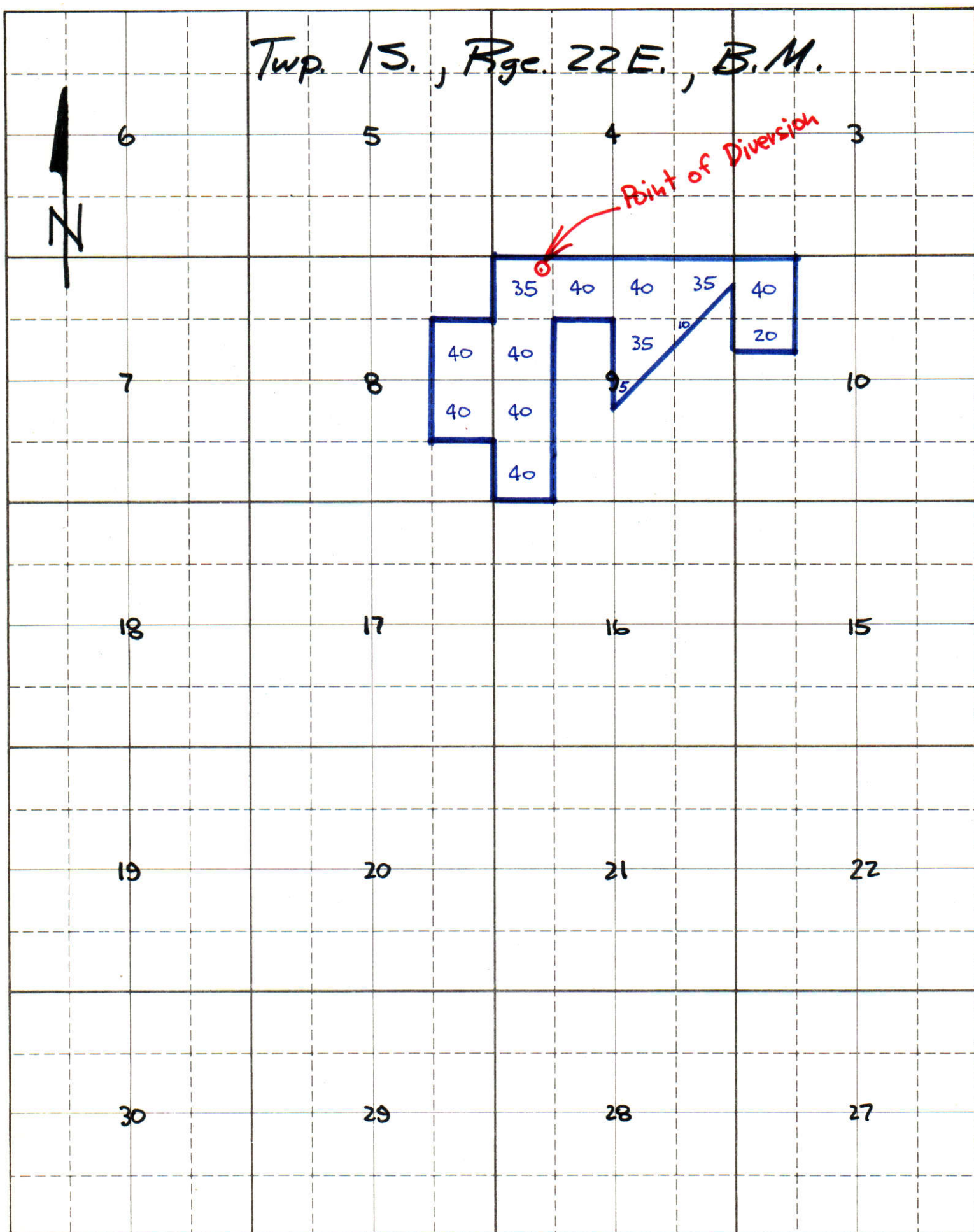


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Robert A. Liddy
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 09 1993

Department of Water Resources

A. GENERAL INFORMATION

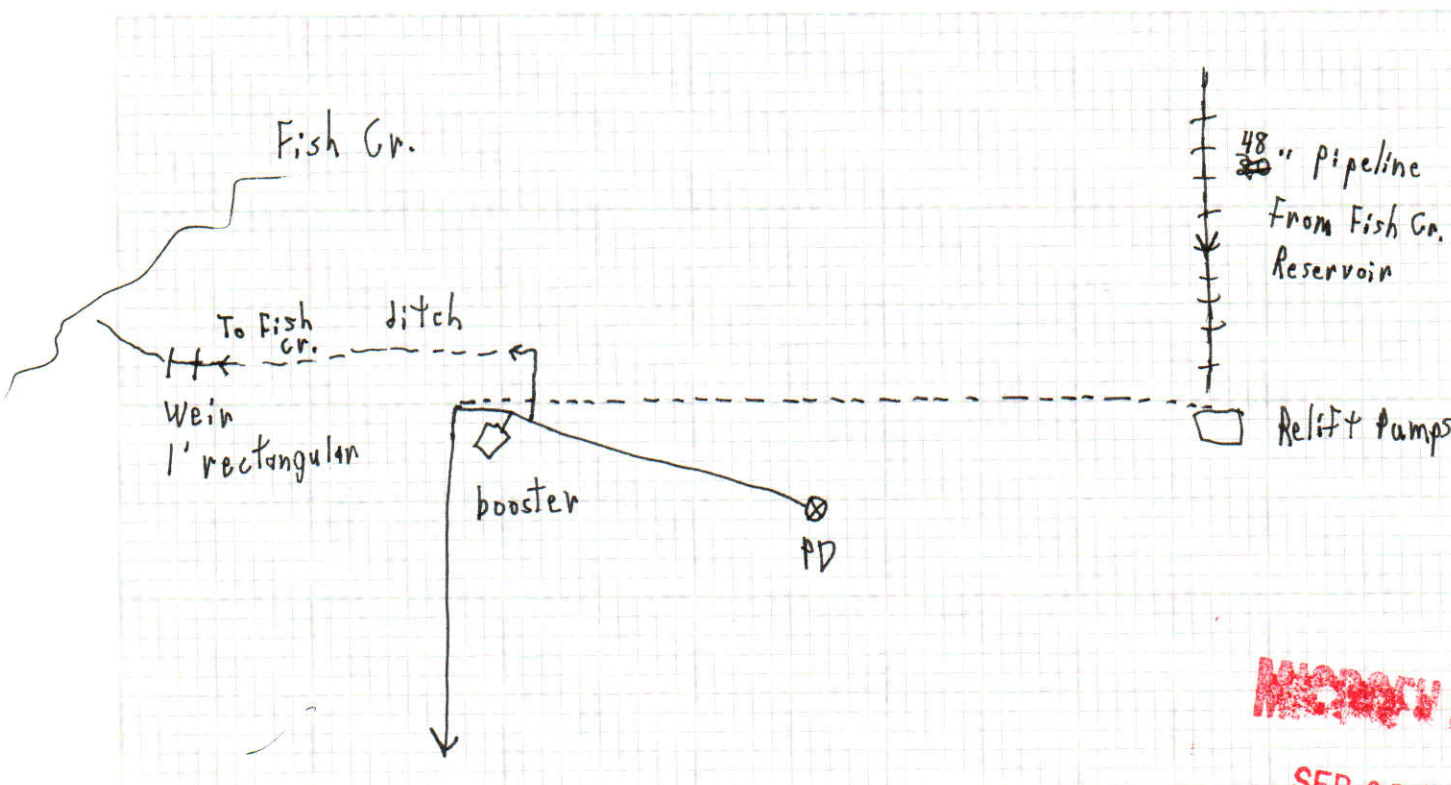
- Permit No. 37-7581
Phone No. 823-4434
1. Owner: Robert Whitby
Current Address: #496 Austin Road, Box 395, Carey, ID 83320
2. Accompanied by: Mr. Whitby EXAM. DATE: 10-16-91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: Fish Creek decreed water & Fish Creek Reservoir
stored water ☐ Copies Attached
2. Other water rights with same point of diversion: _____
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



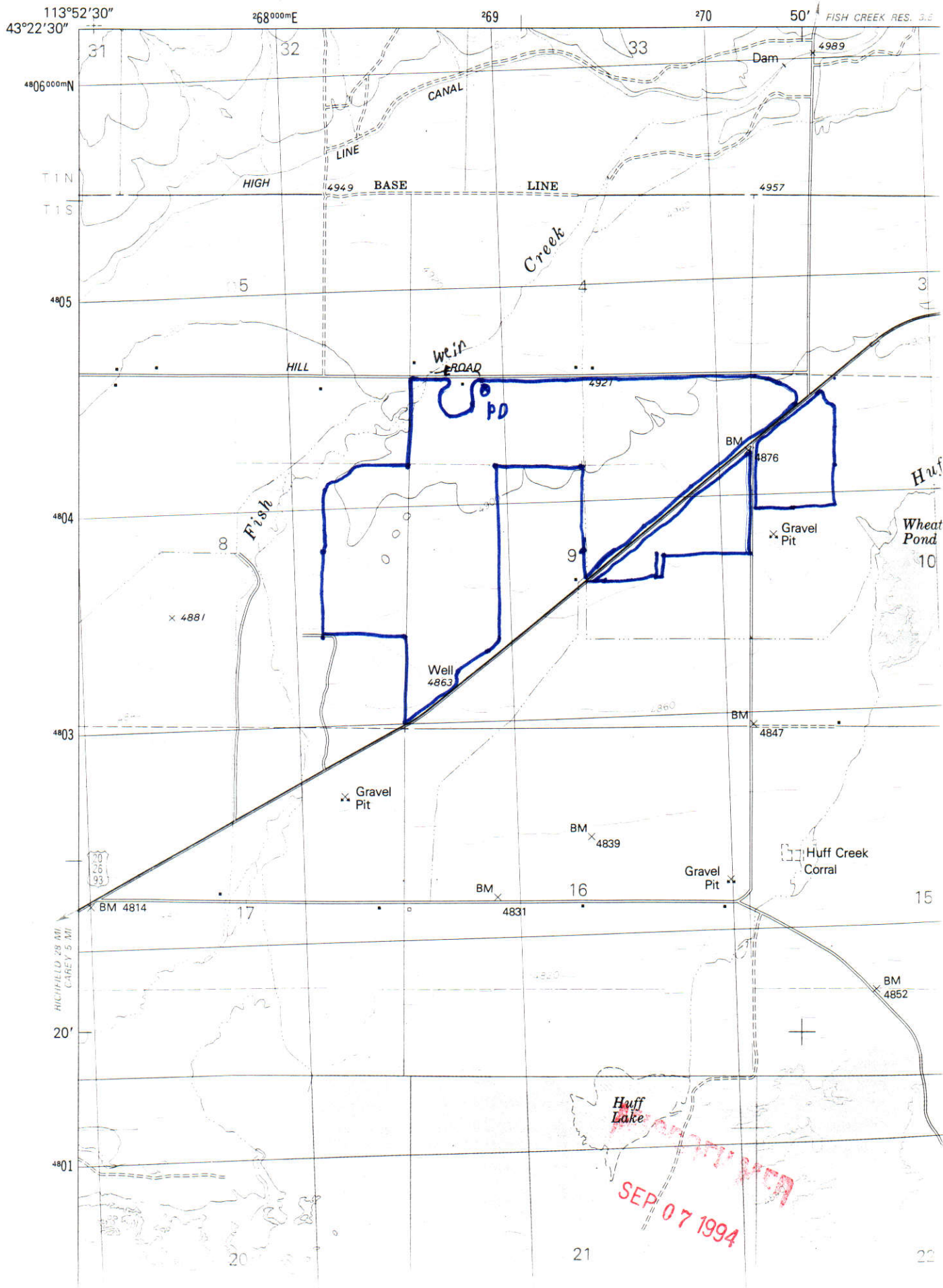
Scale: 1" = _____

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

RECEIVED
SEP 07 1994

3270 JV NW
(LAKE HILLS)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Match
Line →

PD

PROJECT NTH

SEP 07 1994

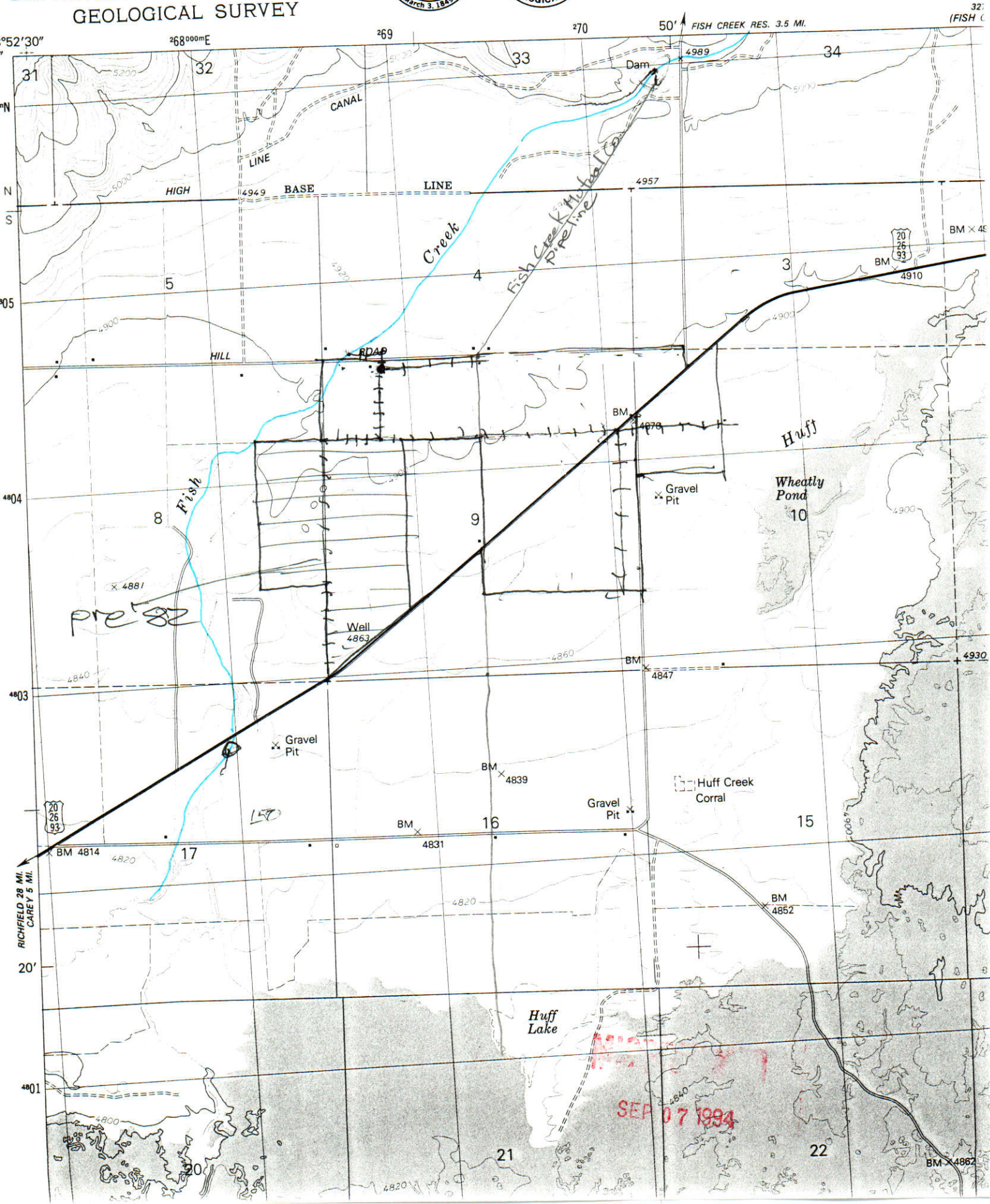
Match
Line

OUT

↑
exceeds permit

SEP 07 1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



37-7581



Re-division
From Fish Cr.
Pipeline



SEP 07 1994

37-7581



Well Discharge Into Ditch
To Fish Cr.



Weir In Ditch
Near Fish Cr.

SEP 07 1994

37-7581



P/D

Well, Booster, Mainline

SEP 07 1994

AFFIDAVIT of PUBLICATION

State of Idaho, }
 County of Blaine } SS.

RECEIVED

MAY 3 1977

Department of Water Resources
 Southern District Office

Donald W Rosebrook being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, 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 21 day of April, 1977, and the date of the last publication was on the 28 day of April, 1977.

Donald W. Rosebrook

Subscribed and sworn to before me this 5th

day of May, 1977.
 (SEAL)

Robert M. Fischer

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 35
 Number of Insertions 2
 Lines tabular at 315c
35 Lines straight at 21c 7.35
35 Subsequent lines at 15c 5.25
 TOTAL COST 12.60

COPY OF NOTICE

(Paste Here)
 Application for Permit
 # 37-7581

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Robert Whitby, Carey, Idaho 83320 has on 4/7/77 submitted Application No. 37-7581 for a permit to appropriate 6.0 cubic feet per second of water from groundwater by means of deep well, pump, sprinkler system within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, Twp. 1S, Rge. 22E., B.M., Blaine County to be used from April 1 to Nov. 1 for irrigation purposes of 460 acres and from Jan. 1 to Dec. 31 for stock purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10, Twp. 1S, Rge. 22E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301 on or before May 9, 1977.
 Director
 Publish: Wood River Journal, Blaine County, April 21 and 28, 1977.

06/1
 SB
 5/3/77

Nº 1575

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07581

Priority: January 9, 1978

Maximum Diversion Rate: 5.10 CFS

Maximum Diversion Volume: 1610.0 AF

This is to certify, that ROBERT WHITBY
#496 AUSTIN RD BOX 395
CAREY ID 83320

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 7, 1977; and has submitted Proof of Beneficial Use on July 6, 1982. An examination indicates that the works have a diversion capacity of 5.100 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	5.10 CFS	1610.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 9, Township 01S, Range 22E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	22E	4	SESE 2.3			2.3
		8	SENE 35.6	NENE 38.1		73.9
		9	NENE 38.3	NWNE 39	SWNE 35.1	
			SENE 39	NENW 39	NWNW 30	
			SWNW 40	NWSW 40	SWSW 21.9	
			NWSE 15.6			334.8
		10	NWNW 31.7	NWNW 12.3		49

Total number of acres irrigated: 460

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount 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.

SEP 07 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

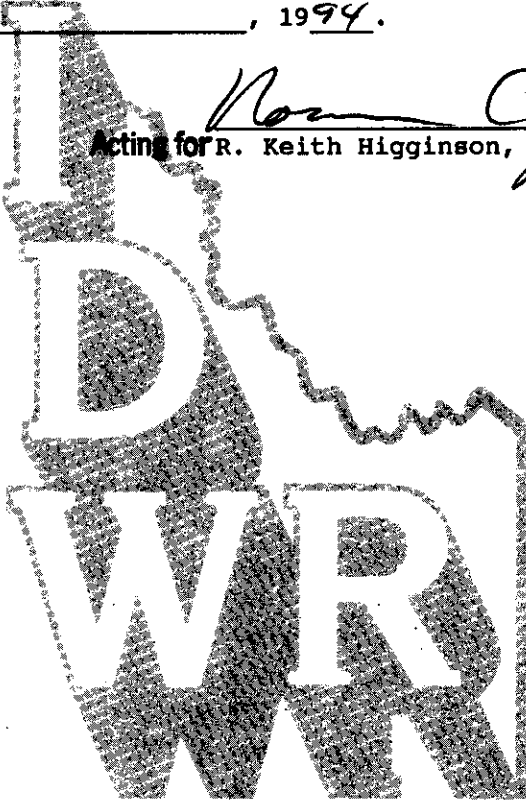
WATER RIGHT NO. 37-07581

CONDITIONS/REMARKS:

6. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

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 30TH day of August, 1994.


Acting for R. Keith Higginson, Director



SEP 07 1994

APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07581

Date of Priority: January 9, 1978

Maximum Diversion Rate: 5.10 CFS
Maximum Diversion Volume: 1610.0 AF

Comes now ROBERT WHITBY
#496 AUSTIN RD BOX 395
CAREY ID 83320

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. 37-07581, 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	5.10 CFS	1610.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 9, Township 01S, Range 22E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	22E	4	SESE 2.3			2.3
		8	SENE 35.8	NESE 38.1		73.9
		9	NENE 38.3	NWNE 39	SWNE 35.1	
			SENE 36	NENW 39	NWNW 30	
			SWNW 40	NWSW 40	SWSW 21.9	
			NWSE 15.5			334.8
		10	NWNW 31.7	SWNW 17.3		49

Total number of acres irrigated: 460

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 Twin Falls Id., this 23rd day of August, 1994.

Robert H. Whitby
(Signature)

SEP 07 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07581

FOR DEPARTMENT USE ONLY

Preliminary check by RC Fee = 50⁰⁰ Received by RT # C031116 Date 8-24-94 ✓

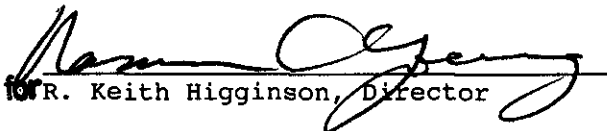
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 37-07581 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount 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.
6. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Witness my hand this 30TH day of AUGUST, 1994.


Acting for R. Keith Higginson, Director

SEP 07 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)	
)	
NO. 37-07581 IN THE NAME)	ORDER ADVANCING
)	DATE OF PRIORITY
OF ROBERT WHITBY)	
_____)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 37-07581 for the issuance of a license, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On May 31, 1977 Department approved Application for Permit No. 37-07581 to appropriate the public waters of the State of Idaho with a proposed priority of April 7, 1977.

2. The permit holder failed to file Proof of Beneficial Use on time and the permit lapsed. The permit holder provided proof of beneficial use within 60 days of the lapse notice and pursuant to the provisions of Section 42-218a, Idaho Code, the permit was reinstated with an advance in priority to June 12, 1977.

2. On April 30, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit.

SEP 07 1994

3. The fee was due on June 29, 1986, 60 days from the date of the notice; however, the fee was not received until January 26, 1987, 211 days late.

CONCLUSIONS OF LAW

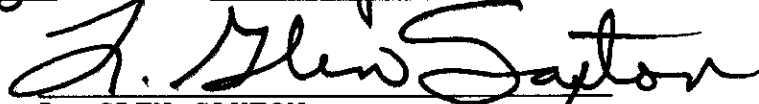
1. The Director may advance the priority date of the permit one day for each day the fee was late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 37-07581 should be advanced 211 days.

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 37-07581 is advanced to January 9, 1978.

Dated this 15th day of August, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

SEP 07 1994

4/86

RECEIVED

Department of Water Resources

JAN 26 1987

STATE OF IDAHO

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received 225.00Date 1/26/87Receipt # 40638Receipt by M. BaldwinSent to S.O. 1/26/871. Permit No. 37-7581

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Robert Whitby3. Post Office Address: Route 1 Box 395 Carey ID 83326Telephone No. 823-44344. Source of Water: Groundwater

5. Extent of Use:

Domestic _____ (No. of households) Stockwater 400 ^{Range Cattle} (No. and type of stock)Irrigation 460 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 6.0 cfs _____ acre-feet

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

1978

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

Permit holder

(Name)

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

1/26/87

Signature of Permit Holder (and title, if appropriate)

Robert D. Whitby

SEP 07 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7581 IN THE)
NAME OF ROBERT WHITBY) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1982; and,

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

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

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

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on July 6, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-7581 be REINSTATED and the priority advanced to June 12, 1977

Dated this 10th day of September, 1982.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

SEP 07 1982

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 37-7581)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

Identification No. _____

Application No. 37-7581

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Robert Whitby Phone: 823-4434
post office address Rte. #1, Carey, Idaho 83320

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

3. a. Location of point of diversion is NW 1/4 of NW 1/4 of Section 9 Township 1S
Range 22E., B.M. Blaine County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 6.0cfs for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.09cfs for stock purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

a. 6.0cfs cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
deep well with pump delivering to sprinkler irrigation 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 during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 300 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 15,000.00.

8. Description of proposed uses:

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

(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M.

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

(3) List number of each kind of livestock to be watered _____
400 head, range cattle

(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: _____

Microfilm

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

[illegible]

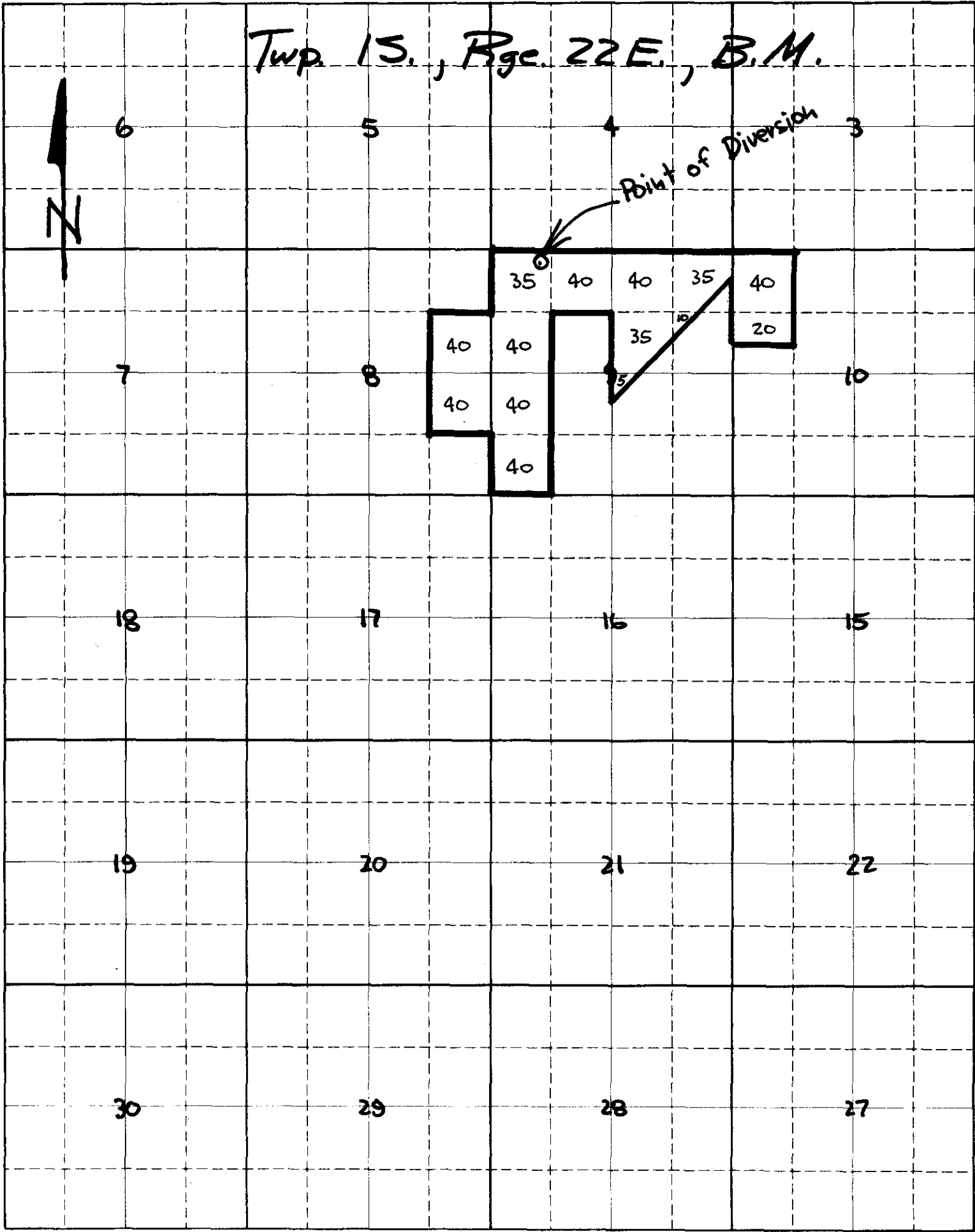
Total number of acres to be irrigated 460

c. Describe any other water rights used for the same purposes as described above. _____
750 shares of Carey Res. Canal Co. water

9. a. Who owns the property at the point of diversion APPLICANT
- b. Who owns the land to be irrigated or place of use APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

Robert A. Hilby
(Applicant)

Proposed Priority 4/ 7/77
 Received by ADM Date 4/11/77 Time 3:00 p.m.
 Preliminary check by [Signature] Fee \$ 70.00 Rec # 3418
 Receipted by SB Date 4/12/77
 Publication prepared by SB Date 4/8/77
 Published in Wood River Journal
 Publication dates 4/21 & 4/28/77
 Publication approved SB Date 5/3/77
 Priority reduced to _____ Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by mls'g

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. 37-7581, 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 May 1, 19 82.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works,

2. Denial of said application is for the following reasons: _____

Witness my hand this 3 day of May, 19 77.

[Signature]
 Deputy Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 31, 1994

ROBERT WHITBY
#496 AUSTIN RD BOX 395
CAREY ID 83320

RE: WATER RIGHT NO. 37-07581

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED

SEP 07 1994

COLEMAN, RITCHIE & ROBERTSON

ATTORNEYS AT LAW
156 SECOND AVE. WEST
P.O. BOX 525
TWIN FALLS, IDAHO 83303-0525

RECEIVED

AUG 24 1994

Department of Water Resources

JOHN R. COLEMAN
JOHN S. RITCHIE
THOMAS M. ROBERTSON

TELEPHONE (208) 734-1224

FAX (208) 734-3983

August 23, 1994

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

ATTENTION: Jim Johnson, Manager
Water Right Permits Section

Re: Water Right No. 37-07581

Dear Mr. Johnson:

I am writing this letter to you on behalf of Robert Whitby concerning the above water right, and am enclosing herewith the Application for Amendment which has been signed by Mr. Whitby today. I am also enclosing his check payable to the Department of Water Resources in the amount of \$50.00 to cover the filing fee pertaining to this Amendment.

We presume that with this Amendment and the payment of fee, the water license will now be issued for a maximum diversion rate of 5.10 cfs, with a priority date of January 9, 1978.

If you have any questions concerning this matter, or if the statements I have made in this letter are not correct, please contact me.

Sincerely yours,



JOHN R. COLEMAN

JRC\jlk
Encls.
cc: Mr. Robert Whitby

RECEIVED
AUG 24 1994

SEP 07 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 17, 1994

ROBERT WHITBY
#496 AUSTIN RD BOX 395
CAREY ID 83320

RE: WATER RIGHT NO. 37-07581

Dear Water Right Holder(s):

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

The enclosed application for Amendment contains 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 with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

Also enclosed is an Order Advancing Date of Priority, to January 9, 1978, due to late submittal of the examination fee.

If you do not concur with this information, or you have any questions, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

RECEIVED
SEP 07 1994

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 37-07581

FROM: BRENDA CHAPMAN

RE: PRIORITY ADVANCE REVIEW

DATE: 12-AUG-1994

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	JUNE 12 1977	163
EXAM FEE NOTICE		
Exam Fee Notice Date:	APRIL 30 1986	120
Exam Fee/Info Sheet Received Date:	JANUARY 26 1987	391
Exam Fee or Info Due Date:	JUNE 29 1986	180
Days Late:		211 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	JUNE 12 1977	163
Total Days Late:		211 DAY(S)
New Priority Date:	JANUARY 09 1978	9

APPROVED FOR
SEP 07 1994

WR0749NP
No. L37-07581

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/25/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT WHITBY #496 AUSTIN RD BOX 395 CAREY ID 83320 (208) 823-4434	01/09/1978	IRRIGATION	04-15 10-15	5.10 CFS	1610.00 AFA
TOTAL DIVERSION:					5.10 CFS	1610.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 5.10 CFS

Point(s) of Diversion: T01S R22E S09 NWNW BLAINE County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE					
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM
01S	22E	4	:								:								:						: 02
01S	22E	8	:								:								:	38					: 73.9
01S	22E	9	:	38		39		35		36	:	39		30		40			:			40		21	: 334.8
01S	22E	10	:								:			31		17			:						: 49.0
TOTAL ACRES																							: 460.0		

Pou County: BLAINE

Other Rights: CAREY RES. CANAL CO.

Other Water Rights with Same Point(s) of Diversion and Source:
37-07581

Other Water Rights Listing Overlapping Place(s) of use:
37-00751 37-00757 37-02740 37-07581

Conditions of Approval:

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

Remarks: The right holder shall fully use all surface water rights
appurtenant to the lands identified above prior to using water ✓
under this right.

Dates: App. Received: 04/07/1977 Priority Date: 01/09/1978 (Priority Date Advanced.)
Proof Due Date: 05/01/1982 Proof Made Date: 07/06/1982 (Proof Received Late.)
Exam Made Date: 10/16/1992 Exam Sent to S.O.: 12/07/1993
Licensed Date:

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

Audit: 08/12/94 BCHAPMAN

(WATER RIGHT NUMBERS THAT BEGIN WITH AN 'I' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L3707581	T01S R22E S 4 GROUNDWATER																	02 : 2
A3700734	FISH CREEK :									40	40	40	40	40	40	40	40	320
A3700736	FISH CREEK :									40	40	40	40	40	40	40	40	320
A3700743A	FISH CREEK :									40	40	40	40	40	40	40	40	320
A3700754	FISH CREEK :									40	40	40	40	40	40	40	40	320
3700755	FISH CREEK :											I						
3701162	FISH CREEK : 01-42 02-42								03-42 04-42			40	40			40	40	328
A3701162	FISH CREEK :									40	40	40	40	40	40	40	40	320
3702740	GROUNDWATE :									03-33 04-43	33	38	01-43 02-35	30	37			292
A3702740	GROUNDWATE :										36	15						51
A3712021	FISH CREEK :									40	40	40	40	40	40	40	40	320
A3712022	FISH CREEK :									40	40	40	40	40	40	40	40	320
A3712023	FISH CREEK :									40	40	40	40	40	40	40	40	320
* A3714273	GROUNDWATE :									40	40	40	40	40	40	40	40	320

L3707581	T01S R22E S 8 GROUNDWATER					35										38		73
3700748	FISH CREEK :																I I	
A3700751	FISH CREEK :					40										40		80
3700757	FISH CREEK :					I										I		
A3700757	FISH CREEK :					40										40		80
3700773	FISH CREEK :	I	I															
A3700773	FISH CREEK : 40 35																	75
3700774	FISH CREEK :						I		I									
A3700774B	FISH CREEK :						36		40									76
3700776	FISH CREEK :									I						I		
A3700776	FISH CREEK :					32	40		36				40					148
3701162	FISH CREEK : 40 40 40 40					40	40	40	40	40	40	40	40	40	40	40	40	640
A3701162	FISH CREEK : 35 40 32 40					36	40	40	40	40	40	40	40	40	36			539
3701178	FISH CREEK :															I	I	
3701179	FISH CREEK :															I	I	
3707581	GROUNDWATE :					40										40		80
A3707581	GROUNDWATE :					40										40		80
* A3714273	GROUNDWATE :	35	40	32	40	36	40	40	40	40	40	40	40	40	36			539

L3707581	T01S R22E S 9 GROUNDWATER																		
	:	38	39	35	36	:	39	30	40	:		40	21	:		15	:		333
3700751	FISH CREEK :	I	I			:	I	I		:				:			:		
A3700751	FISH CREEK :	35	40	37	37	:	40	35	40	:		40		:		40	40	:	384
3700757	FISH CREEK :					:		I		:		I		:				:	
A3700757	FISH CREEK :	35	40	37	37	:	40	35	40	:		40		:		40	40	:	384
A3700772A	FISH CREEK :					:				:				:		40	40	:	80
3701162	FISH CREEK :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:	640

* Didn't list in overlap review. Is an Irrigation Reservoir Co.

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '1' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A3701162	FISH CREEK :	35	40	37	37	40	35	40	40	37	40			38	40	40	37	576
3702740	GROUNDWATE :															38	39	77
A3702740	GROUNDWATE :															35	15	50
~~3707581~~	~~GROUNDWATE :~~	~~35~~	~~40~~	~~35~~	~~10~~	~~40~~	~~35~~	~~40~~			40							~~275~~
~~A3707581~~	~~GROUNDWATE :~~	~~35~~	~~40~~	~~35~~	~~10~~	~~40~~	~~35~~	~~40~~			40							~~275~~
~~A3714273~~	~~GROUNDWATE :~~	~~35~~	~~40~~	~~37~~	~~37~~	~~40~~	~~35~~	~~40~~	~~40~~	~~37~~	~~40~~			~~38~~	40	~~40~~	~~37~~	576
L3707581	T01S R22E S10 GROUNDWATER						31	17										48
3700732	HUFF CREEK :		1				1											
A3700732	HUFF CREEK :		40		21		38							30		35	13	221
A3700734	FISH CREEK :							10	04	15	40	40						109
A3700736	FISH CREEK :							10	04	15	40	40						109
A3700738	FISH CREEK :							15										15
A3700743	FISH CREEK :		40		21		38							30		35	13	221
A3700743A	FISH CREEK :							10	04	15	40	40						109
A3700749C	FISH CREEK :							15										15
A3700751	FISH CREEK :						40	20	18									78
A3700754	FISH CREEK :							10	04	15	40	40						109
3700757	FISH CREEK :						1	1	1	1								
A3700757	FISH CREEK :						40	20	18									78
3701162	FISH CREEK :	40	40	40	40	40	40	40	40	40	40	40	40	40		40	40	560
A3701162	FISH CREEK :		40		21		38	40	45	22	15	40	40	30		35	13	423
3702676	GROUNDWATE :		20	02			26											48
A3702676	GROUNDWATE :		20	02			26											48
3702777	HUFF CREEK :													20				20
A3702777	HUFF CREEK :													20				40
~~3707581~~	~~GROUNDWATE :~~						40	20										~~60~~
~~A3707581~~	~~GROUNDWATE :~~						40	20										~~60~~
3707620	GROUNDWATE :		40	40	40	14			10	20				40		40	40	324
A3707620	GROUNDWATE :		40		21		38							30		35	13	221
A3711762	HUFF CREEK :				21									10		35	13	123
A3712021	FISH CREEK :							10	04	15	40	40						109
A3712022	FISH CREEK :							10	04	15	40	40						109
A3712023	FISH CREEK :							10	04	15	40	40						109
~~A3714273~~	~~GROUNDWATE :~~		40		21		38	40	45	22	15	40	40	30		35	13	423

*Irrigation
District
Right*

LICENSE REVIEW CHECKLIST

PERMIT NO. 37-7581

DATE 8-12-94



NAME	Yes ☒	No ☐	Or Address Change?
PRIORITY DATE	☒	☐	Advance? <u>YES</u> Advanced to: <u>JAN-09-1978</u> Order to reinstate needed? <u>NO - ORDER ADVANCING PD</u> Incorrect fee for rate recommended? <u>NO</u>
<i>2ND AVANCE/SPECIAL ORDER REQUIRED</i>			
SOURCE	☐	☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☐	☒	Amendment needed? _____ Overlaps? <u>Surface water only</u>
PLACE OF USE	☒	☐	Amendment needed? <u>Add</u> <u>SEC 9 NESE</u> Overlaps? <u>Surface water for acres</u> <u>SEC 4 SESE</u>
DIV RATE	☐	☒	Measurement Q = <u>5.1</u> Theoretical Q = <u>6.42</u> (<u>460 X .02 = 9.2</u>)
Capacity: <u>5.1</u> Combined rates exceed capacity _____ Permit/fee limits: <u>6.0</u> Allowable: <u>5.1</u>			
ANNUAL VOLUME	☐	☒	Season of use: <u>8/3.5</u> (<u>4-15 to 10-15</u>) Calculations: <u>460 X 3.5 = 1610</u> Flow limit: _____ cfs x _____ x 1.9835 = _____ Combined volumes exceed capacity/allowable _____
USES	☐	☒	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
REMARKS	<u>WAB3</u>	☒	Multiple p/d(s) in 1/4 1/4? _____ Other _____
CONDITIONS	<u>R30</u>	☒	Measuring/Locking Devices _____ Watermaster control - District _____ Irrigation Overlap _____ Water Quality _____ Other _____
COMMENTS: <u>Reduce rate; Stockwater deleted, per examining recommendation.</u> <u>Amend. p/u.</u>			

RECOMMENDED	CFS	VOLUME	LICENSE
<u>Irrigation</u>	<u>5.1</u>	<u>1610</u>	
_____	_____	_____	1ST AMENDMENT LETTER <u>P41 + P38</u>
_____	_____	_____	FINAL AMENDMENT LETTER <u>P42</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1993
Department of Water Resources

A. GENERAL INFORMATION

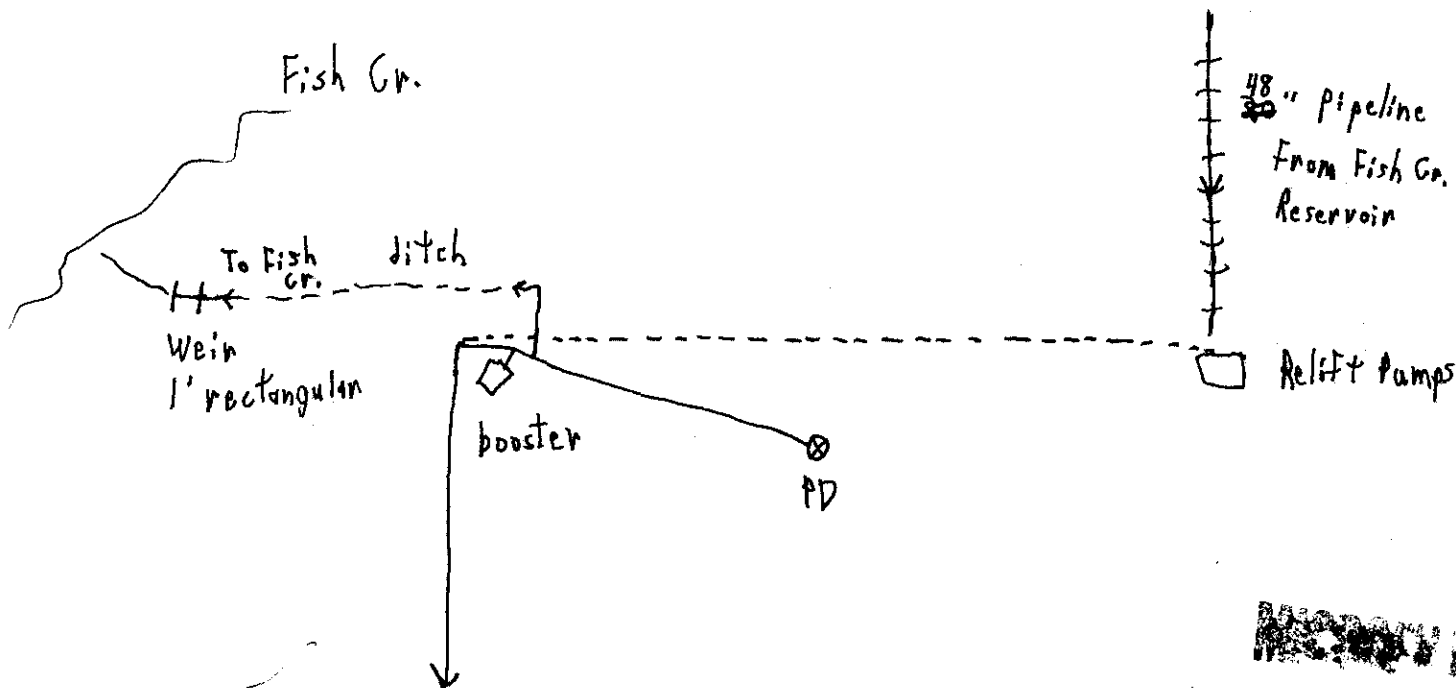
Permit No. 37-7581
Phone No. 823-4434
1. Owner: Robert Whitey
Current Address: #496 Austin Road, Box 395, Carey, ID 83320
2. Accompanied by: Mr. Whitey EXAM. DATE: 10-16-91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: Fish Creek decreed water & Fish Creek Reservoir
stored water ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ 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" = _____

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

System Description (continued)

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

Well & pump, pipeline across county road to ditch with weir, ditch into Fish Creek. Or buried mainline feeding either into 48" pipeline from Fish Cr. Reservoir or directly to sprinklers. If joining Fish Cr. water, land south of Hwy. is sprinkled via gravity pressure. Mainline running south from well feeds sprinklers. When water is run directly into Fish Creek, this is in exchange for water from Fish Cr. Reservoir that comes down the 48" pipeline. Well supplements 850 shares of stored water & 80" of 1883 decreed, direct-flow water.

4. Taps on mainline supply stock tanks for 400 cattle. ☐ See Remarks on page 4 for continuation
Cattle also drink via domestic well Nov 1-Apr 1.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Main Well	U.S. Motors	125	1183577	Aurora	37772756
Booster	Lincoln	100	1799703	Peenless	7761-2827
Re-lift	U.S. Motors	60	A-9420-02-430	Aurora	82-7697
"	"	25	F-4919-05-420	"	82-17020-2

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NW	9	15	22E	Blaine	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Acquy P/U	15	22E	8			35.8									38.1				73.9
			9	38.3	39	35.1	36	39	30	40		40	21.9		39	35.1			~~421.4~~ 373.4
			10					31.7	17.3										49.0
			4														2.3		2.3
																			518.6
P/U To Be Licensed	15	22E	8			35.8									38.1				73.9
			9	38.3	39	35.1	36	39	30	40		40	21.9			15.5			324.8
			10					31.7	17.3										49.0
			4															2.3	2.3
																			460

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 during exam - well off for season. Previously measured at about 5.1 cfs thru weir in ditch to Fish Cr. by watermaster in 1989. Recommend this rate be licensed. Water mark on weir was 8" above throat & 6" below throat on 3-26-92.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

Theoretical capacity is 6.42 cfs

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 460 \times 3.5 = 1610$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.1 \times 184 \times 1.9835 = 1861.3$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1610 \text{ AFA}$

2. Volume Calculations for Other Uses:

~~Stock = 400 AFA x (2/3 of 215 days + 150 days) x 12 gpd/ha = 4800 gpd x 234 days = 4.3 AFA~~

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Stock are on home place 2/3 of the time from Apr 1-Nov 1, & watered v.9 surface water or irrig. well.
 Re-lift pumps tie into 48" pipeline from Fish Creek. Amount of water delivered from Fish Cr. goes down as flow from well goes down.
 Claim A37-11783 covers year-around watering of 400 range cattle from domestic well, so I am not recommending licensing of stockwater use under this permit. System waters about 58.6 acres without a groundwater right; ^{owner} should be notified of this & required to file appropriately.
 Not to exceed 16/0 AFA for all rights combined on this land.
 Not to exceed 0.02 cfs/acre for all rights combined on this land.
 The county road (Hill Rd.) is slightly north of the section line, causing a small amount of land to be in Sec. 4.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	5.1	16/0
~~Stockwater~~	~~1-1~~	~~12-31~~	~~0.09~~	~~4.3~~
Totals:			5.1	16/0

2. Recommended Amendments

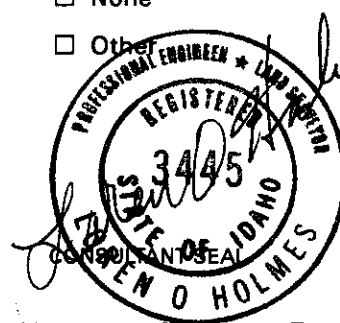
- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

☐ None

☐ Other

J. AUTHENTICATION

Field Examiner's Name J. E. Stanten
 Signature J. E. Stanten
 Certification Date 3/31/93
 Field Report Preparation Date 12-31-92



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



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GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-7581
DATE: 10-16-91
BY: J. E. 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])

$$Q = \frac{(8.8) \times (125) \times (0.70)}{[(120) + (0 \times 2.31)]} = 6.42 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement (X)	measurement ()	Motor Make, Serial or ID
owner ()	owner (X)	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	

REMARKS: Booster (Y) (N)
Water level measured at 120' when well was pumping 257" as measured at weir in ditch to Fish Cr. (1989 measurement), according to Mr. Whitby, old watermaster records were destroyed by former watermaster Lee Peterson, but he thought that well measured about 255" in 1989 & only about 185" in 1970.

ANNUAL VOLUME ANALYSIS

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

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $\frac{(\dots) \times (1.98) \times (\dots)}{(\dots)}$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = _____

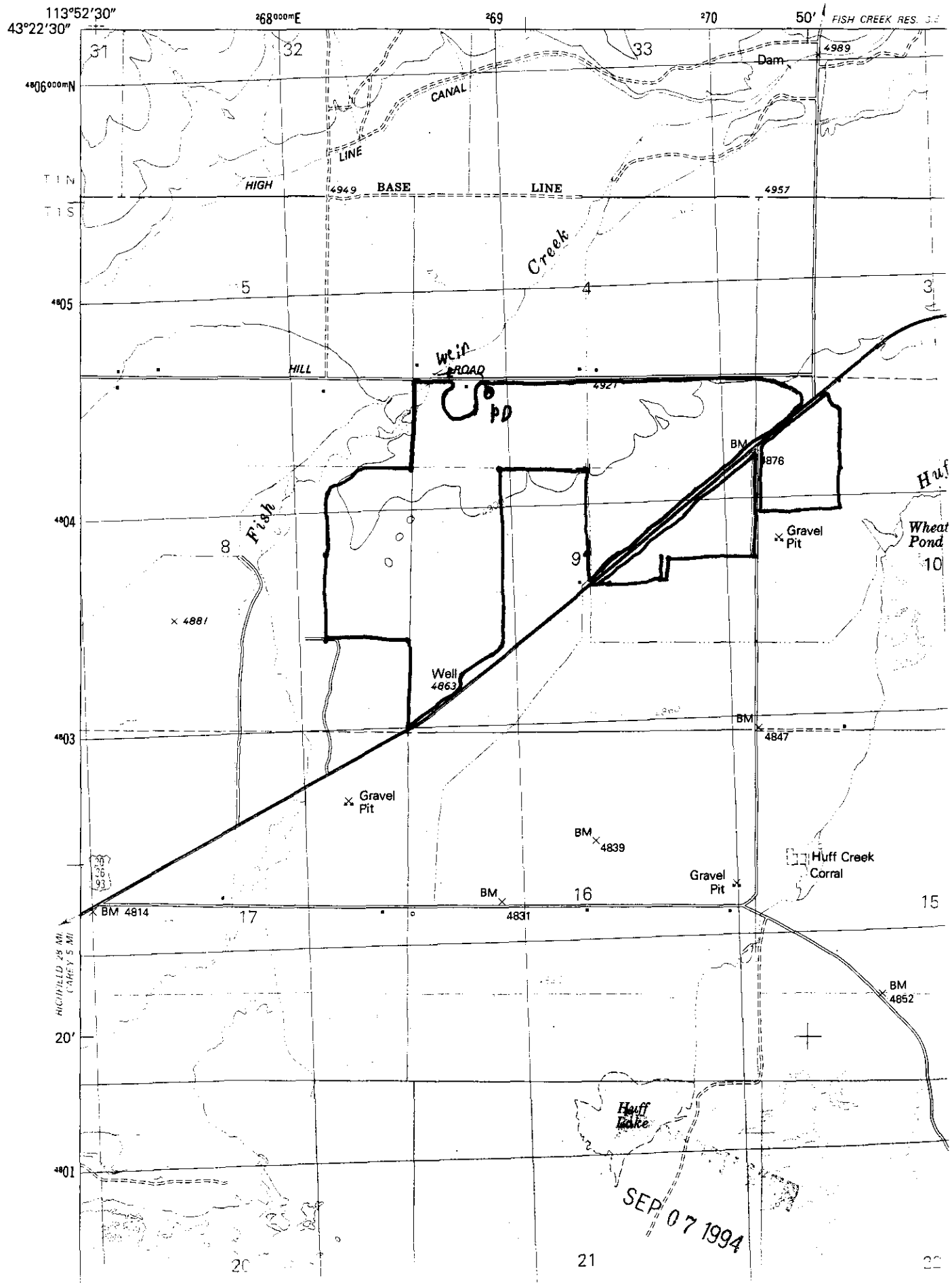
REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

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

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

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3270 IV NW
(LAKE HILLS)





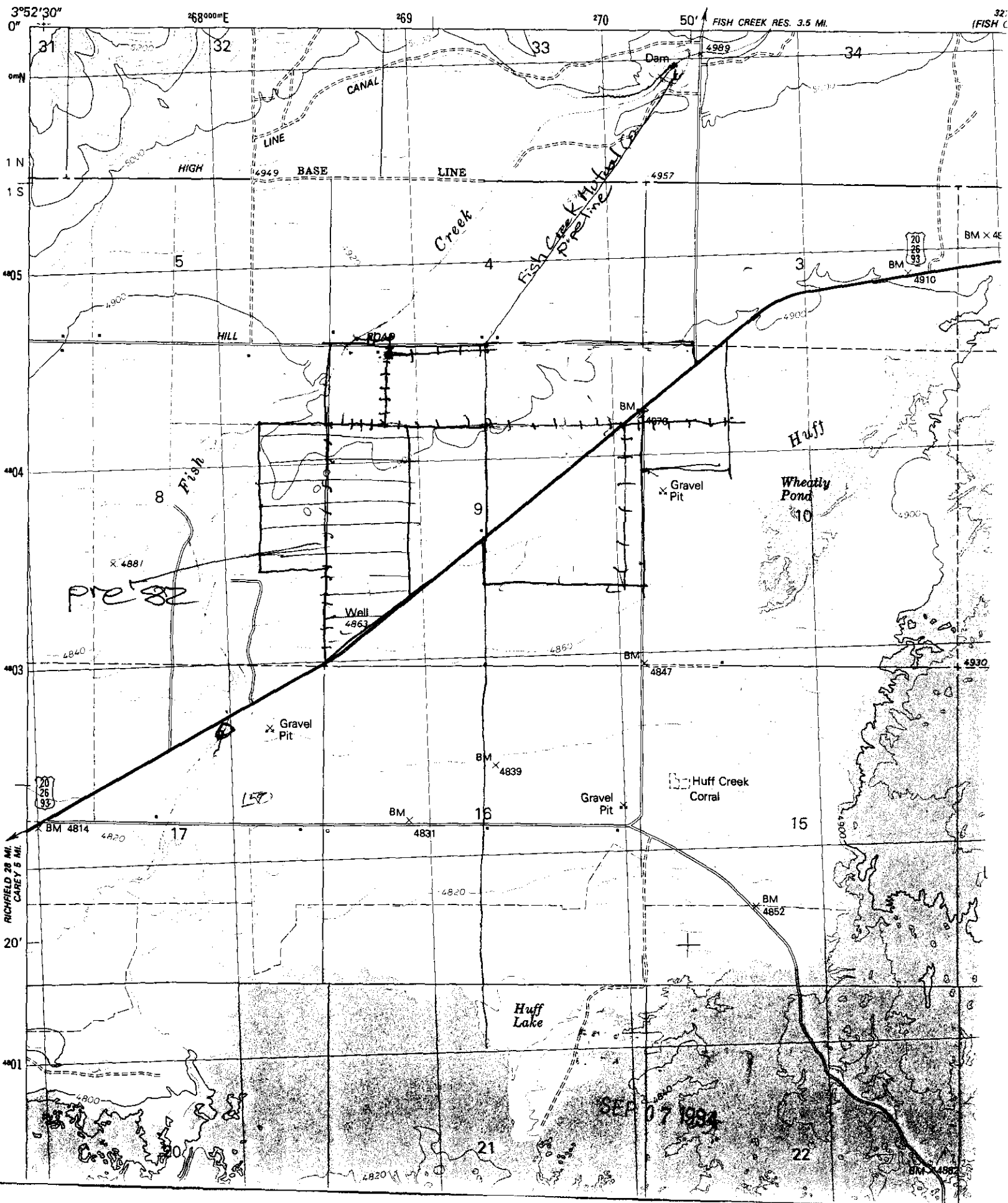
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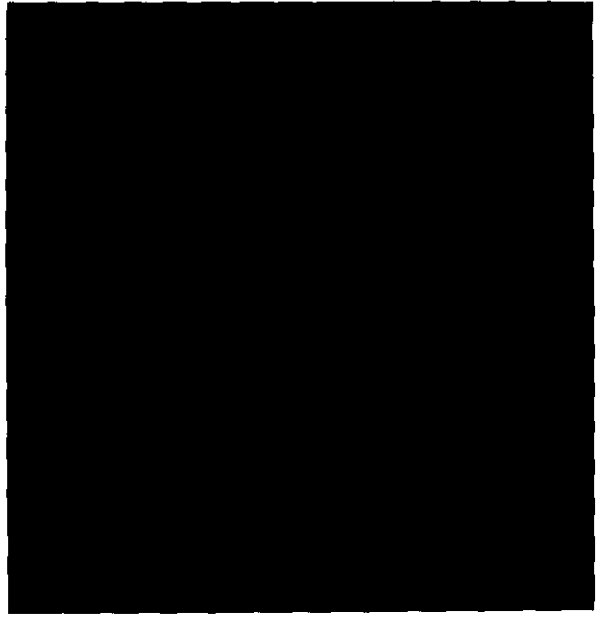
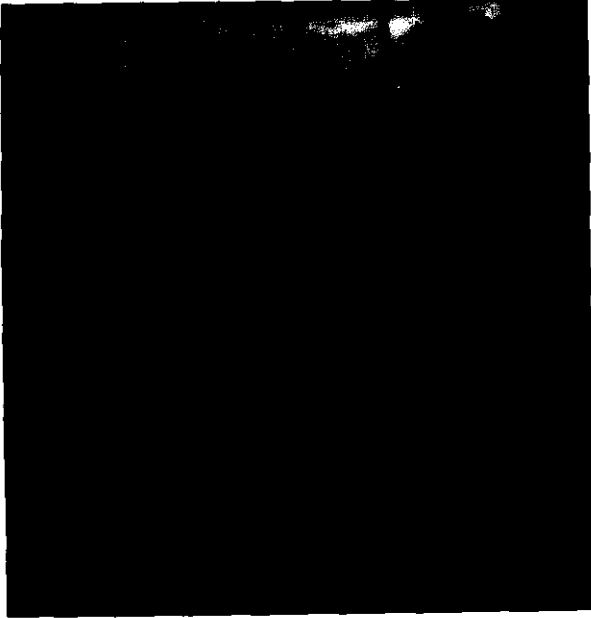
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↑
exceeds permit

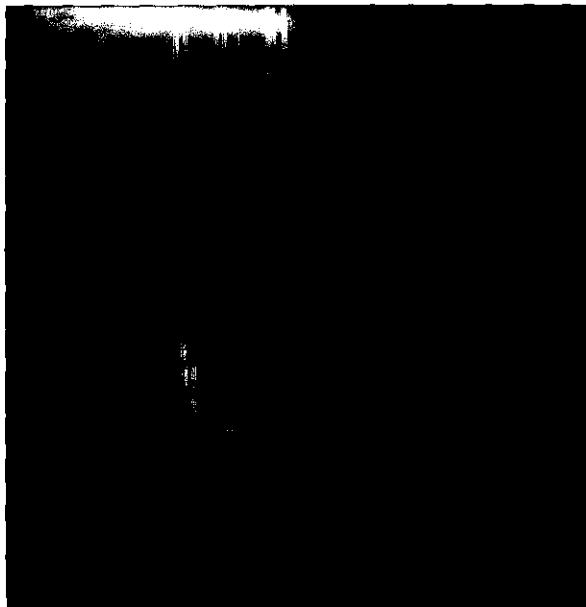
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UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





Re-diversion
From Fish Cr.
Pipeline

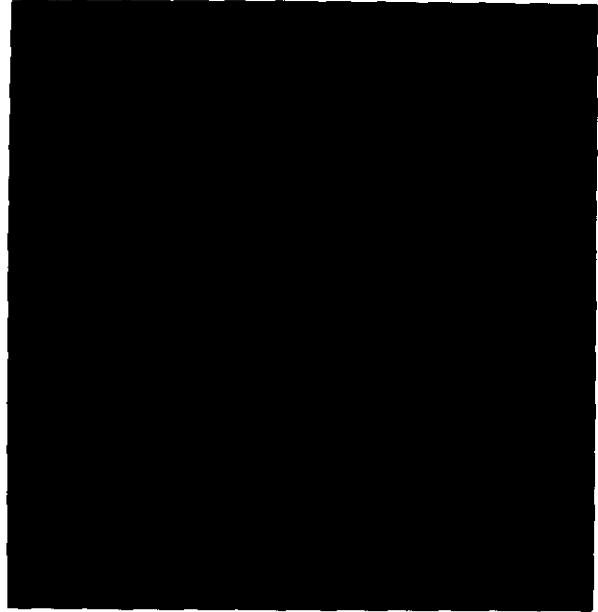


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37-7581



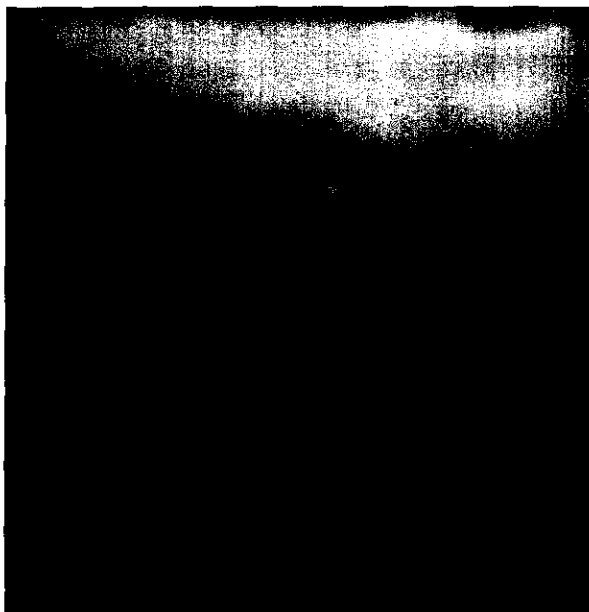
Well Discharge Into Ditch
To Fish Cr.



Wein In Ditch
Near Fish Cr.

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37-7581



P/D



Well, Booster, Mainline

SEP 07 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

37-7581
WHITBY, ROBERT
RT. 1
CAREY, ID 83320

Mailing address:
Statehouse
Boise, Idaho 83720

138696

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

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of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

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

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

SEP 07 1994



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 17, 1982

Robert Whitby
Rt. 1
Carey, Idaho 83320

Re: Permit 37-7581

Dear Mr. Whitby:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Sr. Water Resource Agent

LOH:GLF:marya

SEP 07 1994

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card statement that the permit holder(s) has completed development to the extent shown below on permit No. 37-7586.

Name(s) of Permit Holder: Robert Whitby

Post Office Address: Rt. 1, Carey, ID 83320

Tel. No. 823-4434

Source of Water: Groundwater

Extent of Use: ☐ Domestic (number of households)
☒ Stockwater 300 Dairy (number and type of stock)
☒ Irrigation 460 (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

7/1/82
Date

Robert D. Whitby
Signature of Permit Holder

R. Whitty
At. #1
Carey, Id. 83320



SEP 01

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

WHITBY, ROBERT
RT. 1
CAREY, ID 83320

MAY 04, 1982

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 37-7581 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED FEBRUARY 28, 1982.

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

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

MAILED MAY 18 1982
This document was
certified for United States mail,
postage and fees addressed to the
individual named above.

Post Signs

SEP 07 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

#138310

WHITBY, ROBERT
RT. 1
CAREY, ID 83320

FEBRUARY 28, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7581 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

SEP 07 1984



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

FEB 28 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

450
UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
POST OFFICE BOX 684
SHOSHONE, IDAHO 83352

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

February 7, 1978

407
RECEIVED

FEB 8 1978

Department of Water Resources
Southern District Office

Gentlemen:

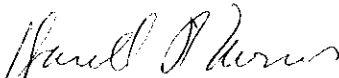
This is to inform you that on Dec. 8, 1977 Mr. and Mrs.
Robert D. Whitby have given a mortgage to the
United States of America, Farmers Home Administration.

This mortgage encumbers well permit # 37-1581
37-758-6.cfs.

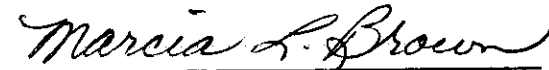
As a covenant of this mortgage, the mortgagees agreed
that they would not assign, encumber or amend this permit
and or license without the consent of FmHA.

Please acknowledge the receipt of this letter by signing
and returning a copy to this office. I have enclosed an
envelope for your convenience.

Sincerely,


HAROLD R. TURNER
County Supervisor

The above letter is acknowledged 2/14/78 and is included as part of our
subject water right file.


Marcia L. Brown
Records Supervisor

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of racial or ethnic discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

June 6, 1977

Re: Permit No. 37-7581

Robert Whitby
Route #1
Carey, DI 83320

Dear Mr. Whiby:

Enclosed is a copy of your approved Application for Permit No. 37-7581. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

RECEIVED
JUN 10 1977
FLEENOR

AFFIDAVIT of PUBLICATION

RECEIVED
MAY 3 1977

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern District Office

Donald W Rosebrock being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, 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 21 day of April, 1977, and the date of the last publication was on the 28 day of April, 1977.

Donald W Rosebrock

Subscribed and sworn to before me this 5 day of May, 1977.

(SEAL)

Robert M. Fischer

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 35

Number of Insertions 2

Lines tabular at 315c

Lines straight at 21c

Subsequent lines at 15c

TOTAL COST

12.60

COPY OF NOTICE

(State Here)

Application for Permit
37-7581

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd IV,
Twin Falls, Idaho 8334

Notice is hereby given that Robert M. Fischer, County Clerk, Idaho 83340, has on May 3, 1977, filed for record in the County of Blaine, Idaho, a certain notice for a permit to publish legal notices in the Wood River Journal, a newspaper published every week in Hailey, Idaho, 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 21 day of April, 1977, and the date of the last publication was on the 28 day of April, 1977.

NEWSEW, Sec. 10, Title 18, Idaho Code, 1972, which provides that the purpose of the permit is to allow the publication of legal notices in the newspaper 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 21 day of April, 1977, and the date of the last publication was on the 28 day of April, 1977.

If issued, the permit will be subject to all other laws, rules, regulations and orders of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd, Twin Falls, Idaho 83340, and the Director of the Department of Water Resources, who is authorized to issue the permit.

okf
SB
5/3/77

Nº 1575

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Robert Whitby

Carey, Idaho 83320

has on 4/7/77 submitted Application No. 37-7581

for a permit to appropriate 6.0 cubic feet per second ~~XXXXXX~~

of water from GROUNDWATER

by means of deep well, pump, sprinkler system

within the NW¹/₄, Sec. 9, Twp. 1S, Rge. 22E., B.M., Blaine County

to be used from April 1 to Nov. 1 for irrigation purposes of 460 acres

~~for~~ and from Jan. 1 to Dec. 31 for stock purposes

within the SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, Sec. 8; NE¹/₄, N¹/₂NW¹/₄, SW¹/₄NW¹/₄, W¹/₂SW¹/₄, NW¹/₄SE¹/₄, Sec. 9;

W¹/₂NW¹/₄, Sec. 10, Twp. 1S, Rge. 22E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before May 9, 1977.

~~ROSEBETH HIGGINS~~

Director

Published in the Wood River Journal

on 4/21 and 4/28/77

April 8, 1977

Wood River Journal
P.O. Box 988
Hailey, Idaho 83333

RE: Application For Water Permit #37-7581-Robert Whitby

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sb

Enclosure

Bill submitted: _____