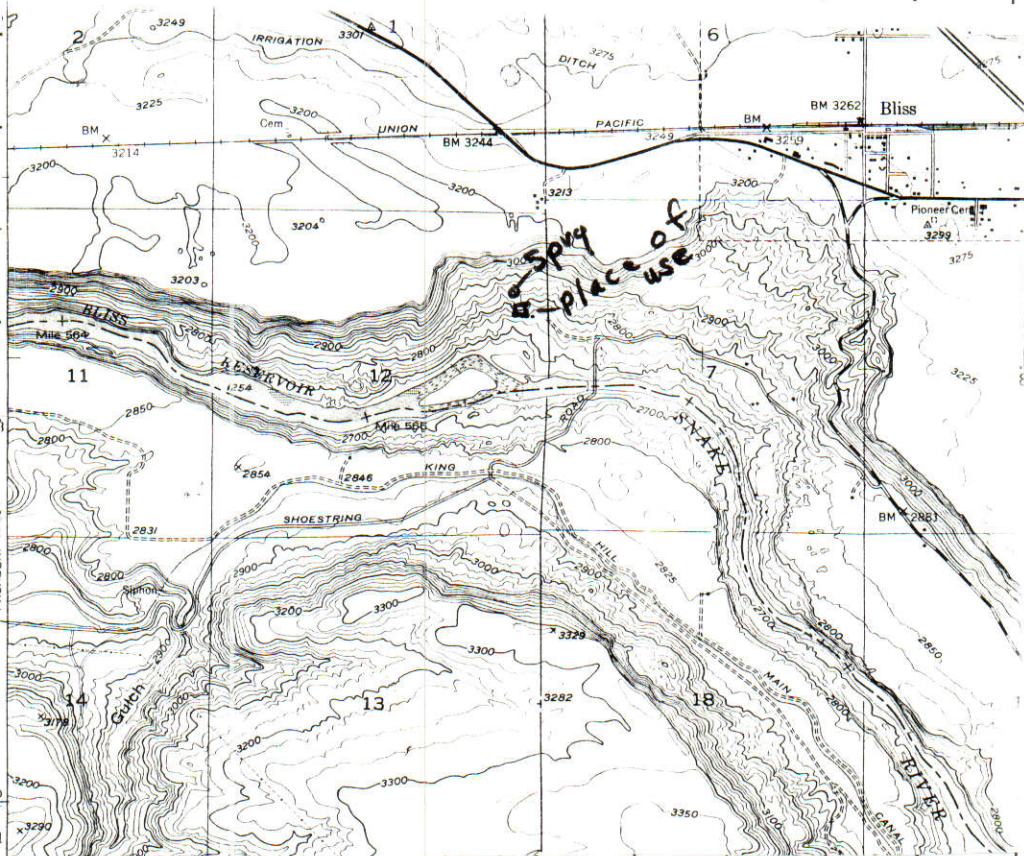


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



T 6 S R 12 E

Sec. 12

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.

x Don R. Church
(Applicant)

070 06 1994

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 26 1988

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

Department of Water Resources
Southern Region Office

SLH. Fullen

_____, being first duly sworn,
deposes and says that he 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 continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 18 day of May
19 88, and the date of the last publication was on the 25
day of May, 19 88.

SLH. Fullen

Subscribed and sworn to before me this 25

day of May, 19 88.
(SEAL)

John Shivers
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 23

Number of Insertions 2

____ Lines tabular at _____ 5¢/Pica
23 Lines straight at 11.96 4¢/Pica
23 Subsequent lines at 8.97 3¢/Pica
TOTAL COST 20.93

COPY OF NOTICE (Paste Here)

Don Church
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO
2148 Fourth Ave E.
Twin Falls, ID
83330

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-8337

CHURCH, DON R., 538 16th Ave. East,
Jerome, ID 83338

Source: SPRING trib. to SNAKE RIVER

Diversion Pt: LOT 05 (NWSENE) Sec 12 T
06S R 12E; 1/2 mile South & 1 mile West of
Bliss.

Use: DOMESTIC (0.040 CFS)

Date Filed: April 15, 1988

In: LOT 05 (SENE) Sec 12 T 06S R 12E

The permit will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Southern Region, 2148 4th Avenue East,
Twin Falls, Idaho 83301 on or before JUNE
6, 1988.

R. Keith Higginson
Director
396851 - G05-18-2tc

No 1146

DEC 06 1994

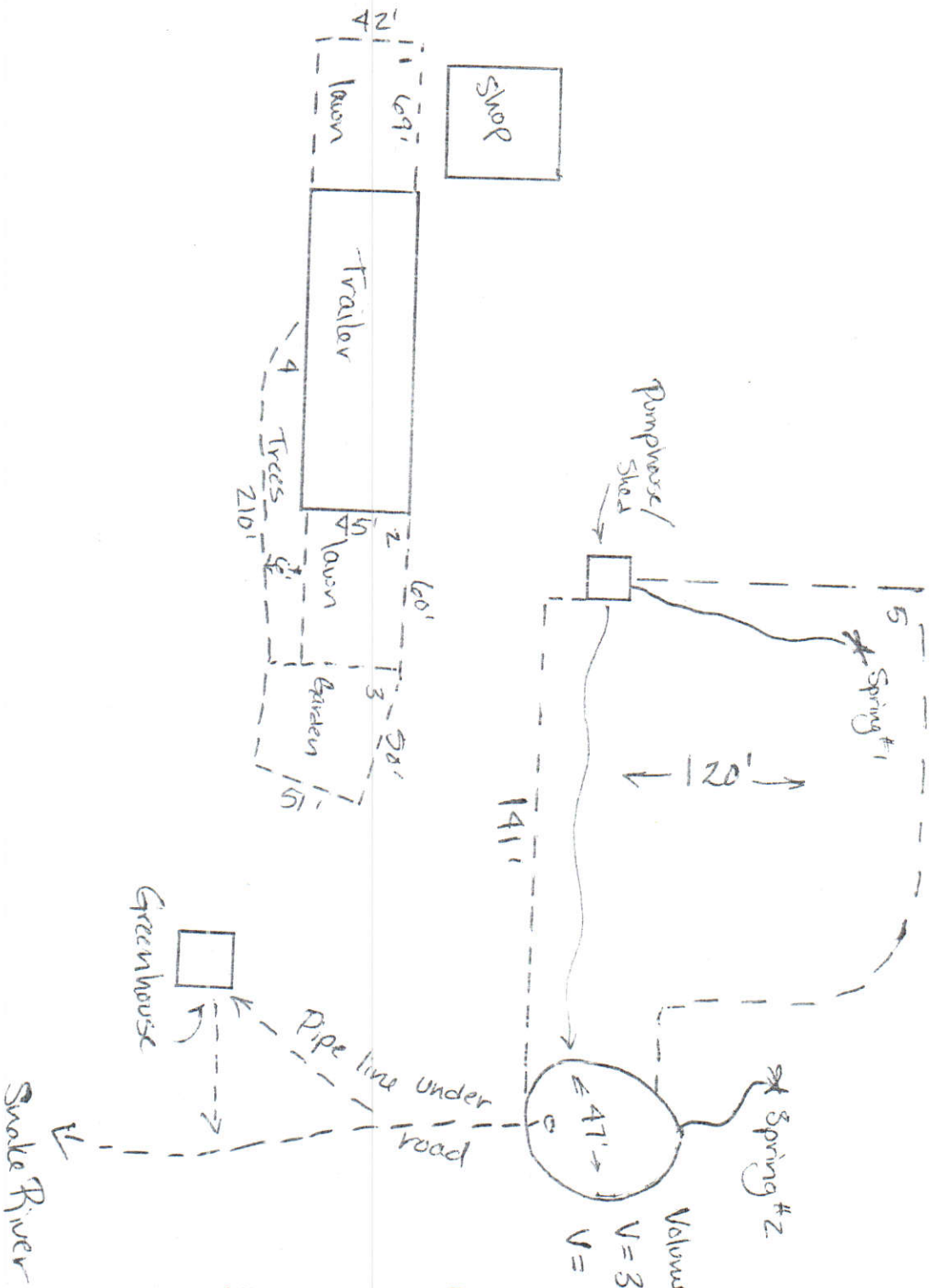
Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	SW SE	SE SE	Total
Permit	47 8297	KEITH ROARK, LAURIE ROARK,	GROUND WATER	06S12E12						X	0
Right	37 7778	US DEPT OF INTERIOR,	GROUND WATER	06S12E12							0
Claim	37 4112	KING HILL IRRIGATION DISTRICT,	MALAD RIVER	06S12E12			21.3				21.3
Right	37 4112	KING HILL IRRIGATION DISTRICT,	MALAD RIVER	06S12E12			21			12	50
Right	1 16	NORTH SIDE CANAL CO.,	SNAAKE RIVER	06S12E12							0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.,	SNAAKE RIVER	06S12E12							0
Right	1 213	TWIN FALLS NORTH SIDE LAND & WATER CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAAKE RIVER	06S12E12							0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAAKE RIVER	06S12E12							0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAAKE RIVER	06S12E12							0
Right	1 5	NORTH SIDE CANAL CO.,	SNAAKE RIVER	06S12E12							0
Claim	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Claim	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Claim	37 19315	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Claim	37 19315	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Claim	37 19317	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Claim	37 20173	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Permit	37 8337	HORIZONS INC,	SPRING	06S12E12		X					0
Rec	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Rec	37 20173	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12		X					0
Permit	37 8700	HORIZONS INC,	SPRINGS	06S12E12	X						15
Right	37 2490	DAVID C LUPE,	SPRINGS	06S12E12			15				15
Right	37 790	FRED G BLISS,	SPRINGS	06S12E12		X					0
Right	37 8337	HORIZONS INC,	SPRINGS	06S12E12		X					0
Claim	37 19313	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED POND	06S12E12		X					0
Claim	37 19313	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED POND	06S12E12		X					0
Rec	37 19313	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	06S12E12		X					0
Right	37 7084	BRYAN KELSO,	WASTE WATER	06S12E12	22						22

with pld
+ duty pld



→ N



1. 2898 ft²
 2. 2700
 3. 2550
 4. 1260
 5. 16920
- $$\frac{25068 \text{ ft}^2}{43560} = 0.57 \text{ acres}$$

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NOV 26 2001

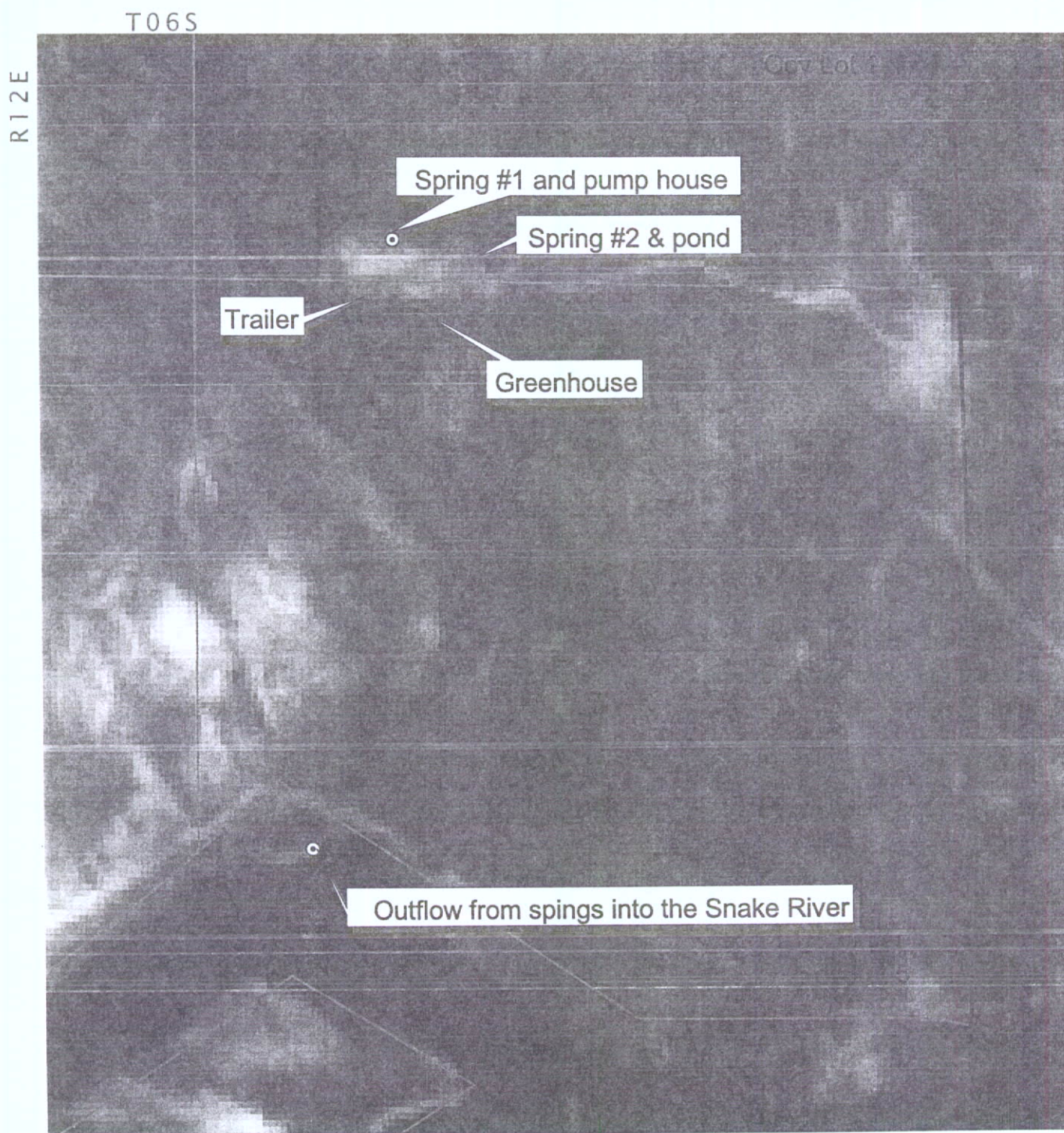
Volume of Pond
 $V = 3.14(23.5)(4)$
 $V = 295.16 \text{ ft}^3$
 $\frac{43560}{0.01 \text{ acre}} =$

37-8337

Idaho Department of Water Resource

Recommendation for 37-8337

Horizons Inc



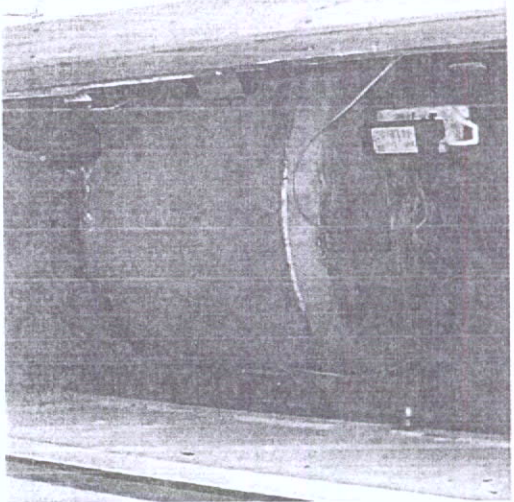
- ⊙ Point of Diversion
- ▭ Section Lines
- ▭ Quarter-quarter lines

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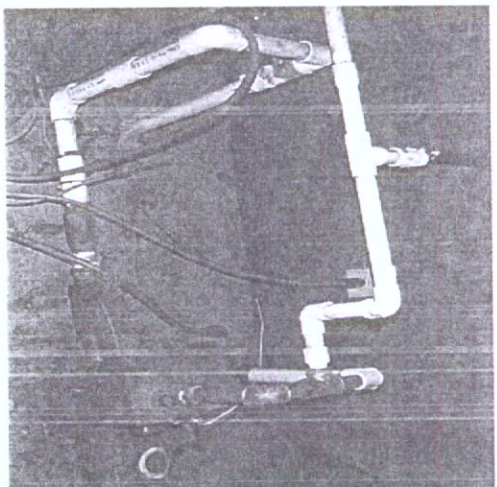


Point of Diversion and Place of Use
T06S R12E S12
Data entry on July 13, 2001

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom



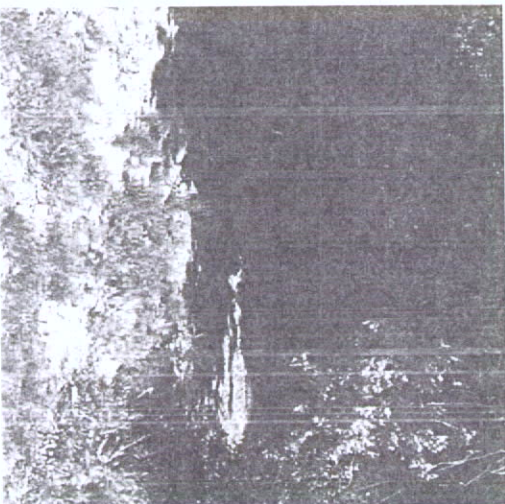
300-gallon Cistern



1 horsepower pump for house.



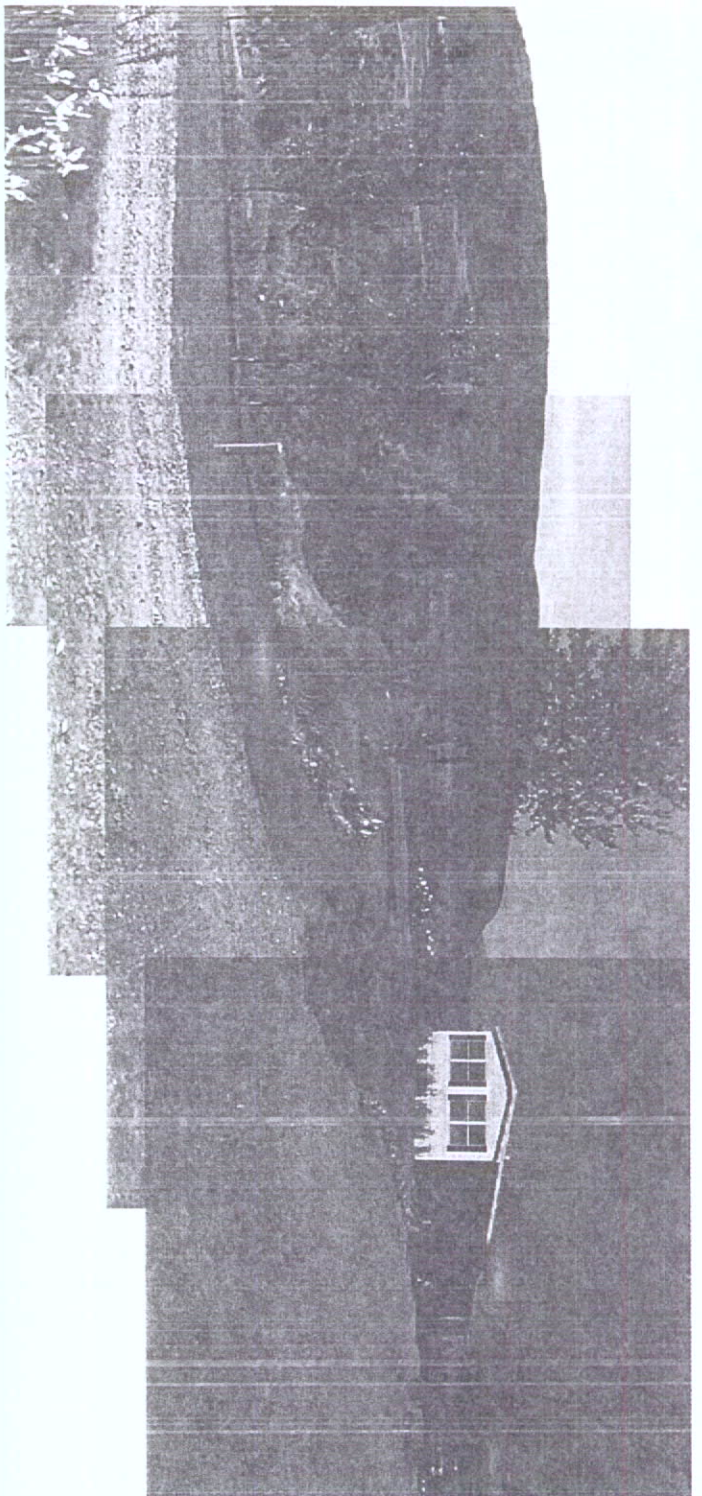
Back of pump house; outlet for overflow from cistern



Spring N and pump house S; perforated pipe under ground

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NOV 26 2001



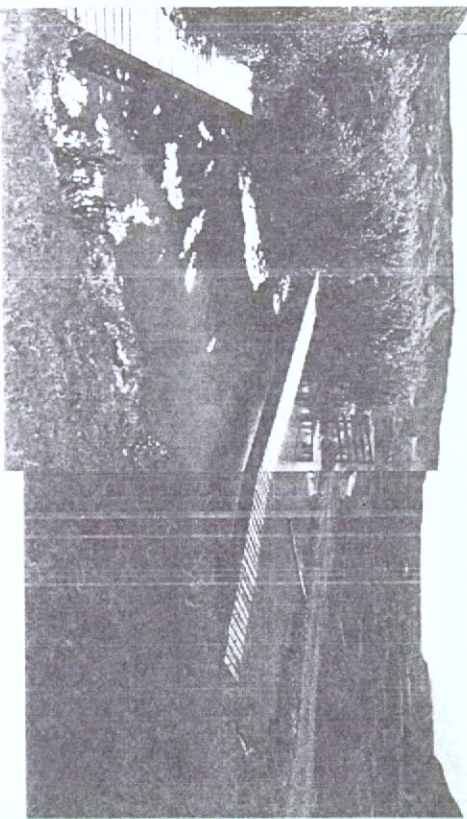
Looking SW'y Doublewide trailer; shop to right; lawn and garden. Snake River in background.

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NOV 26 2001

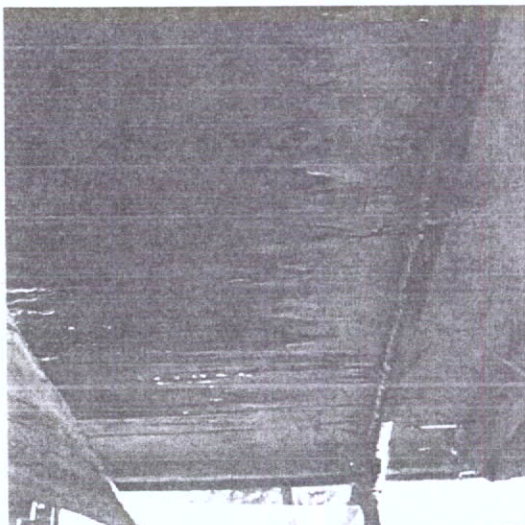


3 horsepower pump for irrigation

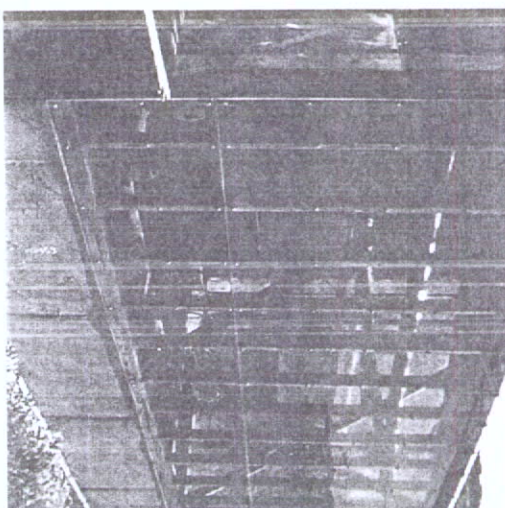
Spring #2 and pond. Spring to left. Outlet
under road.



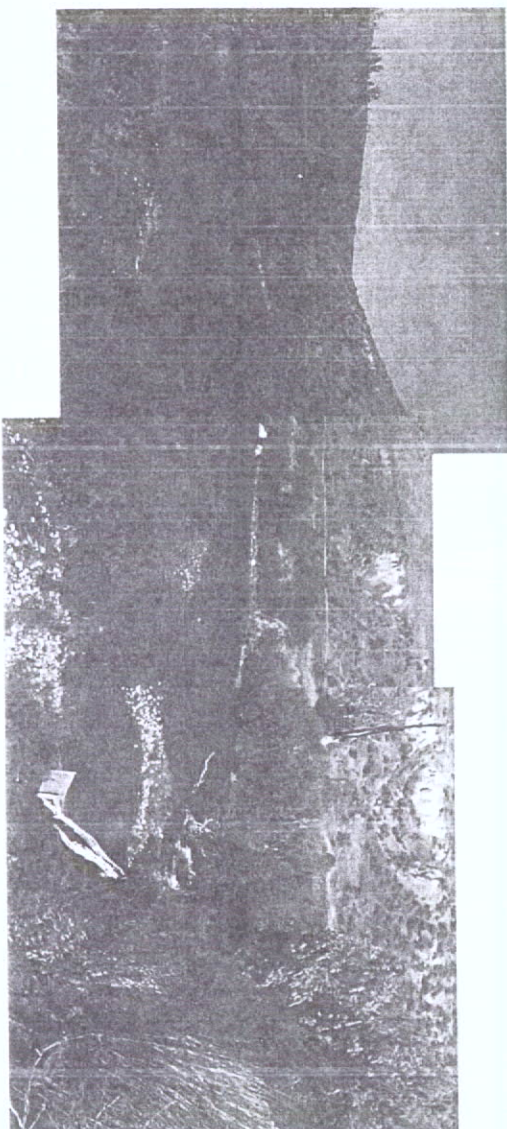
MICROFILMED
NOV 26 2001



Inside greenhouse; perforated pipe



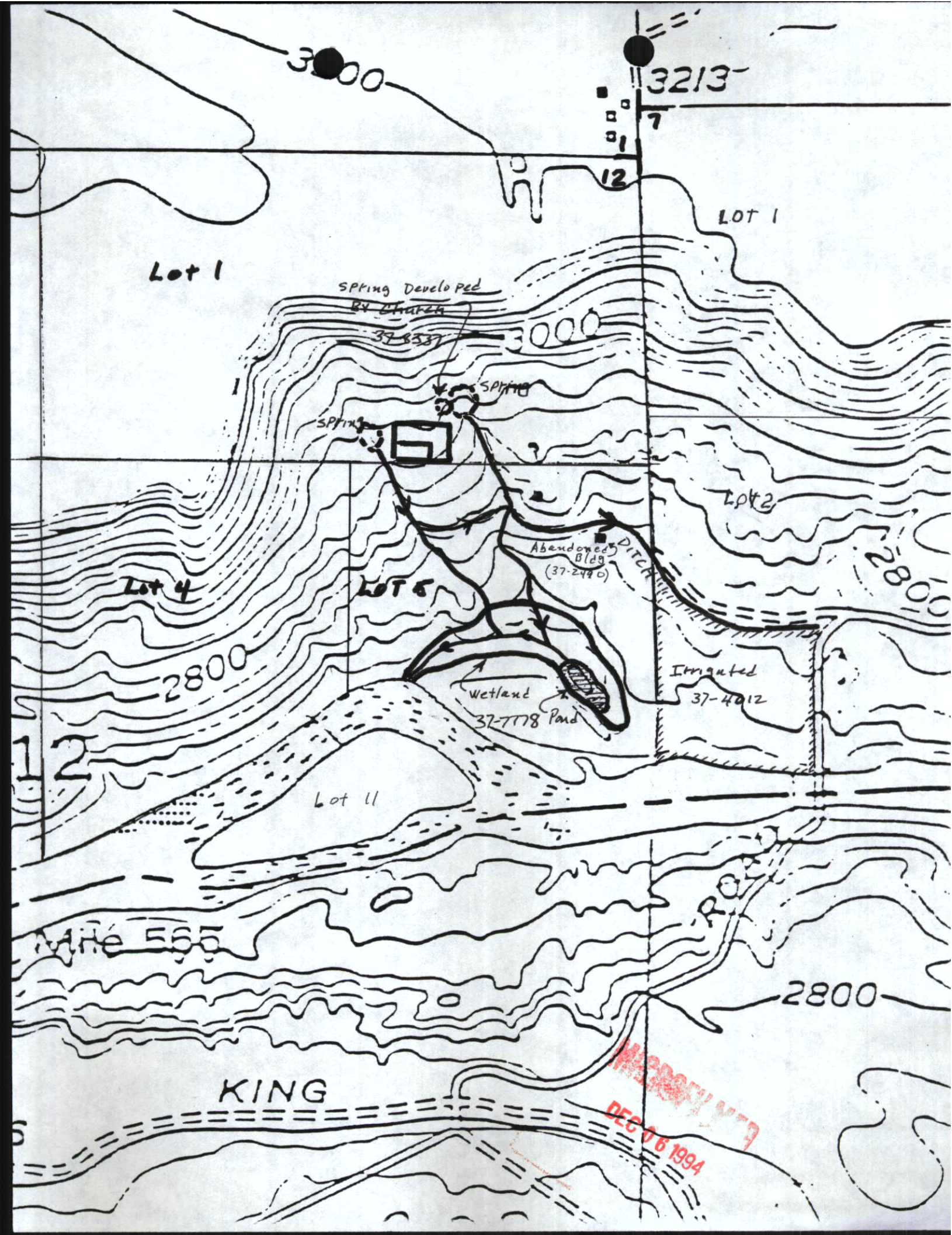
Outside of greenhouse



Approximately one mile south of springs.
Outflow of springs back into the Snake
River.

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NOV 26 2001





Sec. 6

This plat
and restor
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Sec. 7

Excepting
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Sec. 18

These s
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1963, :

Church
37-8337

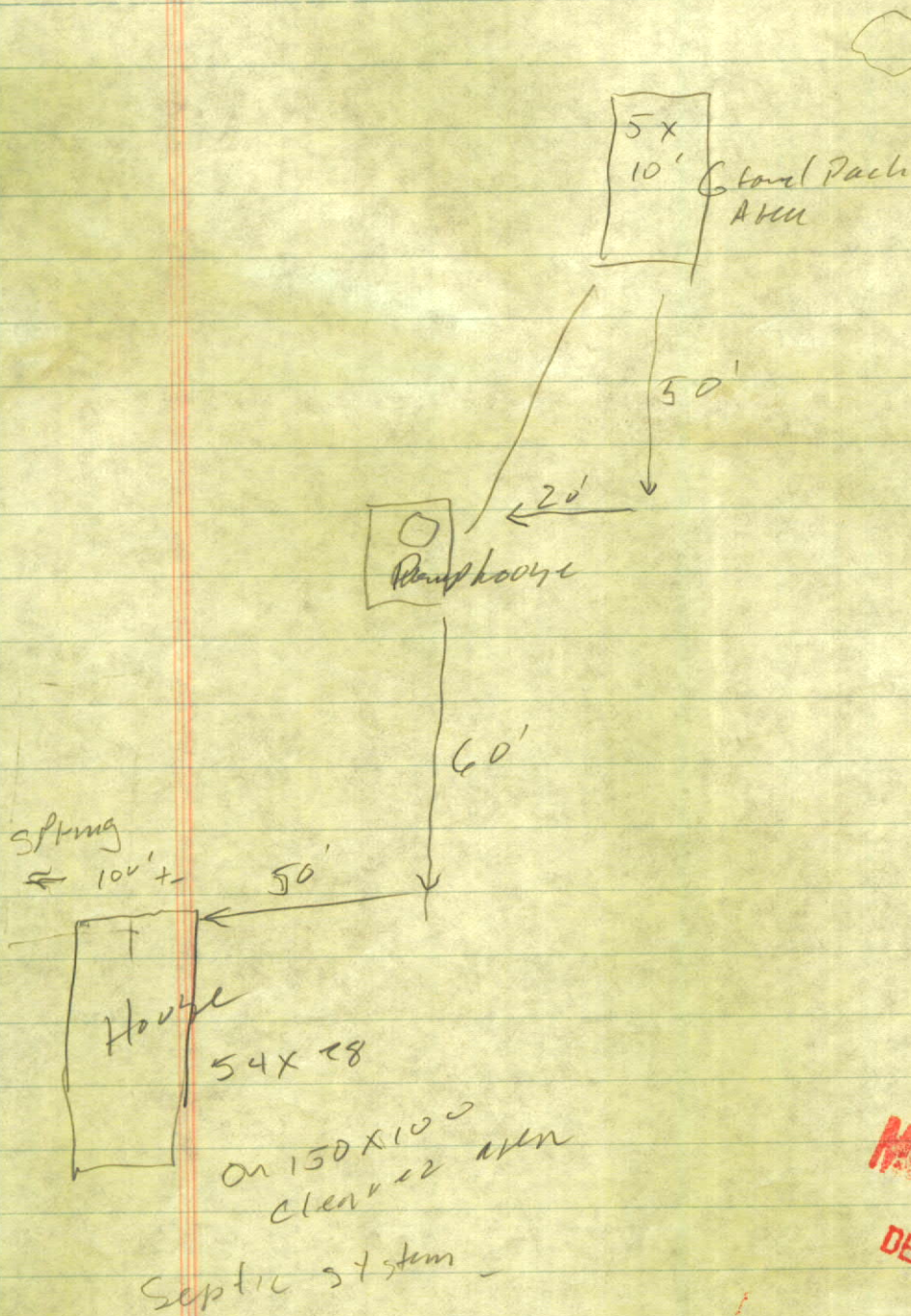
Field Inspection

9/7/88

Pump - 1 HP STA-Rite

Conc + mtl - 48" dia x 3' high

Q - 1.011 gal / 10.27 sec



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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08337

Priority: April 15, 1988

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that HORIZONS INC
C/O DAWN LEE, PRESIDENT
550 SPRING RIVER RD
BLISS ID 83314 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 15, 1988; and has
submitted Proof of Beneficial Use on October 24, 1995. An examination indicates that the works have a
diversion capacity of 0.07 cfs of water from:

SOURCE
SPRINGS

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE
DOMESTIC

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.04 CFS

**ANNUAL
DIVERSION VOLUME**
1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS L1 SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 06S, Rge 12E, B.M., GOODING County
SPRINGS L1 SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 06S, Rge 12E, B.M., GOODING County
SPRINGS L1 SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 06S, Rge 12E, B.M., GOODING County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	12E	12				X													
						L5													

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for 1 home.

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 2ND day of NOVEMBER 2001.

Acting for

KARL J. DREHER
Director

MICROFILMED
NOV 26 2001

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OCT 31 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)
WATER RIGHT NO. 37-08337

Date of Priority: April 15, 1988

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

Comes now HORIZONS INC
550 SPRING RIVER RD
PO BOX 78

BLISS ID 83314 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 37-08337, and requests that the permit be changed as follows:

Source: SPRINGS

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS	L1 SW¼NE¼NE¼	Sec. 12, Twp 06S, Rge 12E, B.M., GOODING County
SPRINGS	L1 SW¼NE¼NE¼	Sec. 12, Twp 06S, Rge 12E, B.M., GOODING County
SPRINGS	L1 SW¼NE¼NE¼	Sec. 12, Twp 06S, Rge 12E, B.M., GOODING County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	12E	12				X													
						L 5													

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 30 day of October, 2001.

Shawn L. Lee, Pres.
(Signature & Title)

MICROFILMED
NOV 26 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08337

FOR DEPARTMENT USE ONLY

Preliminary check by fee Fee = \$50. Received by jm # C057446 Date 10/31/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08337 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for 1 home.

Witness my hand this 2ND day of NOVEMBER, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED
NOV 26 2001

7/94

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No. C033781
 Receipt By: SW
 Date Received: 10-24-95

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

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. 27-08337 Telephone No. 208-252-4471

2. Name(s) of Permit Holder(s): HORIZONS INC

3. Mailing Address: 550 Spring River Rd. P.O. Box 78
Bliss Idaho 83314

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. 8 / yr. 1994

a. Well Driller: _____ Drilling Permit Number: _____

b. **OPTIONAL:**
 Pump Horsepower: 1/2 HP Pressure (psi): 50 PSI Dynamic pumping level (ft): Not

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 20 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 X

Has the measuring device been installed?

Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No X

Has the measurement port been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (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: Tim Lee Telephone Number: 252-4471

Address: 550 Spring River Rd Bliss Id. 83314

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: HORIZONS INC by Tim Lee Pres. Date: 10-19-95
 (include your title, if on behalf of company or organization)

NOV 07 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08337

Proposed Priority: April 15, 1988

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **HORIZONS INC**

1959 E 1550 S

GOODING ID 83330

has applied for a permit to appropriate water from:

SPRING

tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SWNENE), Sec. 12, Township 06S, Range 12E
GOODING County

PLACE OF USE: DOMESTIC

TWN RGE SEC

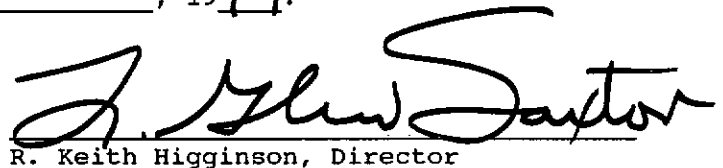
06S 12E 12 Lot 5(ENE)

CONDITIONS/REMARKS:

1. See Preliminary Order for conditions of approval.

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

26th day of October, 1994


R. Keith Higginson, Director

for



DEC 06 1994

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-08337 IN)
THE NAME OF HORIZONS, INC.)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, the department having held a conference in the matter and the parties having agreed to allow the department to reach a decision without a hearing, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 15, 1988, Don R. Church (applicant) filed Application for Permit No. 37-08337 (application) with the department proposing the diversion of 0.04 cubic feet per second of water from a spring to be used year-round for domestic purposes. The spring was identified as being within the NW1/4SE1/4NE1/4 (lot 5) Section 12, T6S, R12E,BM. The spring location was later amended to be within the SW1/4NE1/4NE1/4 (lot 1) Section 12, T6S, R12E,BM, Gooding County, Idaho.

2. On May 18 and May 25, 1988, the department published notice of the application in the Gooding County Leader. On June 1, 1988, the Bureau of Land Management (BLM) protested the application. Idaho Power Company (IPCO) subsequently filed a Motion to Intervene in the matter which was granted by the department.

3. On August 31, 1988, the department conducted a conference in the matter. The applicant was present and represented himself. Protestant BLM was present and represented itself. Protestant IPCO was present and was represented by Phillip Burns.

4. Issues identified by the protestants include the following:

- a. Approval of the application would injure prior water rights.
- b. The applicant's point of diversion was on public land and was in trespass.

DEC 06 1994

5. Protestant IPCO has filed Claim to a Water Right No. 37-04012 with the department claiming the following:

Claimant: Idaho Power Company
Source: 2 springs
Pt of div: Lot 5, Section 12, T6S, R12E, BM.
Priority: 1933
Rate: 1.0 cfs
Uses: Irrigation of 18 acres in Section 7, T6S, R13E, BM.
Stockwater - 150 head
Type of right: Statutory claim

6. The department has issued License No. 37-07778 which provides the following:

Right holder: U.S. Department of Interior - BLM
Source: Groundwater
Pt of div: SE1/4NE1/4 Section 12, T6S, R12E, BM.
Priority: May 14, 1979
Rate: 0.03 cfs
Uses: Stockwater and Wildlife
Type of right: License

7. On September 7, 1988, the department together with the applicant and the protestants conducted an inspection of the applicant's proposed project. The field inspection showed the following:

a. In the vicinity of the application, there are a number of springs in the north wall of the Snake River Canyon which flow northeasterly toward the Snake River.

b. The applicant had excavated and installed a perforated pipe in an area approximately five (5) feet by ten (10) feet and piped the water about fifty (50) feet southwest to a pump house. In the pump house is a concrete cistern forty-eight (48) inches in diameter by thirty-six (36) inches in height. A one (1) horsepower electric motor pumped water from the cistern to a double wide trailer home. The cistern was equipped with an overflow so that when full, water spilled out of it and returned to the natural channel of the spring source. The overflow of the cistern was measured to be about 6 gallons per minute or 0.013 cubic feet per second.

8. The applicant's home is located near the south line of Lot 1 and might be on BLM land.

9. A number of springs were concentrated in two (2) areas, one area being located to the northeast of the applicant's homesite and the other area being located to the southwest which discharges water in a southeasterly direction into Lot 5 of Section 12. Some

DEC 06 1994

of the water is intercepted by a ditch extending from west to east which carries water for irrigation in Section 7 under water right claim no. 37-04012. Water not intercepted by the ditch flows southeast into a wetland and pond area on which the BLM holds License No. 37-07778 for wildlife and stockwater purposes. At the time of inspection, water was flowing from the wetland into the Snake River.

10. On December 11, 1990, the applicant assigned the application to Horizons Inc.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. The application will not reduce the quantity of water under existing water rights, since unused water was flowing to the Snake River simultaneously with the protestants diversion and use of water.

3. The water supply available itself is sufficient for the single domestic use intended.

4. The application was made in good faith and not for delay or speculative purposes, since the system has been constructed and has been in use in 1988.

5. The applicant had sufficient financial resources with which to complete the project since the project is complete.

6. The application does not conflict with the local public interest. Water in excess of 0.03 cfs authorized for stockwater and wildlife purposes on public land under License No. 37-07778 was exiting the wetland area adjacent to the Snake River.

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DEC 06 1994

7. The applicant's system discharges all unconsumed water back to the original source for use by other rights and is not contrary to the conservation of water within Idaho.

8. The department should approve the application and should issue a permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 37-08337 is **APPROVED** subject to the following conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before November 1, 1995.

2. Use of water under the permit is subject to all prior water rights.

3. Approval of the permit does not grant any right-of-way or easement across the land of another.

4. Domestic use is for one (1) home.

Signed this 26th day of October, 1994.


L. GLEN SAXTON, Chief
Water Allocation Bureau



DEC 06 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26th day of October, 1994,
I mailed a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER to the following:

Horizons, Inc.
550 Spring River Rd
P.O. Box 78
Bliss, ID 83314

Phillip O. Burns
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Robert Cordell
Buureau of Land Management
P.O. Box 2B
Shoshone, ID 83352


JULIE L. YARBROUGH
Senior Secretary

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DEC 06 1994

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DEC 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Don R. Church, hereby assign to HORIZONS INC
of, 1959 E. 1550 South Gooding Idaho 83330
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 37-8337 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 Application for Permit No. NA to appropriate the public
waters of the State of Idaho.

Describe portion of the application 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.

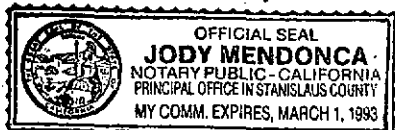
All

Made this 3rd day of Dec, 1990.

By- Carroll Church
Applicant

State of ~~Idaho~~ California,
County of Stanislaus)
ss

On this 3rd day of December, 1990, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.



seal

JODY MENDONCA

Notary Public

My commission expires: March 1, 1993

RECEIVED

DEC 06 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Amended APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Don R. Church 550 Spring River Rd 352-4361
P.O. Box 78
Bliss, ID 83314 Phone 324-4236
Post office address 538 16th Ave. E. Jerome Ida 83338

Source of water supply Spring which is a tributary of Snake River

3. Location of point of diversion is NW ^{SW} 1/4 of SE ^{NE} 1/4 of NE ^{NE} 1/4, Govt. Lot 51
Sec. 12 Township 6S Range 12E B.M. Gooding County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (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) 0.04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate Collection
Ditch. to lay tile then will pump from
cistern thru pipe line to house.

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? _____

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

DEC 06 1994

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. 1

e. Other; describe fully. _____

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.

[illegible]

Total number of acres to be irrigated _____

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

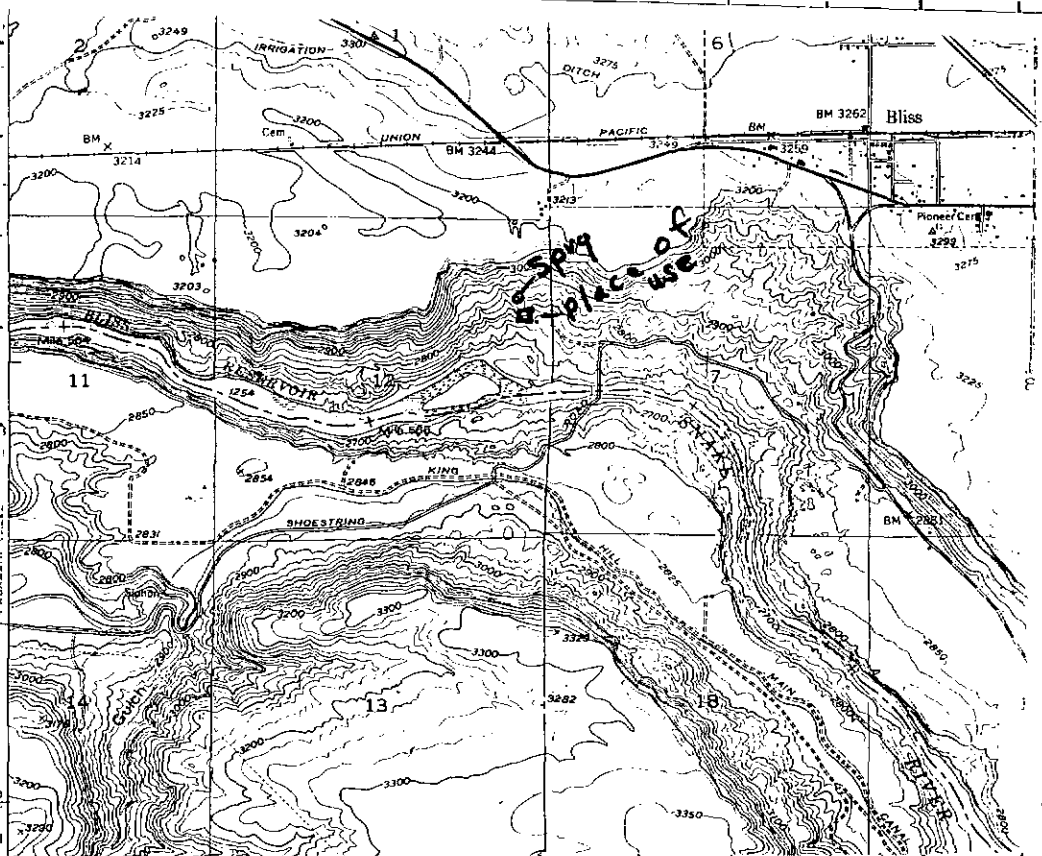
11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Remarks: _____

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



T 6 S R 12 E

Sec. 12

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.

Don R. Church
(Applicant)

RECORDED
JUN 6 1906

Received by JJ Date 4/15/88 Time 3:30 PM Preliminary check by ADM
20.00 Fee \$ 30.00 Receipted by M. Baldwin # 5012658 Date 9/13/90
Publication prepared by M. Baldwin Date 5/9/88 Published in Gooding Co. Leader
Publication approved TJ Date 6/22/88

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. _____, 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:

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 26 1988

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

Department of Water Resources
Southern Region Office

John H. Fullen

being first duly sworn, deposes and says that he 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 18 day of May 19 88, and the date of the last publication was on the 23 day of May, 19 88.

John H. Fullen

Subscribed and sworn to before me this 25

day of May, 19 88
(SEAL)

John H. Fullen
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 23
Number of Insertions 2

Lines tabular at	5¢/Pica
<u>23</u> Lines straight at	<u>11.96</u> 4¢/Pica
<u>23</u> Subsequent lines at	<u>8.97</u> 3¢/Pica
TOTAL COST <u>20.93</u>	

COPY OF NOTICE (Paste Here)

Don Church
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resource
2148 Fourth Ave E.
Twin Falls, ID
83330

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-8337
CHURCH, DON R., 538 16th Ave. East, Jerome, ID 83338

Source: SPRING trib. to SNAKE RIVER
Diversion Pt: LOT 05 (NWSENE) Sec 12 T 06S R 12E; 1/2 mile South & 1 mile West of Bliss.

Use: DOMESTIC (0.040 CFS)

Date Filed: April 15, 1988

In: LOT 05 (SENE) Sec 12 T 06S R 12E

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 6, 1988.

R. Keith Higginson
Director
396851 - G05-18-2tc

No 1146

DEC 06 1984



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

November 5, 2001

HORIZONS INC
C/O DAWN LEE, PRESIDENT
550 SPRING RIVER RD
BLISS ID 83314

RE: License No. 37-8337 - 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.

Enclosed is a copy of the approved Application for Amendment.

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

NOV 26 2001

MICROFILMED

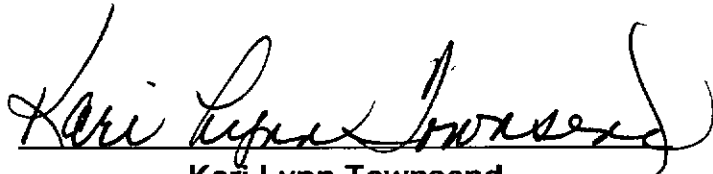
NOV 26 2001

CERTIFICATE OF MAILING

I hereby certify that on November 5, 2001 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. 37-8337

**HORIZONS INC
C/O DAWN LEE, PRESIDENT
550 SPRING RIVER RD
BLISS ID 83314**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**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).

MICHELLE
NOV 26 2001

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.

MICROFILMED



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 27, 2001

HORIZONS INC
PO BOX 78
BLISS ID 83314

RE: Water Right Permit 37-07337

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

10-30-2001
Dawn Lee of Horizons
called. Just rec'd
letter of 9/4 + 9/27
today - (temp @ post
office may be problem)
make address to:
ATTN: Dawn Lee, Pres.
550 Spring River Rd.
Bliss, Id. 83314
KW

MICROFILMED
SEP 26 2001



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 4, 2001

HORIZONS INC
550 SPRING RIVER RD
PO BOX 78
BLISS ID 83314

RE: Water Right Permit No. 37-08337

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ **Point(s) of Diversion – You developed 3 springs instead of 1**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

NOV 4 ~

Enclosure

MICROFILMED
NOV 26 2001

LICENSE REVIEW CHECKLIST

Permit No. 37-8337

Date: 9-4-2001

Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

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

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

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit 0.04 cfs

Measured 0.07 cfs

Theoretical cfs

Recommended Total Diversion Rate 0.04

Water Uses

Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.04 cfs 1.2 af

cfs af

cfs af

Total 0.04 cfs 1.2 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 (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

cfs x 1.9835 x days = af (vs) acres x (FHR) = af

Remarks:

071, 04 ← on BLM land

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots? yes

Advance Priority?

yes
no

If yes, explain why below.

SRBA Claim?

Not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P44 S06

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	NESE	NWSE	SWSE	SESE	Total
Permit	47 8297	KEITH ROARK, LAURIE ROARK,	GROUND WATER	06S12E12																X	0
Right	37 7778	US DEPT OF INTERIOR,	GROUND WATER	06S12E12				X													0
Claim	37 4112	KING HILL IRRIGATION DISTRICT,	MALAD RIVER	06S12E12											21.3						21.3
Right	37 4112	KING HILL IRRIGATION DISTRICT,	MALAD RIVER	06S12E12											21	17			12		50
Right	1 16	NORTH SIDE CANAL CO.	SNAKE RIVER	06S12E12																	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	06S12E12																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	06S12E12																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	06S12E12																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	06S12E12																	0
Right	1 5	NORTH SIDE CANAL CO.	SNAKE RIVER	06S12E12																	0
Claim	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Claim	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Claim	37 19315	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Claim	37 19315	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Claim	37 19317	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Claim	37 19317	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Claim	37 20173	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Permit	37 8337	HORIZONS INC,	SPRING	06S12E12				X													0
Res	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Res	37 19314	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	06S12E12				X													0
Permit	37 8700	HORIZONS INC,	SPRINGS	06S12E12	X																0
Right	37 2490	DAVID C LIPE,	SPRINGS	06S12E12							15										15
Right	37 790	FRED G BLISS,	SPRINGS	06S12E12				X													0
Right	37 8337	HORIZONS INC,	SPRINGS	06S12E12				X													0
Claim	37 19313	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED POND	06S12E12				X													0
Claim	37 19313	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED POND	06S12E12				X													0
Res	37 19313	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED POND	06S12E12				X													0
Right	37 7084	BRYAN KELSO,	WASTE WATER	06S12E12		22															22

diff p/d
& diff p/u



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 3 2001
DEPARTMENT OF WATER RESOURCES

GENERAL INFORMATION

Permit No. 37-8337
1. Owner: Horizons Inc Phone No. 208-352-4971
Current Address: 550 Spring River Rd Bliss ID 83314
2. Accompanied by: Dawn Lee EXAM DATE: May 29, 2001
Address: Same Phone No. Same
Relationship to Permit Holder: Jim Lee's widow
3. Source: Springs tributary to Snake River

OVERLAP REVIEW

1. Other water rights with the same place of use: 37-19313; -19314; -19315; -19317
2. Other water rights with the same point of diversion: 37-8700 ; 37-7778

DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

dent No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	SW	NE	NE	12	06S	12E	Gooding	GPS No Tag

2. Place(s) of Use:

Indicate Method of Determination

WP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48	12E	12				D													

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NOV 26 2001

Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.

2. Measurements: Please see narrative

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

D. FLOW MEASUREMENTS

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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Hose Pump		1		STA-RITE	D39
Irrig Pump		3		Leland	M-431A

*Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and piece(s) of use (required) *Aerial Photo Attached (required for irrigation of 10+ acres) *Photo of Diversion and System Attached

Scale: 1" = _____

*Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and piece(s) of use (required) *Aerial Photo Attached (required for irrigation of 10+ acres) *Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Hose Pump		1		STA-RITE	D39
Irrig Pump		3		Leland	M-431A

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

D. FLOW MEASUREMENTS

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

2. Measurements: Please see narrative

Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

PERMIT: 37-8337
FROM: Amanda Folsom
DATE: July 17, 2001

I conducted this field exam on May 29, 2001. Dawn Lee, who is the widow of Jim Lee, and a gentleman that assists her with the up keep of the springs and irrigation accompanied me on this exam. Regarding the points of diversions I found:

1. Spring #1 is diverted into perforated pipe in an excavated area five feet by ten feet, which gravity flows to a 300-gallon cement cistern.
2. A 3 horsepower pump supplies water for irrigation from a second spring and pond.
3. The outflow of the pond is partially diverted to a small greenhouse year round.

DOMESTIC USE

This permit, 37-8337, allows a domestic beneficial use for 0.04cfs. At the time of the exam, I found a doublewide trailer to be the only home using the water from spring #1. Mr. Lee excavated and installed a perforated pipe in an area approximately five feet by ten feet, which is the point of diversion. The water then flows about 50 feet down to the southwest where it is captured in a 300-gallon cement cistern, which is inside of the pump house/shed. From the cistern, the water is pumped with a 1 horsepower pump to the doublewide trailer. Mr. Lee designed the system to allow the overflow at the cistern to continue flowing back into its natural channel when the cistern is full. The water that overflows the cistern is captured in a pipe and flows by gravity to the pond that collects water from spring #2 and is used for irrigation of the lawns and garden. In 1994 the overflow of the spring was measured to be 6 gallons per minute or 0.013cfs. All of the diversion works are underground.

IRRIGATION

Spring #2 sits approximately 60 feet from spring #1 and feeds into a pond. From this pond the Lee's pump out water with a 3 horsepower pump to irrigate the lawn and garden. I calculated all of the ground under irrigation to be 0.57acres. Dawn uses two Rainbirds and two of the back and forth sprinklers, all at the same time to irrigate. I calculated the maximum diversion rate for irrigation to be 0.03cfs.

GREENHOUSE

Inside of the pond, Mr. Lee installed an 8-inch pipe to allow the pond to drain under the driveway and back into the natural channel flowing into the Snake River. This is where a small amount of water, basically a dribble, is diverted to a small greenhouse year round by gravity flow to regulate the temperature through gated pipe that is attached around the perimeter of the ceiling inside the greenhouse. A garden hose is used occasionally to water three 3x4 flats of soil. The water that trickles through the gated pipe runs down the wall and is collected in a cement trough, which sends the water through a 6-inch PVC pipe back to the natural flow of the channel.

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BLM also has water rights to these springs for stockwater and wildlife. The beneficial use for the BLM is south of the Lee's home in Lot 5. One of the agreements for Mr. Lee to proceed was that all water used by Mr. Lee could not injure the rights of the BLM for stockwater and wildlife use. All of Mr. Lee's return flows are upstream of the other users. Mr. Lee also has another active permit, 37-8700, for aesthetic use from the same pond being used for irrigation.

My recommendation is what was permitted, that the Lee's be allowed a domestic use for 0.04cfs, which includes the in house use, the ½ acre of irrigation, and greenhouse. However, when all beneficial uses are being used, the user be restricted to 0.04cfs and 1.2afa. I'm also recommending that it be noted there are 3 points of diversions located in the SWNENE ¼ of Sec 12, Twn 06S, Rng 12E.

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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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F. FLOW CALCULATIONS
Measured Method:

~~X~~ Additional Computation Sheets Attached

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:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>7/1</u>	<u>12/31</u>	<u>0.09</u>	<u>1.2</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.09</u>	<u>1.2</u>

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Amanda Folsom Date 7/19/01
 Reviewer _____ Date _____

SEAL

Overflow of Spring #1 $\rightarrow$ 0.013 cfs

$$\text{House pump} \rightarrow \frac{8.8(1)(.7)}{40(2.31)} = \frac{6.16}{92.4} = \boxed{0.07 \text{ cfs}}$$

$$\text{Irrigation pump} \rightarrow \frac{8.8(3)(.7)}{10 + (40 \cdot 2.31)} = \frac{18.48}{102.4} = \boxed{0.18 \text{ cfs}}$$

Sprinklers Used

$$2 \text{ Rainbirds} \rightarrow 3.5(2) = 7 \text{ gpm}$$

$$2 \text{ Back + forth} \rightarrow 3(2) = 6 \text{ gpm}$$

$$\frac{13 \text{ gpm}}{448.83} = \boxed{0.03 \text{ cfs}}$$

Greenhouse

$$\frac{1 \text{ gpm}}{448.83} = \boxed{0.002 \text{ cfs}}$$

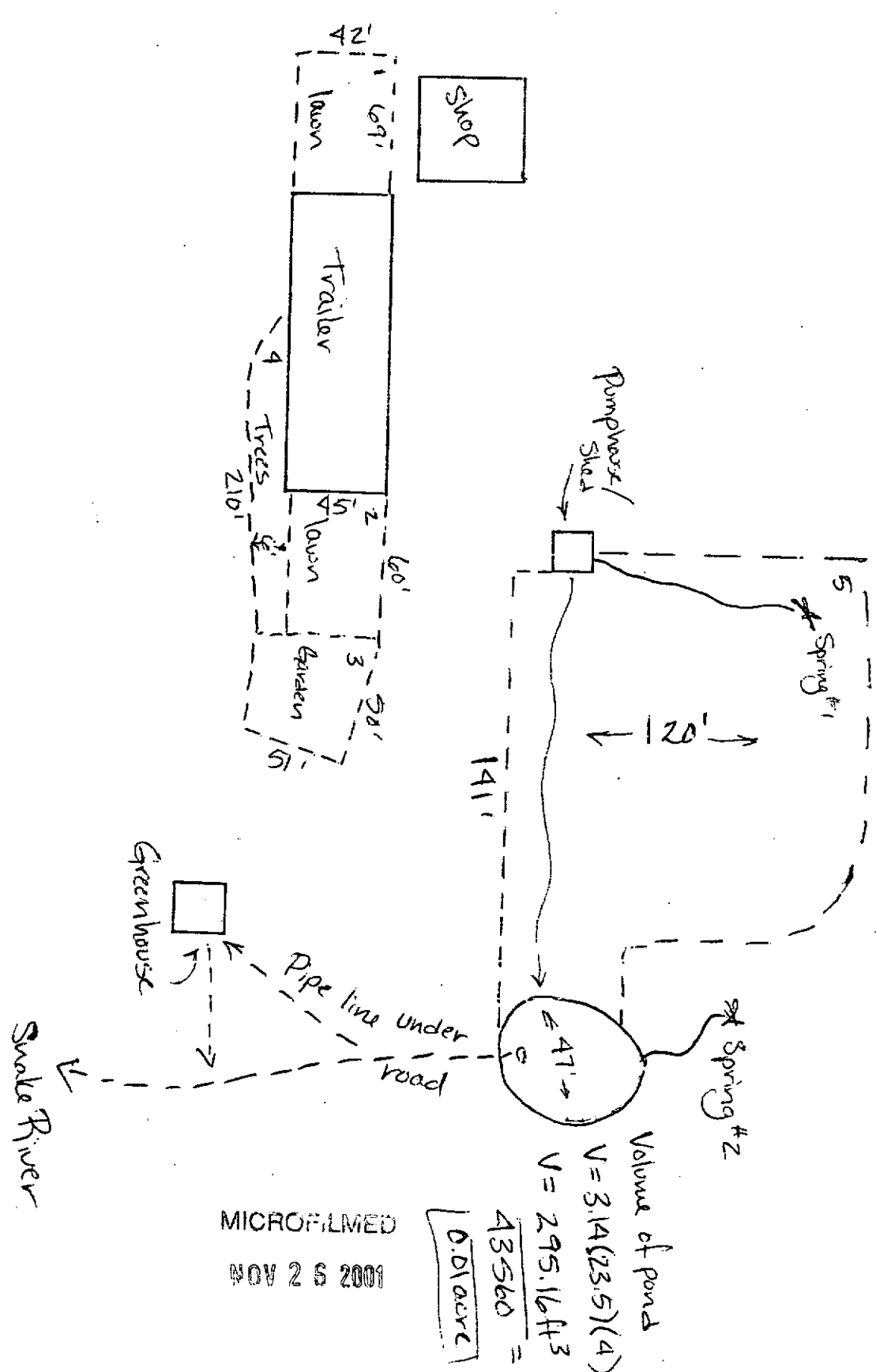
$$\text{System Total} \rightarrow \boxed{0.04 \text{ cfs}}$$

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NOV 26 2001

Horizons Inc
37-8337

→ N



Volume of pond
 $V = 3.14(23.5)(4)$
 $V = 295.16 \text{ ft}^3$
 $\frac{43560}{295.16 \text{ ft}^3} =$
 $\boxed{0.01 \text{ acre}}$

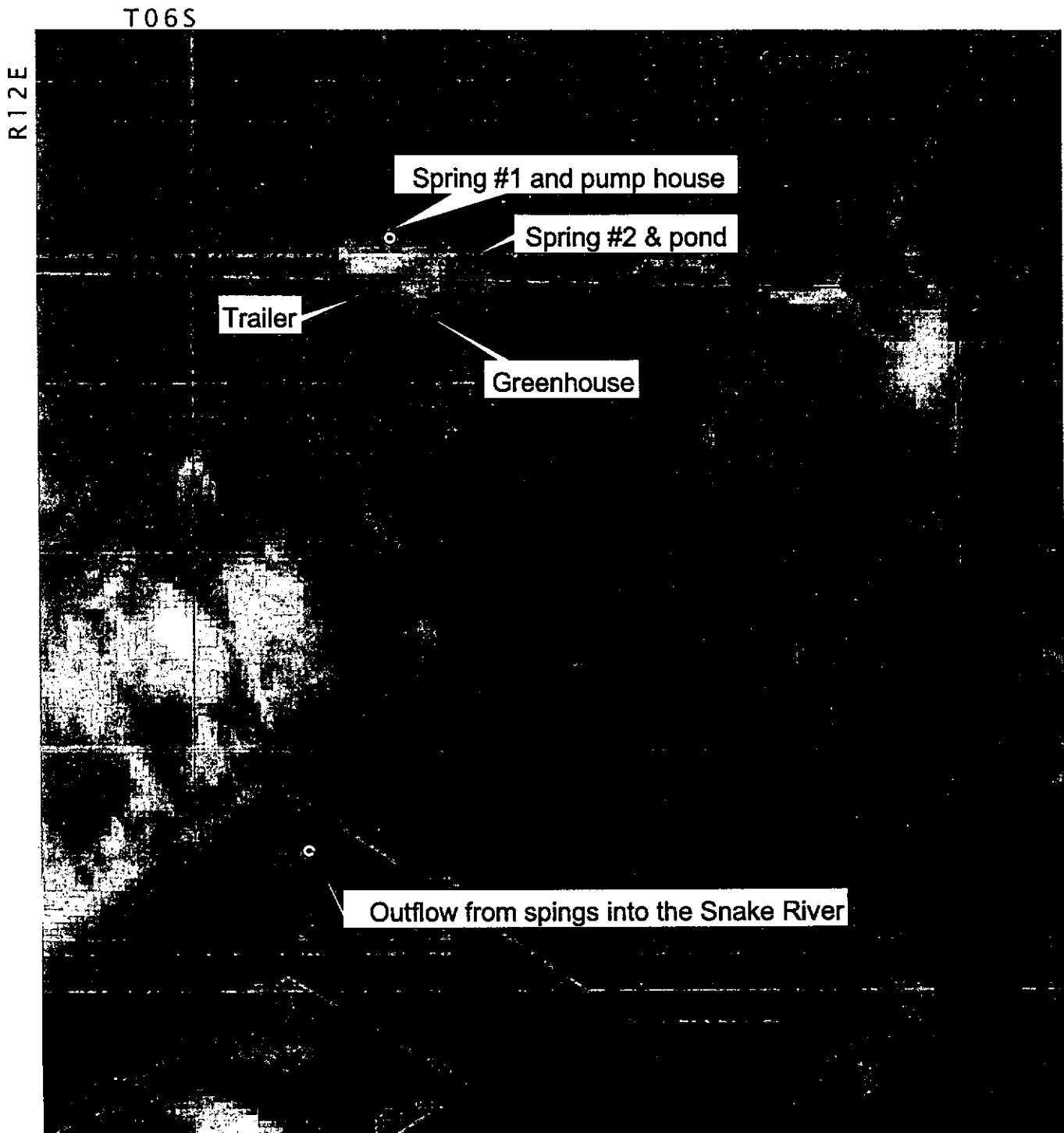
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1. 2894 ft²
 2. 2100
 3. 2550
 4. 1260
 5. 16920
- 25068 ft²
 43560

$\boxed{= 0.57 \text{ acres}}$

37-8337

Idaho Department of Water Resource
Recommendation for 37-8337
Horizons Inc



⊙ Point of Diversion



Section Lines



Quarter-quarter lines

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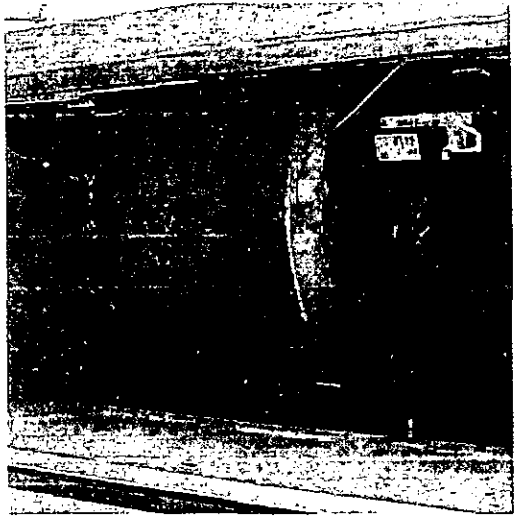
NOV 26 2001



Point of Diversion and Place of Use
T06S R12E S12

Data entry on July 13, 2001

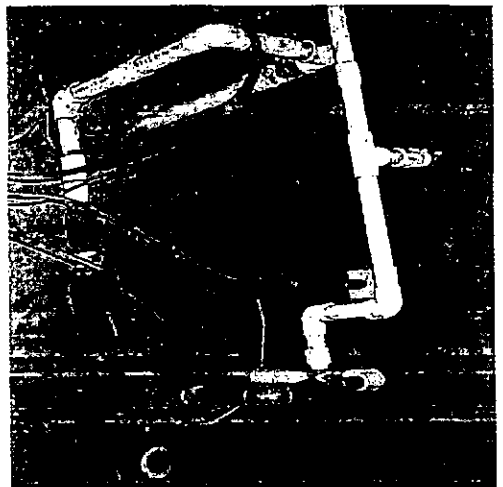
Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom



300-gallon Cistern



Back of pump house; outlet for overflow from cistern



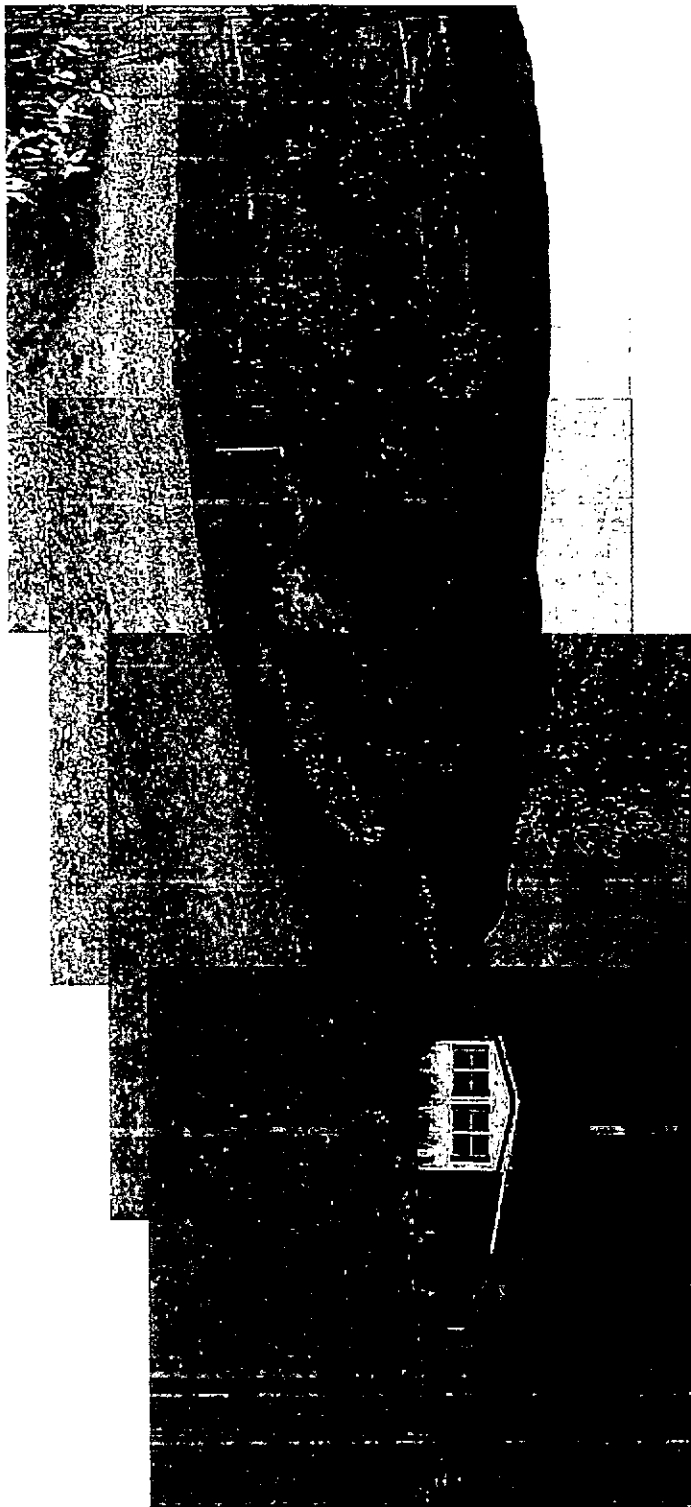
1 horsepower pump for house.



Spring N and pump house S; perforated pipe under ground

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Looking SW'ly Doublewide trailer; shop to right; lawn and garden. Snake River in background.

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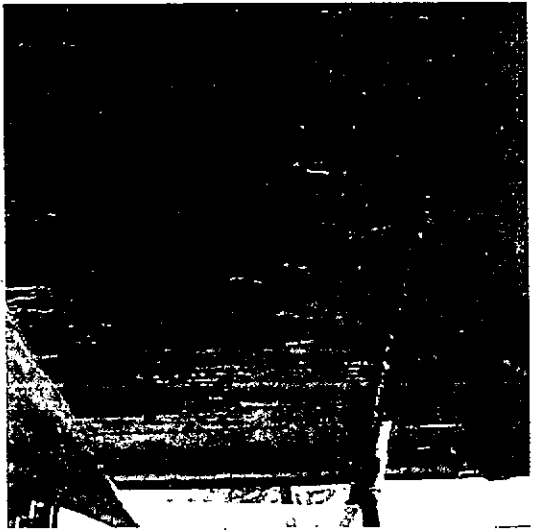


3 horsepower pump for irrigation

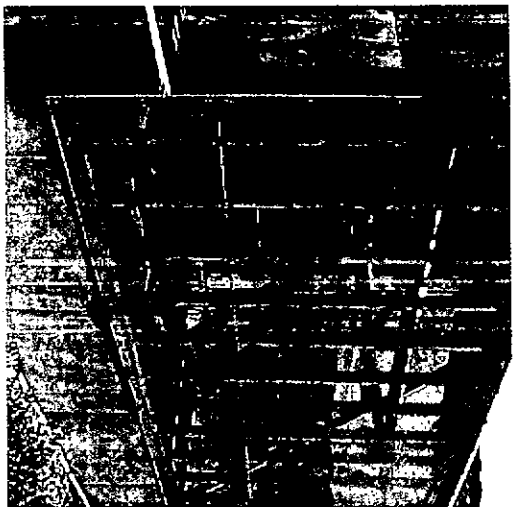
Spring #2 and pond. Spring to left. Outlet under road.



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Inside greenhouse; perforated pipe



Outside of greenhouse



Approximately one mile south of springs
Outflow of springs back into the Snake
River.

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NOV 26 2001

S1
4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

37-08337

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)

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 5/23/01 for 9/29 Time 9:30 Place Lee's Home

Contact Person & Phone Dawn Lee 352-4471 4432

D. Post-Exam Review & Processing

Exam Completed 5/29/01 Notice of Completion Turned In 7/19/01
Field Report Completed 7/19/01 [Signature] 7/19/01
Signature of Examiner & Date
Field Report Reviewed by Sr. Agent _____ (Initial & Date)
Field Report Reviewed by Region Mgr. [Signature] 8/2/01 (Initial & Date)
Field Report Sent to S.O. _____ Region Card File Updated _____

RECEIVED

AUG -3 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 1995

HORIZONS INC
550 SPRING RIVER RD
P O BOX 78
BLISS ID 83314

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 37-08337

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. You state on the proof of beneficial use form that you are diverting 0.20 cfs for domestic use. Please be advised that your water right permit only authorizes a diversion of 0.04 cfs. You will only be licensed for a rate of diversion of 0.04 cfs.

If you have questions concerning the field examination, 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

MAILED
NOV 07 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08331 Reviewed by [Signature] Date 10-27-95

GENERAL CONSIDERATIONS

Yes Name same as permit?
No Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom.

Correct Uses? Yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

☒ Well log in the file? _____ Correct?

LICENSE EXAMINATION FEE

Yes Required?
50.00 Amount Submitted
Yes Correct?

MEASURING DEVICE

No Required?
☒ Installed?
☒ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

*advise the permit only authorizes .04 cfs.
Proof acceptable*

DATA ENTRY

New Address P.O. Box 78
550 Spring River Rd. Proof Made 10-24-95
Bliss, Id. 83314



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 28, 1995

COPY

Horizons Inc.
550 Spring River Rd.
P.O. Box 78
Bliss, ID 83314

RE: Water Right Permit No. 37-08337

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on the above referenced water right. The forms were originally sent by certified mail on August 31, 1995, to the name and address listed on the water right permit, but they were returned undelivered by the postal service.

Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of November 1, 1995.

If you have any questions or I can be of any assistance, please do not hesitate to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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NOV 07 1995

August 31, 1995

HORIZONS INC
1959 E 1550 S
GOODING ID 83330

PROOF DUE NOTICE

RE: PERMIT NO. 37-08337

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 November 1, 1995.

(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.

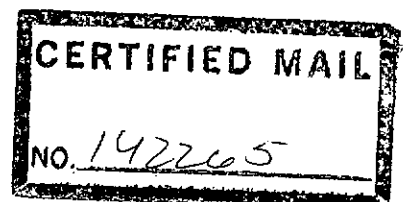
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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NOV 07 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 26, 1994

RE: In the matter of Application for Permit No. 37-08337 in the name of Horizons, Inc.

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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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 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:

DEC 06 1994

- 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.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

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OCT 13 1994

Department of Water Resources

October 10, 1994

Department of Water Resources
1301 N Orchard Street
Statehouse Mail
Boise, ID 83720-9000

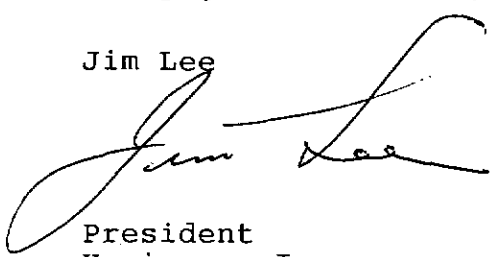
Mr. L. Glen Saxton, Chief
Water Allocation Bureau

Thank you for your letter on September 26, 1994.
Horizons, Inc. is very definitely interested in having
Permit No. 37-08337 approved.

It has been used by Horizons, Inc. since December
of 1990 as our only domestic water supply, and in my
judgement, has not affected either Idaho Power or BLM.
It has a continuous flow back to the spring from which
it was diverted.

Thank you again for your consideration and with
every good wish I am;

Jim Lee


President
Horizons, Inc.

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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

September 23, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Horizons, Inc.
1959 E. 1550 S.
Gooding, ID 83330

*> mailed 9/27 to: 550 Spring River Rd.
P.O. Box 78
Briss, Id. 83314*

RE: APPLICATION FOR PERMIT NO. 37-08337 - HORIZONS, INC.

Gentlemen:

While recently reviewing protested water right matters in our Twin Falls office, I discovered that the above referenced protested application is still pending before the department. The purpose of this letter is to inquire of your continued interest in the application which has been sitting with no action since December 1990.

A review of the file shows that the application was filed on April 15, 1988 by Don R. Church and proposes the diversion of 0.04 cfs of water to be diverted from a spring for domestic purposes. The application was subsequently protested by the Bureau of Land Management (BLM) and Idaho Power Company.

On August 31, 1988, the department conducted a conference in the matter in Twin Falls. The parties agreed to allow the department to reach a decision based upon department records, information provided at the conference and information to be gathered by a field inspection to be conducted by the department. On September 7, 1988, the department did conduct a field inspection together with Don Church, an Idaho Power Company representative and a BLM representative. The decision in the matter, however, has not been prepared and served upon the parties.

Before I prepare and issue a decision in this matter, I would like confirmation from you that you are still interested in the matter. Please respond within thirty (30) days. Failure to timely respond will be reason for the department to reject the application.

Sincerely,

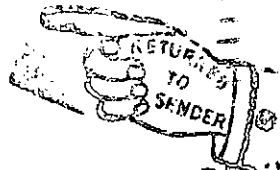
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

DEC 06 1994

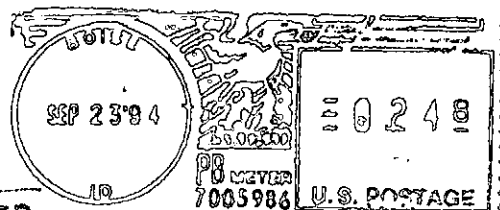
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street
Boise, Idaho 83706-2237



BOI CT

PRESORTED
FIRST CLASS



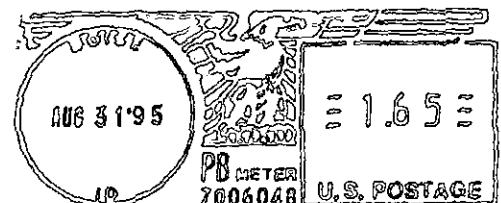
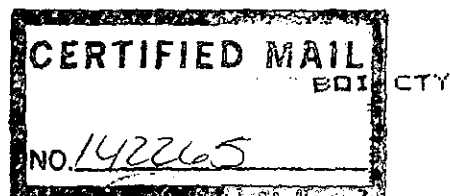
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

HORIZONS INC
1959 E 1550 S
GOODING ID 83330

DEC 06 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

550 Spring River Rd.
P.O. Box 78
Bliss, Id. 83314



Julie
y.

Forwarding Order Expired
RETURN TO SENDER

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SEP 06 1995
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Sep-1990

Don R. Church
550 Spring River Road
P.O. Box 78
Bliss, ID 83314

Re: Status of application No. 37-8337

Dear Mr. Church:

A conference among the department, applicant and protestants was held on Aug 31, 1988 at which the parties agreed to a field inspection by the department and the issuance of a decision based on available information without a formal hearing.

The application was amended by the applicant at the conference to correct the legal descriptions of the point of diversion and place of use of the water and to correct the address of the applicant. Section 42-211 of the Idaho Code requires republication of notice of the application due to the amendment. A fee of \$20.00 is due before notice can be republished.

The field inspection was made with all parties present on September 7, 1988. A written decision has been partially prepared but not completed. I have now given priority to completing this matter and should have a draft decision ready for review within the next week.

When a decision is issued, it will be in the form of a proposed decision with a 15-day period allowed for parties to file exceptions before the decision is adopted as final by the director.

In its present status, the application has the nature of personal property of the applicant. The applicant may assign his interest in the application to a new owner who would then become the applicant.

If I can answer any further questions, please let me know.

Very Truly Yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

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

MEMORANDUM

DATE: 01-Nov-1989

FROM: Loren Holmes *LH*

TO: Gary Spackman

SUBJECT: Status of protested application 37-8337, Don Church

A conference was held on the application on 8/31/88. The parties agreed to a decision by the department without a hearing, and based on a field inspection.

A field inspection has been done and a decision partly drafted.

The application was amended at the conference to correct descriptions of the point of diversion and place of use. Readvertising will be required. The fee for this has not yet been paid.

My intent is supply the parties with a copy of the field inspection report prior to issuing the proposed decision.

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MEMORANDUM

TO: Loren Holmes, Southern
FROM: Gary Spackman *Gary*
DATE: October 23, 1989

RE: Protest File No. 37-8337 - Don Church

Do you know the status of this filing? Southern sent an inquiring party to me.

RECEIVED

OCT 25 1989

Department of Water Resources
Southern Region Office

MAILED 170

DEC 06 1994

37-8337

- 8-31-88

Applicant

Don Church

Protestant

- BLM - Bob Cordell, Joe Aitken

Intervenor - Granted -

Idaho Power Co.

Attorney - Phillip Burns

- Roy Hillman

Conference

- Existing system
- Perforated Pipe 20 ft.
- Holding Tank 48" dia 3 ft deep $\approx$ about 300 gallons
- In house use - no lawn - some dust sprinkling -
- Legal description - SW NENE, or lot 1 $\approx$
37-14012 water right for 18 acres
- Mr. Remakalus irrigates 7 or 8 acres
- BLM ³⁷⁻⁷⁷⁷⁰ 0.03 cfs wildlife and riparian vegetation in lot 5
- Idaho Power - Has 1.00 cfs for 18 acres -
- Mr. Remakalus has a 15 day rotation -
- Mr. Remakalus indicated there may be more water since spring development
- All parties agreed to allow Dept. to reach a decision based on Conference -

Summary -

BLM - ~~Feels~~ no water is available - have no objection if prior rights protected.

Idaho Power - Burden Proof on the applicant - No evidence to indicate water not reduce - Mr. Remakalus has used all the water

Diversion put in without permit

DEC 06 1994

37-8337

Conference -

- Existing system - 20' Perf Pipe in spring
- Holding tank 48" x 36" Conc holding tank - 300 gal
- Use - Dam in house + 1 sprinkler for dust
- Original spring - No overland flow -

BLM - NO authorization for construction -

- P/D should be Lot 1 - SW NE NE Sec 12

Remarks - Lessee from FPCO - irrigates 7-8 Acres

Plt 37-4012 - Ditch & Siphon tubes -

20 - 2 1/2" Siphon tubes

BLM - in filing for 103 cfs - Wildlife, Riparian Veg

Lot 5 is isolated wildlife tract & outdoor

classroom used by Bliss H.S. Wildlife mgmt class.

37-7778

FPCO/BLM - Remarks uses all free flow of
springs - at times not enough -

BLM - gets all seepage & Ditch leakage

BLM - Lic 37-2490 Homestead Never Proved UP
Land reverted to BLM -

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DEC 06 1994

BLM - Summary

- 1) available water already obligated
further consumption will include existing Rts.

IPCO -

- 1) Borden of Proof on Annlet to show
quantity appropriate & supply available
- 2) All water avail. used by Rematles &
not sufficient - 15 days to irrigate 7-8 ac
- 3) Diversion installed w/o permission -

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DEC 06 1994

DEC 06 1994

IN THE MATTER OF)
Application 37-8337)
Don R. Church, Applicant)

Agreement

We, the undersigned, hereby agree to allow the Director of the Department of Water Resources to reach a decision in the above captioned matter based upon the information presented at the conference on August 31, 1988 at Twin Falls, the official files and records of the Department of Water Resources, the Director's understanding of the law, and Report of a field study to be conducted by the Department.

The decision will first be issued as a proposed decision, to which the undersigned may file exceptions and request to present oral arguments before the Director.

The undersigned understand that this agreement does not waive the right of the undersigned to apply for a rehearing as described in Rule 11 of the Department of Water Resources Rules and Regulations for Practice and Procedure, or to appeal the decision of the Director of the Department of Water Resources.

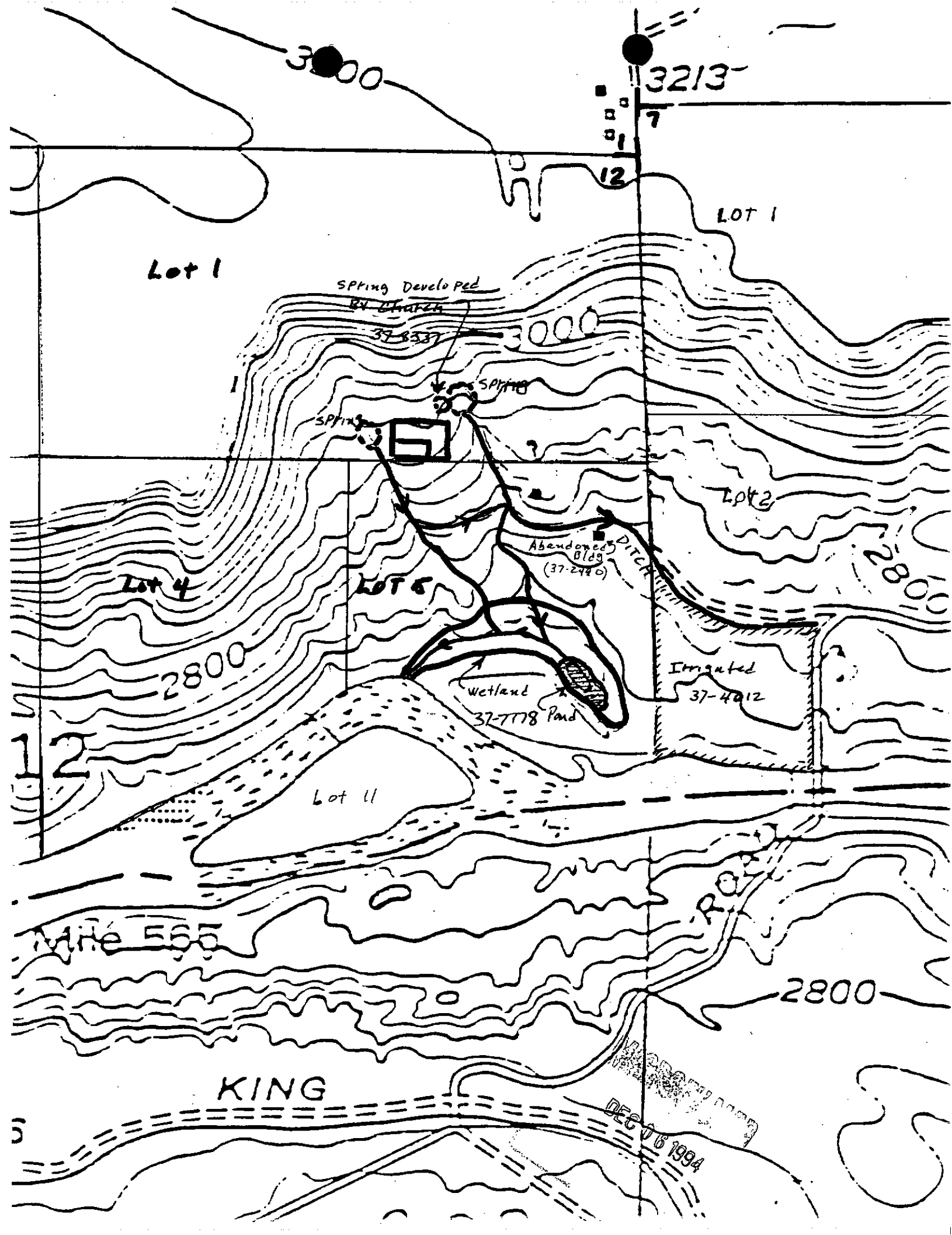
Signed this 31 day of August, 1988 at Twin Falls, Idaho.

Don R. Church

DEC 06 1988

Phillip D. Burns for
Robert D. Redell, Pres. Hqs.

Intervenor - Idaho Power Co.
Bureau of Land Management - Shoshone District



Church
37-8337

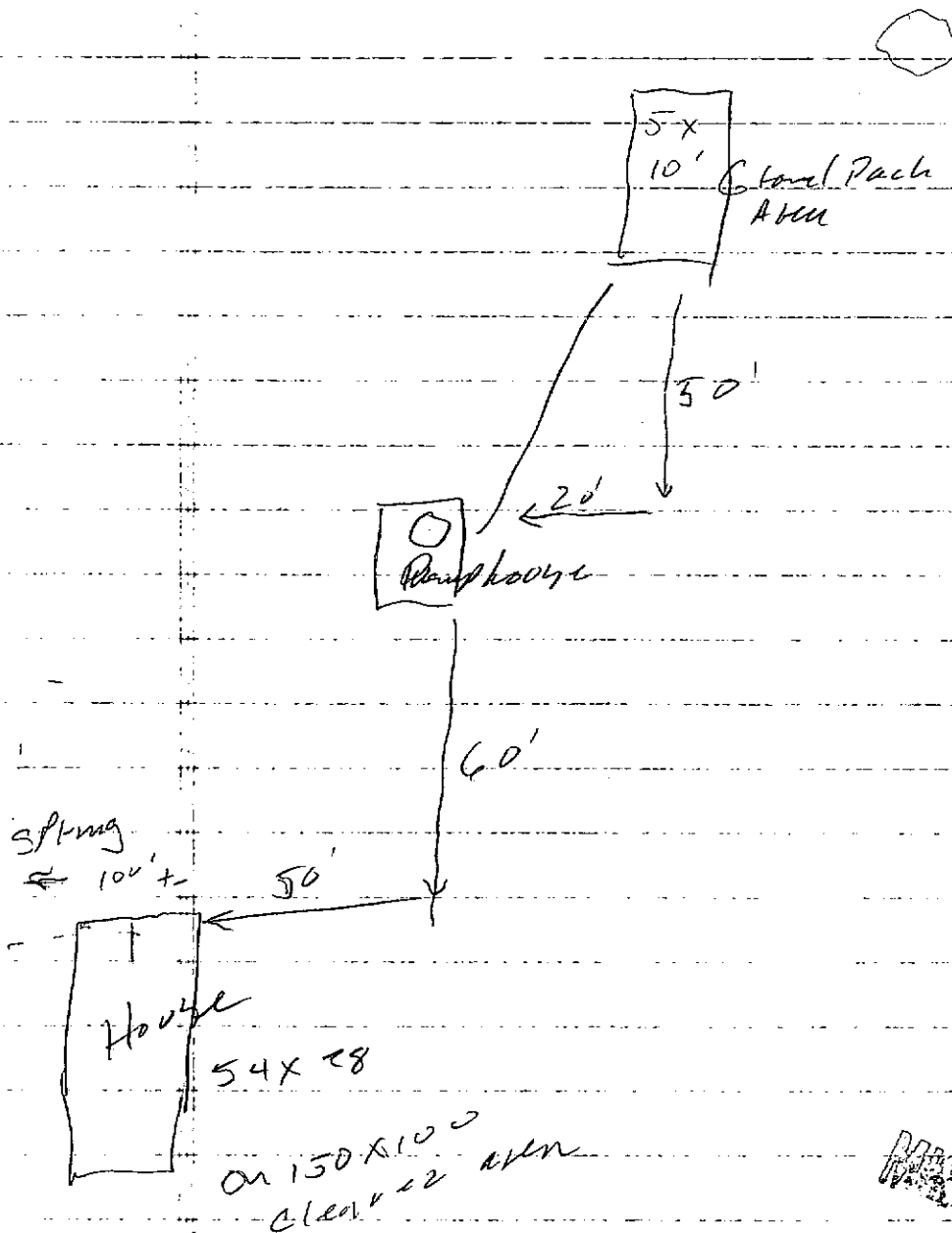
Field inspection

9/7/88

Pump - 1 HP STA-Rite

Conc. tank - 48" dia x 3' high

Q - 1.011 gal / 10.27 sec



RECEIVED
DEC 06 1994

Chute - Field Inspection

7/2/88

Ron Bubb

EP Co

Manager Land/RW

Steve Langenstein

BLM

Wildlife Bio.

Bob Cordell

"

Area Mgr., BLM

DEC 06 1994

Snake River



Hydro Power

IDAHO POWER COMPANY

BOX 70 • BOISE, IDAHO 83707

August 26, 1988

RECEIVED

AUG 26 1988

4:47P
hand delivered
Department of Water Resources

Mr Robert Fleenor (Hand Delivered)
State of Idaho
Department of Water Resources
State Office
1301 N Orchard
Boise, Idaho 83706

Mr Loren Holmes
State of Idaho
Department of Water Resources
Southern Division
2418 North Avenue East
Twin Falls, Idaho 83301

Re: Petition for Leave to Intervene in Hearing on
Application for Permit to Appropriate filed by
Don R Church, Application for Permit No 37-8337

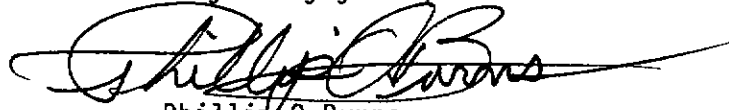
Gentlemen:

This letter will serve as Idaho Power Company's request to intervene in the matter of the Application for Permit to Appropriate Water No 37-8337 filed by Applicant, Don R Church, April 15, 1988. It is our understanding that a hearing on this matter is scheduled for Wednesday, August 31, 1988, at 1:30 PM at Twin Falls City Hall. It is our intention, if leave is granted, to intervene in that hearing and to present evidence in the form of testimony regarding use of the water at issue. Such testimony will indicate that water available is being used in its entirety for irrigation/agricultural purposes by Theo G Ramaklus, Lessee of the property owned by Idaho Power to which Idaho Power's prior water right attaches any use of the water by Don R Church would violate prior existing water rights of Idaho Power Company. It is Idaho Power's understanding that the Bureau of Land Management has filed a protest, by letter dated May 23, 1988, wherein Mr Robert D Cordell, Area Manager, Bennett Hills Resource Area, Bureau of Land Management, protests water right Application No 37-8337 filed by Mr Don Church on the basis that that Application was on public land and may result in adverse impact to wetland/riparian habitat on those lands. Idaho Power seeks to intervene in the hearings on the protest filed by the Bureau of Land Management for the reasons set out above.

RECORDED
DEC 06 1988

A copy of this request for intervention shall be sent to all parties, including Applicant Don Church, as well as Protestant, Robert D Cordell of the Bureau of Land Management. Attached is a Certificate of Service indicating same.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Phillip O Burns", written over a horizontal line.

Phillip O Burns
Attorney for Petitioner
Idaho Power Company

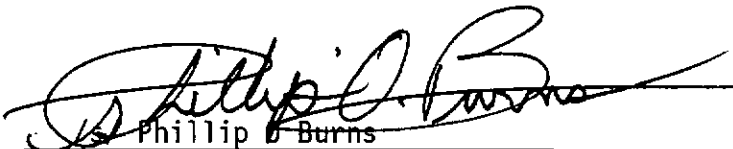
POB:jar

RECEIVED
DEC 06 1994

CERTIFICATE OF HAND DELIVERY

I HEREBY CERTIFY that on this 26th day of August, 1988, a true and correct copy of the foregoing Petition to Intervene was hand delivered to:

Mr Robert Fleenor
State of Idaho
Department of Water Resources
State Office
1301 N Orchard
Boise, Idaho 83706


Phillip D. Burns

RECEIVED
DEC 06 1994

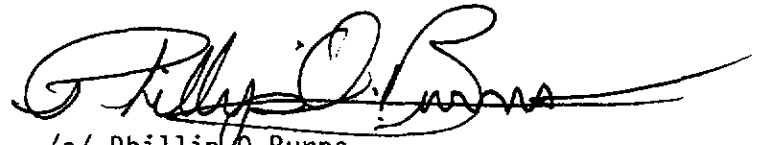
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of August, 1988, a true and correct copy of the foregoing Petition to Intervene was mailed in the U S Mail, postage prepaid to each of the following named individuals:

Mr Don R Church
538 16th Avenue East
Jerome, Idaho 83338

Mr Robert D Cordell
State of Idaho
Bureau of Land Management
P O Box 2B
Shoshone, Idaho 83352

Mr Loren Holmes
State of Idaho
Department of Water Resources
Southern Division
2418 North Avenue East
Twin Falls, Idaho 83301


/s/ Phillip O Burns

RECEIVED
DEC 06 1994



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

15-Aug-1988

Jewell Chandler
Twin Falls City Hall
321 2nd Ave. East
Twin Falls, ID 83301

Re: 47-8087, 47-8088, 47-8084, 37-7850, 37-8337 ✓

Dear Ms. Chandler:

This is to confirm the use of the Council Chambers for
conference and/or hearing to be held by this office all day
on 8/30/88 and 8/31/88.

Thank you very much for your cooperation.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

DEC 06 1988

DEC 06 1994

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEC 9 6 19
DEPARTMENT OF WATER RESOURCES
2148 4TH AVENUE EAST
TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301



DEC 06 1994



PENALTY FOR PRIVATE
USE, \$300

1 SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to:	4. Article Number 449 Type of Service: ☒ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
5. Signature — Addressee. X <i>Ann B. Church</i>	8. Addressee's Address (Print requested and fee paid) AUG 18 1988 Department of Water Resources SOUTHERN REGIONAL OFFICE
6. Signature — Agent X	
7. Date of Delivery 8-17-88	

37-8337

NAME AND ADDRESS OF SENDER  IDWR 8/11/88

☒ Certified

* 15 cm

□

POSTMARK AND DATE OF RECEIPT

[illegible]

10

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	10
--	----

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on mail valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for insured mail, and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM SHOULD BE COMPLETED BY TYPEWRITER INK OR BALL POINT PEN

PS Form 3877 April 1980 ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

DEC 06 1984

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 37-8337)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

Don R. Church,

SOURCE: Spring Tributary t
Snake River

Applicant

Bureau of Land Management,
Shoshone District

COUNTY: Gooding

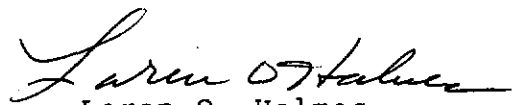
Protestant

On April 15, 1988, Don R. Church, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 1, 1988, the Department received a protest against the approval of said application from Shoshone District office of the Bureau of Land Management.

The Department has set the matter of protest for conference and/or hearing for Wednesday, August 31, 1988, at 1:30 PM, in the City Council chamber, Twin Falls City Hall, 321 2nd Ave. East, Twin Falls.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 11 day of August, 1988


Loren O. Holmes
Southern Region Manager

RECEIVED
AUG 06 1988



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

July 15, 1988

Don R. Church
538 16th Ave. E.
Jerome, ID 83338

Re: Application for permit No. 37-8337

Dear Mr. Church:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine nature of the protest and to attempt to resolve the protest.

This office is tentatively scheduling the matter of protests for conference and/or hearing for August 31, 1988 in Twin Falls. Formal notice giving the time and place for the hearing will be mailed about August 12.

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 permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

DEC 06 1994

Page 2

Re: Application for permit 37-8337

July 15, 1988

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very Truly yours,

A handwritten signature in cursive script, appearing to read "Loren O. Holmes".

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

LH

DEC 06 1984



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

July 15, 1988

Robert D. Cordell
Bureau of Land Management
Shoshone District
400 West F Street
Shoshone, ID 83352

Re: Application for permit No. 37-8337, Don Church (Ref. 7250)

Dear Mr. Cordell:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

This office is tentatively scheduling the matter of protests for conference and/or hearing for August 31, 1988 in Twin Falls. Formal notice giving the time and place for the hearing will be mailed about August 12.

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 permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

DEC 06 1994

Page 2

Re: Application for permit 37-8337

July 15, 1988

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very Truly yours,



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

LH

DEC 06 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Shoshone District Office

400 West F Street

Shoshone, Idaho 83352

IN REPLY
REFER TO: 7250

May 23, 1988

Department of Water Resources
Director, Southern Region
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Sir:

The Bureau of Land Management (BLM), Shoshone District, protests water right application 37-8337 by Mr. Don R. Church, on the basis that this application is on public lands and may result in adverse impacts to wetland/riparian habitat on those lands. I would appreciate the opportunity to review and comment on any future actions associated with this notice of application.

For further information, please contact me at the above address or call 886-2206.

Sincerely,

Robert D. Cordell
Area Manager
Bennett Hills Resource Area

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JUN 1 1988

Department of Water Resources
Southern Region Office

DEC 06 1984



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

May 9, 1988

Don R. Church
538 16th Avenue East
Jerome, ID 83338

Re: Application for Permit No. 37-8337

Dear Mr. Church:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 37-8337. Please refer to this number in all further correspondence.

This office will be advertising the application in the Gooding County Leader on 5/18 & 5/25/88. 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,

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

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DEC 06 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

MAY 5, 1988

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 6, 1988.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

RECEIVED
DEC 06 1984

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-8337

CHURCH, DON R.

538 16TH AVE. EAST, JEROME, ID 83338

Source: SPRING trib. to SNAKE RIVER

Diversion Pt: LOT 05 (NWSENE) Sec 12 T 06S R 12E; 1/2 mile South & 1 mile West of Bliss

Use: DOMESTIC (0.040 CFS)

Date Filed: 04/15/1988

In: LOT 05 (SENE) Sec 12 T 06S R 12E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 6, 1988.

R. KEITH HIGGINSON, Director

Published 05/18 & 05/25.

RECORDED
DEC 06 1990

GOODING LEGAL

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applicaton has been filed
to appropriate the public waters of the
State of Idaho:

37-8337

CHURCH, DON R., 538 16th Ave. East,
Jerome, ID 83338

Source: SPRING trib. to SNAKE RIVER

Diversion Pt: LOT 05 (NWSENE) Sec 12 T
06S R 12E; 1/2 mile South & 1 mile West of
Bliss.

Use: DOMESTIC (0.040 CFS)

Date Filed: April 15, 1988

In: LOT 05 (SENE) Sec 12 T 06S R 12E

The permit will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Southern Region, 2148 4th Avenue East,
Twin Falls, Idaho 83301 on or before JUNE
6, 1988.

R. Keith Higginson
Director
396851 - G05-18-2tc

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MAY 16 1988

Department of Water Resources
Southern Region Office

OK
MB
5/17/88

DEC 1988

Other (describe) _____