



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

PHILIP L. BATT
GOVERNORKARL J. BREWER
DIRECTOR

February 13, 1998

Alan Cavener
1048 W State St.
Meridian ID 83642

RECEIVED

FEB 18 1998

RE: License No. 37-07808

Department of Water Resources
Southern Region

Dear Mr. Cavener:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced license. Please note that resumption of water for a beneficial use shall occur on or before September 1, 2003.

Please notify the Department as soon as you resume use. If you have not notified the Department sixty (60) days prior to the beginning of the 2001 irrigation season, we will notify you by certified mail of the need to do so.

Be advised that Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208) 327-7951 if you have any questions concerning this matter.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

MICROFILMED
JUN 02 2003

AFFIDAVIT of PUBLICATION

RECEIVED
JUN 30 1989

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

Department of Water Resources

Patty Nance G. manager, being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
State of Idaho, that said newspaper has been continuously and uninterruptedly
published for a period of seventy-eight consecutive weeks prior to the first
publication of the annexed notice, and is a newspaper qualified to publish
legal notices as provided by act of the 1919 session of the legislature of the
State of Idaho, know as House Bill 145; that the annexed advertisement was
published once
each week for 2x consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 21 day of June
19 89, and the date of the last publication was on the 28
day of June, 19 89.

Patty Nance
Subscribed and sworn to before me this 28
day of June, 19 89
(SEAL)

Norma De Voe
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 5¢/Pica
380 25 Lines straight at 15 21 4¢/Pica
Subsequent lines at 13 31 3.5¢/Pica
TOTAL COST 28.52

COPY OF NOTICE
(Paste Here)

Existing Permit
TITLE OF NOTICE

Franklin
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR Boise
BILL TO

NOTICE OF EXISTING
WATER RIGHT PERMIT
Permit No. 37-7808
Presently Recorded as Follows:
Name: RALPH E. FRANKLIN
Address: 906 B ST., RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt.: SWNE SEC. 36 T5S
R21E, LINCOLN CO.
Use: IRRIGATION
Priority: NOVEMBER 16, 1979
Place of Use: NE ¼ E ½ SE SWSE T5S
R21E
Total Acres: 220
Of the 220 acres described, this per-
mit proposes supplemental supply to
140 acres and full supply to 80 new
acres. This permit was not developed by
July 1, 1985, and is being reprocessed in
compliance with Section 42-203D, Idaho
Code.
Protests against the continuance of
the permit must be filed with the Direc-
tor, Dept. of Water Resources,
Statehouse Mail, Boise, ID 83720 on or
before July 10, 1989. A protest must
overcome the presumption of Water Ap-
propriation rule 5.2.1.
R. Keith Higginson
Director
L17588
Pub: 6-21, 28

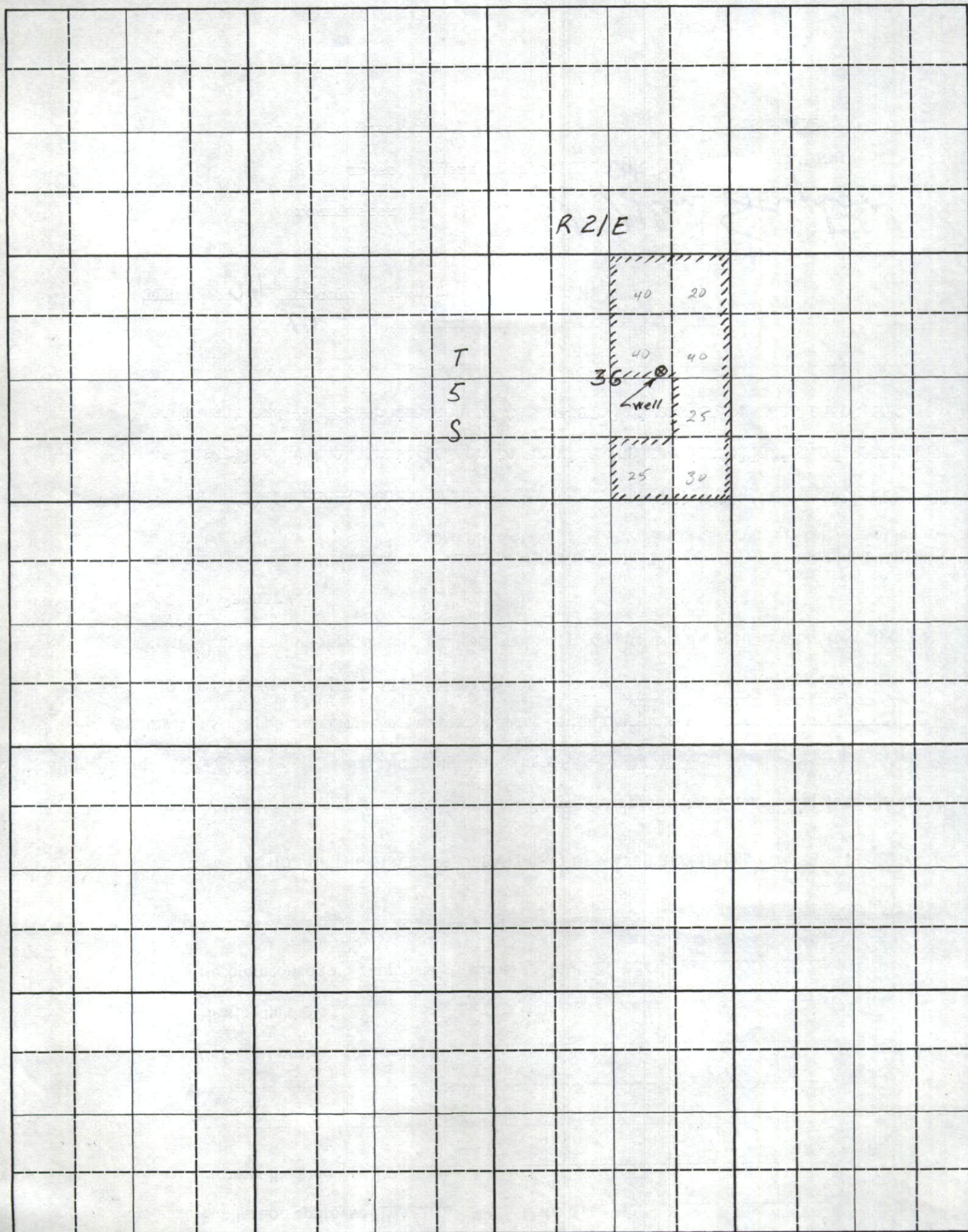
insertions.....3¢/Pica

SEP 19 1989

No 3292

#17588

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ralph E. Franklin
(Applicant)

Legals

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-7808

FRANKLIN, RALPH E.
906 B STREET, RUPERT,
ID 83350

Source: GROUNDWATER

Date Filed: 11/16/1979

Amount: 4.40 CFS

Diversion Point: SWNE Sec
36 T 05S R 21E, LINCOLN
Co.

Use: IRRIGATION (4.40
CFS) from 03/15 to 11/15

Place of Use: NENE NWNE

SWNE SENE NESE SWSE

SESE Sec 36 T 05S R 21E
FOR 220 ACRES

Diversion Means: WELL
AND PUMP

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 and
received on or before DE-
CEMBER 24, 1979.

/s/ C. Stephen Allred
Director

Pub: 12-6, 13

Table 1

Proposed Pumping Schedule

TRANSFER NO 1
Applicant: J. Faulkner
Transfer # Water Bank

Mitigation Plan Water Supply Bank Application
FROM: Faulkner Dietrick Model Node 14 22
TO: Faulkner Gooding 14 7

Acres dried up to transfer 163 acres
Allowed vol. transfer 3.5 af/a
Volume Transferred: 570.5 af/year
190.2 af/trimester

Faulkner Dietrick
Water Right 37-7808

TRANSFER NO 2
Applicant: 0
Transfer # None
Acres dried up to transfer 0 acres
Allowed vol. transfer 4 af/a
Volume Transferred: 0.0 af/year
0.0 af/trimester

FROM: 0 0 0
TO: 0 0 0

Model Node

Model Node

MITIGATION ACRES (if any)
Additional acres dried up
Allowed transfer
Volume (Mitigation)

acres FROM:
af/a
0.0 af/year
af/trimester

Years	Begin	End	Number	Actual Af/yr	Mitigation Acres	Source	Faulkner Gooding Pumping af/year	Percent of Trans	Percent Reduction
2003			1			Reduced Pumping	570.5	1.00	0.00
2004			1			Reduced Pumping	399.4	0.70	0.30
2005			1			Reduced Pumping	308.1	0.54	0.46
2006			1			Reduced Pumping	308.1	0.54	0.46
2007			1			Reduced Pumping	308.1	0.54	0.46
2008			5			Reduced Pumping	308.1	0.54	0.46
2013			5			Reduced Pumping	308.1	0.54	0.46
2018			5			Reduced Pumping	308.1	0.54	0.46
2023			9			Reduced Pumping	308.1	0.54	0.46
2032			11			Reduced Pumping	308.1	0.54	0.46
2043			10			Reduced Pumping	308.1	0.54	0.46
2053			20			Reduced Pumping	308.1	0.54	0.46
2073 >>>>						Reduced Pumping	308.1	0.54	0.46

ANNUAL PUMPING

Mitigation for impacts to reaches of the Snake River will be achieved by reduced pumping at the proposed place of use according to the above table..

PC#Faulkner
1 copy

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JUN 02 2003

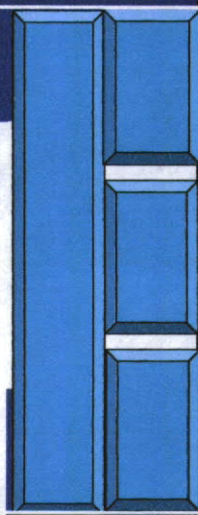
GROUND-WATER RIGHTS TRANSFER SPREADSHEET

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF WATER RESOURCES

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION, THEN PUSH "UPDATE DATES" BUTTON
 YEAR 1979
 SEASON Spring



REDUCED PUMP#1 Faulkner Goodin
 Transferred Vol Trans #1 Water Bank Transferred Vol Trans #2 None

ENTER CELL Faulkner Goodin
 LOCATION 'TO' CELL 'FROM1' CELL 'FROM2' CELL 'FROM3' CELL
 14 7 14 22

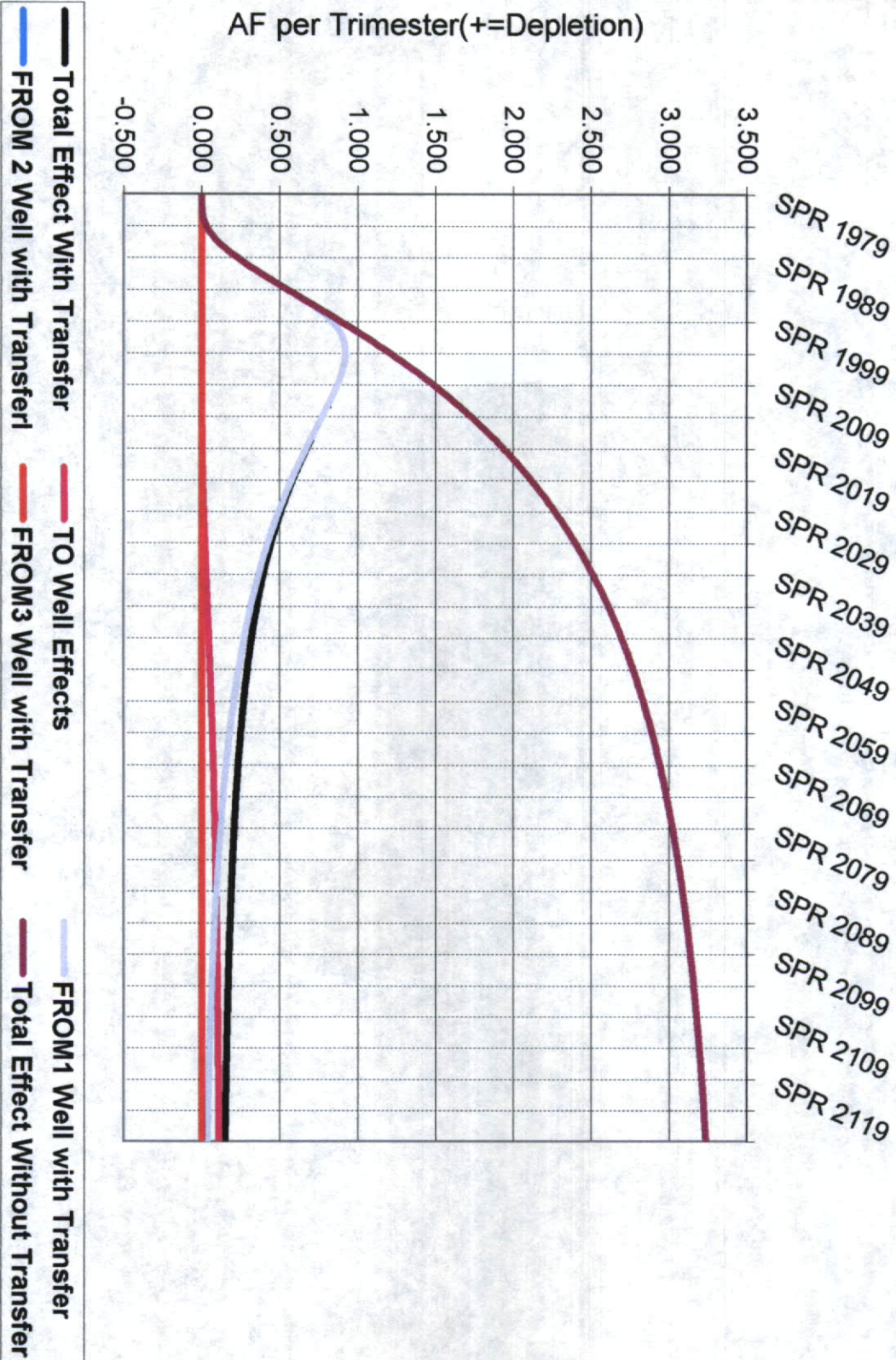
Trans #1	Water Bank Transferred Vol	REDUCED	Trans #2	None
AFTR# 190			AFTR# 0	
AFTR 571			AFTR 0	
2003 to			2003 to	
2004	0.70	2004	2005	
2006	0.54	2006	2007	
2008	0.54	2007	2012	
2013	0.54	2017	2013	
2018	0.54	2022	2018	
2023	0.54	2031	2023	
2032	0.54	2042	2032	
2043	0.54	2052	2043	
2053	0.54	2072	2053	
2073 >>>>	0.54	2073 >>>>	2072	

TRIMESTER OF ACTIVITY	Protected Use	With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer	Without Transfer
AFTRIMESTER	AFTRIMESTER	AFTRIMESTER	AFTRIMESTER	AFTRIMESTER	AFTRIMESTER	AFTRIMESTER	AFTRIMESTER
SPR 1979	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SLM 1979	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1979	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1980	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SLM 1980	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1980	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1981	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SLM 1981	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1981	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1982	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SLM 1982	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1982	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1983	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SLM 1983	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1983	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1984	0.00	190.17	190.17	0.00	0.00	0.00	0.00

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Hydrologic Response--Heise/Ashton to Lewisville

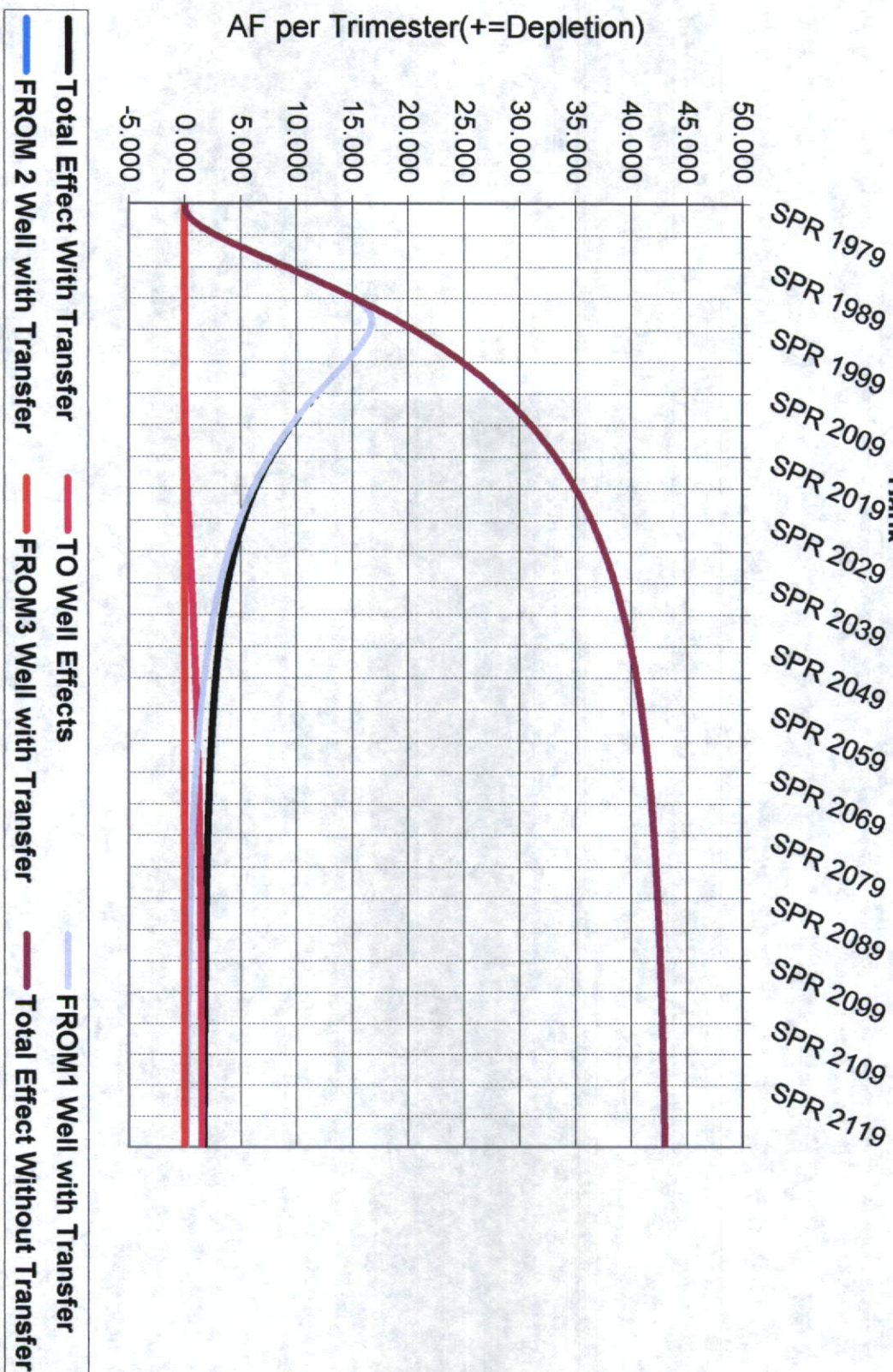
Transfer NoWater Bank Applicant: J. Faulkner



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Hydrologic Response--Near Shelley to Neeley Reach

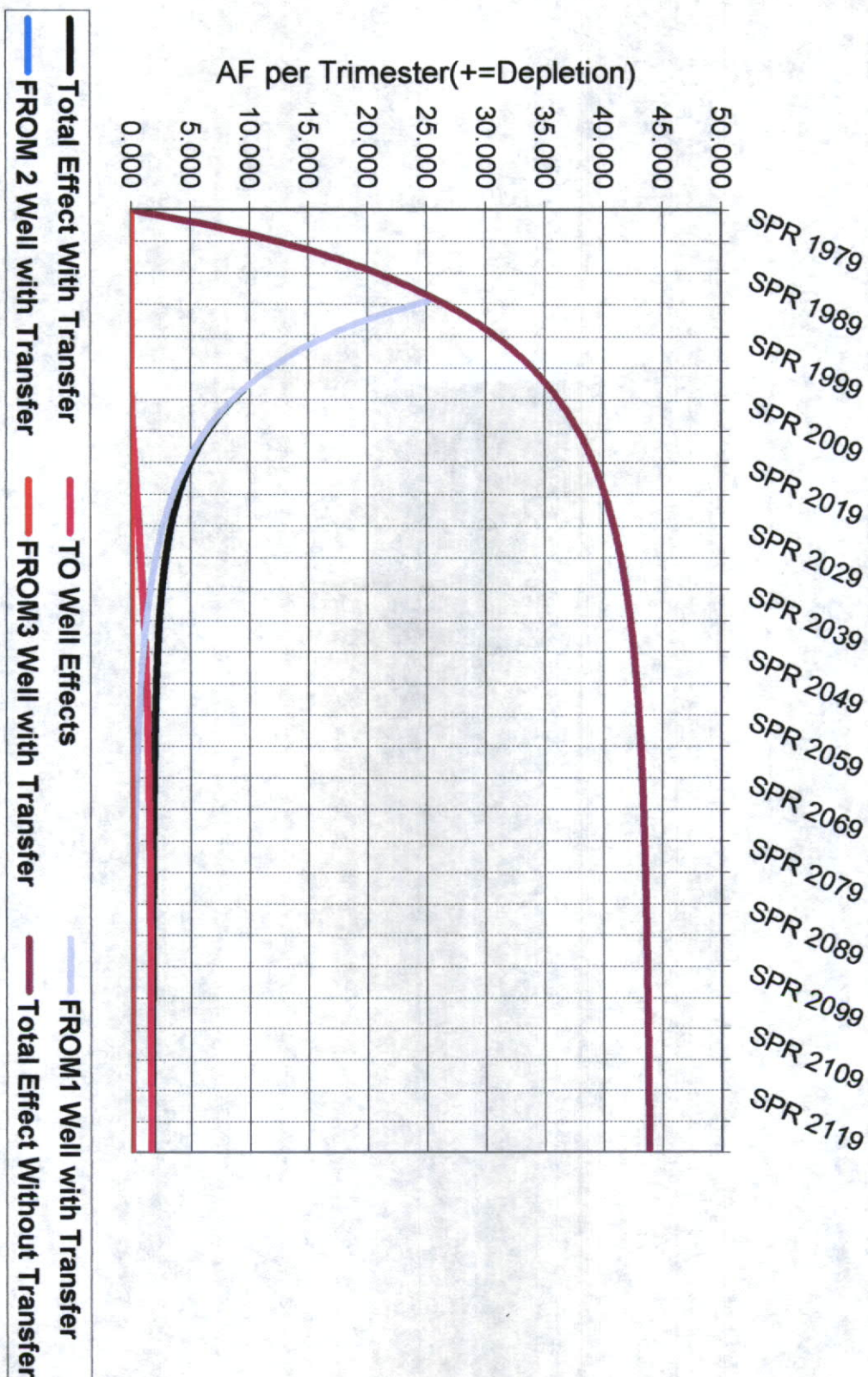
Transfer No: Water Rank Applicant: J. Faulkner



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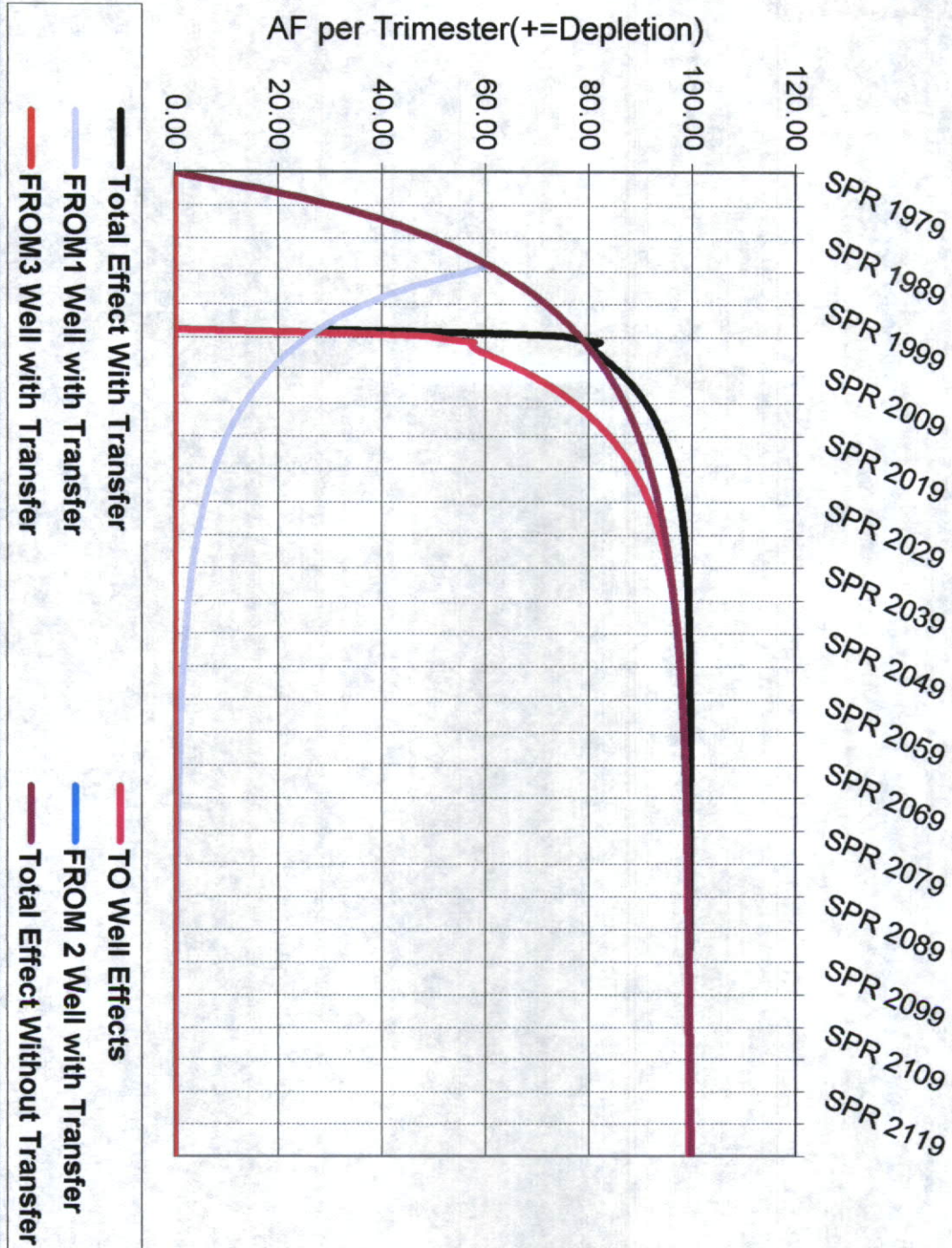
Hydrologic Response--Neeley to Minidoka Transfer No: Water Bank Applicant: J. Faulkner



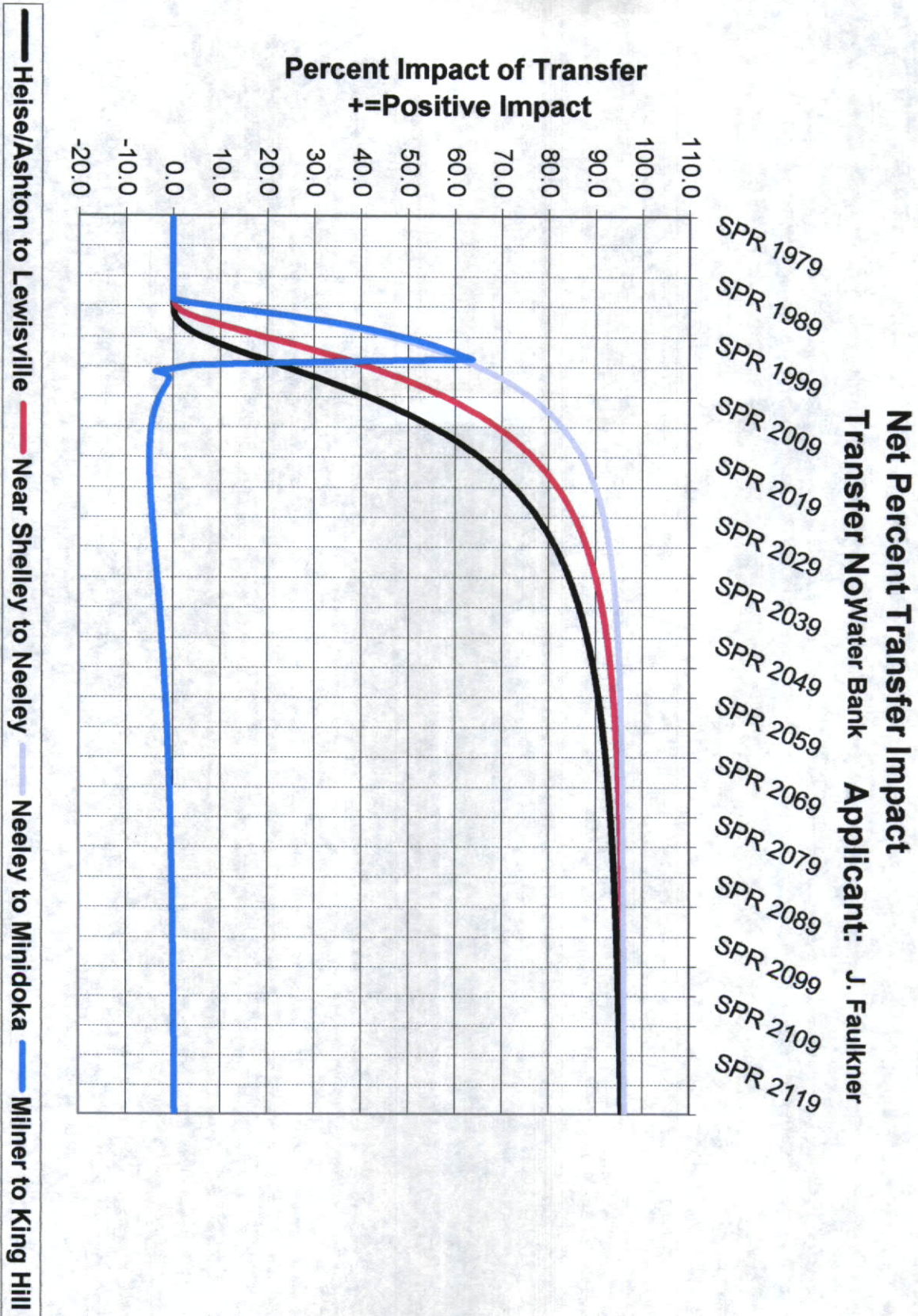
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Hydrologic Response-- Milner to King Hill Reach

Transfer No. Water Bank Applicant: J. Faulkner

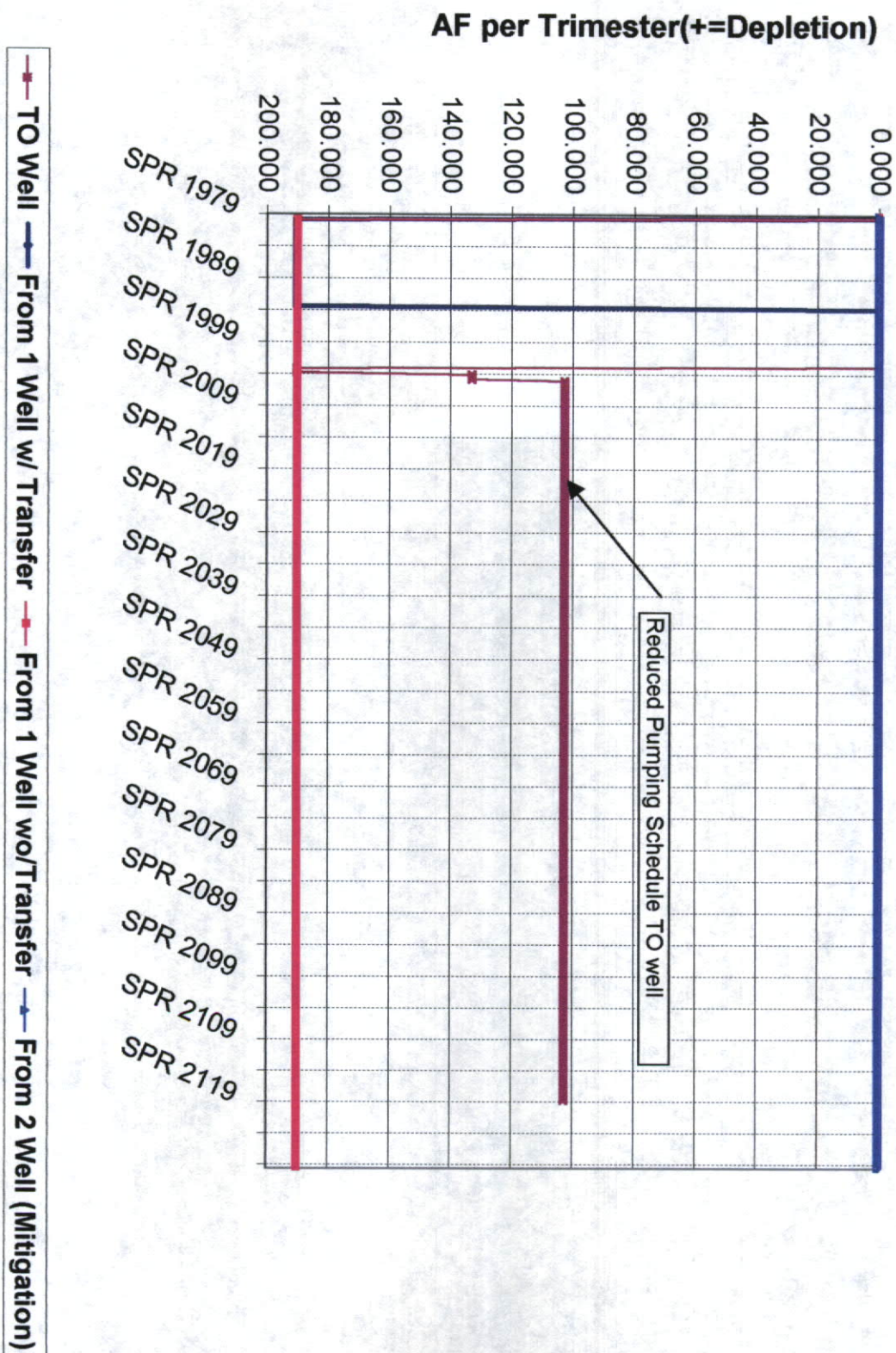


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JUN 02 2003

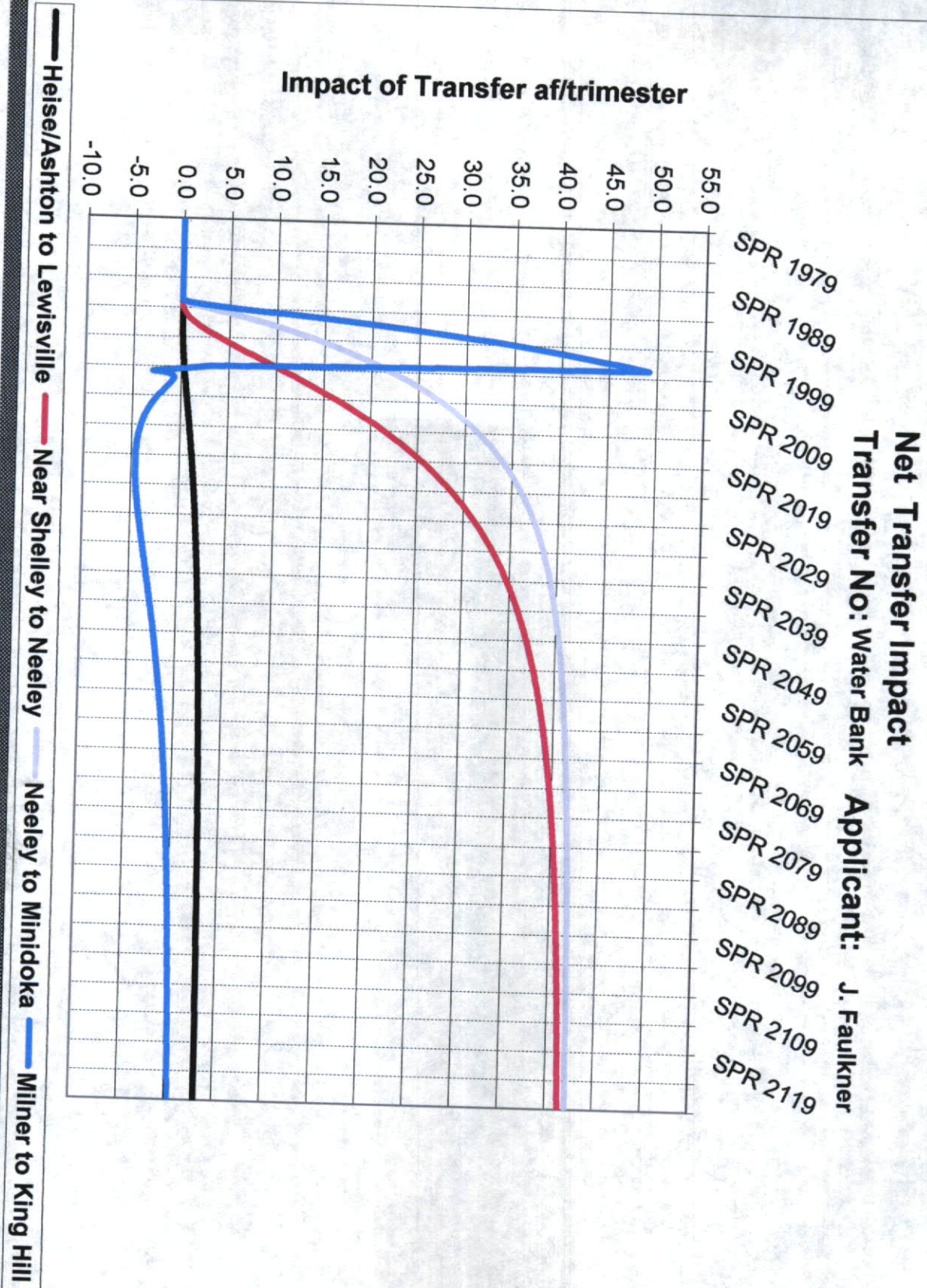


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JUN 02 2003

Pumping and Mitigation Schedule
Transfer NoWater Bank **Applicant: J. Faulkner**



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JUN 02 2003



MICROFILMED
JUN 02 2003

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Lincoln } ss.

RECEIVED

OCT 30 1997

Patty Nance Department of Water Resources
Southern Region

being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, 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 22nd day of October, 1997.

and the date of the last publication was on the 29th day of October, 1997.

On this 29th day of October in the year of 1997, before me, a Notary Public, personally appeared Patty Nance, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Norma W. Doe
Notary Public for Idaho
Residing at Jerome, Id
My commission expires: 3/6/01

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica
457.88 Lines straight at 27.47 6¢/Pica
457.88 Subsequent lines at 22.89 5¢/Pica
TOTAL COST 52.61

COPY OF NOTICE

(Paste Here)

Cavener - # 37-07808
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that Alan Cavener, 1048 W State; Meridian ID 83642 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 37-07808. The extension is requested to avoid loss of the water right due to non-use during negotiations for a land swap with the USDI-Bureau of Land Management. Water Right No. 37-07808

Priority Date: 11/16/1979

Source: groundwater

Use: irrigation (3.26 cfs) 4/15-10/15

Point(s) of Diversion: SW1/4NE1/4, S36, T05S, R21E; Lincoln County.

Place of Use: 163 acres within parts of S36, T05S, R21E; Lincoln County. Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 10, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Lincoln County Journal on 10/22 & 10/29/97.

No 6350

18412

FEB 23 1998

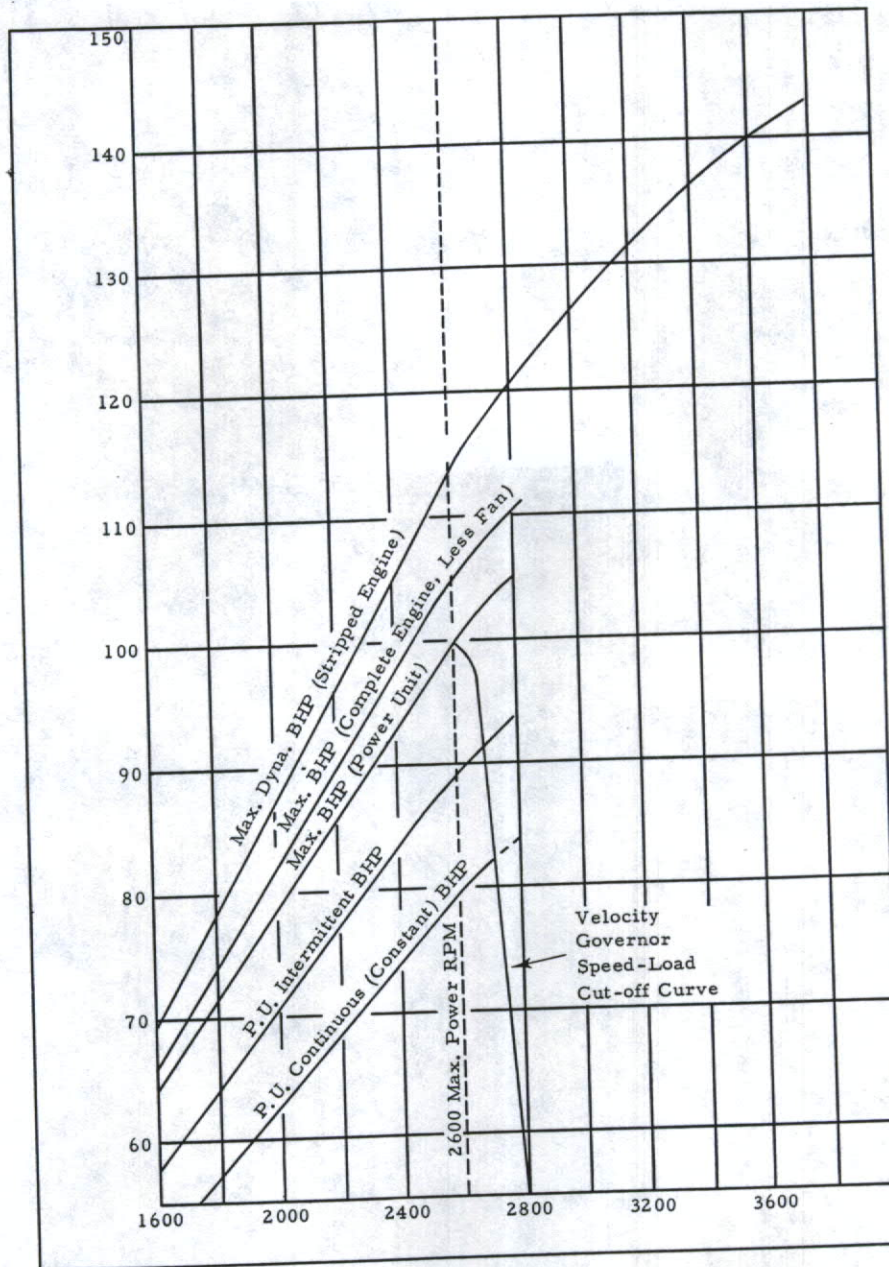


FIGURE IX-17

Maximum horsepower and rating curves for engine and power unit.

It can now be seen from Figure IX-18 that the complete power unit selected has sufficient continuous or constant load bhp to handle the pump at 2600 rpm and 70% efficiency. Returning to Figure IX-16, you



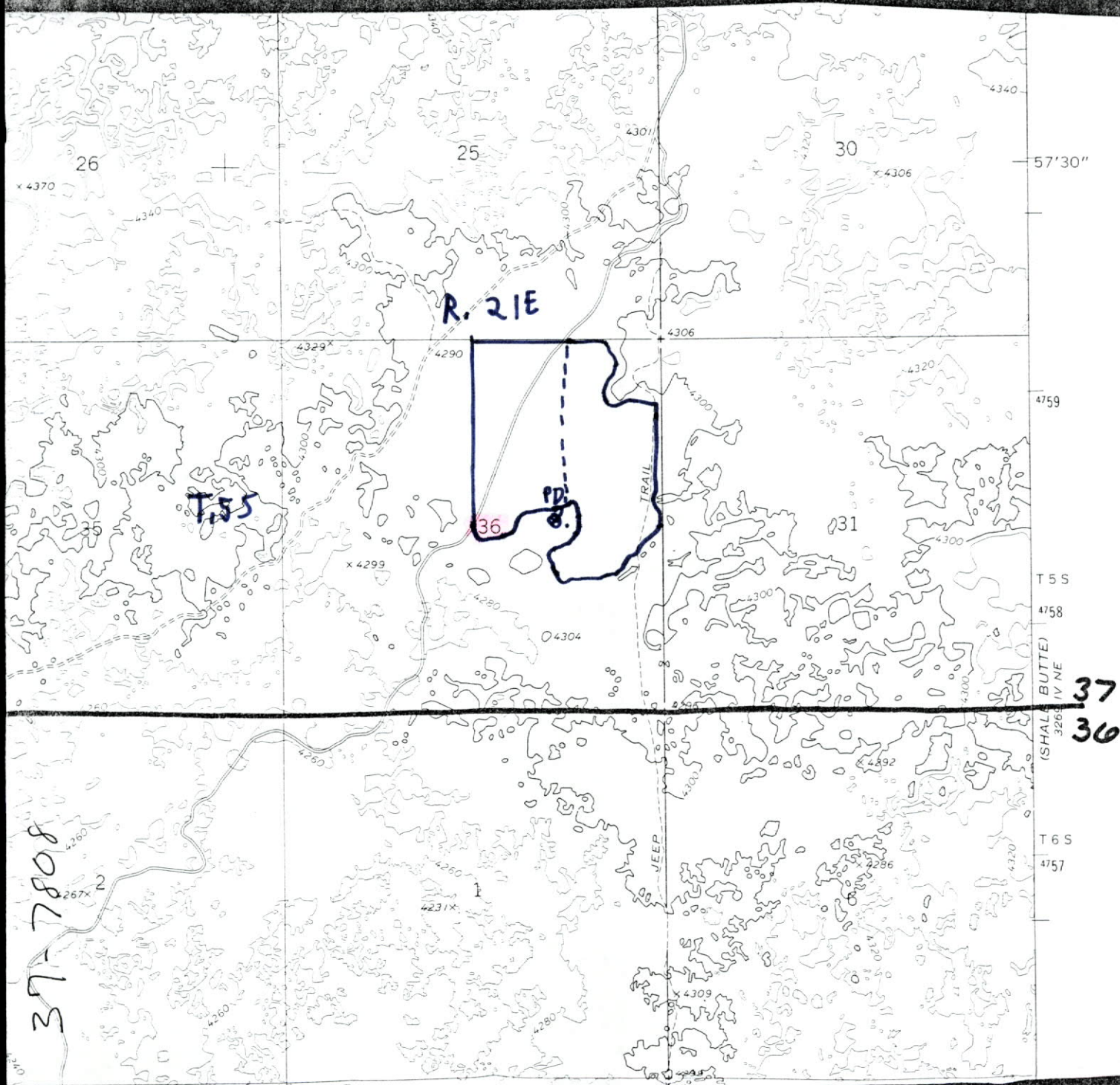
Diversion Works

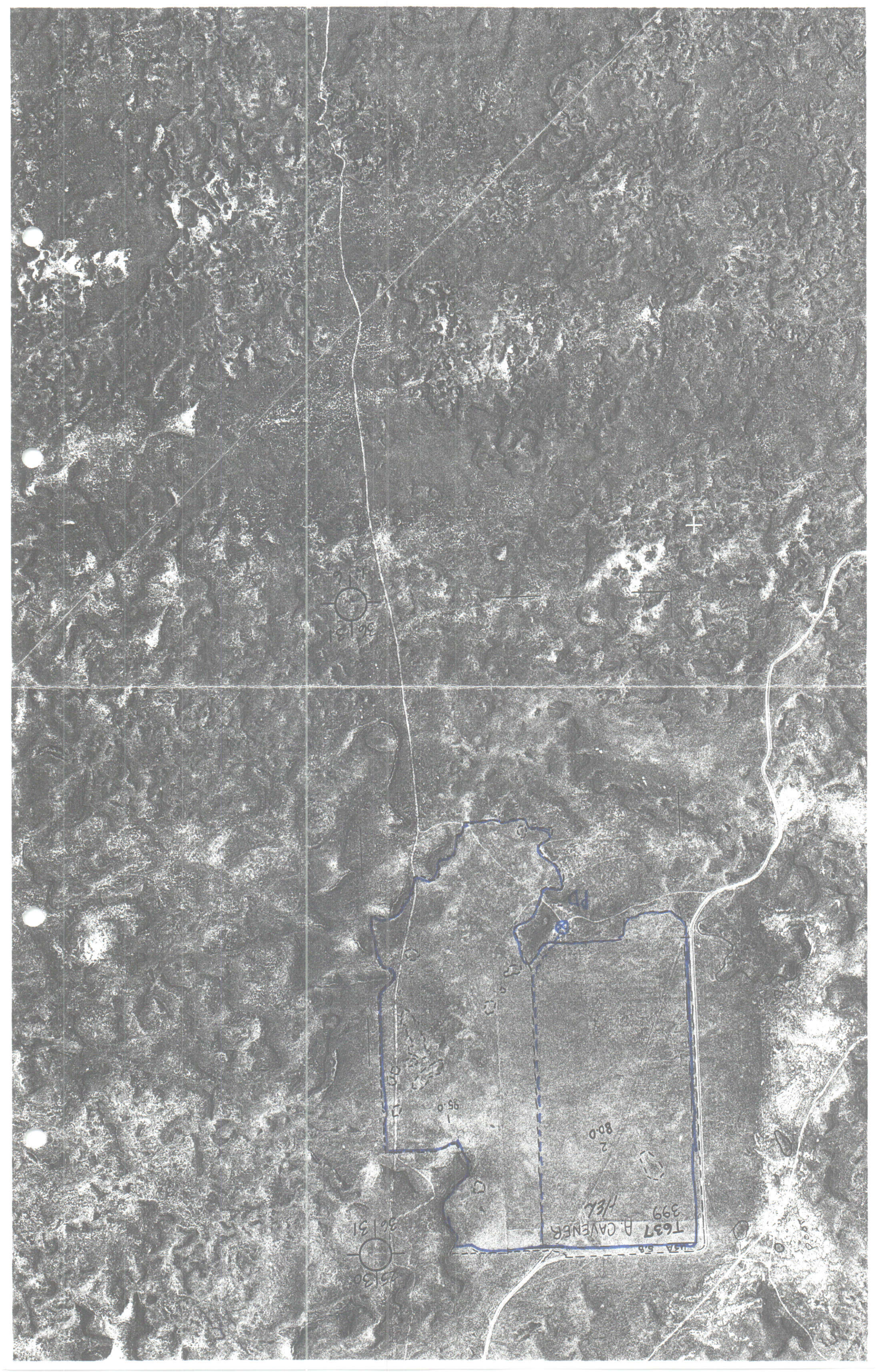


P/U North of Well

P/U SE of Well

37-7808
JES 7-18-96







MAY 22 2003

Before the Idaho Water Resource Board

Department of Water Resources

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Faulkner Land & Livestock Co.
2. Address: 1969 S 1875 E, Gooding, ID 83330
3. Source of water: Ground Water
4. Volume of water rented: 570.5 AF Max rate: 3.26 cfs
5. Diversion period: Irrigation season - 2003
6. Use of water: Irrigation

7. a) Renter's point of diversion:

NE1/4SW1/4 Section 8, T6S, R14E, B.M., Gooding County.

Pump Lift: 180' Pump HP 200

- b) Renter's place of use:

Legal description: 127 ac. in S1/2NE1/4 and N1/2SE1/4 Section 8, T6S, R14E, B.M.

8. The right from which water will be rented is 37-7808.

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director. At the end of the irrigation season, the renter shall report the information to the Department.
3. Renter is not authorized to divert more than 570.5 AF of ground water

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JUN 02 2003

under this agreement for irrigation of the 127 acres.

4. Use of water under this agreement does not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor does it prejudice any future lease agreement that may be made of the subject water right after this lease agreement expires.
5. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. The rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this 13th day of MAY, 2003.

Faulkner Land & Livestock Co
by [Signature]
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 23rd day of May, 2003.

[Signature]
for KARL J. DREHER, Director
Department of Water Resources

Before the Idaho Water Resources Board

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKApplicant: Faulkner Land & Livestock Company Inc. Phone No.: 208-934-4956Address: 1969 South 1875 EastCity: Gooding State: ID Zip Code: 83301

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Groundwater
Which is tributary to _____
2. Maximum volume of water sought 570.5 AF.
3. Maximum rate of diversion 3.26 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use: Irrigation
2. Location of point of diversion: NE 1/4 SW 1/4, Section 8,
Township 6S, Range 14E, B.M. Gooding County.
3. Season of use: From 4/15 to 10/15.
4. Description of diverting works:
Pump HP: _____ Lift: _____ Pump type: _____
Canal Name, if appropriate: N/A
5. Place of use:

- a. If water is for irrigation, describe the number of acres to be irrigated by 40-acre tract, section, township and range.

Sec 8 T 6S R 14E, SENE 34ac SWNE 31ac NESE 33ac NWSE 29ac

- b. If water is not for irrigation, describe the nature of the intended use and place of use.

N/A

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JUN 02 2003

12/99

6. Describe any other water rights used for the same purposes as rental water sought under this application.

7. Who owns the property at the point of diversion?

APPLICANT

8. Who owns the property at the place of use?

APPLICANT

9. Are you seeking a rental for more than one (1) year? NO

If so, how many years? _____

10. Remarks: _____

Date

Franklin Land & Livestock
John P. Franklin
Signature of Applicant *Per*

FOR DEPARTMENT USE ONLY

Received by: *VSA* Date: *1-17-03* Time: _____

Published in: _____ Publish Date: _____

Protests filed by: _____

Hearing held by: _____

Action recommended: _____

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JUN 02 2003

Water Supply Bank No. _____

Water Right No. _____

RECEIVED

APR 17 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Faulkner Land & Livestock Company Inc.

Phone 208-934-4956 Post office address 1969 South 1875 East, Gooding, ID 83330

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____

(Name of Court)

b. License No. 37-7808 issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

a. Amount of water under right: ALL cubic feet per second

& / or

_____ acre-feet per annum

b. Point of diversion _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range _____

B.M. in _____ County

Additional points _____

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JUN 02 2003

c. Place of use: _____

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	21E	36	26	40	38	37									18	4			163

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 163

NOTE: _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Warranty deed shows ownership of property (see attached)

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

See attached letter from IDWR in regards to extension of time to avoid forfeiture.

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

No other water rights on this parcel. Land will not be irrigated.

e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks: _____

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;
XX For Lease for period from 4/15/03 to 10/15/03
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

10/af

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Date

Paulkun Land & Livestock
John P. Paulkun

Signature

FOR DEPARTMENT USE ONLY

Received by WZB Date 4-17-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7200 FAX: (208) 327-7866

PHILIP E. BAYT
GOVERNORKARL J. DREHER
DIRECTOR

February 13, 1998

Alan Cavenier
1048 W State St
Meridian ID 83642

RECEIVED

FEB 18 1998

RE: License No. 37-07208

Department of Water Resources
Southern Region

Dear Mr. Cavenier:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced license. Please note that resumption of water for a beneficial use shall occur on or before September 1, 2003.

Please notify the Department as soon as you resume use. If you have not notified the Department sixty (60) days prior to the beginning of the 2001 irrigation season, we will notify you by certified mail of the need to do so.

Be advised that Section 42-203, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208) 327-7951 if you have any questions concerning this matter.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

MICROFILMED

MAR 2 2 1998

Order No. L020080

WARRANTY DEED

For Value Received

ALAN CAVENER, an undivided one-half interest and TAMARA K. INGRAM, a widow, as her sole and separate property and TAMARA K. INGRAM, as Trustee of the RALPH DAVID INGRAM TESTAMENTARY TRUST, an undivided one-half interest

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

FAULKNER LAND AND LIVESTOCK COMPANY a Corporation,

the grantee(s), whose current address is

1989 South 1875 East, Gooding, ID 83330

the following described premises, to-wit:

Township 5 South, Range 21 East of the Boise Meridian, Lincoln County, Idaho

Section 36: The East One-Half (E1/2) and the East One-Half of the West One-Half (E1/2W1/2)

Together with State of Idaho, Department of Water Resources Water Right #37-7808.

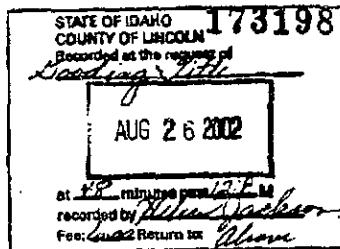
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: August 21, 2002

Alan Caver
ALAN CAVENER

Tamara K. Ingram
TAMARA K. INGRAM

RALPH DAVID INGRAM TESTAMENTARY TRUST
Tamara K. Ingram
TAMARA K. INGRAM, TRUSTEE

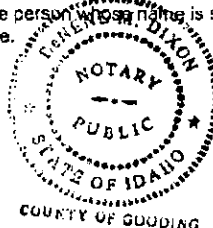


STATE OF IDAHO : ss
COUNTY OF GOODING

On This 21st day of August, in the year 2002, before me, a Notary Public in and for said State, personally appeared ALAN CAVENER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Wendell M. Dixon
Notary Public of Idaho
Residing at Wendell, Idaho
Commission Expires: 3/13/2004



NOTARY & ESCROW
COMPANIES

JUN 02 2003

RECEIVED

SEP - 5 2002

RECEIVED

Department of Water Resources

SEP 03 2002

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-7808					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Alan Cavener and Tamara K. Ingram
4. New Owner/Claimant(s) Faulkner Land and Livestock Co.
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1989 S 1875 E
- City, State and ZIP Code Garding Id 83330
- New Telephone Number 208) 934-4956 (BUS. PHONE)
5. Date you acquired the property August 23, 2002

MICROFILMED

SEP 19 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) FAULKNER LAND AND LIVESTOCK COMPANY
(include title if applicable)
By John P. Faulkner
John Faulkner, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by [Signature] Date 9/3/02 Fee 25.00
Receipted by [Signature] Date 9/3/02 Receipt No. 5025189
Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED
SEP 19 2002

Order No. L020080

WARRANTY DEED

For Value Received

ALAN CAVENER, an undivided one-half interest and TAMARA K. INGRAM, a widow, as her sole and separate property and TAMARA K. INGRAM, as Trustee of the RALPH DAVID INGRAM TESTAMENTARY TRUST, an undivided one-half interest

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

FAULKNER LAND AND LIVESTOCK COMPANY a Corporation,

the grantee(s), whose current address is

1989 South 1875 East, Gooding, ID 83330

the following described premises, to-wit:

Township 5 South, Range 21 East of the Boise Meridian, Lincoln County, Idaho

Section 36: The East One-Half (E1/2) and the East One-Half of the West One-Half (E1/2W1/2)

Together with State of Idaho, Department of Water Resources Water Right #37-7808.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: August 21, 2002

Alan Cavers
ALAN CAVENER

RALPH DAVID INGRAM TESTAMENTARY TRUST

Tamara K. Ingram
TAMARA K. INGRAM, TRUSTEE

Tamara K. Ingram
TAMARA K. INGRAM

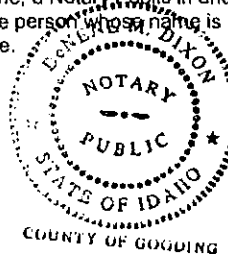
STATE OF IDAHO 173198
COUNTY OF LINCOLN
Recorded at the request of
Gooding Title
AUG 26 2002
at 48 minutes past 12 P. M.
recorded by John Jackson Dep.
Fee: 2.00 Return to: Alone
By hand.

STATE OF IDAHO : ss
COUNTY OF GOODING

On This 21st day of August, in the year 2002, before me, a Notary Public in and for said State, personally appeared **ALAN CAVENER**, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Wendell M. Dyer
Notary Public of Idaho
Residing at Wendell, Idaho
Commission Expires: 3/13/2004



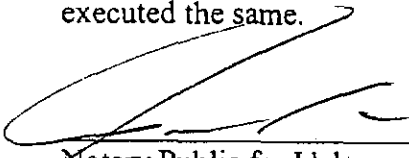
MICROFILMED

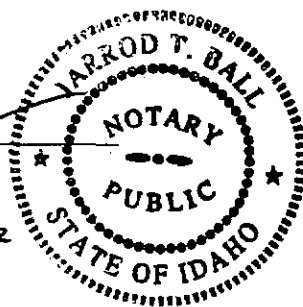
SEP 13 2002

TITLE & ESCROW
COMPANIES

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

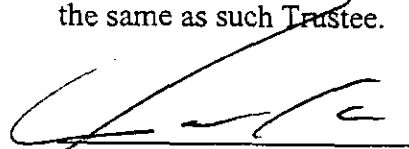
On this 23rd day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared TAMARA K. INGRAM, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

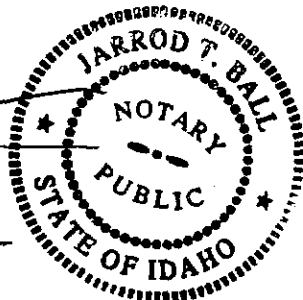

Notary Public for Idaho
Residing at: Twin Falls
Commission Expires: 7-25-2002



STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 23rd day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared TAMARA K. INGRAM, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the RALPH DAVID INGRAM TESTAMENTARY TRUST, and acknowledged to me that she executed the same as such Trustee.


Notary Public For Idaho
Residing at: Twin Falls
Commission Expires: 7-25-2002



MICROFILMED
SEP 19 2002

RECEIVED

OCT 06 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 29 1997

Department of Water Resources
Southern RegionAPPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Department of Water Resources

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

- Name of water right holder ALAN CAVEVER
- Mailing address 1044 W. State Meridian ID. 83642
- The right was obtained or is evidenced by:
 - Decree to _____ in Case of _____
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____ Fully describe decree _____
 - License No. 37-07808
 - Claim No. _____
 - SRBA No. _____
- Source of water Groundwater tributary to _____
(Name of stream or source)
- Date of priority of right 11-16-79
- Description of Right:

amount 3.26 cfs for Irrig. purposes from 4-15 to 10-15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Point of Diversion SW 1/4 NE 1/4 of Sec. 36 Twp. 05S Rge. 21E County LINCOLN

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
5S	21E	36	26	40	38	27									18	4			163

MICROFILMED Total Acres 163

FEB 23 1998

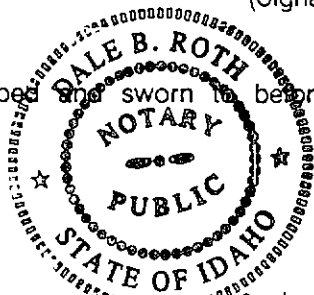
9. Give the last date when water was put to beneficial use 9-3-1993
Length of extension of time requested 5 years, or until 2003 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Business Partner has died. I need time to raise money to start Farm operation.
The Potato Market has been very poor. Hopefully it will improve in the next five years. This will make it easier to obtain financing.
The Farm ground is very isolated & I am unable to Rent it out to anyone so far.

The information contained in this application is true to the best of my knowledge.

Ken Corcoran
(Signature of Applicant)

Subscribed and sworn to before me this 26th day of September, 1997.



Dale B Roth
(Notary Public)

My commission expires 2/25/03

Residing at Boise, id

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons:

Resumption of water for a beneficial use shall occur on or before September 1, 2003.

Approval of this extension does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Signed this 23rd day of January, 19 98

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 9/29/97 \$100 FEE Received by LB Date 9/29/97 Receipt # CN40259

Preliminary ☒ by JB Publication prepared by MB Pub. approved by _____ Date _____

Published in Lincoln Co. Journal Dates Published 10/22 & 10/29/97

Protests filed by N/A

Copies of protests forwarded by _____ Hearing held by N/A Date _____

Recommended for ☒ APPROVAL / DENIAL By AD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07808

Priority: November 16, 1979

Maximum Diversion Rate:

3.26 CFS

Maximum Diversion Volume:

570.5 AF

This is to certify, that ALAN CAVENER
1048 W STATE ST
MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 16, 1979; and has submitted Proof of Beneficial Use on March 13, 1991. An examination indicates that the works have a diversion capacity of 3.320 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.26 CFS	570.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 36, Township 05S, Range 21E
LINCOLN County

PLACE OF USE: IRRIGATION

TWN RGE SEC

05S 21E 36

ACRES

NENE 26

SENE 37

ACRES

NWNE 40

NESE 18

ACRES

SWNE 38

NWSE 4

TOTAL

163

Total number of acres irrigated: 163

CONDITIONS OF APPROVAL AND REMARKS

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

MICROFILMED

MAY 21 1997

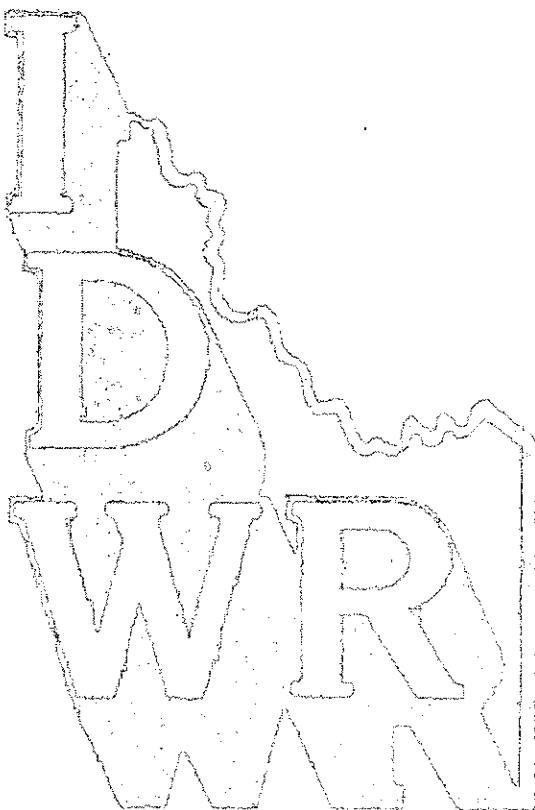
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07808

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16TH
day of MAY, 1997.


KARL J. DREHER, Director



MICROFILMED
MAY 21 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 37-07808

Date of Priority: November 16, 1979

Maximum Diversion Rate: 3.26 CFS

Maximum Diversion Volume: 570.5 AF

Comes now

ALAN CAVENER

~~1071 CLARENE ST~~

1048 W. State ST A.C.

MERIDIAN ID 83642

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. 37-07808, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.26 CFS	570.5 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 36, Township 05S, Range 21E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 21E 36	NENE 26	NWNE 40	SWNE 38	
	SENE 37	NESE 18	NWSE 4	163

Total number of acres irrigated: 163

MICROFILMED

MAY 21 1997

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

Signed at Boise Id., this 12th day of May, 1997.

Alan Cavenier
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07808

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by ju # C038858 Date 5-12-97

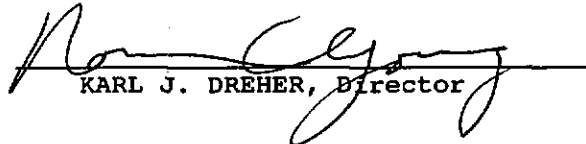
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-07808 with the following;

CONDITIONS OF APPROVAL AND REMARKS

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

Witness my hand this 16TH day of MAY, 1997.


KARL J. DREHER, Director

MICROFILMED

MAY 21 1997

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	37-7808	Franklin, Ralph E.	4.40
Full Assignment	37-7808	Cavener, Alan	4.40

MICROFILMED

SEP 12 1990

RECEIVED
MAR 13 1991

For Office Use Only
Amt. of Fee \$ 200.00
Date 3-13-91
Receipt No. 601893
Received by F. H. H.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 37-7808

Telephone No. 208-888-5041

Name(s) of Permit Holder(s): ALAN CAVENER

Post Office Address: 1071 Clarene St. Meridian Id. 83642

Source of Water: Ground water

If ground water, well driller's name: Robert Denton Date drilled: 8-89-8-90

Extent of Use:

Domestic _____ (No. of households)

Irrigation 220 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 4.40 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: march, 1990

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

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

OR

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

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

RALPH Ingram 208-532-4383
Name Telephone No.

RT. 1 Paul Idaho 83347
Address

RECEIVED

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

APR 22 1991

3-13-91
Date

Alan Cavena
Signature (and title if on behalf of a company or organization)

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Ralph E Franklin, hereby assign to ALAN CAVENER
of 1071 Clarene St. Meridian Idaho 83642
Address

All my right, title, and interest in and to Permit No. 37-7808
to appropriate the public waters of the State of Idaho.

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

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

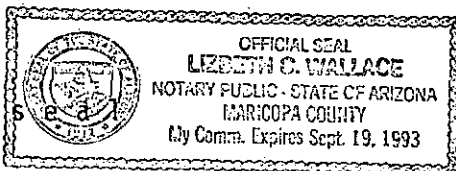
Made this 21st day of July, 19 90.

Ralph E. Franklin
Permit Holder

Spouse of Permit Holder

ARIZONA
State of ~~Idaho~~)
County of MARICOPA) ss

On this 21st day of July 21st, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.



Lizbeth C. Wallace
Notary Public residing at _____
MICROFILMED

My commission expires:
9/93

SEP 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by D.K.
Date 12-5-89
Receipt # C0321266

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

RECEIVED
DEC 5 1989

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

Permit No. 377-808

Name(s) of Permit Holder: Ralph Franklin

Post Office Address: P.O. Box 578 Chino Valley Arizona

86323

Telephone No. 602-636-2388

Date Proof is Due: 1-1-90

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

well has been drilled to 600', well driller
has drilling bit stuck & is trying to get it
out, amount of water is unknown

Costing \$ 10,000.00

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

Land & water was not developed until Swan
Falls State of Idaho & Idaho Power Litigation
was finished Then Problems with well driller

Permit holder(s) request an extension to Jan 1, 1992.
(1 yr. minimum)

X Ralph E. Franklin
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1992.

Signed this 19th day of December, 19 89.

J. Melvin Saylor
Chief, Water Allocation Bureau

MICROFILMED

FEB 21 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-7808 IN THE NAME) CONTINUATION ORDER
OF RALPH E. FRANKLIN)
_____)

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 37-7808 (permit) was issued to Ralph E. Franklin (permit holder) authorizing the diversion of 4.40 cfs of groundwater for irrigation of 220 acres.

5. IDWR records show that 100 acres authorized to be irrigated under Permit No. 37-7808 were irrigated prior to July 1, 1985.

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SEP 19 1989

6. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

7. The development and use of groundwater authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 37-7808 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7808 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before January 1, 1990.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

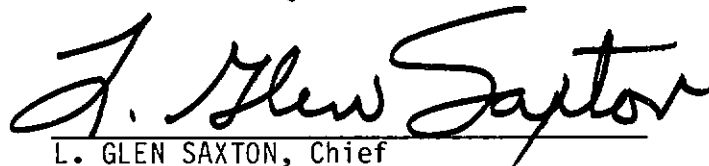
4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

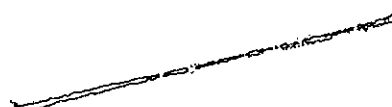
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SEP 19 1989

5. All conditions of approval contained on the permit are incorporated into and made a part of this order.

Dated this 1st day of August, 1989.


L. GLEN SAXTON, Chief
Water Allocation Bureau


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SEP 19 1989

Jim
Bar

AFFIDAVIT of PUBLICATION

RESERVED
JUN 30 1989

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

Department of Water Resources

Patty Nance G. manager
being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
State of Idaho, that said newspaper has been continuously and uninterruptedly
published for a period of seventy-eight consecutive weeks prior to the first
publication of the annexed notice, and is a newspaper qualified to publish
legal notices as provided by act of the 1919 session of the legislature of the
State of Idaho, know as House Bill 145; that the annexed advertisement was
published once
each week for 2x consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 21 day of June
19 89, and the date of the last publication was on the 28
day of June, 19 89.

Patty Nance
Subscribed and sworn to before me this 28
day of June, 19 89
(SEAL)

Norma De Voe
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 5¢/Pica
380²⁵ Lines straight at 15²¹ 4¢/Pica
Subsequent lines at 133 5.5¢/Pica
TOTAL COST 28.52

SEP 19 1989

COPY OF NOTICE
(Paste Here)

Existing Permit
TITLE OF NOTICE

Franklin
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF
IDWR
Boise
BILL TO

**NOTICE OF EXISTING
WATER RIGHT PERMIT**
Permit No. 37-7808
Presently Recorded as Follows:
Name: RALPH E. FRANKLIN
Address: 906 B ST., RUPERT, ID 83350
Source: GROUNDWATER
Diversions Pt.: SWNE SEC. 36 T5S
R21E, LINCOLN CO.
Use: IRRIGATION
Priority: NOVEMBER 16, 1979
Place of Use: NE¼ E½SE SWSE T5S
R21E
Total Acres: 220
Of the 220 acres described, this per-
mit proposes supplemental supply to
140 acres and full supply to 80 new
acres. This permit was not developed by
July 1, 1985, and is being reprocessed in
compliance with Section 42-203D, Idaho
Code.
Protests against the continuance of
the permit must be filed with the Direc-
tor, Dept. of Water Resources,
Statehouse Mall, Boise, ID 83720 on or
before July 10, 1989. A protest must
overcome the presumption of Water Ap-
propriation rule 5.2.1.

R. Keith Higginson
Director
L17588
Pub: 6-21, 28

insertions.....3/Pica

No 3292

#17588

DATE

FROM

TO

File

SUBJECT

Send PROOF due
and correspondence to:
to:

Alan CAVENER
1071 CLARENE
Meridian, ID 83642

Notice ~~4~~ Copy

MICROFILMED

SEP 19 1989

SIGNATURE

RECEIVED
OCT 19 1984STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

OCT 18 1984

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Department of Water Resources
Southern District OfficeRALPH E. FRANKLIN of 5902 W. ROYAL PALM RD APT 130
(Name) (Address)

GLENDALE ARIZONA 85302

State of ARIZONA, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 37-7808.That under the terms and conditions of said permit, work thereunder was required to be completed on or
before ?, 19 84.That he has heretofore performed the following work described under said permit: Drilled Well
first 207' & 20" Diameter, 298' - 16" Diameter Total 505'
Put in 40' of 16" casing to block of Clay bed - got Pump
Engine, the Engine was stolen from the Block it was boated to
Charged of Sage Brush on 200 ACRES put it in Costing \$ 21,000
cultivationThat he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: have to get main irrigation line, and
hand lines or wheel lines, get Engine to operate Pump,
get a 1000 gal Gas tank for Propane - cultivate land
and get it ready for crop. My Wife in last Home StrokeWherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to RALPH E. FRANKLIN, 19 84.R. E. Franklin
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to January 1, 1990.Signed this 29th day of October, 19 84.

MICROFILMED

J. Glen Saxton
Chief, Operations Bureau\$15.00 fee received by CEWDate 10-22-84Receipt # 35159

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 37-1808
RECEIVED
NOV 16 1979
APPROVED
Department of Water Resources
Southern District Office

1. Name of applicant Ralph E. Franklin Phone 436-0175

Post office address 906 B Street, Rupert, Idaho 83350

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

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 5S

Range 21E B.M. Lincoln County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.40 for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 4.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

Range _____ B.M.

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

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

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

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

MICROFILMED

;

[illegible]

Total number of acres to be irrigated 220

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

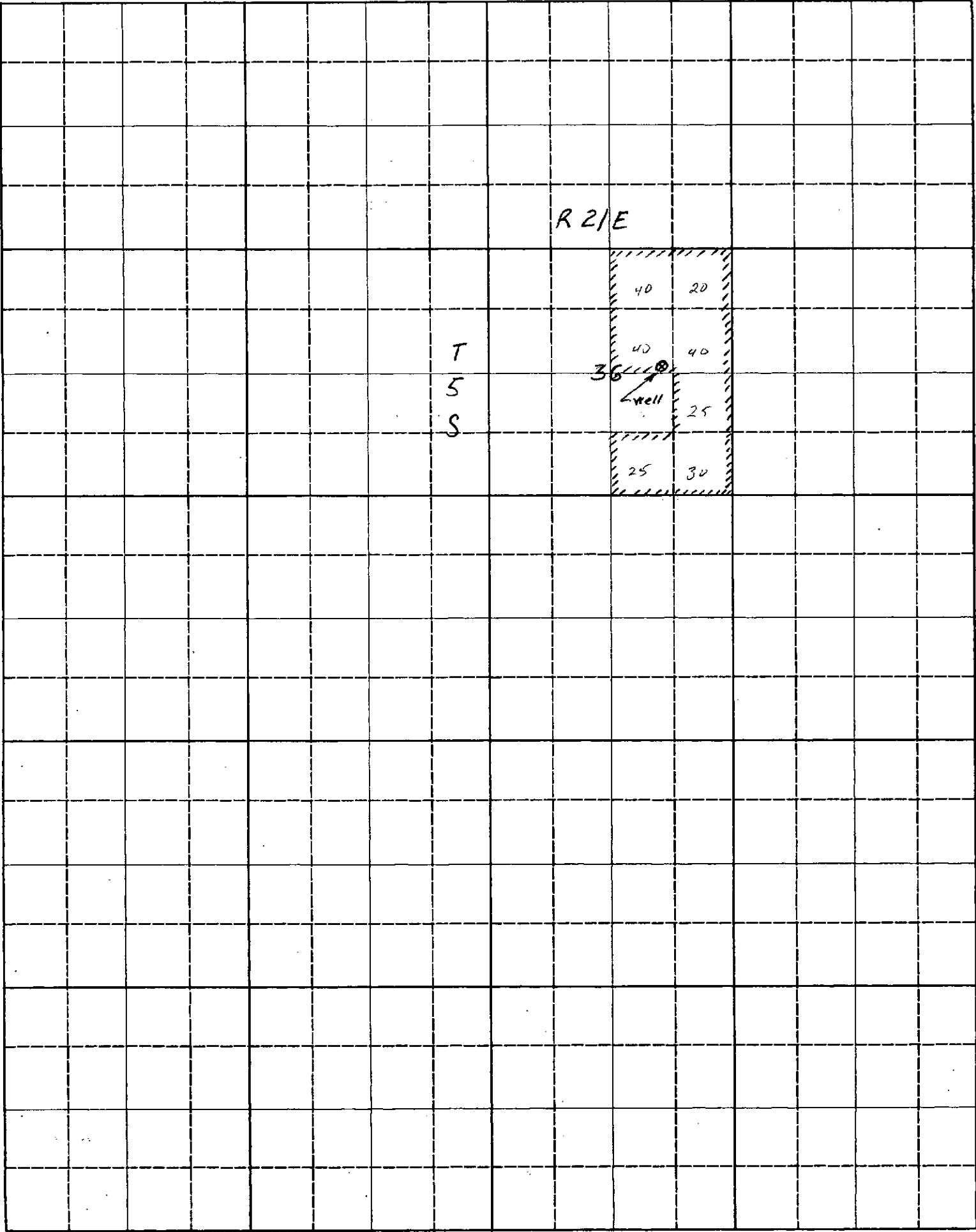
9. a. Who owns the property at the point of diversion applicant

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

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

10. Remarks This filing replaces 37-7256 which has lapsed

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ralph E. Franklin
(Applicant)

Proc. 11/16/79

Received by LH Date 11-16-79 Time 9:45 A

Preliminary check by JS Fee \$ 75.⁰⁰ # 13390

Receipted by Marya Date 11/16/79

Publication prepared by eh Date 11/26/79

Published in Lincoln County Journal

Publication dates 12/6 + 12/13/79

Publication approved Marya Date 12/5/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LH Jim

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7808, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 24th day of January, 19 80.

A. Glen Saxton
Chief, _____

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6 day of December 1979, and the date of the last publication was on the 13 day of December, 1979.

Melba Thorne
Subscribed and sworn to before me this 13 day of December, 1979.
(SEAL)

Raymond Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice
Number of Insertions
Lines tabular at 315c
48 Lines straight at 21c 18.08
48 Subsequent lines at 15c 7.20
TOTAL COST 17.28

COPY OF NOTICE

(Paste Here)

Water Right
TITLE OF NOTICE
37-7808 Franklin
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO
Dept Water Resources

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED

DEC 21 1979
N^o 3168
Department of Water Resources
Southern District Office

MICROFILMED

Legals

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-7808

FRANKLIN, RALPH E.
906 B STREET, RUPERT,
ID 83350

Source: GROUNDWATER

Date Filed: 11/16/1979

Amount: 4.40 CFS

Diversion Point: SWNE Sec
36 T 05S R 21E, LINCOLN
Co.

Use: IRRIGATION (4.40
CFS) from 03/15 to 11/15

Place of Use: NENE NWNE
SWNE SENE NESE SWSE
SESE Sec 36 T 05S R 21E
FOR 220 ACRES

Diversion Means: WELL
AND PUMP

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 and
received on or before DE-
CEMBER 24, 1979.

/s/ C. Stephen Allred
Director

Pub: 12-6, 13

Idaho Department of Water Resources Receipt

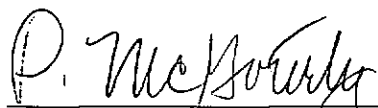
Receipt ID C069442

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$5,705.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$570.50	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$1,157.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$115.70	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205



Signature Line (Dept. Representative)

MICROFILMED

JUL 28 2003

Receipt Details for ID C069209

Status	Adjustment Type	Version
		2

B# 271
Rec 219
Check bounced
replaced w/ C069442

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/22/2003 10:48:32 AM	5/22/2003 2:11:32 PM	STATE	\$7,548.20	Check
Payer		FAULKNER LAND & LIVESTOCK CO INC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
114933			
Card Expiration Date	Credit Card Transaction #		

Comment SAWTOOTH SHEEP COMPANY 115.7 AF \$1,272.70
FAULKNER LAND & LIVESTOCK 570.5 AF \$6,275.50

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$5,705.00	WATER BANK-OWNER SHARE	55109	0229	21		1205
\$570.50	WATER BANK-DEPARTMENT SHARE	55109	0229	21		1205
\$1,157.00	WATER BANK-OWNER SHARE	55109	0229	21		1205
\$115.70	WATER BANK-DEPARTMENT SHARE	55109	0229	21		1205

Refund(s):

Amount	Payee	Date	Document Number
\$5,705.00	FAULKNER LAND & LIVESTOCK CO INC	5/23/2003 11:39:08 AM	REF 2949
\$1,157.00	FAULKNER LAND & LIVESTOCK CO INC	5/30/2003 11:38:01 AM	REF 2995

7,548.20
114933 CK#
Faulkner Land + JUL 28 2003
5/20/03 Livestock
MICROFILMED

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton *MS*
RE: WATER SUPPLY BANK RENTAL FEE – 37-7808
Date: May 23, 2003

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of the above referenced water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared in the amount of \$5,705 and sent to the owner of the water right at the following address:

Faulkner Land & Livestock Co.
1969 South 1875 East
Gooding, ID 83330

Attach: 2
c: 37-7808

MICROFILMED
JUN 02 2003



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

May 23, 2003

Faulkner Land & Livestock Co.
1969 South 1875 East
Gooding, ID 83330

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 37-7808

Dear Mr. Faulkner:

Please find enclosed a receipt in the amount of \$6,275 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 570.5 acre feet of ground water for irrigation use during 2003. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: Allen Merritt
37-7808

MICROFILMED
JUN 02 2003

Idaho Department of Water Resources Receipt

Receipt ID C069209

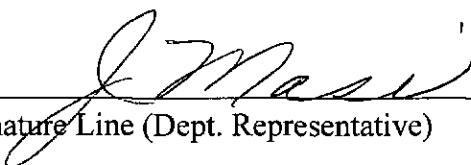
Payment Amount Date Received Region Status
 Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$5,705.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$570.50	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$1,157.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$115.70	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


 Signature Line (Dept. Representative)

MICROFILMED
 JUN 02 2003



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

May 1, 2003

Charles E. Brockway
2016 North Washington St
Twin Falls, ID 83301

**RE: APPLICATION TO LEASE WATER 37-7808 TO THE WATER SUPPLY BANK
AND TO RENT WATER FROM THE BANK**

Dear Mr. Brockway:

The department has completed its review of the Application to Sell or Lease a Water Right to the Water Supply Bank ("bank") that you submitted to this office on behalf of Faulkner Land & Livestock Co. Please consider that the offered water right is accepted into the bank.

Enclosed a Water Supply Bank Rental Agreement for your client's review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

The rental fee is **\$6,275.50** and is based on \$11.00 per acre foot for the rental of 570.5 acre feet of water. Please return the signed rental and fee to my attention so I can complete the processing of the rental transaction.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Acting Administrator

Encl: 1

c: Allen Merritt
37-7808

MICROFILMED

JUN 02 2003

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Faulkner Land & Livestock Co.
2. Address: 1969 S 1875 E, Gooding, ID 83330
3. Source of water: Ground Water
4. Volume of water rented: 570.5 AF Max rate: 3.26 cfs
5. Diversion period: Irrigation season - 2003
6. Use of water: Irrigation
7. a) Renter's point of diversion:

NE1/4SW1/4 Section 8, T6S, R14E, B.M., Gooding County.

Pump Lift: 180' Pump HP 200

- b) Renter's place of use:

Legal description: 127 ac. in S1/2NE1/4 and N1/2SE1/4 Section 8, T6S, R14E, B.M.

8. The right from which water will be rented is 37-7808.

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director. At the end of the irrigation season, the renter shall report the information to the Department.
3. Renter is not authorized to divert more than 570.5 AF of ground water

under this agreement for irrigation of the 127 acres.

4. Use of water under this agreement does not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor does it prejudice any future lease agreement that may be made of the subject water right after this lease agreement expires.
5. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. The rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this _____ day of _____, 2003.

Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 2003.

KARL J. DREHER, Director
Department of Water Resources

MEMORANDUM

To: Jeff Peppersack
From: L. Glen Saxton *LS*
RE: ATTACHED MITIGATION ANALYSIS
Date: April 29, 2003

On April 17, 2003, Brockway submitted an application on behalf of Faulkner Land & Livestock Co, Inc. ("Faulkner") to lease all of water right no. 37-7808 to the water supply bank. The diversion for this right is located in Section 36, T5S, R21E, B.M., Lincoln County.

On the same date, Brockway submitted an application to rent the same right from the bank to be diverted in Section 8, T6S, R14E, B.M., Gooding County. I advised Brockway that he needed to make a depletion analysis and submit it to the department in connection with the proposed lease/rental applications.

On April 28, 2003, Brockway submitted the attached mitigation analysis showing that all of the volume can be pumped the first year with reductions in the remaining years. The rental, however, is proposed for 1 year.

Please review Brockway's calculations and discuss with me.

Mitigation looks ok JP 4/30/03

MICROFILMED
JUN 02 2003



Hydraulics
—
Hydrology
—
Water Resources

RECEIVED

APR 28 2003

Department of Water Resources

April 17, 2003
27-2

Mr. Glen Saxton
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83706

Subject: Water Bank Applications-Faulkner Land and Livestock
Eastern Snake Plain Aquifer Impact and Mitigation Analysis

Dear Glen:

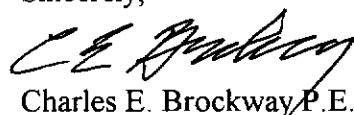
Enclosed is the impact analysis performed on the proposed use of the Faulkner Land and Livestock Dietrich groundwater at the Gooding site. The analysis was performed using the *U of I Transfer Spreadsheet*. I understand that the water right 37-7808 has not been pumped since 1993 and is was programmed that way in the analysis for the 'with transfer' scenario as per Jeff Peppersack's guidelines.

The analysis shows that the mitigation required by the new transfer guidelines can be achieved by reduced pumping according to the attached schedule. Note that the analysis indicates that 100 percent of the proposed 570.5 acre feet per year can be pumped in the first year, with reductions to 70 percent in the second year, and then 54 percent for the remaining years.

I understand that Mr. Faulkner will plan to rent the water this year as per the application and that you have determined that no other groundwater has been offered for lease from the water supply bank which could be utilized at his Gooding site.

Please let me know if you need additional information.

Sincerely,


Charles E. Brockway P.E., Ph.D.

Enclosure: Hydrologic Impact and Mitigation Analysis

cc: John Faulkner

MICROFILMED
JUN 02 2003

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Table 1

Proposed Pumping Schedule

Mitigation Plan Water Supply Bank Application

TRANSFER NO 1
 Applicant: J. Faulkner
 Transfer # Water Bank
 FROM: Faulkner Dietrick 14 22
 TO: Faulkner Gooding 14 7

Acres dried up to transfer
 Allowed vol: transfer 163 acres
 Volume Transferred: 3.5 afa
 570.5 af/year
 190.2 af/trimester

TRANSFER NO 2
 Applicant: 0
 Transfer # None
 Acres dried up to transfer 0 acres
 Allowed vol: transfer 4 afa
 Volume Transferred: 0.0 af/year
 0.0 af/trimester

MITIGATION ACRES (if any)
 Additional acres dried up
 Allowed transfer
 Volume (Mitigation) 0.0 af/year
 af/trimester

Model Node

Begin	End	Number	Actual Af/yr	Mitigation Acres	Source	Faulkner Gooding Pumping af/year	Percent of Trans	Percent Reduction
2003		1			Reduced Pumping	570.5	1.00	0.00
2004		1			Reduced Pumping	399.4	0.70	0.30
2005		1			Reduced Pumping	308.1	0.54	0.46
2006		1			Reduced Pumping	308.1	0.54	0.46
2007		1			Reduced Pumping	308.1	0.54	0.46
2008	2012	5			Reduced Pumping	308.1	0.54	0.46
2013	2017	5			Reduced Pumping	308.1	0.54	0.46
2018	2022	5			Reduced Pumping	308.1	0.54	0.46
2023	2031	9			Reduced Pumping	308.1	0.54	0.46
2032	2042	11			Reduced Pumping	308.1	0.54	0.46
2043	2052	10			Reduced Pumping	308.1	0.54	0.46
2053	2072	20			Reduced Pumping	308.1	0.54	0.46
2073 >>>>					Reduced Pumping	308.1	0.54	0.46

ANNUAL PUMPING

Mitigation for impacts to reaches of the Snake River will be achieved by reduced pumping at the proposed place of use according to the above table..

PO Faulkner
10/2/03

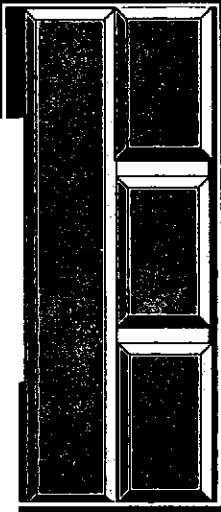
MICROFILMED
 JUN 02 2003

GROUND-WATER RIGHTS TRANSFER SPREADSHEET

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE
IDAHO DEPARTMENT OF WATER RESOURCES

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON
J. Faulkner
YEAR 1979
SEASON 1979
Transfer # 1:
Water Bank
Transfer # 2:
None



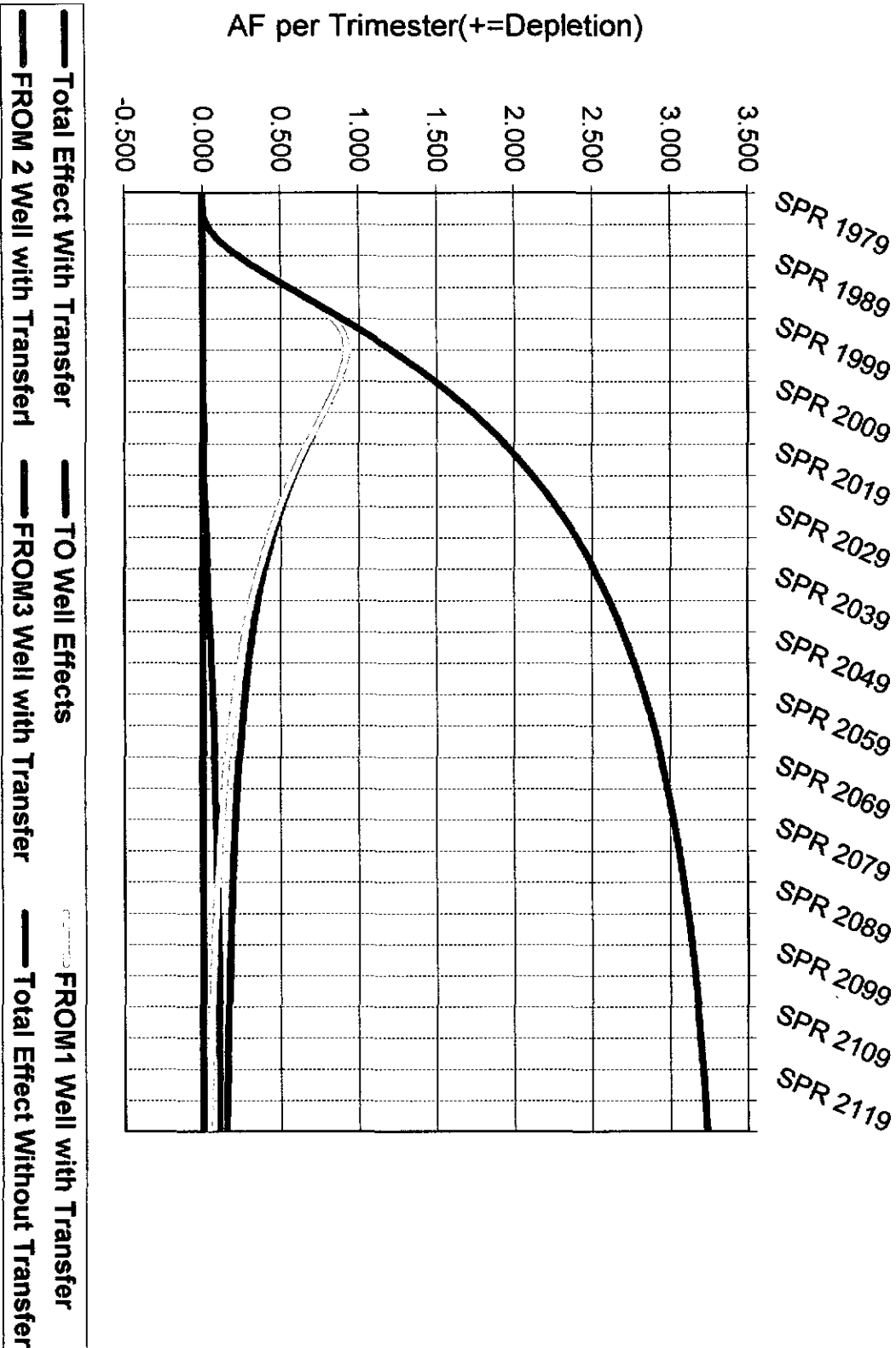
ENTER CELL Faulkner Goodin
LOCATION 'TO CELL' 14
'FROM1 CELL' 14
'FROM2 CELL' 22
'FROM3 CELL' 22
REDUCED PUMPAT

TRIMESTER OF ACTIVITY	TO WELL Protected Use AFTRIMESTER	FROM1 WELL With Transfer AFTRIMESTER	Without Transfer AFTRIMESTER	FROM2 WELL With Transfer AFTRIMESTER	Without Transfer AFTRIMESTER	FROM3 WELL With Transfer AFTRIMESTER	Without Transfer AFTRIMESTER
SPR 1979	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1979	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1980	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1980	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1981	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1981	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1982	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1982	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1983	0.00	190.17	190.17	0.00	0.00	0.00	0.00
WIN 1983	0.00	190.17	190.17	0.00	0.00	0.00	0.00
SPR 1984	0.00	190.17	190.17	0.00	0.00	0.00	0.00

TRANSFER Vol	Trans #1	Water Bank Transfer Vol	Trans #2	None
AFTR 1.0	AFTR 0	AFTR 0	AFTR 0	AFTR 0
2003.19	2003.19	2003.19	2003.19	2003.19
2004	2004	2004	2004	2004
2005	2005	2005	2005	2005
2006	2006	2006	2006	2006
2007	2007	2007	2007	2007
2008	2008	2008	2008	2008
2009	2009	2009	2009	2009
2010	2010	2010	2010	2010
2011	2011	2011	2011	2011
2012	2012	2012	2012	2012
2013	2013	2013	2013	2013
2014	2014	2014	2014	2014
2015	2015	2015	2015	2015
2016	2016	2016	2016	2016
2017	2017	2017	2017	2017
2018	2018	2018	2018	2018
2019	2019	2019	2019	2019
2020	2020	2020	2020	2020
2021	2021	2021	2021	2021
2022	2022	2022	2022	2022
2023	2023	2023	2023	2023
2024	2024	2024	2024	2024
2025	2025	2025	2025	2025
2026	2026	2026	2026	2026
2027	2027	2027	2027	2027
2028	2028	2028	2028	2028
2029	2029	2029	2029	2029
2030	2030	2030	2030	2030
2031	2031	2031	2031	2031
2032	2032	2032	2032	2032
2033	2033	2033	2033	2033
2034	2034	2034	2034	2034
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2042	2042	2042	2042	2042
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2055	2055	2055	2055	2055
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2088	2088	2088	2088	2088
2089	2089	2089	2089	2089
2090	2090	2090	2090	2090
2091	2091	2091	2091	2091
2092	2092	2092	2092	2092
2093	2093	2093	2093	2093
2094	2094	2094	2094	2094
2095	2095	2095	2095	2095
2096	2096	2096	2096	2096
2097	2097	2097	2097	2097
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2099	2099	2099	2099	2099
2100	2100	2100	2100	2100

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JUN 2 2003

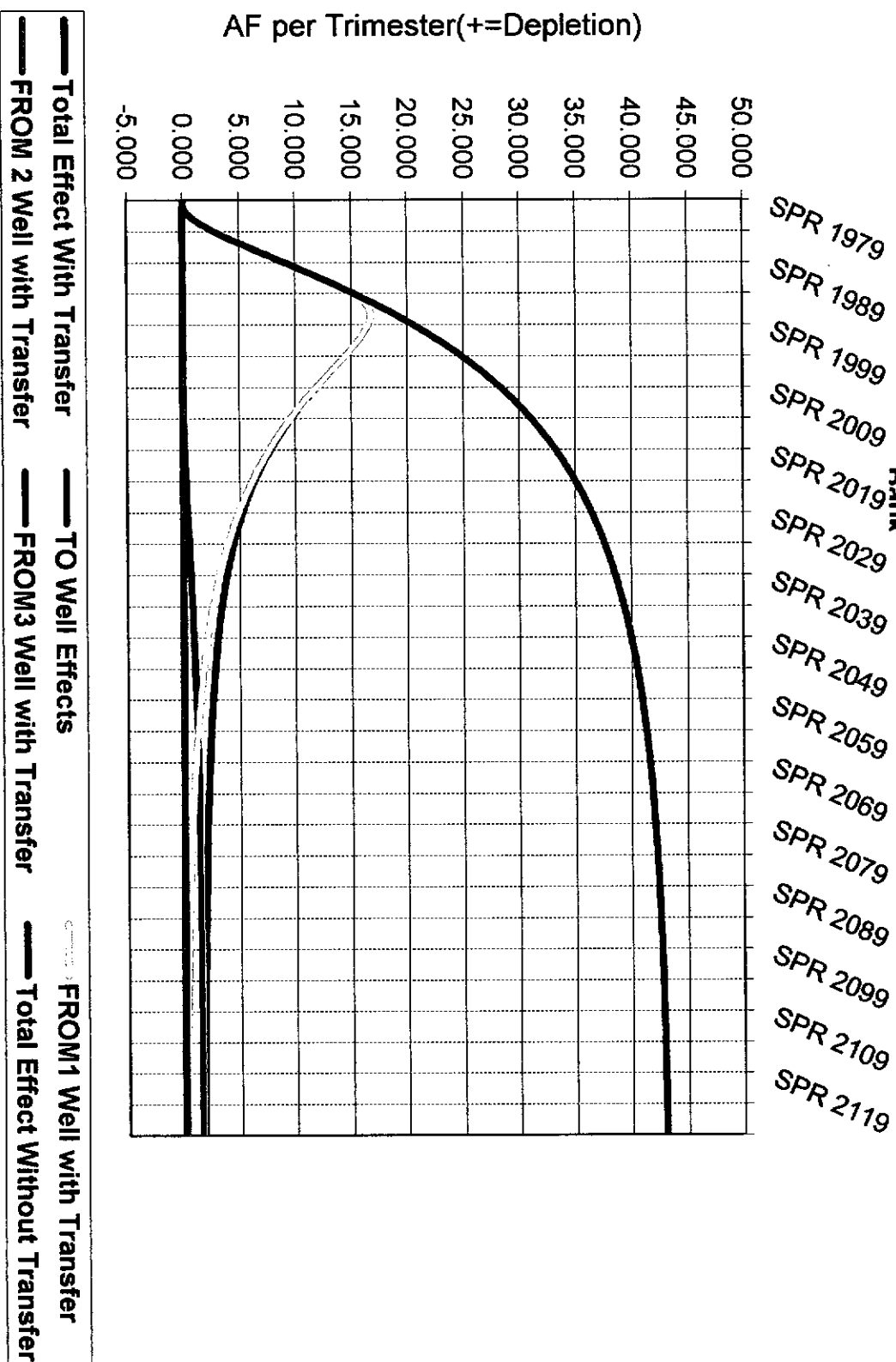
Hydrologic Response--Heise/Ashton to Lewisville Transfer NoWater Bank Applicant: J. Faulkner



MICROFILMED
 JUN 02 2003

Hydrologic Response--Near Shelley to Neeley Reach

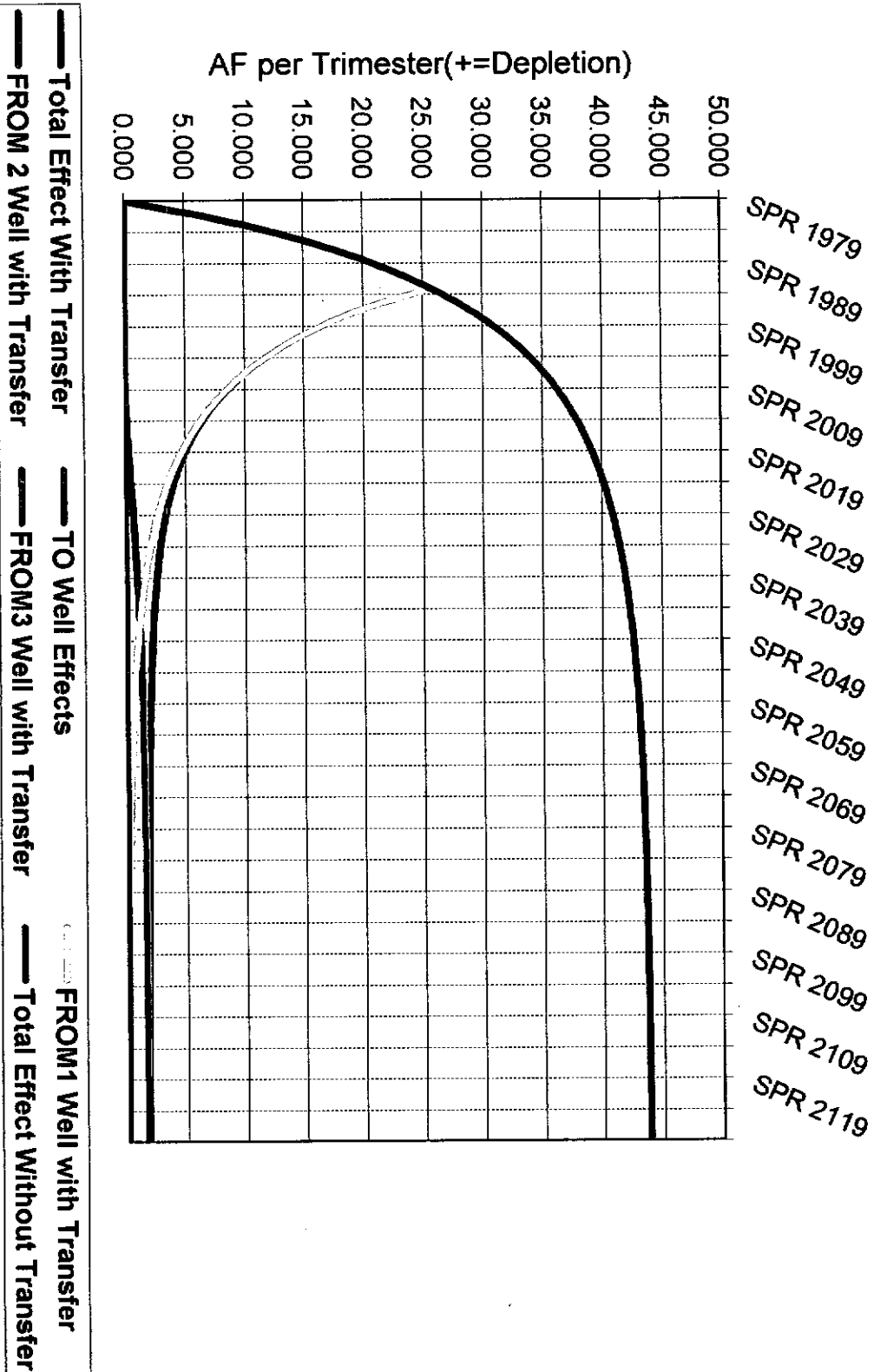
Transfer No: Water Rank Applicant: J. Faulkner



MICROFILMED

JUN 02 2003

Hydrologic Response--Neeley to Minidoka Transfer No: Water Bank Applicant: J. Faulkner

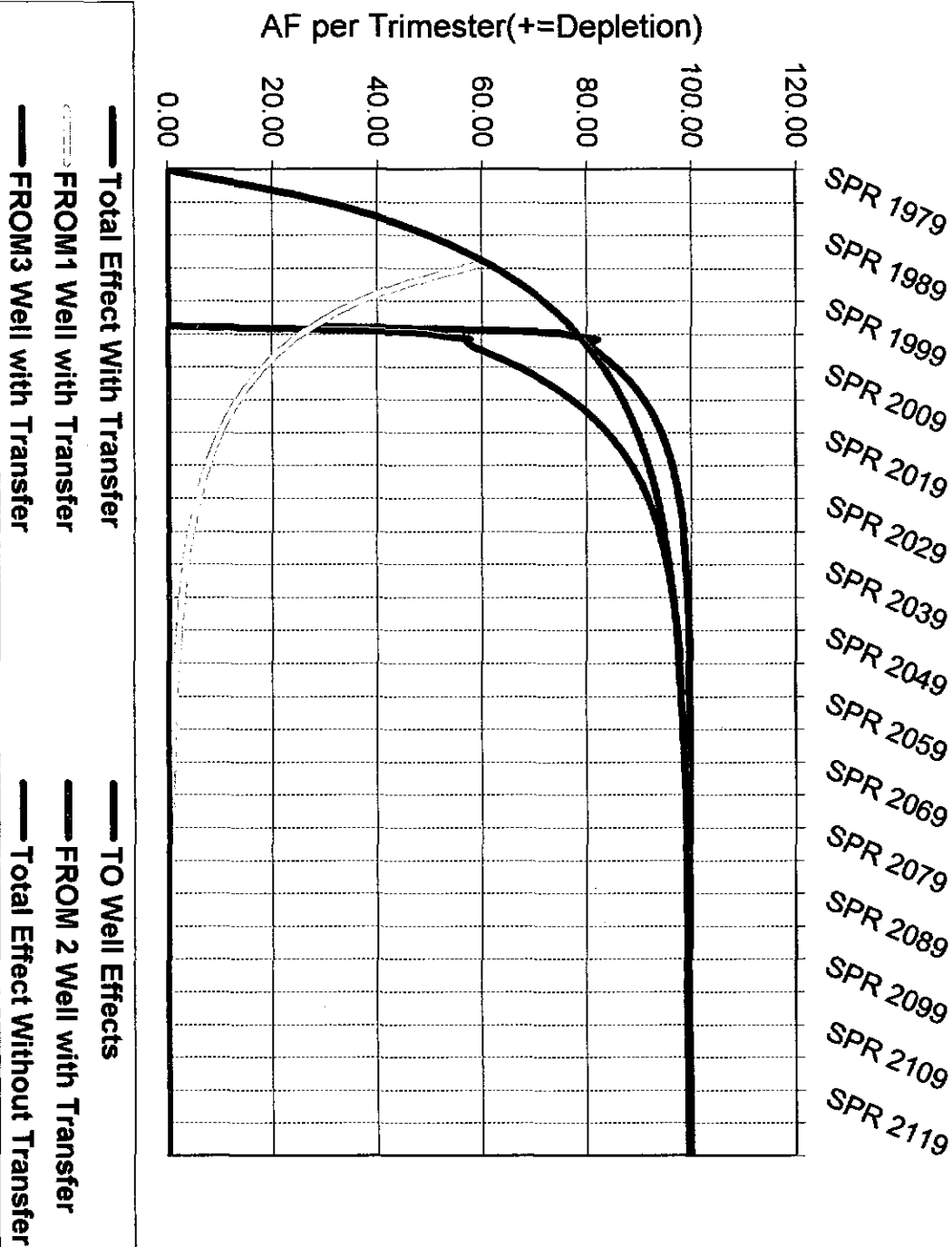


MICROFILMED
 JUN 02 2003

Hydrologic Response-- Milner to King Hill Reach

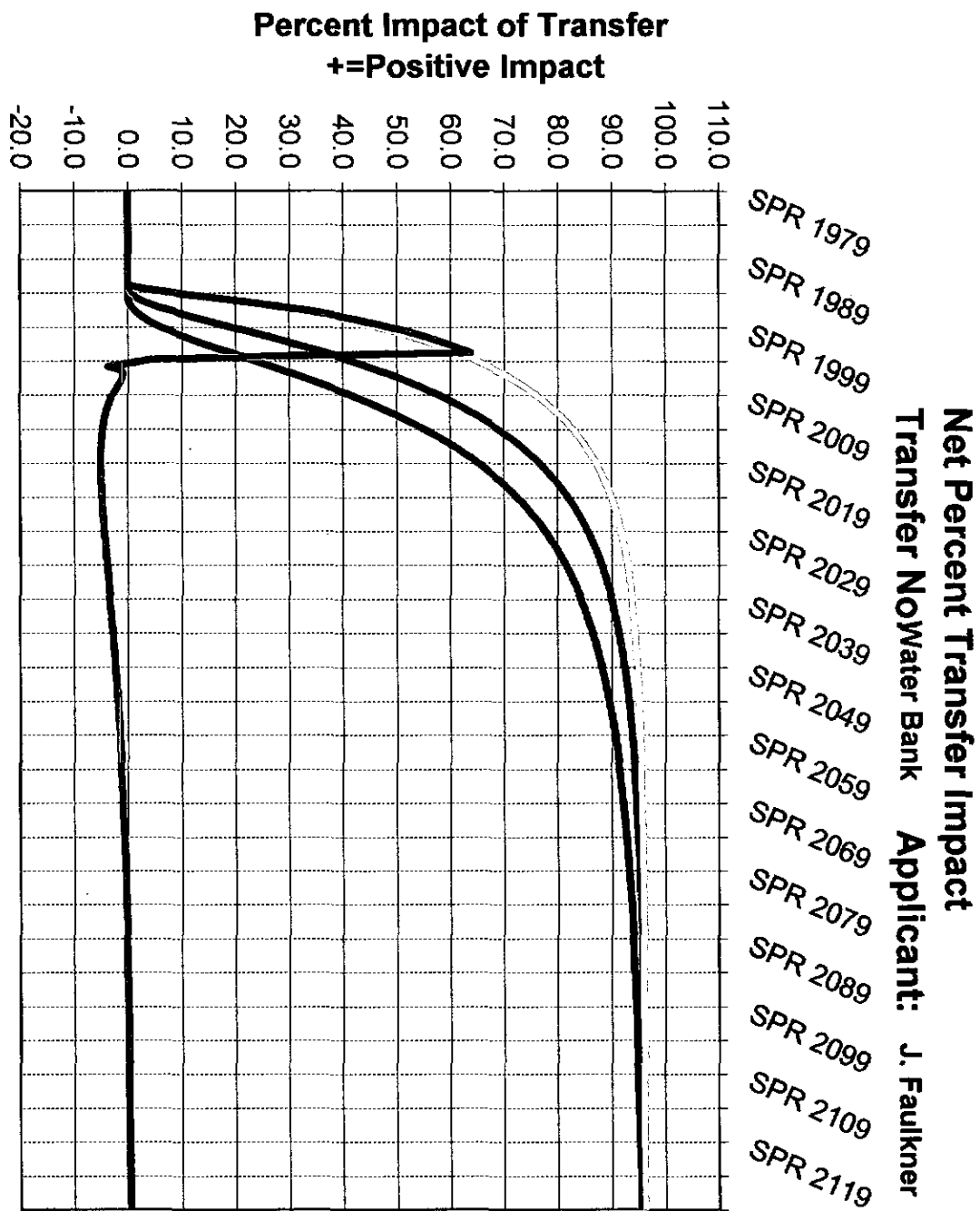
Transfer No. Water Bank

Applicant: J. Faulkner



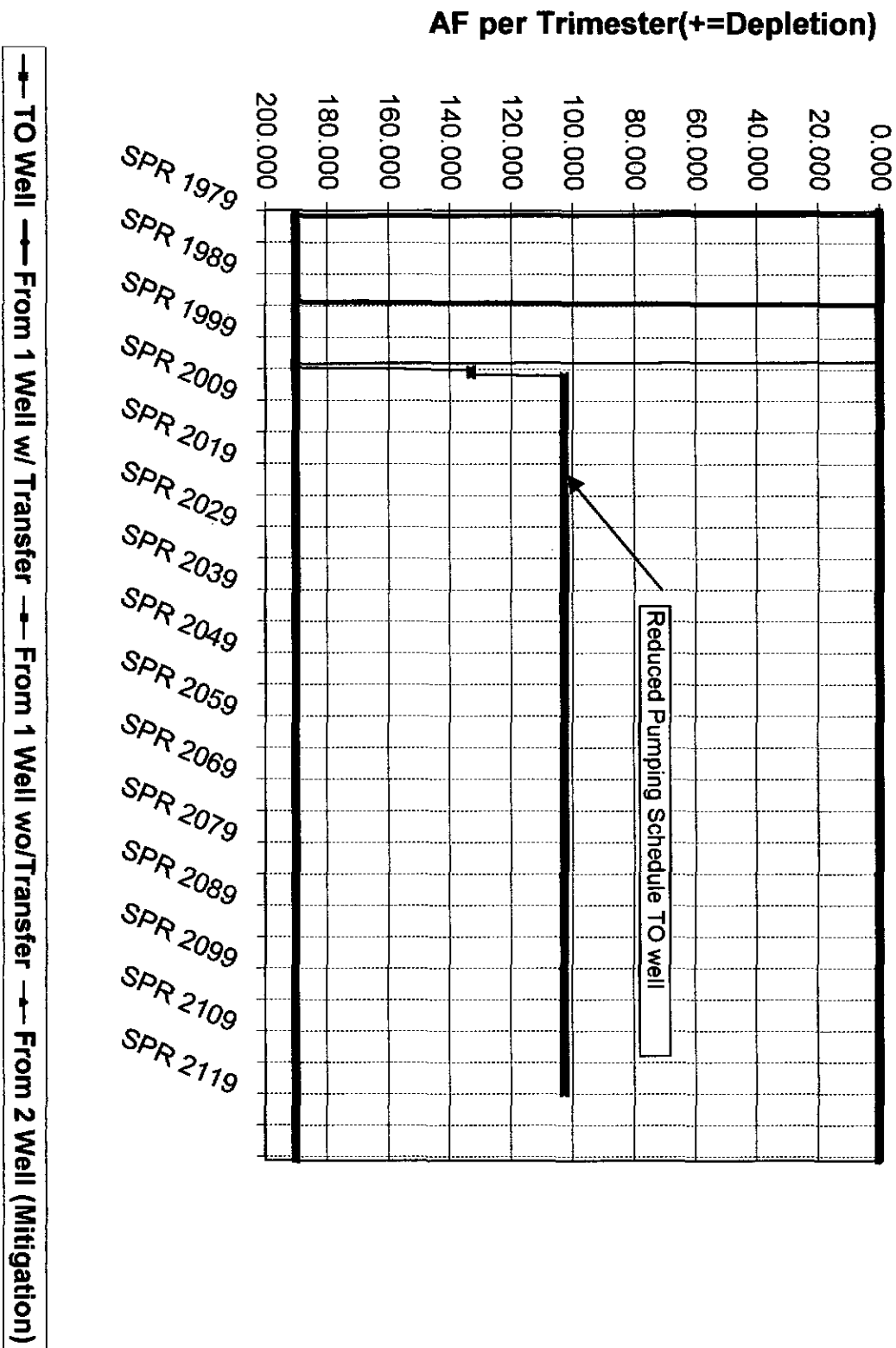
MICROFILMED
JUN 02 2003

— Heise/Ashton to Lewisville — Near Shelley to Neeley — Neeley to Minidoka — Milner to King Hill



MICROFILMED
 JUN 02 2003

Pumping and Mitigation Schedule **Transfer NoWater Bank** **Applicant: J. Faulkner**

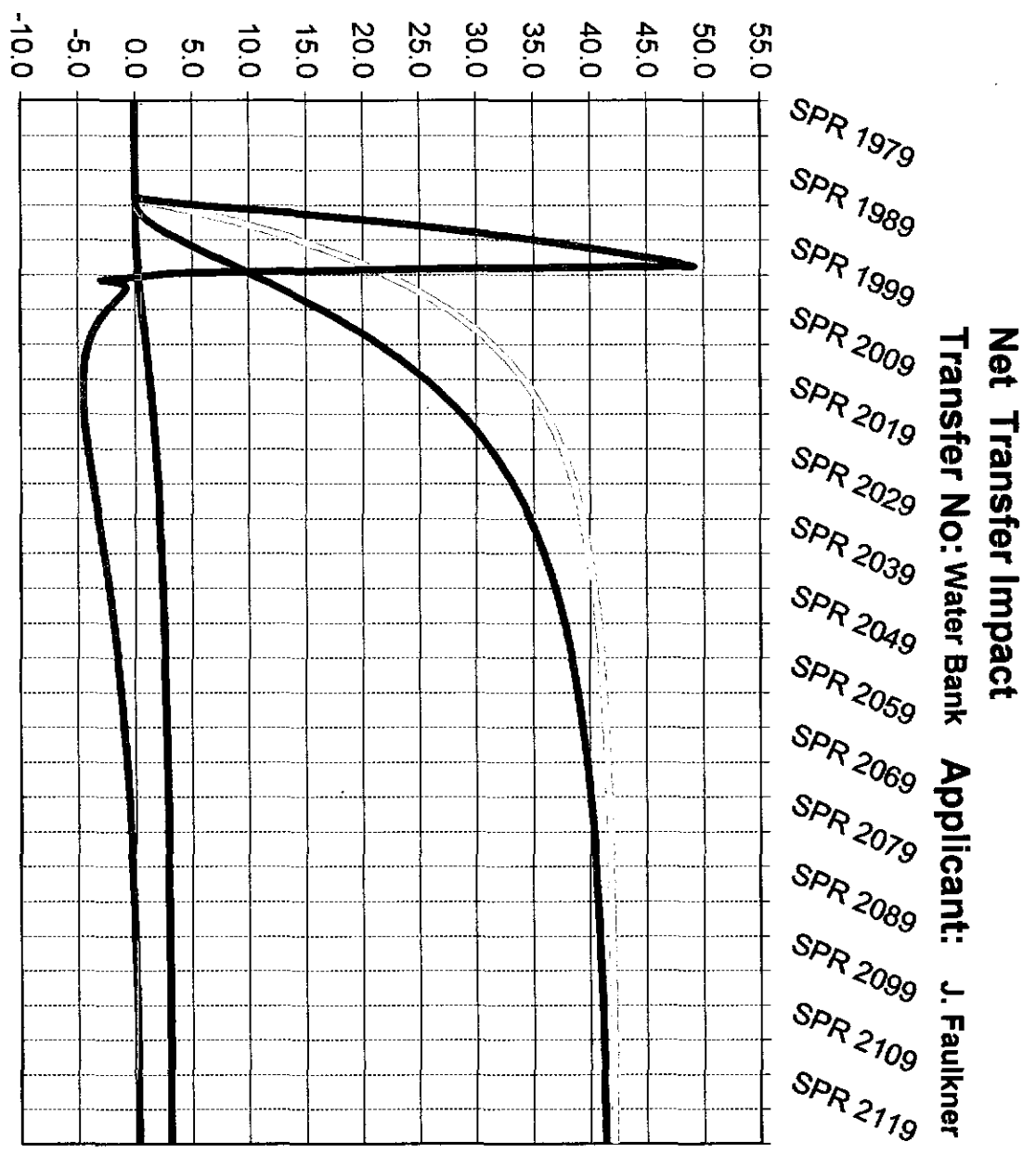


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JUN 02 2003

Heise/Ashton to Lewisville — Near Shelley to Neeley — Neeley to Minidoka — Milner to King Hill

Impact of Transfer af/trimester

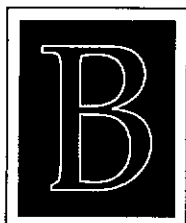


MICROFILMED
JUN 02 2003

RECEIVED

APR 17 2003

Department of Water Resources



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 14, 2003

Mr. Glen Saxton
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83706

Subject: Water Bank Applications

Dear Glen:

Enclosed are the applications filed on behalf of Faulkner Land and Livestock to place a water right in the Water Bank and also to lease water from the Water Bank.

Mr. Faulkner is aware that the leasing of groundwater within the Eastern Snake River Plain Aquifer will be subject to a hydrologic evaluation and a possible reduction in pumping or mitigation, as is required by the water right transfers. Brockway Engineering will be performing that evaluation at the time ground water becomes available to lease and use at his Gooding property.

Please call if you need any further information.

Sincerely,

Charles E. Brockway P.E., Ph.D.

Enclosure: Application to Sell/Lease a Water Right
Application to Rent Water

cc: John Faulkner

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED
JUN 02 2003



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 12, 2002

FAULKNER LAND & LIVESTOCK CO INC
1989 S 1875 E
GOODING ID 83330

RE: Change of Ownership for Water Right 37-7808

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 19 2002

RECEIVED

SEP - 5 2002



GOODING

TITLE & ESCROW
COMPANY

Department of Water Resources

RECEIVED

SEP 03 2002

Department of Water Resources
Southern Region

August 28, 2002

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Water Right #37-7808

Dear Sir or Madame:

Enclosed please find a Notice of Change of Ownership to be filed with your office in connection with the above-referred to water right. Also enclosed is a copy of the recorded Warranty Deed.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon
Escrow Officer

/dmd
Encl.

MICROFILMED

SEP 19 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 13, 1998

Alan Cavener
1048 W State St
Meridian ID 83642

RE: License No. 37-07808

Dear Mr. Cavener:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced license. Please note that resumption of water for a beneficial use shall occur on or before **September 1, 2003**.

Please notify the Department as soon as you resume use. If you have not notified the Department sixty (60) days prior to the beginning of the 2001 irrigation season, we will notify you by certified mail of the need to do so.

Be advised that Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953 if you have any questions concerning this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED
FEB 23 1998

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: J.F. Stanton
2. RIGHT NUMBER 37-07808 APPLICANT Alan Cavener
3. TYPE OF RIGHT: ☐ Decree ☒ License ☐ Claim
4. Is reason for request extension given on application?
✓ Yes No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use
- (b) ☒ Description of Point(s) of Diversion
- (c) ☒ Description of Place of Use
- (d) ☒ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ☒ Copy of Tax Notice, Deed, or other See memo attached
in file.
- (b) County Assessor records. Date Contacted

7. Is the right in a Watermaster District? Yes ✓ No Dist.
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by AD

- (a) Is Application published correctly? X Yes No
- (b) Protest Received? Yes X No

RECOMMENDED ACTION

- ☒ Approve
 Deny

Conditions: (Standard)

TO: File

DATE: October 7, 1997

FROM: Jim Stanton

SUBJECT: App. for Extension To Avoid Forf., Cavener

I conducted the licensing exam on this property, so am familiar with the situation. At the time of my exam, Charles Hisaw intended to buy this land and trade it to the BLM for land closer to his own farm. I spoke to Chuck today, and this deal is still in the works. The BLM is dragging its feet, however, so more time is needed to get things finalized. Although this is only the fourth year of the allotted five years of non-use, Chuck requested that the extension be approved. It seems unlikely that the whole ten years of non-use would be needed, so it probably won't hurt anything if they only end up with nine years of protection from forfeiture. Apparently they feel that having the approved extension will help get the trade with the BLM completed. Once the trade is done, the license will be transferred to the new ground. The license was issued to Mr. Cavener in May of this year, so I see no need for additional proof of ownership for the extension. The application seems entirely reasonable, and should be approved.

MICROFILMED

FEB 23 1998

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Lincoln } ss.

RECEIVED

OCT 30 1997

Patty Nance Department of Water Resources
Southern Region, being first duly
sworn, deposes and says that she is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln, State
of Idaho; that said newspaper has been continuously and uninterruptedly published
for a period of seventy-eight consecutive weeks prior to the first publication of the
annexed notice, and is a newspaper qualified to publish legal notices as provided by
act of the 1919 session of the legislature of the State of Idaho, 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
22nd day of October, 1997,
and the date of the last publication was on the 29th day of
October, 1997.

On this 29th day of October
in the year of 1997, before me, a Notary Public, personally appeared
Patty Nance, known or identified to me to be the
person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he
executed the same.

Norma W. Doe
Notary Public for Idaho
Residing at Jerome, Id
My commission expires: 3/6/01

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 7¢/Pica
457.88 Lines straight at 27.47 6¢/Pica
457.88 Subsequent lines at 22.89 5¢/Pica
TOTAL COST 52.61

COPY OF NOTICE

(Paste Here)

Cavener - # 37-07808
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that Alan
Cavener, 1048 W State; Meridian ID
83642 has applied to the Department of
Water Resources for an extension of
time to avoid forfeiture of Licensed
Water Right No. 37-07808. The
extension is requested to avoid loss of
the water right due to non-use during
negotiations for a land swap with the
USDI-Bureau of Land Management.
Water Right No. 37-07808
Priority Date: 11/16/1979
Source: groundwater
Use: irrigation (3.26 cfs) 4/15-10/15
Point(s) of Diversion: SW1/4NE1/4,
S36, T05S, R21E; Lincoln County.
Place of Use: 163 acres within parts of
S36, T05S, R21E; Lincoln County. Any
protest against the proposed application
must be filed with the Department of
Water Resources, Southern Region,
1341 Fillmore St., Suite 200; Twin
Falls, ID 83301 together with a protest
fee of \$25.00 on or before November 10,
1997 to be considered by the
Department in its decision to grant or
deny any part of the proposed
application. The protestant must also
send a copy of the protest to the
applicant.

Karl J. Dreher, Director
Published in Lincoln County Journal on
10/22 & 10/29/97.

No 6350

18412

FEB 23 1998

**NOTICE OF APPLICATION FOR
EXTENSION OF TIME TO AVOID
FORFEITURE**

Notice is hereby given that Alan Cavener, 1048 W State; Meridian ID 83642 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 37-07808. The extension is requested to avoid loss of the water right due to non-use during negotiations for a land swap with the USDI-Bureau of Land Management.

Water Right No. 37-07808

Priority Date: 11/16/1979

Source: groundwater

Use: irrigation (3.26 cfs) 4/15-10/15

Point(s) of Diversion: SW1/4NE1/4, S36, T05S, R21E; Lincoln County.

Place of Use: 163 acres within parts of S36, T05S, R21E; Lincoln County. Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 10, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Lincoln County Journal on
10/22 & 10/29/97.

RECORDED
FEB 23 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

October 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN Lincoln County Journal
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

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

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

RECORDED

FEB 23 1998

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that Alan Cavener, 1048 W State; Meridian ID 83642 has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 37-07808.

The extension is requested to avoid loss of the water right due to non-use during negotiations for a land swap with the USDI-Bureau of Land Management.

Water Right No. 37-07808

Priority Date: 11/16/1979

Source: groundwater

Use: irrigation (3.26 cfs) 4/15-10/15

Point(s) of Diversion: SW1/4NE1/4, S36, T05S, R21E; Lincoln County.

Place of Use: 163 acres within parts of S36, T05S, R21E; Lincoln County.

Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 10, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Lincoln County Journal on 10/22 & 10/29/97.

OK
AP

RECORDED

FEB 23 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

October 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALAN CAVENER
1048 W STATE
MERIDIAN ID 83642

Re: Application for Extension of Time To Avoid Forfeiture, No. 37-07808

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for extension of time to avoid forfeiture as referenced above.

This office has scheduled advertising the application in the Lincoln County Journal for 10/22 & 10/29/97.

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest.

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

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

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MICROFILMED

FEB 23 1998



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

May 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALAN CAVENER
1048 W STATE ST
MERIDIAN ID 83642

RE: WATER RIGHT NO. 37-07808

Dear Water Right Holder(s):

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

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 Department. The Department retains the right to review the preliminary order on its own motion.

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ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

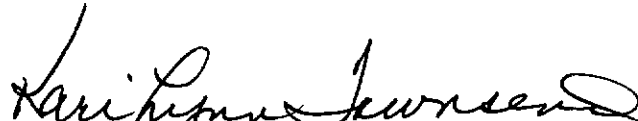
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CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-07808

ALAN CAVENER
1048 W STATE ST
MERIDIAN ID 83642


Kari Lynn Townsend
Secretary

MICROFILMED
MAY 21 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1997

ALAN CAVENER
1048 W STATE
MERIDIAN ID 83642

RE: Water Right No. 37-07808

Dear Alan:

Thank you for calling yesterday to discuss water right permit 37-07808. As I mentioned to you, permit 37-07808 is in the process of being licensed. Before it can be licensed, however, the permit must be amended to describe the right as it was actually developed.

The enclosed Application for Amendment form contains information that will be included on the license when it is issued. The amendment shows a change in the place of use description, specifically the addition of four acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36. The last page of each Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. These conditions and remarks may be modified upon further administrative review.

Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within fourteen days. To correct your address, please cross out the incorrect information on the amendment form, insert the correct information, and initial the change.

As you requested, I have also enclosed an assignment form. The assignment fee is \$25.00. The form and fee should be submitted with the amendment form and fee.

Also, I spoke to some other people in the department about your question relating to forfeiture of a water right. Based on what I discovered, I would like to pass on the following general response to your question. According to Section 42-222(2), *Idaho Code*, a water right "shall be lost and forfeited by failure for the term of five (5) years to apply it to the beneficial for which it was appropriated." The five year period is not specifically associated with the licensing date for the water right. Before the end of the five year period of non-use, the department can approve an extension of time to avoid forfeiture for up to five additional years. If you are approaching five years of non-use, you may want to consider applying for such an extension. I have included a form for you.

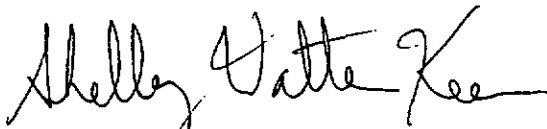
MICROFILMED

MAY 21 1997

Alan Cavener
April 22, 1997
Page 2

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

Respectfully,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is fluid and extends across the width of the text area.

Shelley Walter Keen
Water Rights Supervisor

Enclosures

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MAY 21 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALAN CAVENER
1071 CLARENE ST
MERIDIAN ID 83642

RE: WATER RIGHT NO. 37-07808

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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LICENSE REVIEW CHECKLIST

PERMIT NO. 37-07808 DATE 3/31/97 REVIEWER: SHARLA

NAME Change OK Address Change No
 SOURCE Change OK Is change clarification of originally intended source? Yes
 POINT OF DIV Change OK If not, prepare Notice of Intent to Void No
 PLACE OF USE Change OK Amendment required No
 Does map agree with written description? Yes No

OVERLAPS P/D P/U

RATE OF DIV
 Permitted Rate 4.4 cfs
 Fee limit 5.0 cfs \$200.00
 Measured 3.82 cfs
 Theoretical 4.77 cfs 350 hp.
 Recommended Total Div Rate 3.26 cfs

ANNUAL VOLUME/
 NATURE OF USES Use Yes Volume Calculation
163 x 3.5 = af
570.5 af
570.5 af
570.5 af
 SUBTOTAL 570.5 af

Flow rate 3.26 cfs X 184 days X 1.98 = 1187.7 af
 Total volume recommended 570.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS Watermaster Control WD#
GW Measurement/Measuring Device
R30 Overlap
Use-specific conditions
 Advancement of Priority Date Required Yes No

SRBA Claim Filed N/A 1st Amend Letter P41 P38
 Adjustment Memo P42 2nd Amend Letter P42

CONVERSATION MEMORANDUM

DATE 9/16/96FILE 37-7808NAME OF PARTY Alan CavenerEMPLOYEE Andy Zimmerman

RE: Mr Cavener visited the office today inquiring about the status of his permit; how long until licensing. Mr. Cavener looked at the exam & found fewer acres were recommended than he felt had been irrigated prior to 1991. Mr. Cavener will check his record and ASCS records, and if he finds additional information on total acres irrigated he will send it.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 22 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-07808

1. Owner: Algn Caverner Phone No. _____

Current Address: 1071 Clgrene St, Meridian, ID 83642

2. Accompanied by: Charles Hisaw EXAM. DATE: 7-18-96

Address: 1625 N 550 W, Norland, ID 83256 Phone No. 532-4167

Relationship to Permit Holder: potential new buyer of property

3. Source: Groundwater tributary to _____

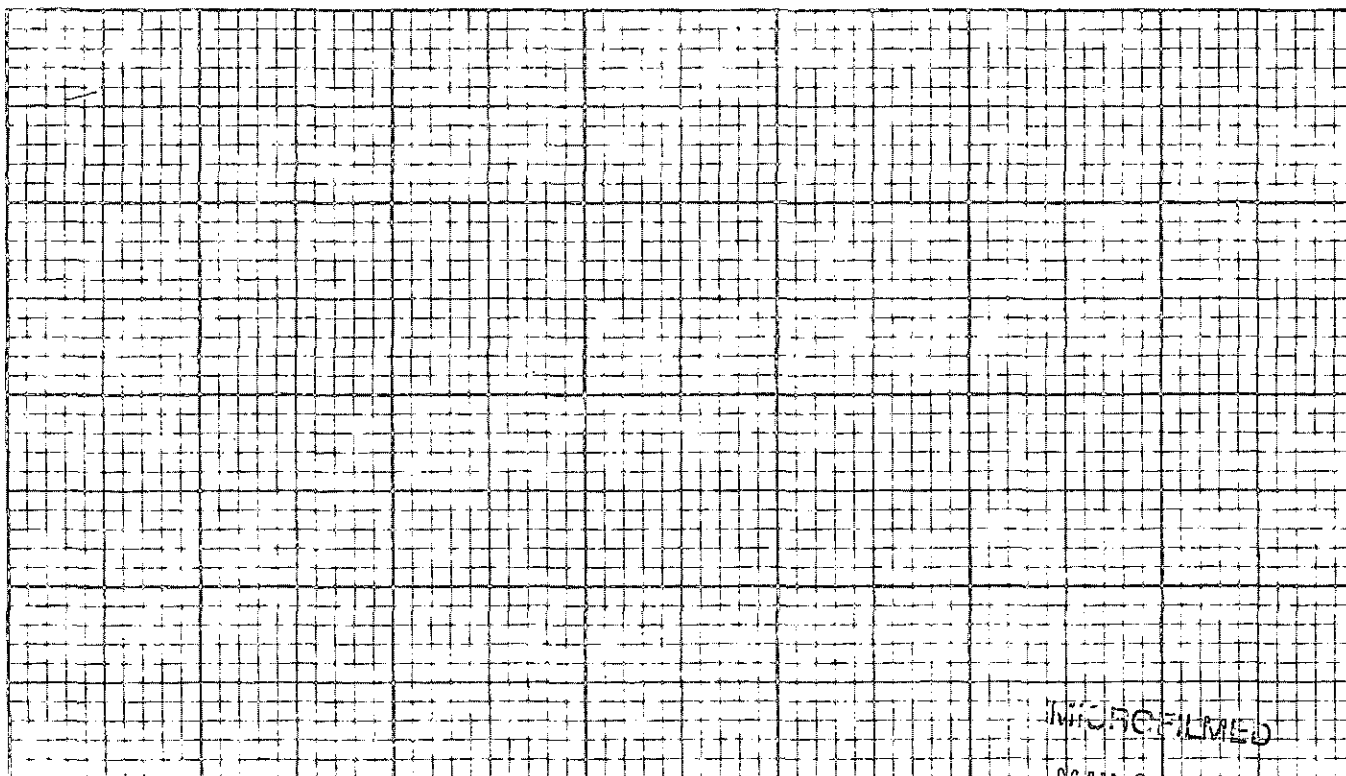
B. OVERLAP REVIEW

1. Other water rights with same place of use: None ☐ Copies Attached

2. Other water rights with same point of diversion: None ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

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

System Description (continued)

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

Well, ~~an~~ diesel motor & geared pump, mainline to handlines. System was
1st used in 1999. Motor has been removed. Short length of portable mainline
from well to buried mainline with risers.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Motor	Cummins	350			
Gear Head				Johnson	115062 300 B.H.P.
Pump				No tag	

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	36	55	21E	Lincoln	Aerial photo

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

Indicate Method of Determination Dot grid

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55	21E	36	26	40	38	37									18	4			163

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Not measured, System not in operation this year.

Note: ASCS photo shows 165 acres, but I only found 163 acres with a dot grid
• bend plastic overlay. Double check still showed 163 acres, so this is what I
recommended.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

Allow 163 ac x 0.02 cfs/ac = 3.26 cfs

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 163 \times 3.5 = 570.5$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.26 \times 184 \times 1.9835 = 1189.8$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 570.5$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

P/U is a patch of flat sand in the middle of a lava field, 8 miles by road from Hwy. 24. Farm was in sands for 3 years ending in 1993 or '94. Was not going to be farmed again until 1999. However, the farm operator (Ralph Ingram) has terminal cancer. The permit holder/land owner now desires to sell this water right. Mr. Hisaw desires to purchase the property & water right. He would then trade the property for PLM land near his home in Minidoka County. The water right would then be transferred to the new land. So the parties request licensing ASAP.

Calculations show that the system could pump more than 0.02 cfs/acre, so no measurement should be needed. This land will probably never be irrigated again, and it would be a great inconvenience & hardship on the Ingram family to require a measurement. Permit holder is a policeman in Meridian, & is not involved

I. RECOMMENDATIONS in the operation of this farm.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	3.26 cfs	570.5
Totals:			3.26	570.5

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name JE Stanton
Signature J E Stanton
Certification Date _____
Field Report Preparation Date 7-19-96

CONSULTANT SEAL

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

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-7808

DATE: 7-18-96

BY: JE Stanton

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (\dots 350 \dots 280) \times (0.70)}{[(\dots 290 \dots) + (\dots 70 \dots \times 2.31)]} = \frac{3.82 \text{ cfs}}{11}$$

LIFT FROM:
measurement ()
owner ()
area estimate ()
well logs ()

PSI FROM:
measurement ()
owner ()
estimate ()
owner gage ()

NOTES ON PUMP:
Motor Make, Serial or ID
Pump Make, Serial or ID, rating

REMARKS 350 maximum brake hp x 80% efficiency = 280 hp available at the pump per Allen Merritt

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)
3/15 - 11/15	246
4/1 - 11/1	215
4/15 - 10/15	184
3/1 - 12/1	276

POTENTIAL = $\frac{184 \times (\dots 2.74 \dots) \times (1.98) \times (\dots 3.82 \dots)}{(\dots 163 \dots)}$

POTENTIAL = 8.5

REQUIRED Acre Feet/Acre/Annum = 4.0
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (X)

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

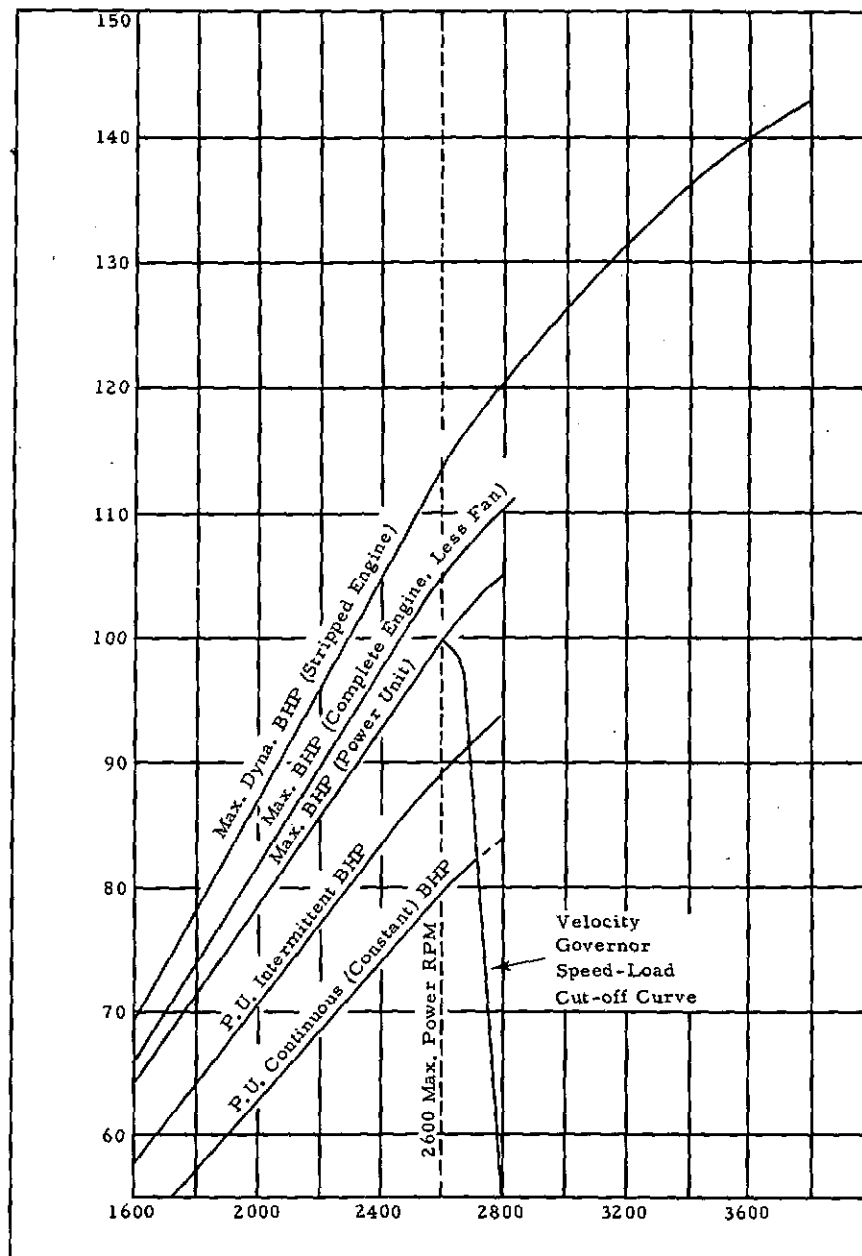
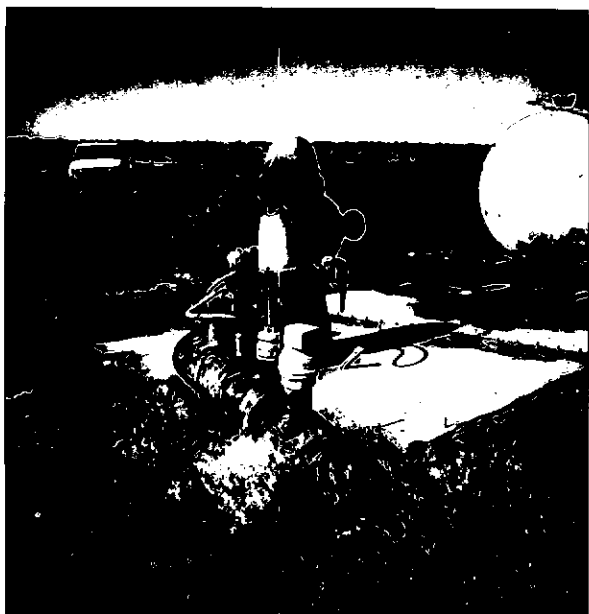


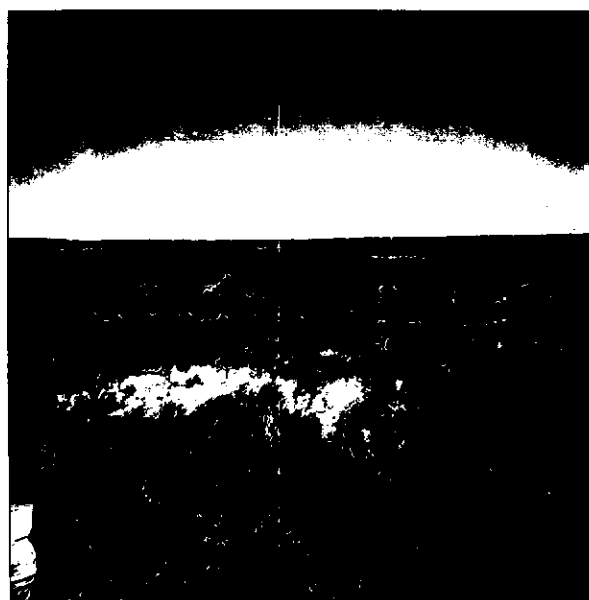
FIGURE IX-17

Maximum horsepower and rating curves for engine and power unit.

It can now be seen from Figure IX-18 that the complete power unit selected has sufficient continuous or constant load bhp to handle the pump at 2600 rpm and 70% efficiency. Returning to Figure IX-16, you



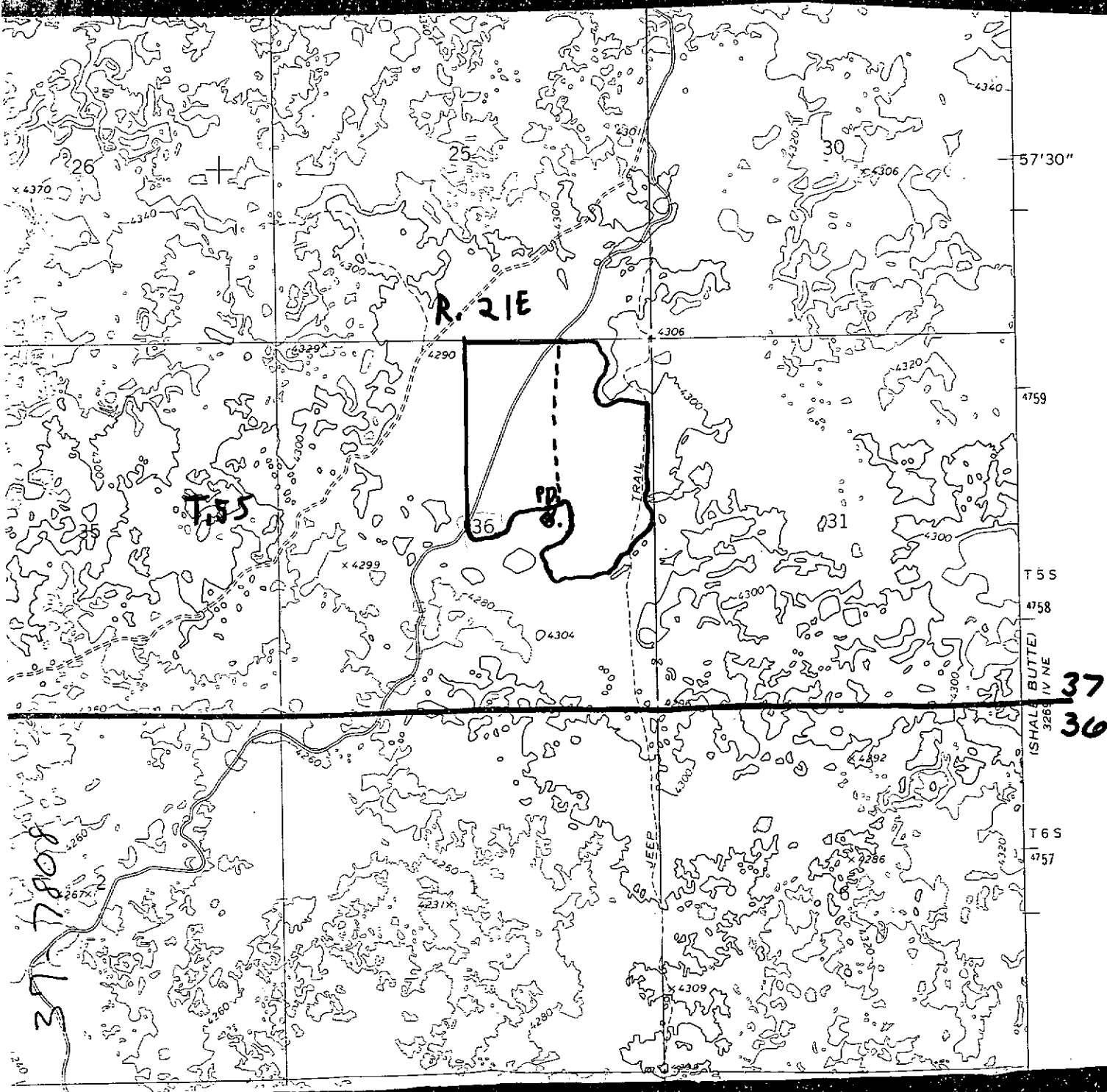
Diversion Works



P/U North of Well

P/U SE of Well

37-7808
JES 7-18-96



T637 A. CAVENES

99

11/15

25

800

150

CONVERSATION MEMORANDUM

DATE 4-21-93

FILE 37-07808

NAME OF PARTY Alan Caversen

EMPLOYEE Pam Skaggs

RE: Change of Address

Mr. Caversen came into the office today to
inquire about status of his water right & to
update his address. I have updated the database
to reflect the current address of:

1048 W. State St.

Meridian Id. 83642

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MAY 21 1997

April 12, 1991

ALAN CAVENER
1071 CLARENE ST.
MERIDIAN, ID 83642

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-07808

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECORDED

APR 22 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-7808

Date: 4-10-91

General Considerations:

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

Source of Water:

y Surface water
y Groundwater
_____ 1. well log in file
_____ 2. drilling permit 37-89-2-012
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks: Proof acceptable

1/7/91 Priority Calculation:
Date proof received _____
Date proof due _____
No. of days late _____
Priority date _____
NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Alan Cavener
Address 1071 Clarens St. Meridian, Id.
Owner's Permit No. 37-89-2-012
37-7808

2. NATURE OF WORK

- ☐ New well ☒ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
2.50 inches	12 inches	360 feet	500 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☒ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ GunSize of perforation 1/4 inches by 12 inches

Number	From	To
600 perforations	365 feet	404 feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth _____ Material used for seal: ☐ Cement grout☐ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strataDescribe access port 2" pipe

7. WATER LEVEL

Static water level 280 feet below land surface.Flowing? ☐ Yes ☐ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2500	290	2
_____	_____	_____
_____	_____	_____

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
12"	500	503	gray lava		
"	503	535	brown lava		
"	535	544	gray lava		
"	544	564	red lava cinders (lost cuttings)	X	
"	564	585	gray lava		
"	585	610	brown lava		
10"	610	625	brown lava + cinders (lost cuttings)	X	
"	625	650	brown lava + cinders	X	
"	650	670	black cinders (lost cuttings)	X	
"	670	680	blue clay		

RECEIVED

MAR - 8 1991

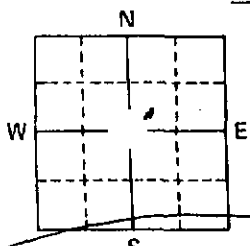
Department of Water Resources
Southern Region Office

10.

Work started 8-10-89 finished 12-10-90

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Lincoln

S 1/4 Sec. 36 T. 5 S. R. 21 W. 1

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Denton Drilling Firm No. 83Address Paul, Idaho Date 1-28-91Signed by: (Firm Official) Robert E. Dentonand
(Operator) Robert E. Denton



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 17, 1990

Alan Cavener
1071 Clarene St.
Meridian, ID 83642

RE: Water Right No. 37-7808

Dear Water Right Holder(s):

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

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

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

SHARLA CURTIS
Technical Records Specialist

SC:js

MICROFILMED

SEP 12 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 28, 1989

Ralph Franklin
P. O. Box 578
Chino Valley, AZ 86323

Dear Mr. Franklin:

Re: Permit No. 37-7808

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1992.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rita I. Fleck'.

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

FEB 21 1990



STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 37-7808

Reviewed by [Signature]

Date 12-18-89

BASIC INFORMATION

2/25/90 Date stamp received
2/25/90 Extension received timely (not too early not too late)
2/25/90 Fee received and receipted
2/25/90 Name and signature same as permit
2/25/90 Address change

BASIS FOR EXTENSION REQUEST

 Has adequate work been completed to demonstrate due diligence?
 Has the cost incurred been adequate to demonstrate an intent to complete the project?

65 Has the permit been involved in litigation?

a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____

b. Is supporting documentation needed to complete the file? _____
 Requested _____

c. Calculate the period of delay

Date litigation completed 1989

Date litigation began - 1-1983

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

 Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN

Recommend approval based on Swan Falls until Jan 1, 1992 as requested

2/25/90 Reinstate Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

 Change proof due date
 Priority date change

 Address change
RECEIVED

FEB 21 1990

RALPH E. FRANKLIN
P.O. Box 578
Chino Valley, AZ

86323

138798
October 31, 1989

PROOF DUE NOTICE

RE: PERMIT NO. 37-07808

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 January 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 21 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 7, 1989

RE: Permit No. 37-7808

Ralph E. Franklin
~~5902 W. Royal Palm Rd.~~
~~Glendale, AZ 85302~~

P.O. Box 578

Chino Valley, AZ

86323

ORIGINAL
Present 10/4/89
TJhe

Dear Mr. Franklin:

Enclosed is an order that authorizes you to continue development under permit to appropriate water no. 37-7808. Please note the conditions of approval contained in both your permit and the continuation order. You must comply with the conditions to fully complete beneficial use. Note in particular that condition #1., page two of the order requires proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1990.

The continuation order does not establish a new proof due date. The proof due date may be extended by submitting to the department a request for extension of time. The department will send you a proof due notice along with proof of beneficial use and extension of time forms approximately 60 days before the proof due date.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Enclosure

MICROFILMED

SEP 19 1989

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: July 28, 1989

RE: SWAN FALLS PROCESSING/PERMIT NO. 37-7808

=====

A second review of 1983 infrared aerial photography available here at the Department shows that up to 100 of the 220 permitted acres were irrigated in that year. In particular, portions of the NWNE, SWNE, and W1/2E1/2NE tracts of section 36 appear to be irrigated.

The first interpretation of the photo made prior to readvertising resulted in identification of 140 irrigated acres. In re-examining the photo, this figure appears to be too high. I personally had made this recommendation based on the permit holders response to the questionnaire and because they had spoke with me over the phone in May of this year and explained that roughly 80 acres remained to be developed. I then reviewed the 1983 photo and incorrectly identified the irrigated acreage as matching the permitted acres in the NE1/4 of section 36.

In addition to re-reviewing the 1983 photo, I reviewed the department's remote sensing report of irrigated acreage which is based on 1986 landsat imagery. The report for Lincoln County was not completed until after the permit was readvertised. The report does not list any irrigated acreage in section 36. I am not certain why the 1986 data conflicts with the 1983 data. The 1983 photo does clearly show irrigation. I carefully plotted the 1983 acreage out and determined that the area irrigated includes up to 100 acres.

Based on the above information, I recommend that the department count 100 acres as developed prior to July of 1985 and count the remaining 120 acres under this permit as trust acres which should accrue toward the 20,000 acre annual staged development policy.

NEW FILMED

SEP 19 1989

LEASE AND OPTION TO PURCHASE
REAL PROPERTY

THIS LEASE AND OPTION TO PURCHASE AGREEMENT is made and entered into this 15th day of June, 1989, by and between RALPH E. FRANKLIN, JR. (hereinafter referred to as "Franklin") and ALAN CAVENER (hereinafter referred to as "Cavener").

W I T N E S S E T H:

WHEREAS, Franklin is the assignee of the purchaser's rights under that certain Real Estate Contract by and between Frank Lynch, Sr. as Seller and Ralph E. Franklin, Sr. as Buyer, ("the Contract") which contract is for the purchase of that certain real property located in the County of Lincoln, State of Idaho, described as the East Half of Section 36, Township 5 South, Range 21 East, Boise Meridian, hereinafter referred to as the real property; and,

WHEREAS, Franklin is the owner by assignment of the aforescribed Contract or otherwise of all water rights associated with said real property, including all water, pump and well located thereon pursuant to Idaho Department of Water Resources License No. 377808 (hereinafter referred to as "Water Rights"); and,

WHEREAS, the parties hereto desire to enter into an agreement whereby Cavener will lease said real property from Franklin and obtain from Franklin an option to purchase the real property and Franklin's rights under the Contract, upon the following described terms.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, agreements, representations and warranties hereinafter contained, the parties hereby agree as follows:

1. Lease and Lease Term. Franklin hereby agrees to lease the aforescribed real property to Cavener for a period of one year from the date of this agreement upon the terms and conditions hereinafter set forth.

2. Rent. Cavener agrees to pay to Franklin the sum of Two Thousand Five Hundred Dollars (\$2,500.00) upon Franklin's execution of this agreement as rent for the lease term.

3. Quiet Enjoyment. Franklin does hereby represent and warrant to Cavener that Franklin is the assignee of the aforescribed Contract and that there are no liens, claims or

SEP 19 1989

encumbrances with respect to the real property other than those previously disclosed by Franklin to Cavener and found acceptable by Cavener. Franklin agrees that Cavener may have the quiet use and enjoyment of the real property throughout the lease term and Franklin will not suffer or permit any interference with Cavener's quiet enjoyment thereof.

4. Other Consideration. Cavener agrees to pay and discharge that portion of Franklin's obligation pursuant to the terms of the Contract which shall become due during the lease term; provided, however, that Cavener's obligation hereunder is conditioned upon Cavener being able to obtain a vested water right for ~~License No. 37-7808~~ as the same appears in the records of the Idaho Department of Water Resources, by applying the waters associated with said license to beneficial use by January 1, 1990.

5. Taxes and Assessments. Franklin agrees to pay and discharge as they become due all assessments for taxes whatsoever which may exist or be payable for, on or against or with respect to said real property, or any part thereof, during the term of this lease. In the event Cavener exercises the option to purchase the real property as hereinafter described, all taxes and assessments of whatever kind or nature shall be prorated between the parties as of the date of closing, following the exercise of the option.

6. Improvements. The parties mutually acknowledge that Cavener may, from time to time during the term of this lease, make certain improvements to the real property, including, but not limited to, access roads, fences, ditches, irrigation works, irrigation pumps and sprinkler systems. Franklin agrees that all such improvements, with the exception of roads and fences, shall be the personal property of Cavener, whether or not affixed to the real property. Upon expiration of this lease agreement, Cavener shall have the right to remove any such improvements on the real property within a reasonable period of time and Cavener agrees to return the real property, as much as practicable, to its condition as of the date of the execution of this agreement.

7. Covenants of Cavener. Cavener does hereby covenant and agree with Franklin that Cavener will (a) pay the afore-described rent as hereinabove provided, including satisfaction of the obligation to Lynch as stated above; (b) not use or occupy the real property for any unlawful purpose; (c) indemnify and save Franklin harmless from and against any loss, damage, claim or liability occasioned by, growing out of, or resulting from any act on the part of Cavener, his successors or assigns, agents or employees; (d) not suffer or permit any liens, claims or encumbrances to be recorded with respect to or attached to the real

MICROFILMED

SEP 19 1989

property during the term of this lease, including, without limitation, mechanic's and materialmen's liens and labor liens.

8. Option to Purchase. For and in consideration of the sum of One Dollar (\$1.00), Franklin does hereby grant to Cavener the exclusive option to purchase the aforescribed real property and Franklin's rights under the Contract, the improvements, fixtures, appurtenances and hereditaments associated therewith, for the sum of Fifty-five Thousand Dollars (\$55,000.00) payable as follows:

(a) Satisfaction of Franklin's remaining obligation to Lynch under the terms of the Contract aforescribed.

(b) The balance of the purchase price shall be payable to Franklin in the approximate amount of Forty-five Thousand Dollars (\$45,000.00), shall bear interest at the rate of eight percent (8%) per annum and shall be payable in minimum annual installments of Five Thousand Dollars (\$5,000.00) on the anniversary date of the option's exercise as hereinafter described. Cavener may prepay any or all of such remaining balance. The lease payment provided for in Section 2 above shall be deducted from the balance owing to Franklin.

Cavener may exercise this option to purchase by providing Franklin ten days written notice of his intention to exercise the option. Within thirty days of the date of such written notice the parties agree to close the purchase and sale of the real property at a mutually acceptable location within the State of Idaho. At the closing Franklin will deliver a Quitclaim Deed quitclaiming all of his right, title and interest in and to the real property, together with an assignment of his interest under the terms of the Contract. Cavener agrees to deliver to the closing the first annual installment on the balance of the purchase price and to execute and deliver to Franklin an assignment for security purposes of Cavener's interest in the Contract and a default deed conveying to Franklin all of Cavener's right, title and interest in and to the real property in the event of Cavener's default under the terms of the purchase. All such documents shall be placed in a long term collection escrow mutually acceptable to the parties.

~~Until such time as the balance of the purchase price is paid in full, Cavener shall not transfer the water rights associated with the property to any other location.~~

In the event of Cavener's default of the terms of the purchase, Franklin may elect to terminate the terms of the purchase agreement, retake possession of the real property, with the exception of any fixtures placed upon the real property by Cavener

MICROFILMED

SEP 19 1989

or Cavener's assigns, and may retain all sums previously paid under the terms of the purchase agreement as liquidated damages. Franklin may then record the default deed. The parties agree that the foregoing constitutes Franklin's exclusive remedies for Cavener's default under the terms of the purchase agreement.

9. Condition of Agreement. As a condition of Cavener's obligations under the terms of this lease and option agreement Franklin agrees to provide to Cavener prior to Cavener's execution of this agreement, evidence, acceptable to Cavener, of Franklin's interest in the real property and the assignment to Franklin of Ralph Franklin, Sr.'s purchaser's interest in the Contract aforescribed.

10. Binding Effect. This agreement shall be binding upon the parties hereto, their respective heirs, successors or assigns.

The foregoing constitutes the entire agreement between the parties with respect to the subject matter hereof.

This agreement shall be construed under the laws of the State of Idaho as a contract between residents and domiciliaries of the State of Idaho.

The parties hereto have set their hands the day and year first above written.

Ralph E. Franklin
Ralph E. Franklin, Jr.

Alan Cavener
Alan Cavener

MICROFILMED

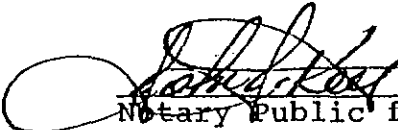
SEP 19 1989

STATE OF ARIZONA)
County of CHANDLER) ss.

On this 15th day of JUNE, 1989, before me, the undersigned Notary Public in and for said State, personally appeared RALPH E. FRANKLIN, JR., known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

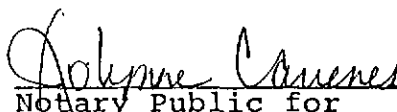

Notary Public for _____
Residing at _____
Commission Expires 11-05-92

STATE OF Idaho)
County of Ada) ss.

On this 15th day of June, 1989, before me, the undersigned Notary Public in and for said State, personally appeared ALAN CAVENER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)


Notary Public for _____
Residing at _____
Commission Expires 7-21-93

MICROFILMED
SEP 19 1989

Alan Cavener

1071 Clarene

Meridian, ID

83642 Needs road letter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED

MAY 19 1989

no \$ enclosed *KSY*
Department of Water Resources

PERMIT NO. 37-7808

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes X No

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1985. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. 80 ACRES

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. ANOTHER 80 ACRES

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

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

Use the reverse side of this form if you wish to add any comments.

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

Permit Holder Ralph E. Franklin

Date 5/13/89

Incorrect interpretation, see memo of 7/28/89

Reviewed 1977 (or 1983 photo?) photo showed all but approx

80 acres irrig. Count 80 acres as TRUST WTR.

*Permitter called 5/25
Spoke w/permit holder on 5/25 via phone - they will send \$20
fee ASAP. They plan to develop another 80 acres. TD-5/25*

MICROFILMED
SEP 19 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 13, 1989

Lincoln County Journal
P.O. Box 704
Shoshone, ID 83352

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on June 22 and June 29 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of June 19 and June 26. 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 billing to the office below before July 10, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

Heidi M. Mikel

HEIDI M. MIKEL
Secretary

MICROFILMED

SEP 13 1989

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 37-7808
Presently Recorded as Follows:

Name: RALPH E. FRANKLIN
Address: 906 B ST., RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt.: SWNE SEC. 36 T5S R21E, LINCOLN CO.
Use: IRRIGATION
Priority: NOVEMBER 16, 1979
Place of Use: NE 1/4 E1/2SE SWSE T5S R21E
Total Acres: 220

Of the 220 acres described, this permit proposes supplemental supply to 140 acres and full supply to 80 new acres. This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code.

Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before July 10, 1989. A protest must overcome the presumption of Water Appropriation Rule 5,2,1.

R. Keith Higginson, Director

MICROFILMED
SEP 19 1989

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
APR 10 1989

Department of Water Resources

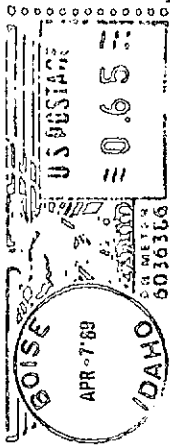
RETURNED TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

Per Assessment
Office:

P.O. Box 578 AZ
Chino Valley, 86323

AM
5/8/89

Amount
5/8/89



37-07808
RALPH E. FRANKLIN
906 B STREET

RUPERT ID 83350

RECEIVED

SEP 19 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 37-7808

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5. (copy enclosed)

SEP 19 1989

Page 2

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

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

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

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

SEP 19 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

SEP 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37 7808

Name(s) of Permit Holder(s): RALPH E FRANKLIN

Post Office Address: 9502 W ROYAL PALM DR

APT 130 GLENDALE AZ 85302 Tel. No. NONE

☐ I hereby certify that construction of diversion works for the above referenced permit began on _____ (date) . I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

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

I had to leave for a while on account of heart trouble. I had to get

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

to a lower altitude

9502' Royal Palm Rd.
Apt 130 Glendale AZ
85302

PERMIT # 37-7808



MICROFILMED

SEP 19 1989

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

October 29, 1984

Ralph E. Franklin
5902 W. Royal Palm Rd.
Apt. 130
Glendale, AZ 83502

Dear Mr. Franklin:

RE: Permit No. 37-7808

Enclosed is the statement of beneficial use postcard submitted with the extension request. You can submit this at the time the project is completed or prior to January 1, 1990. Also, enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to January 1, 1990.

In connection with the development of a water right under this permit, the department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. Ongoing negotiations to resolve this water right controversy without further court action has resulted in the signing of a contract in October 1984, between the state and Idaho Power Company. The contract essentially describes certain categories of water uses from which the company will seek no restitution for depletion of water availability at Swan Falls Dam. In addition, an agreement was also signed by the Attorney General, Governor, and Idaho Power Company. The agreement outlines additional actions which should be taken to further resolve the Swan Falls controversy. Some of the additional actions include suggested changes in legislation, suggested changes in the State Water Plan, and the reduction of Idaho Power Company's rights for power generation purposes provided certain other concessions are made.

RECEIVED

The Department urges you to follow the actions taken relative to this agreement, since your water use could be affected.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 37-7808

Y Date received stamp
Y Fee received and receipted
Y Name on request same as on permit
N Address same permit as on latest correspondence
Y Proof due date within six months of due date
Y Signature same as permit
Y Source of water the same
Y Review conditions of approval
N Extensions previously approved
Y Proceed diligently
N Is delay caused by litigation: _____ Swan Falls
 Date lit. completed _____
 Date lit. began _____
 Period of delay _____
 New proof due date _____

ACTION: *Recommend approval based on due diligence*

Y Is the extension timely received?
N/A Reinstate: Extension received _____
 Proof due date _____
 Days late _____
 Priority date _____
 Adjusted priority date _____
Y Is there commencement of works?
special Cover letter
 Coding sheet - *address*
 Rolodex card updated and refiled

MICROFILMED

Reviewed by *[Signature]* Date: 10-29-84



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

EXTENSION OF TIME

October 22, 1984

R.E. Franklin

5902 W. Royal Palm Rds Apt. 130

Glendale, AZ 85302

PERMIT NO. 37-7808

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 35159

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

10-16-84

Mr. Halmes.

Dear Sir:

I think the time & extension is
best for me at this time.

Would you please fill in where
it says to appropriate the Public Water of
the State of Idaho #

also where I have question mark.

My son has the papers that has
that information he lives in Prescott AZ

If there is anything I need to do
please let me know

Ralph Franklin

RECEIVED

OCT 18 1984

RECEIVED

OCT 19 1984

Department of Water Resources
Southern District Office

Department of Water Resources

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-4578

RECEIVED

OCT 19 1984

October 2, 1984

Department of Water Resources

Ralph Franklin
5902 West Royal Palm Road
Apartment 130
Glendale, Arizona 85302

Re: Your Letter of 9/26/84 and Permit No. 37-7808

Dear Mr. Franklin:

Proof of completion of works and beneficial use of water under your permit is due by January 1, 1985.

If the well and irrigation system have been completed, proof should be filed.

When proof of beneficial use is received by the department, an examination of the system is made by a department agent and a water right license is issued based on his findings. The license is permanent water right.

If the system is partly developed, but more time is needed to complete it, an extension of time can be granted, upon application, for up to 5 additional years.

If no development has taken place under the permit, and you have not been prevented from developing by litigation or circumstances beyond your control, an extension of time cannot be granted. In this case you must file a new application for permit if you still wish to place the land under irrigation.

Enclosed are forms for making proof of beneficial use or requesting an extension of time.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor
LOH:marya

Encl:

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

January 25, 1980

Ralph E. Franklin
906 B. Street
Rupert, Idaho 83350

Dear Mr. Franklin,

RE: Permit No. 37-7808

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

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

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

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

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

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

If you have any questions, please let us know.

Sincerely,

David R. Tuthill, Jr.

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

DRT:mr
Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

FRANKLIN, Ralph E.
37-7808

INITIAL REVIEW BY: J. F. Stanton

APPLICATION NUMBER: 37-7808

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: JS Map No. AA-27
☐ Yes ☐ No Other rights on same place of use. 37-7256 - 10psec/
☐ Yes ☐ No* In form for advertising.
Final date for protests: 12/24/79
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/21/79
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
11-16-79 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Loren O'Halloran Date: 1-7-80

STATE OFFICE REVIEW:

OIC

Idaho Power Letter w/access port cond.

- ☐ See attached sheet for more information.

By: Jim Date: 1/21/80

APPROVED

NOTICE OF APPLICATION FOR WATER RIGHT

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

32-2808-

FRANKLIN, RALPH E.

906 B STREET, RUPERT, ID 83350

Source: GROUNDWATER

Date Filed: 11/16/1979

Amount: 4.40 CFS

Diversion Point: SWNE Sec 36 T 055 R 21E, LINCOLN Co.

Use: IRRIGATION (4.40 CFS) from 03/15 to 11/15

Place of Use: NENE NWNE SWNE SENE NESE SWSE SESE Sec 36 T 055 R 21E
FOR 220 ACRES

Diversion Means: WELL AND PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 24, 1979.

C. STEPHEN ALLRED

Director

Published 12/6 & 12/13/79.

MICROFILMED

LEGAL (257) 1e

SHONI

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-7808

FRANKLIN, RALPH E.
906 B STREET, RUPERT,
ID 83350

Source: GROUNDWATER

Date Filed: 11/16/1979

Amount: 4.40 CFS

Diversion Point: SWNE Sec
36 T 05S R 21E, LINCOLN
Co.

Use: IRRIGATION (4.40
CFS) from 03/15 to 11/15

Place of Use: NENE NWNE
SWNE SENE NESE SWSE
SESE Sec 36 T 05S R 21E
FOR 220 ACRES

Diversion Means: WELL
AND PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 24, 1979.

/s/ C. Stephen Allred
Director

Pub: 12-6, 13

*ok
meyer
12/5/79*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 26, 1979

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 DECEMBER 24, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED