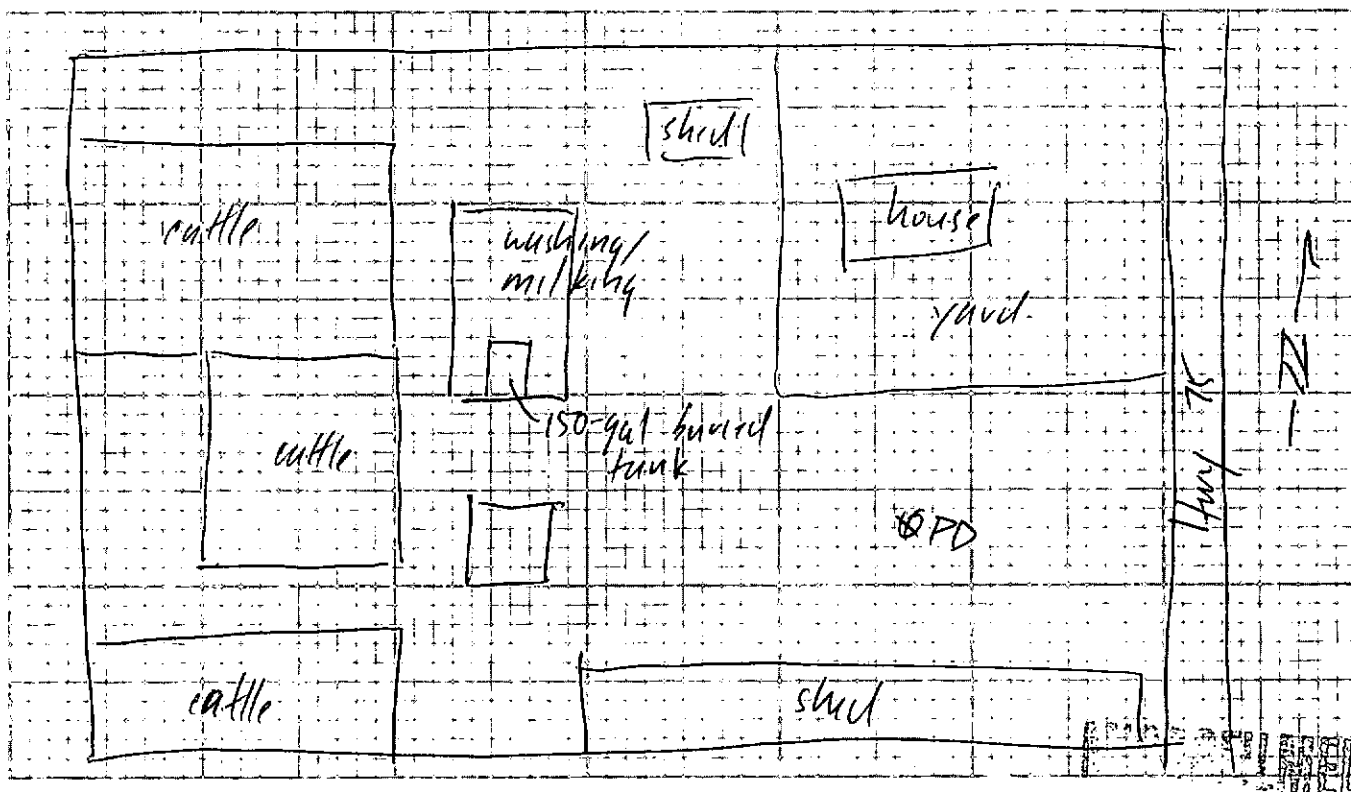
Permit No. 37-8361
1. Owner: Hershel Kivner Phone No. 886-7524
Current Address: 513 Hwy 75 North Shoshone ID 83352
2. Accompanied by: Hershel EXAM. DATE: 11/19/90
Address: same Phone No. _____
Relationship to Permit Holder: _____
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none ☐ Copies Attached
2. Other water rights with same point of diversion: none ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

JUL 27 1992

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

System Description (continued)

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

Submersible well - 1 house (4 residents) and:
 110 rows
 50 culves
 2 5-gal troughs
 150-gal buried tank for washing

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Red Jacket	1 1/2	none	Red Jacket	none

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					NE 11	SS	17E	Lincoln	

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

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
SS	17E	11	C																
			E																

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

theoretical: $Q = \frac{1.5(8.8)(.7)}{250 + 40(2.3)} = .03 \text{ cfs}$

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

~~for water supply to the tank~~
~~the tank is 150 gal~~
~~the tank is 150 gal~~

assuming 150-gal tank filled 3 times/day
 $V = 450 \text{ gal} = .50 \text{ acre-in}$

MAINTAINED

JUL 27 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Large tank was buried, making a measurement impossible

Permit is for commercial use only, not stockwater

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	1/1	12/31	0.08	~~7.68~~
Commercial	1/1	12/31	0.03	~~2.7~~ 50
Totals:				~~10.38~~ 50

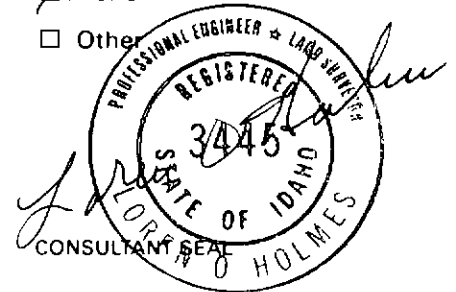
2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above

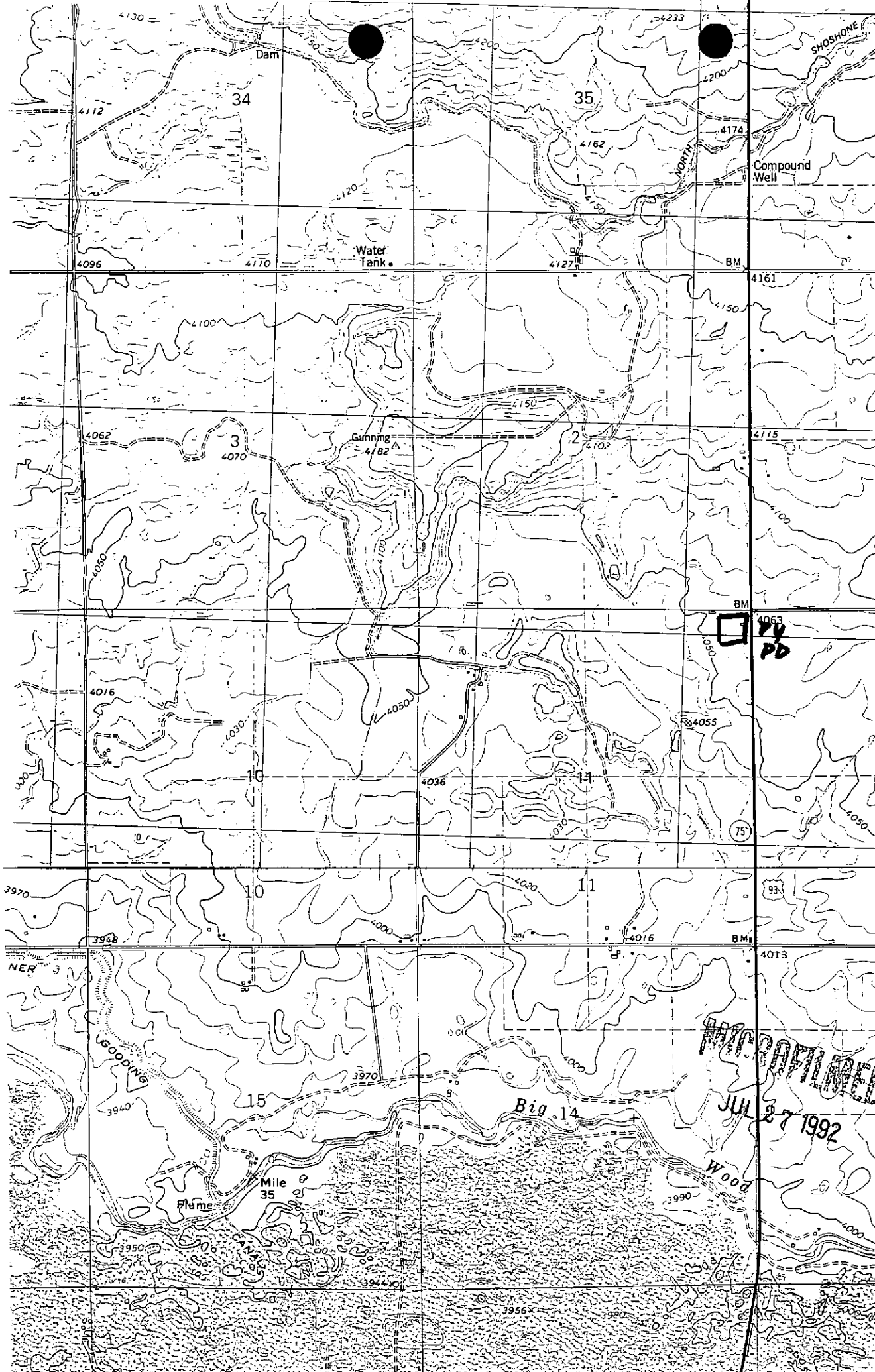
- ☒ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name Charles Brockway
 Signature [Signature]
 Certification Date 4/16/90
 Field Report Preparation Date 6/20/90



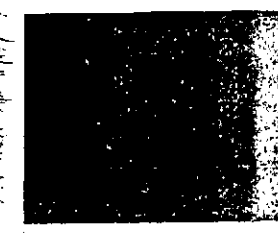
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



TSS RITE
SH 37-8361
Kerner

74
PD

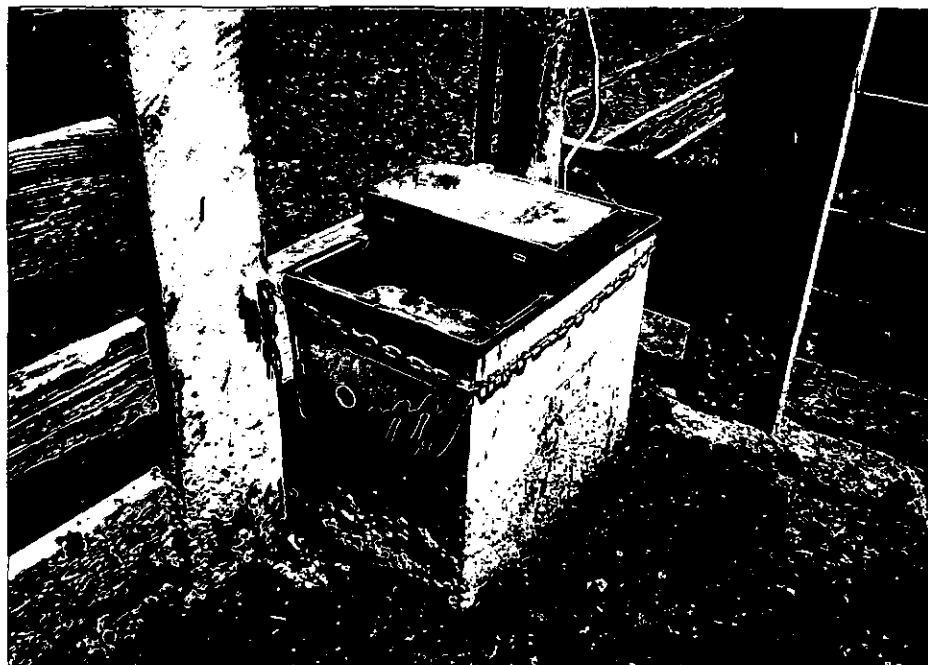
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Route ○ State Route
JUL 27 1992
JTH CAVE, IDAHO
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170 III SW—SERIES V893





P/D

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Small
fronch

RAISED

JUL 27 1992

May 15, 1990

HERSHEL KERNER
513 HWY. 75 NORTH
SHOSHONE, ID 83352

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08361

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)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 23 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-8361

Date: 5-14-90

General Considerations:

g Name same as permit
g Signature the same as permit holder
g Address change _____ If yes, prepare a data entry
g Proof received timely _____
_____ Reinstated

Source of Water:

_____ Surface water
g Groundwater
_____ 1. well log in file
_____ 2. drilling permit
g A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

g Rate of diversion appropriate for uses
g Is rate or volume and fee appropriate?
g Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

g Is a measuring device or access port required?
g Has one been installed?
g Waiver or modification of measuring device requested

Remarks:

Proof acceptable

u/14

Priority Calculation:

Date proof received _____

Date proof due _____ - _____

No. of days late _____ = _____

Priority date _____ + _____

NEW PRIORITY DATE _____ = _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
JAN 22 1990

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 50.00
Date 1/22/90
Receipt # 0014138
Receipt by C. W. W. W.
Reviewed by 5/2/90
Sent to region 4

PROOF OF BENEFICIAL USE

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

Permit No. 37-08361
Name(s) of Permit Holder: Boottjack Dairy
% Hershel Kerner, Pres.
Post Office Address: 513 Hwy 75 North
Shoshone, ID 83352 ✓ Telephone No. (208) 886-7540
Source of Water: Well /

Extent of Use:

Domestic 1 / (number of households)

Stockwater 100 milk cows (number and type of stock)

Irrigation _____ (acres)

Other/Remark Commercial Dairy ✓

Total rate and/or volume for which proof is submitted ~~108~~ .08 / cts _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1966

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

Fee enclosed \$ 50.00 /
(See License Examination Fee Schedule)

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

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

Hershel C Kerner
(Name)

(208) 886-7540
(Telephone Number)

564 N Hwy 75, Shoshone, ID 83352
(Address)

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

MAY 23 1990

1-9-90
Date

Hershel C. Kerner, Pres.
Signature of Permit Holder (and title, if appropriate)

HERSHEL KERNER
513 HWY. 75 NORTH
SHOSHONE, ID 83352

138979
December 31, 1989

PROOF DUE NOTICE

RE: PERMIT NO. 37-08361

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 March 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED
MAY 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 7, 1989

HERSHEL KERNER
513 HWY. 75 NORTH
SHOSHONE, ID 83352

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08361

Dear Permit Holder:

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

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS:sc

Enclosures

MicroFILMED
MAR 02 1989

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY L. J. Indubny DATE 9/6/88 APPLICATION NUMBER 37-08361

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

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

DEC 05 1988

Department of Water Resources

RECEIVED

PROCESSING

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

END COPIES TO

☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ 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. 37-PO5
☐ Yes ☒ No Special conditions of approval or cover letter below.

☐ See below for additional information

Date of priority recommended 6/16/88
 By Larry O. Halun Date 11/30/88

STATE OFFICE REVIEW

PO5

P16

09E

☐ See below for additional information

By KW Date 1/19/89

ADDITIONAL INFORMATION

App. describes an existing well-

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 37

2) Local Description: (of one ?/D)

☐

At the above street address

☐6 miles N/S N and — miles E/W —
of Shoshone, Ida (City or landmark).☐

Other (describe) _____

01-Nov-1988

Dept. of Health & Welfare
Attention: Gary Burkett
P.O. Box 1626
Twin Falls, ID 83301

Re: Applications for Permit Nos. 37-08361, 37-08368,
37-08369, 37-08371, 37-08388, 71-07118

Dear Mr. Burkett:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

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

MICROFILMED
MAR 02 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Nov-1988

Hershel Kerner
513 Hwy. 75 North
Shoshone, ID 83352

Re: Application for Permit No. 37-08361

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Lincoln County Journal on 11/2 & 11/9/88. 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. When a permit is issued, you will be sent a copy. 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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

RECEIVED
MAR 02 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

LINCOLN COUNTY JOURNAL
P.O. BOX 704
SHOSHONE, ID 83352

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 NOVEMBER 21, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAR 02 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08361

KERNER, HERSHEL
513 HWY. 75 NORTH
SHOSHONE, ID 83352

Source: GROUNDWATER

Diversion Pt: NENE Sec 11 T 05S R 17E ; Lincoln County; 6 miles North
of Shoshone.

Use: COMMERCIAL (.080 CFS)

Date Filed: 6/16/1988

In: T05S R17E S11 NENE

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/02/1988 & 11/09/1988

RECEIVED
MAR 02 1989