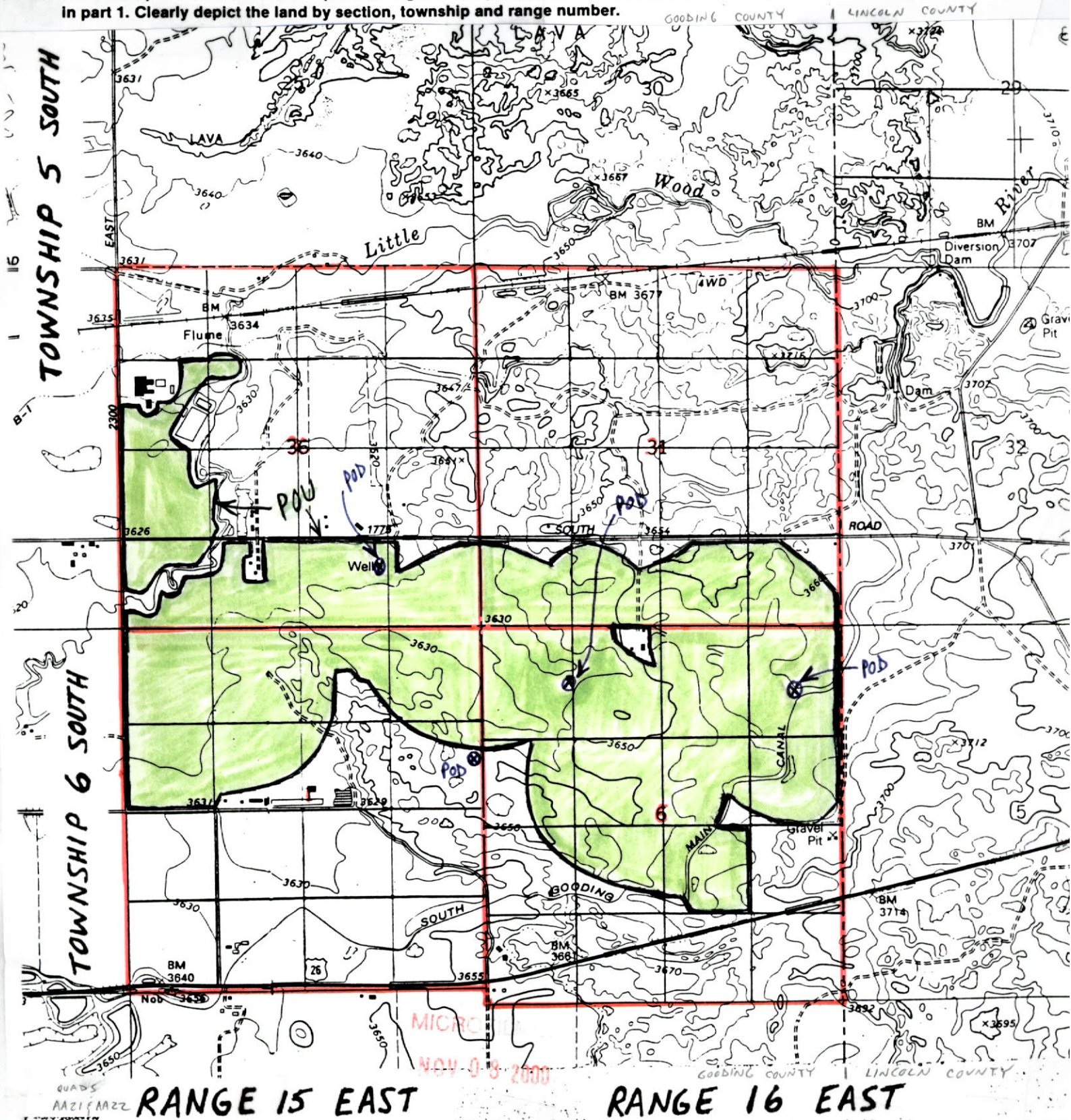
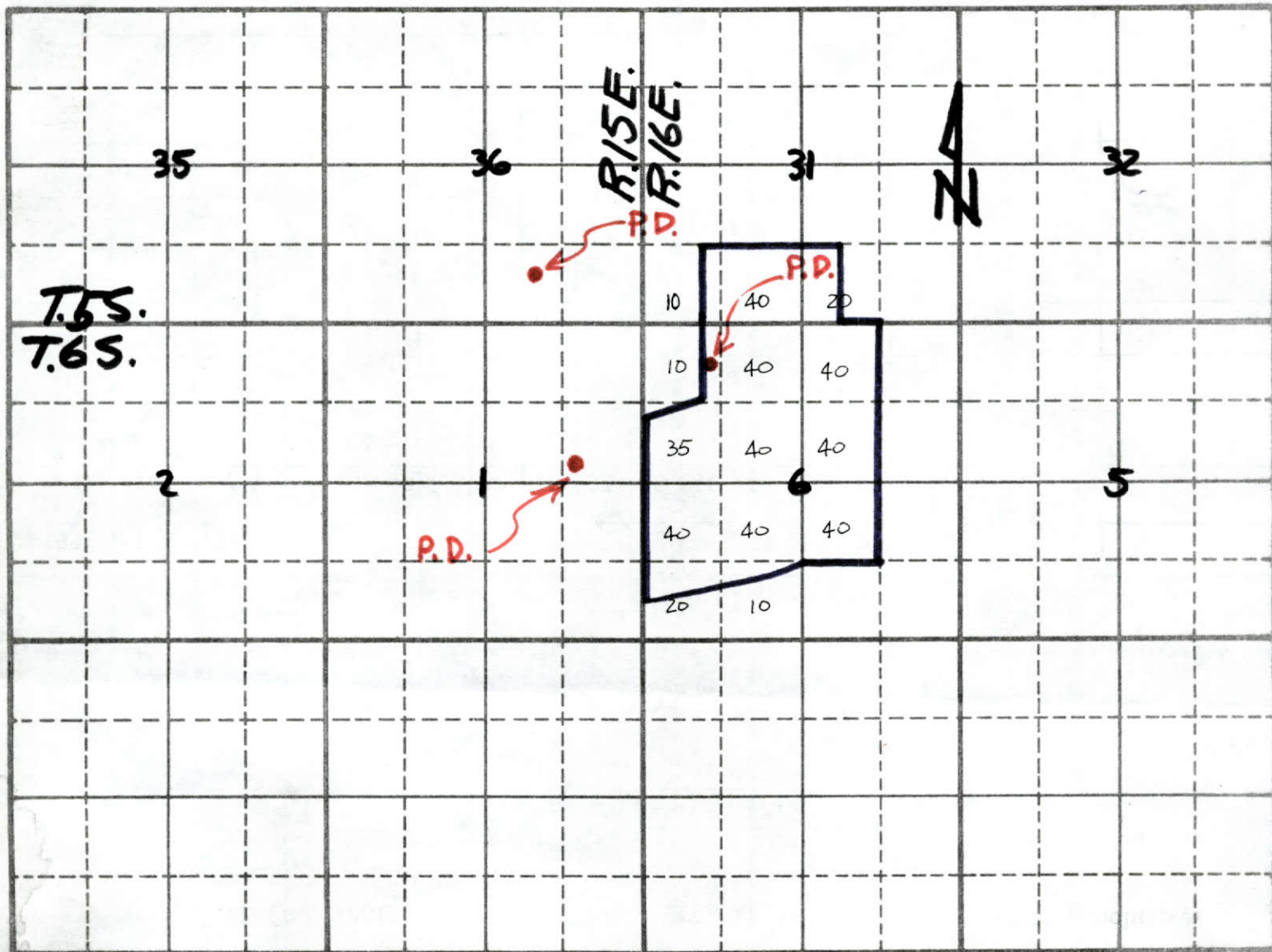


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Twin Falls, this 10 day of November, 19 75.

[Signature]
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Administrator, Operations Division

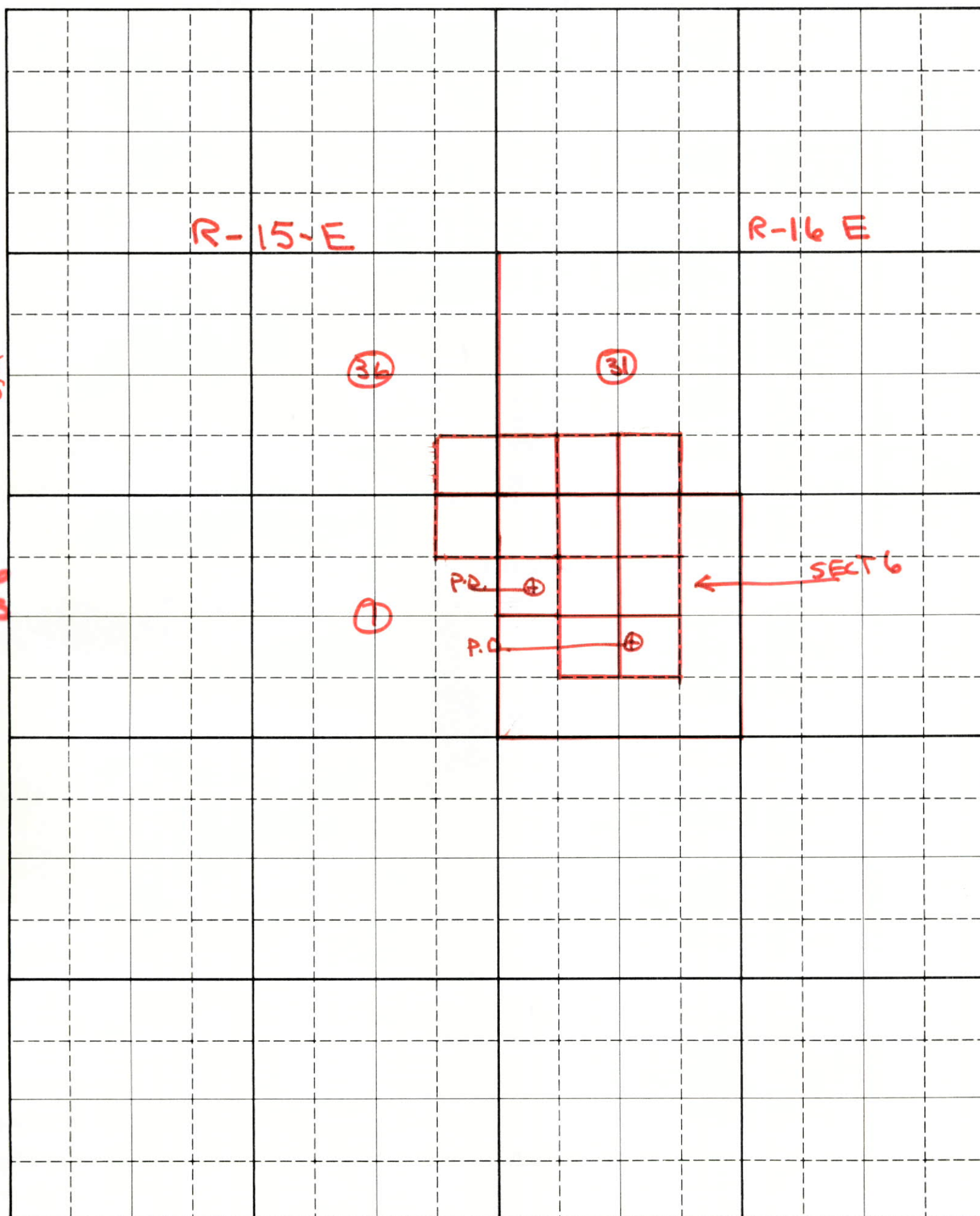
I, A. KENNETH DUNN, ~~Director~~ of the Department of Water Resources

hereby approve the above application for amendment on Permit No. 37-7260.

Witness my hand this 20 day of November, 19 75

[Signature]
Director
A. KENNETH DUNN, Administrator
Operations Division

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

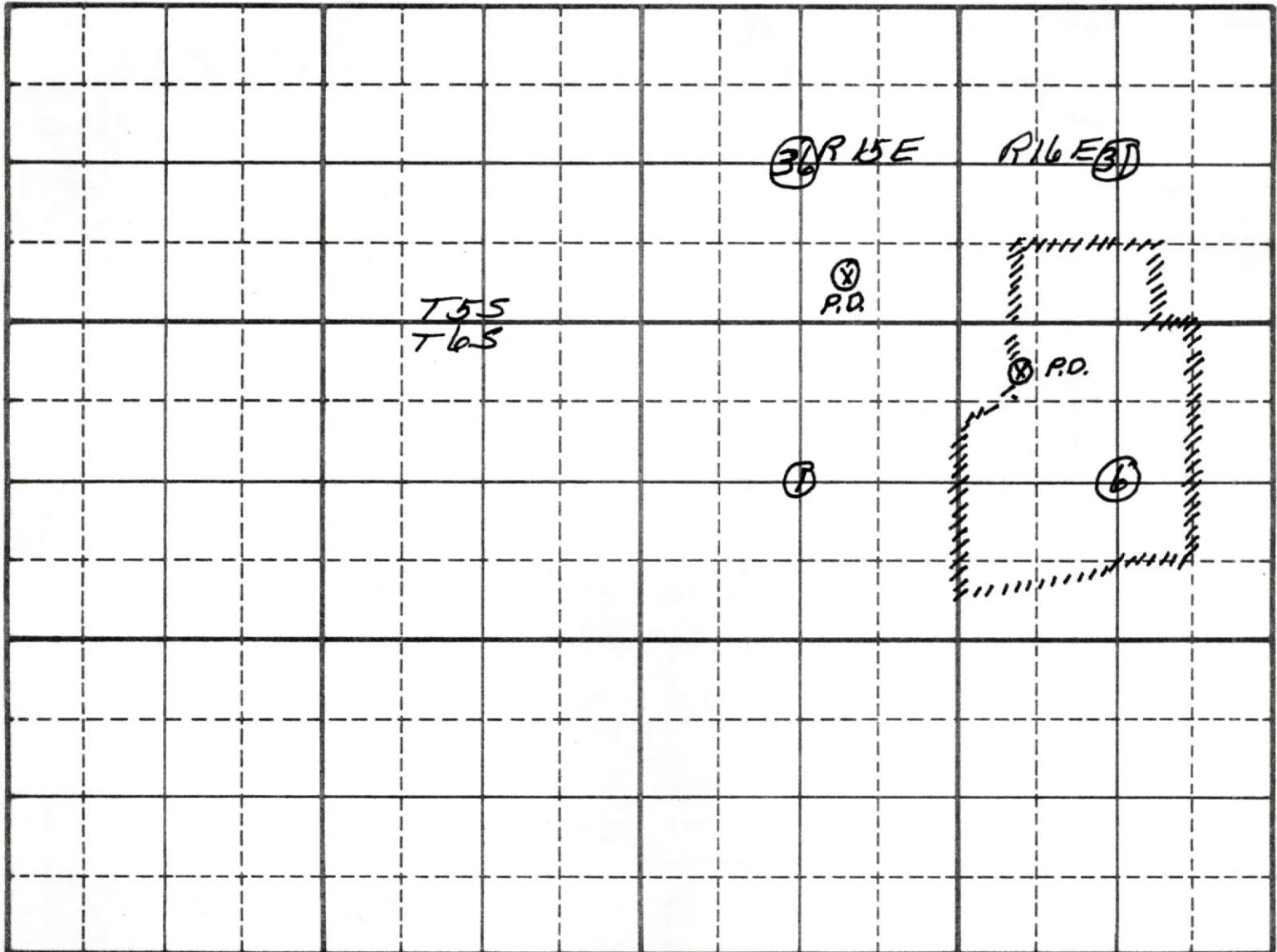


Scale: 2 inches equal 1 mile

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.

Harry D. Borthoff
(Applicant)

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Twin Falls, Idaho, this 5th day of September, 19 74.

[Signature]
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 37-7260.

Witness my hand this 10 day of September, 19 74.

[Signature]
Director

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Harvey D. Bothoff Route 2, Gooding, ID has on August 8, 1973 submitted Application No. 37-7260 for a permit to appropriate 8.5 cubic feet per second of water from groundwater by means of deep well pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E, B.M., Gooding County to be used from Mar. 15 to Nov. 15 for irrigation of 425 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 6S, R. 15E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6S, R. 16E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5S, R. 15E; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5S, R. 16E, 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 Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before September 10, 1973.

R. KEITH HIGGINSON,
Director

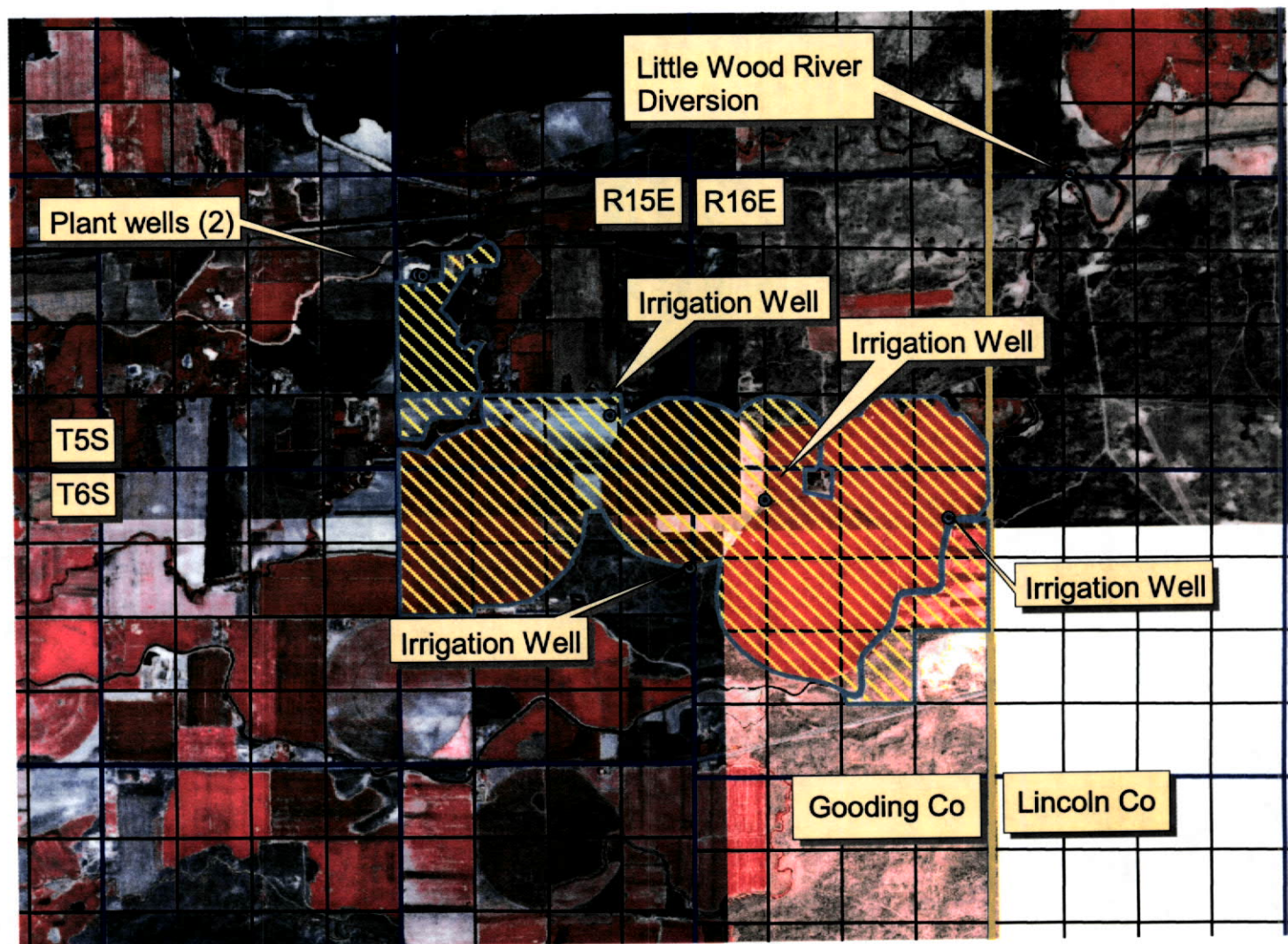
8-23-2tc



IDAHO DEPARTMENT OF WATER RESOURCES

AVONMORE WEST INC

T5622, T5623, T5625 & 37-07051



- B37-pod.shp
- B37-pou.shp
- Counties.shp
- T05s15e-sec.shp
- T05s15eqq.shp
- T05s16e-sec.shp
- T05s16eqq.shp
- T06s15e-sec.shp
- T06s15eqq.shp
- T06s16e-sec.shp
- T06s16eqq.shp

BY: ADM
Date: 3/22/2000



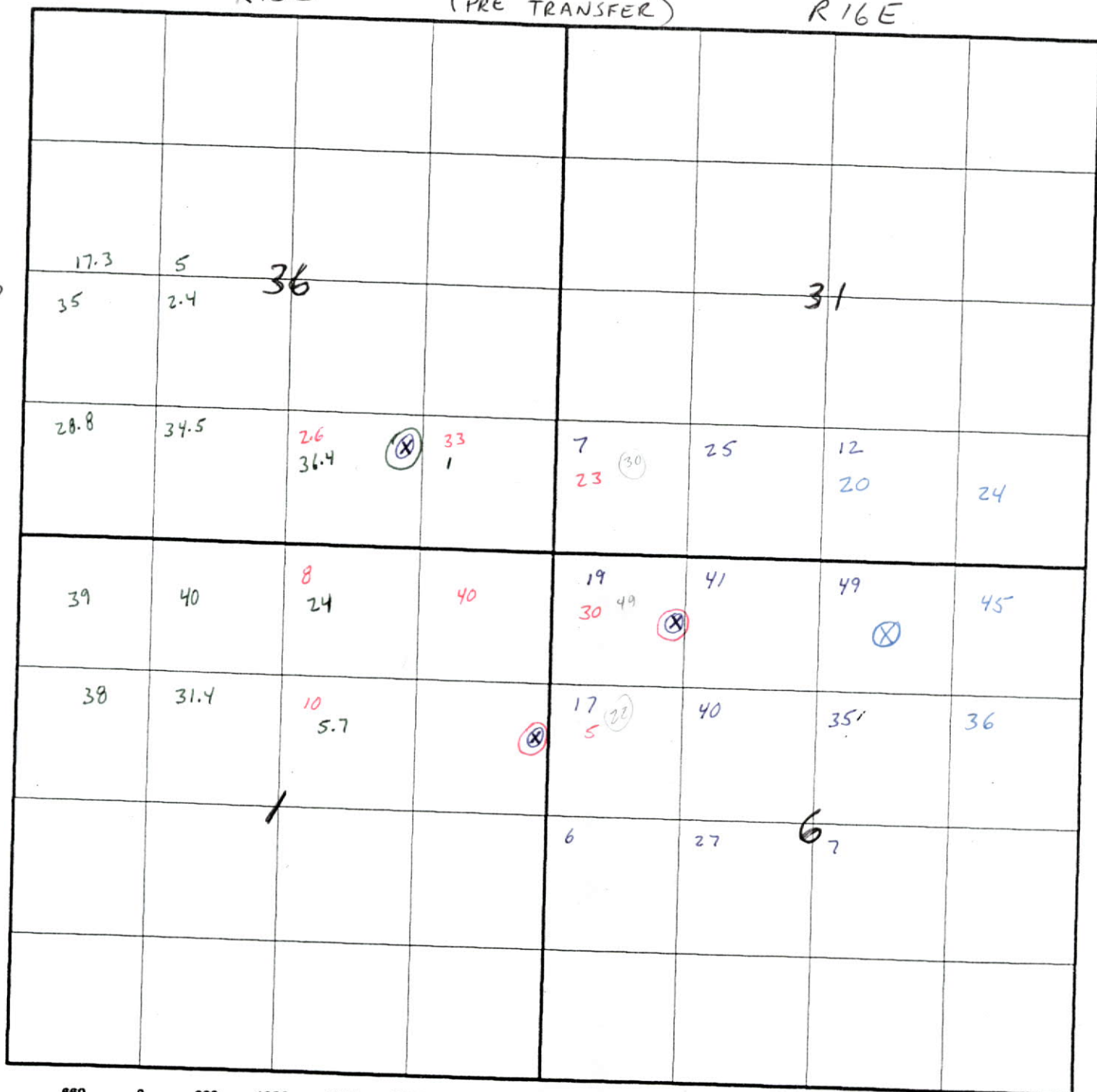
IDAHO DEPARTMENT OF WATER RESOURCES

GROUNDWATER
RIGHTS

RISE

(PRE TRANSFER)

R 16 E



660 0 660 1320 1980 2640 3300 3960 4620 5280 5940 6600 7260 7920 8580 9240 Feet

37-07260 5.70 cfs for 285 acres
 37-07380A 3.03 cfs for 151.6 acres
 37-07380C 4.38 cfs for 338.5 (limited to 218.7 acres)
 37-07576 2.50 cfs for 125.0 acres

900.1 acres total

per field exams
no overlapping acres

MICROFILMED T#5622

NOV 08 2000

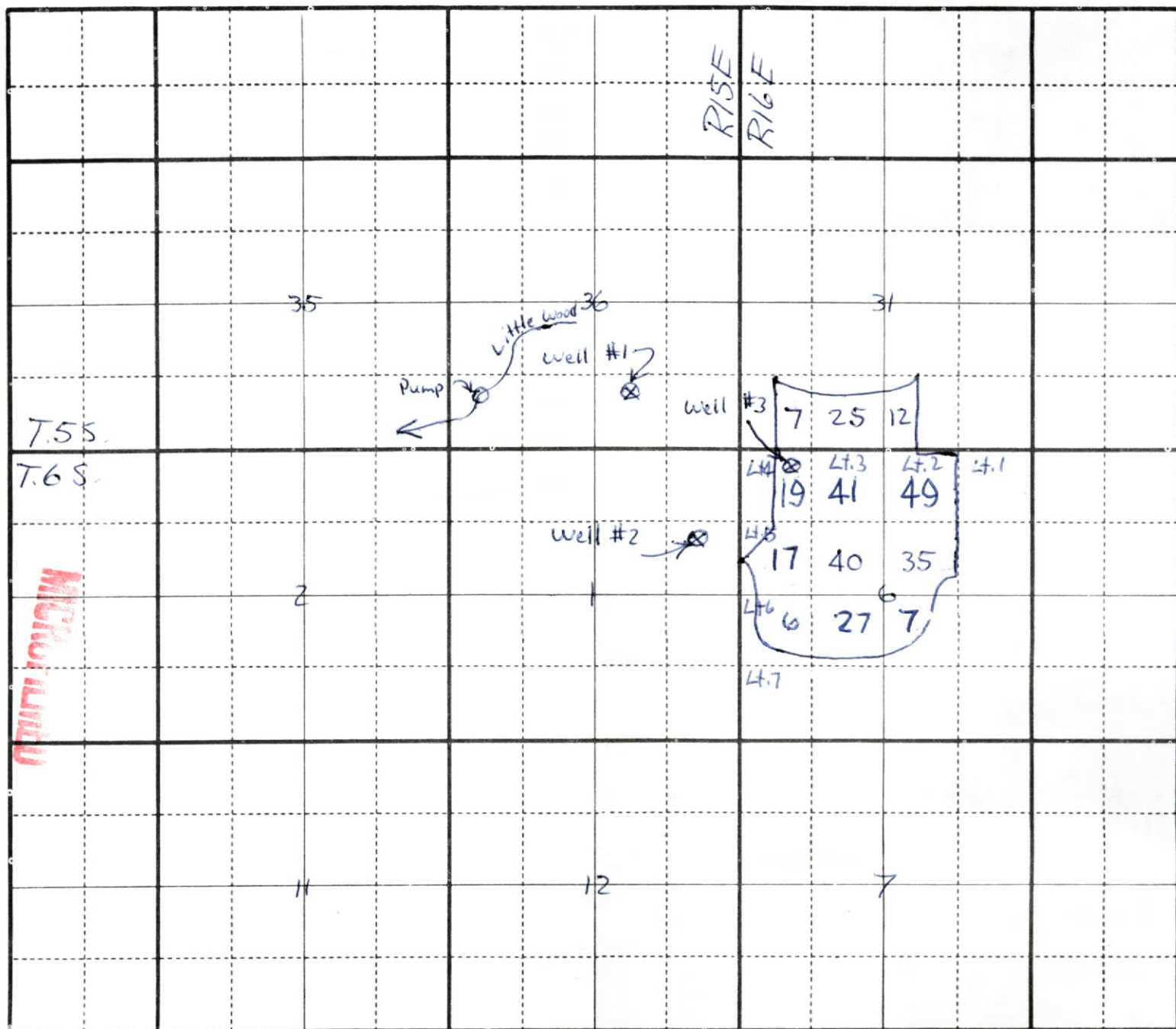


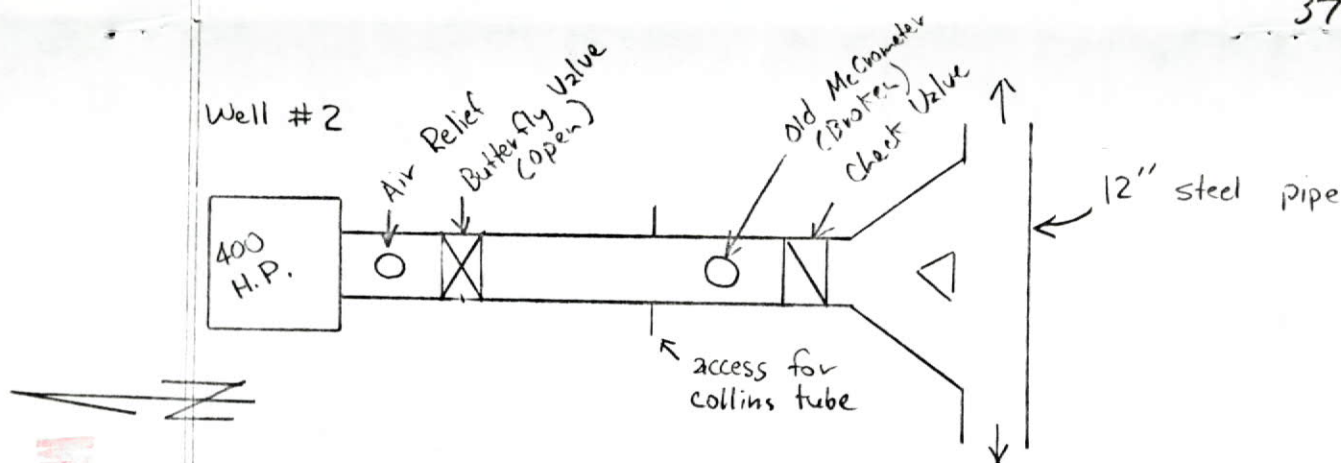
Diagram of System

(See attached sheet)

Collins Measurement

37-7260

37-7380

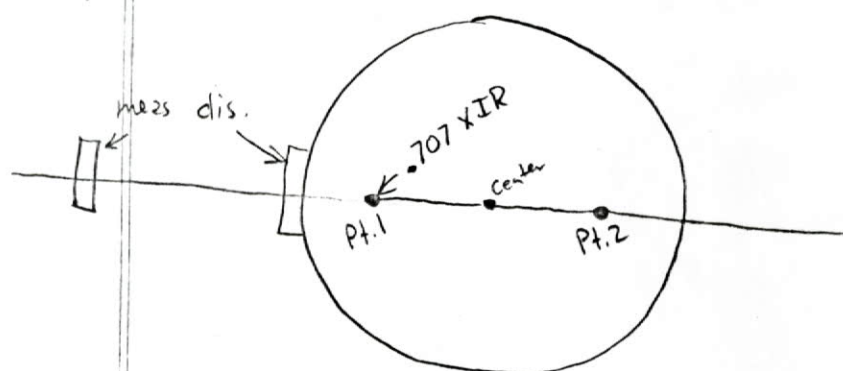


$$\text{Cir of Pipe} = 3.19'$$

$$\therefore \text{OD} = 1.01'$$

$$\text{ID} = 1.00 \text{ or } 12''$$

$$\text{IR} = .5 \text{ or } 6''$$



$$.707 \times \text{IR}$$

$$.707 \times .5 = 0.35'$$

@ Center	Meas. dis = 0.50'
@ Pt. 1	Meas dis = 0.85'
@ Pt. 2	Meas dis 0.15'

Used Fig. 3 connection

$$@ \text{Pt. 1} \quad \text{meas } 2.43' + 3.51' \Rightarrow 71.28 \text{ inches}$$

$$\text{Pt. 2} \quad \text{meas } 1.68' + 0.84' \Rightarrow 30.24 \text{ inches}$$

$$101.52 \div 2 \Rightarrow 50.76''$$

$$\text{Velocity} = 1.638 \times \sqrt{h} = 1.638 \sqrt{50.76} = 11.67 \text{ fps.}$$

$$\text{Corrected Velocity} = 1.01 \times 11.67 = 11.79 \text{ fps.}$$

Note: Used two pt. method because oil was low in pump & owner didn't want to run pump very long.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5622
WATER RIGHT NO(S) . 37-07260/37-07380A/37-07380C/37-07576

This is to certify that: **GLANBIA FOODS INC**
1728 S 2300 E
GOODING ID 83330

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07260 :			
IRRIGATION	03/15 to 11/15	5.70 CFS	1140.0 AF
Priority: 08/08/1973			
Right No. 37-07380A :			
IRRIGATION	03/15 to 11/15	3.03 CFS	606.4 AF
Priority: 09/05/1974			
Right No. 37-07380C :			
IRRIGATION	04/01 to 10/31	4.38 CFS	874.8 AF
Priority: 09/05/1974			
Right No. 37-07576 :			
IRRIGATION	04/01 to 11/01	2.50 CFS	500.0 AF
Priority: 03/29/1977			
TOTAL:		15.61 CFS	3121.2 AF

SOURCE

GROUND WATER

LOCATION OF POINT(S) OF DIVERSION:

NESWSE , Sec. 36, Township 05S, Range 15E
NESENE , Sec. 1, Township 06S, Range 15E
Lot 1 (NENE), Sec. 6, Township 06S, Range 16E
Lot 4 (NWNW), Sec. 6, Township 06S, Range 16E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 15E 36	NENW 0.2	SWNW 22.5	SENW 3.7	
	NESW 5	NWSW 38.5	SWSW 31	
	SESW 36	SWSE 40	SESE 35.5	212.4
16E 31 Lot 4(SWSW)	33.7	SESW 37	SWSE 35.5	

MICROFILMED

NOV 08 2000

TRANSFER NO. 5622
WATER RIGHT NO(S) . 37-07260/37-07380A/37-07380C/37-07576

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>
			SESE	32					138.2
06S	15E	1	Lot 1 (NENE)	40	Lot 2 (NWNE)	32	SWNE	5.5	
			SENE	10	Lot 3 (NENW)	40.2	Lot 4 (NWNW)	40.3	
			SWNW	40	SENE	30			238
16E	6		Lot 1 (NENE)	48	Lot 2 (NWNE)	49	SWNE	37	
			SENE	39	Lot 3 (NENW)	45	Lot 4 (NWNW)	49.3	
			Lot 5 (SWNW)	26.3	SENE	40	NESW	25	
			Lot 6 (NWSW)	4.5	NWSE	32			395.1
Total number of acres irrigated:									983.7 */**

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under these rights.
4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- */** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5622 shall not exceed 15.61 cfs, nor total combined annual volume of 3121.2 af for the irrigation of a total of 780.3 acres in a single irrigation season.

MICROFILMED

NOV 08 2000

TRANSFER NO. 5622
WATER RIGHT NO(S). 37-07260/37-07380A/37-07380C/37-07576

CONDITIONS OF APPROVAL AND REMARKS

- ** 10. Right 37-07260 is limited to the irrigation of 285 acres within the place of use described above in a single irrigation season.
- ** 11. Right 37-07380A is limited to the irrigation of 151.6 acres within the place of use described above in a single irrigation season.
- ** 12. Right 37-07380C is limited to the irrigation of 218.7 acres within the place of use described above in a single irrigation season.
- ** 13. Right 37-07576 is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

Dated this 29th day of June, 2000.


Chief, Water Allocation Bureau

MICROFILMED

NOV 22 2000

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 5622

#3 \$100.00

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

JUN 6 - 2000

PART 1

SEP 20 1999

Department of Water Resources

Name of applicant Avonmore West Inc. Att: Rick Warren Phone 1-208-934-895 ext 117Department of Water Resources
Southern RegionPost Office address 1728 South 2300 East, Gooding, Idaho 83330

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CREATE PERMISSIBLE PLACE OF USE

2. Describe the reason for the proposed changes TO TIE THESE RIGHTS TOGETHER INTO ONE COMMON SYSTEM

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|------------------|-------------------|-----------------|-------------------|--|
| <u>37-07260</u> | <u>08/08/1973</u> | <u>5.70 cfs</u> | <u>IRRIGATION</u> | <u>03/15</u> to <u>11/15</u> <u>P.S.</u> |
| <u>37-07380A</u> | <u>09/05/1974</u> | <u>3.03 cfs</u> | <u>IRRIGATION</u> | <u>04/01</u> to <u>10/31</u> <u>C.S.</u> |
| <u>37-07380C</u> | <u>09/05/1974</u> | <u>4.38 cfs</u> | <u>IRRIGATION</u> | <u>03/15</u> to <u>10/31</u> <u>C.S.</u> |
| <u>37-07576</u> | <u>03/29/1977</u> | <u>2.50 cfs</u> | <u>IRRIGATION</u> | <u>04/01</u> to <u>10/31</u> <u>C.S.</u> |
2. Total amount of water being transferred 15.61 cubic feet per second and/or 11/01 acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	36	05S	15E	GOODING	
	NE	SE	NE	01	06S	15E	GOODING	
01		NE	NE	06	06S	16E	GOODING	
04		NW	NW	06	06S	16E	GOODING	

5. Lands irrigated or place of use: PERMISSIBLE PLACE OF USE

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	
05S	15E	36					0.2		22.5	3.7	5.0	38.5	31.0	36.0			40.0	35.5	212.4
05S	16E	31											33.7	37.0			35.5	32.0	138.2
													LOT 4						
06S	15E	01	40.0	32.0	5.5	10.0	40.2	40.3	40.0	30.0									238.0
			LOT 1	LOT 2			LOT 3	LOT 4											
06S	16E	06	48.0	49.0	37.0	39.0	45.0	49.3	26.3	40.0	25.0	4.5				32.0			395.1
			LOT 1	LOT 2			LOT 3	LOT 4	LOT 5			LOT 6							

NOV 9 8 2000

Total acres 983.7

PART 1

6. General Information:

a. Description of diversion system FOUR CONNECTED WELLS & TIED INTO COMMON MAINLINE(S) TO SPRINKLER SYSTEMS.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. (Please See Attached Letter)

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

LAND NOW IRRIGATED WILL BE IRRIGATED WITH THESE RIGHTS AND OTHER RIGHTS (SEE COMPANION TRANSFERS) AND CANAL WATER. THIS APPLICATION PROPOSES CREATING A LARGER PERMISSIBLE PLACE OF USE.

d. Remarks:

LANDS IRRIGATED ARE ALSO IRRIGATED WITH ADDITIONAL RIGHTS (SEE COMPANION TRANSFERS) AND CANAL WATER.

* WELL LOCATED IN LOT 04 (NWNW $\frac{1}{4}$) OF SECTION 06 (T06S, R16E) IS LOCATED VERY CLOSE TO THE BOUNDARY BETWEEN LOT 04 AND LOT 03 (NENW $\frac{1}{4}$)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

NOV 08 2006

PART 2

TRANS NO. 5622

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07260

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	5.70 CFS	1140.0 AF

SOURCE

GROUNDWATER

Priority: 08/08/1973

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 36, Township 05S, Range 15E
 SENE , Sec. 1, Township 06S, Range 15E
 Lot 4(NWNW), Sec. 6, Township 06S, Range 16E
 GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	16E	31	Lot 4(SWSW) 7	SESW 25	SWSE 12	44
06S	16E	6	Lot 2(NWNE) 49	SWNE 35	Lot 3(NENW) 41	
			Lot 4(NWNW) 19	Lot 5(SWNW) 17	SENW 40	
			NESW 27	Lot 6(NWSW) 6	NWSE 7	241
				Total number of acres irrigated:		285

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. SEND ALL CORRESPONDENCE TO: ROGER JAMES KNIGHT, RT. 2 BOX 58-A, GOODING, ID 83330.

MICROFILMED

NOV 08 2006

PART 2

TRANS NO. 5622

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07380A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	3.03 CFS	606.4 AF

SOURCE

GROUNDWATER

Priority: 09/05/1974

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 1, Township 06S, Range 15E
 Lot 4(NWNW), Sec. 6, Township 06S, Range 16E
 GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	15E	36	SWSE 2.6	SESE 33		35.6
	16E	31	Lot 4(SWSW) 23			23
06S	15E	1	Lot 1(NENE) 40	Lot 2(NWNE) 8	SENE 10	58
	16E	6	Lot 4(NWNW) 30	Lot 5(SWNW) 5		35
Total number of acres irrigated:						151.6

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

NOV 08 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07380C

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.38 CFS	874.8 AF

SOURCE

GROUNDWATER

Priority: 09/05/1974

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 36, Township 05S, Range 15E
GOODING CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	15E	36	SWNW 17.3	SENW 5	NESW 2.4	
			NWSW 35	SWSW 28.8	SESW 34.5	
			SWSE 36.4	SESE 1		160.4
06S	15E	1	Lot 2 (NWNE) 24	SWNE 5.7	Lot 3 (NENW) 40	
			Lot 4 (NWNW) 39	SWNW 38	SENW 31.4	178.1
				Total number of acres irrigated:		338.5

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Right No. 37-07380C is limited to the irrigation of 218.7 acres in the place of use described above in a single irrigation season.

MICROFILMED

NOV 08 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07576

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.50 CFS	500.0 AF

SOURCE

GROUNDWATER

Priority: 03/29/1977

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 6, Township 06S, Range 16E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	16E	31	SWSE 20	SESE 24		44
06S	16E	6	Lot 1(NENE) 45	SENE 36		81
Total number of acres irrigated:						125

CONDITIONS/REMARKS:

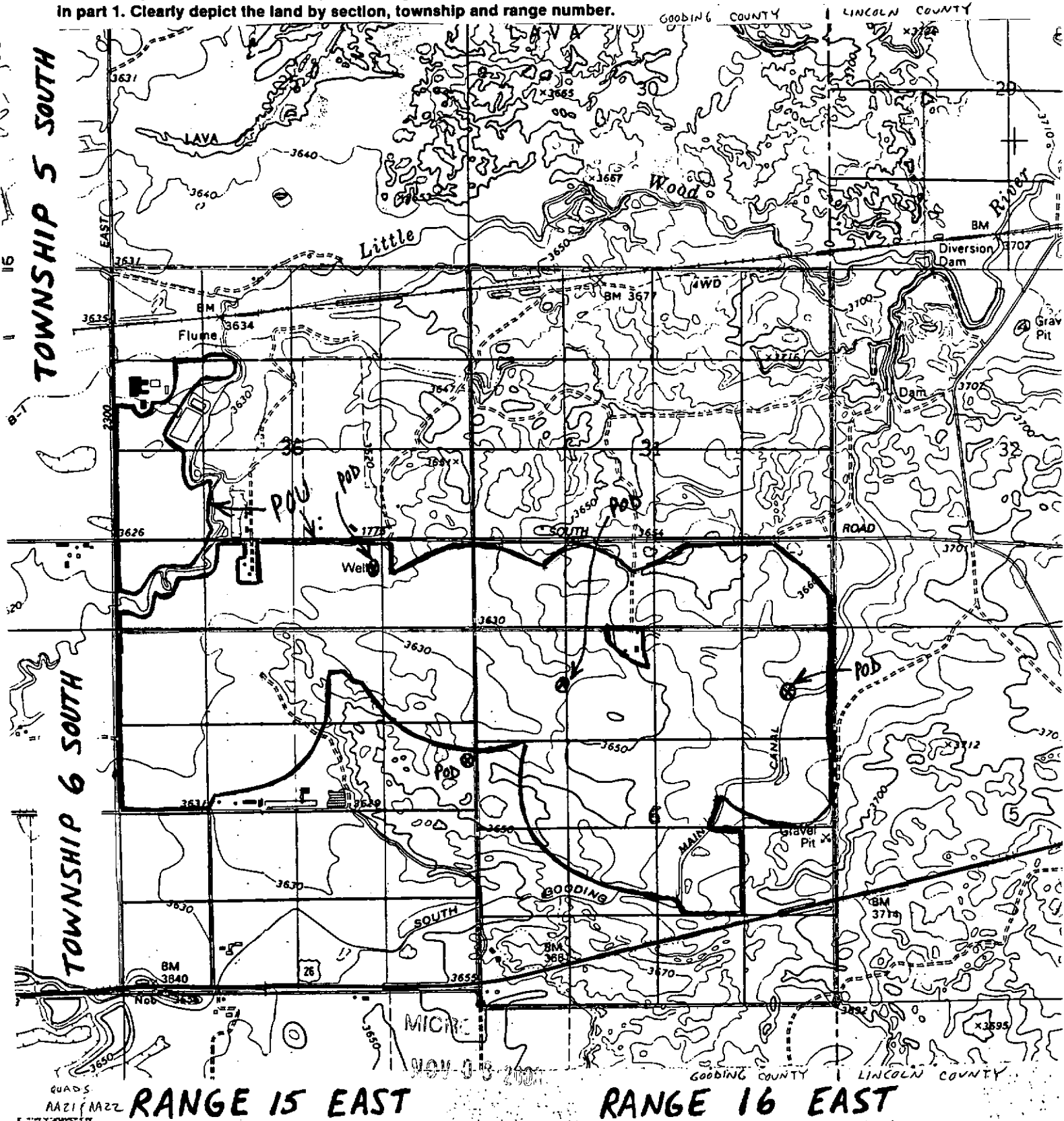
1. THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 0.02 CFS/AC NOR MORE THAN 4.0 AF/AC FOR THE LANDS ABOVE.

MICROFILM

NOV 08 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

31st day of Sept, 1999

Dalt. Thomas
(Signature of Applicant)

day of

19

Daniel L. Reed
(Notary Public)

My commission expires

5/19/2001

FOR DEPARTMENT USE ONLYTransfer contains 8 pages and 1 attachmentsReceived by P. SKINNERDate 9/17/99Protest filed by NonePrelim. check by P. SkinnerFee \$100.00 5022555Receipted by P. SKINNERDate 9/17/99Published in Gooding Co. LeaderPub. dates 3/2 + 3/9/00Watermaster recommendation requested on N/A

Copies of protest forwarded by

Hearing held by Date

Recommended for ☒ approval ☐ denial

rec'd.

by AN

Copy of transfer sent to lien holder

MAILED
NOV 08 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7260 Priority August 8, 1973 Amount 5.70 cfs

THIS IS TO CERTIFY, that Harvey D. Bothoff
of Gooding, ID, has complied with the terms and conditions of Permit
No. 37-7260 issued pursuant to Application for Permit dated August 8, 1973,
and has submitted proof to the Department of Water Resources on August 30, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 20.74 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>5.70</u> cfs and <u>1140.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 5.70 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1140.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp 5S,
Rge 15E, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, Twp 6S, Rge 15E, in the County of Gooding
Government Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 6, Twp 6S, Rge 16E

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	16E	31									GL 4			25				12	44
6S	16E	6		GL 2			GL 3	GL 4	GL 5		GL 6							7	241
			49	35			41	19	17	40	27	6							

Total number of acres irrigated 285

This right when combined with all other rights shall provide no more than
.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6TH day of
JUNE, 19 83.

Acting for the Director

Roman C Young

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7260)

IN THE NAME OF HARVEY D. BOTHOFF)

ORDER

WHEREAS, on August 8, 1973, Harvey D. Bothoff applied to the Department of Water Resources for an application for permit to appropriate 8.50 cubic feet per second of water from a groundwater source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 6S, Rge. 16E B.M., Gooding County to be used for irrigation purposes; and,

WHEREAS, on September 17, 1973, the Department approved said application and issued Permit No. 37-7260 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1978; and,

WHEREAS, on June 30, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 30, 1978, proof of beneficial use of water was personally submitted to the Southern Regional Office and inadvertently the proof was not date stamped until September 5, 1978; and,

WHEREAS, on September 1, 1978, Permit No. 37-7260 automatically lapsed since there was no indication that proof had been received timely; and,

WHEREAS, on September 20, 1978, the Department prepared and signed an Order of Reinstatement and advanced the priority to August 13, 1973; and,

WHEREAS, on October 13, 1978, the Department received a letter from John C. Nibler, Senior Engineer-Appraiser for the Federal Land Bank of Spokane explaining that the proof affidavit was hand carried into the Southern Regional office on August 30, 1978 and stating that proof had been received in a timely manner;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-7260 was lapsed in error and the priority advanced in error since proof was received in a timely manner and that the priority of the right be and is corrected to be August 8, 1973.

Dated this 25th day of October, 1978.

J. Glen Saxton
Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7260)
IN THE NAME OF HARVEY D. BOTHOFF)

ORDER OF REINSTATEMENT

WHEREAS, on August 8, 1973, Harvey D. Bothoff applied to the Department of Water Resources for an application for permit to appropriate 8.50 cubic feet per second of water from a groundwater source to be diverted from the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 6S, Rge. 16E B.M., Gooding County to be used for irrigation purposes; and,

WHEREAS, on September 17, 1973, the Department approved said application and issued Permit No. 37-7260 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1978; and,

WHEREAS, on June 30, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 1, 1978, the permit automatically 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 60 days from the date 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 September 5, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-7260 be REINSTATED and the priority advanced to August 13, 1973.

Dated this 20th day of September, 1978.


L. GLEN SAXTON

Chief, Operations Bureau

THERE IS A QUESTIONS OF OWNERSHIP

See letter from Federal Land Bank dated Sept. 14, 1978

11-10-75 cc

RECEIVED

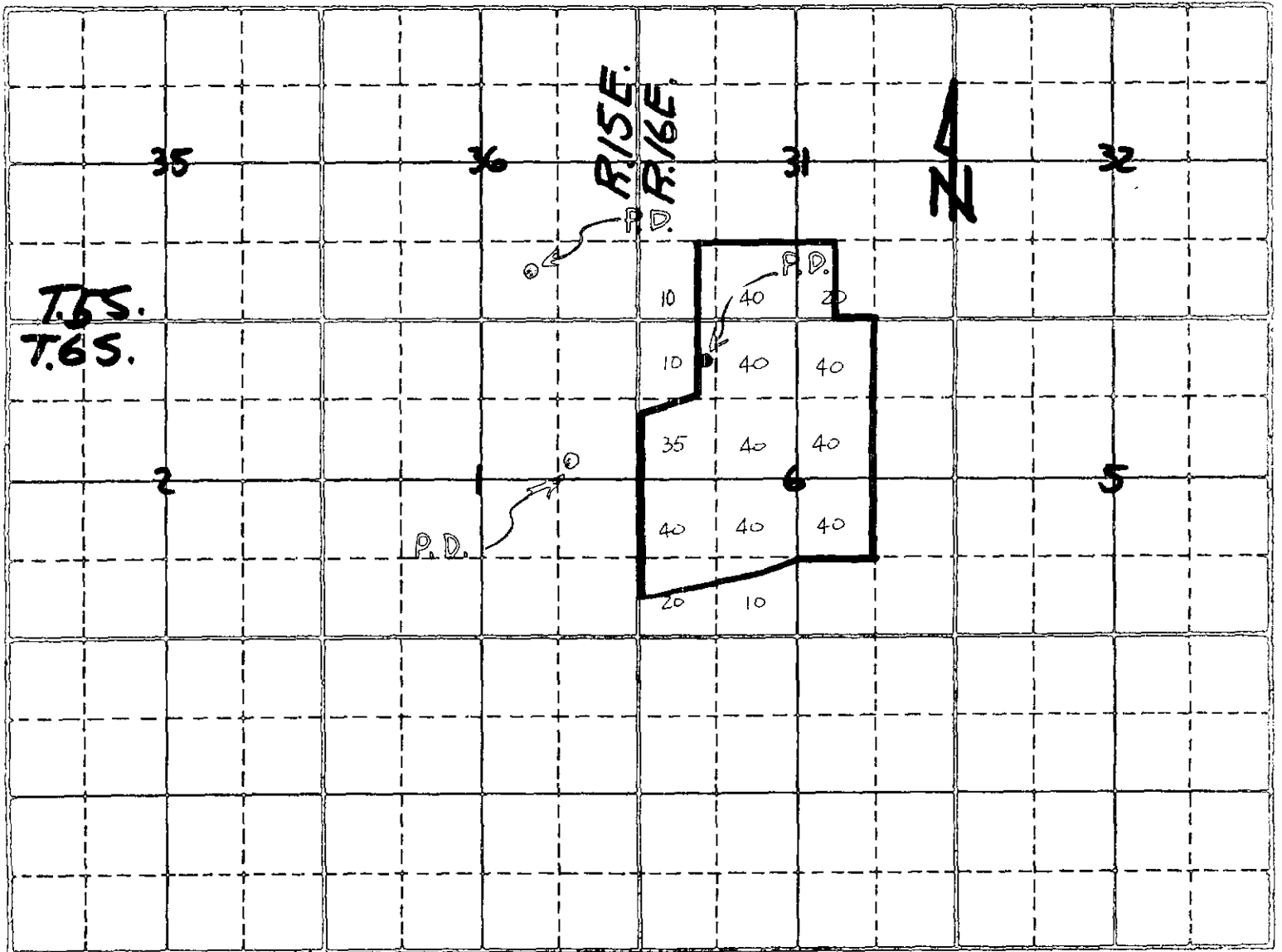
NOV 10 1975

**Department of Water Resources
Southern District Office**

425

UNRECORDED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Twin Falls, this 10 day of November, 19 75.

[Signature]
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Administrator, Operations Division

I, A. KENNETH DUNN, ~~Administrator~~ of the Department of Water Resources

hereby approve the above application for amendment on Permit No. 37-7260.

Witness my hand this 20 day of November, 19 75

[Signature]
Director

A. KENNETH DUNN, Administrator
Operations Division

Identification No. _____

Application No. 37-7260

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Harvey D. Bothoff
post office address Route 2, Gooding, Idaho 83330
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 6S
Range 16E B.M. Gooding County; additional points of diversion if any: _____
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E; B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 8.5 cfs for Irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (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. 8.5 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 pump and motor

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 _____ inches; proposed depth of well is _____ 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 \$ 125,000.
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: _____ hp 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: _____

37 7260

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

TWP	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	15E	6		20	35		40	40	40	40	25					20			260
5S	16E	31											40	40			20		100
5S	15E	36																30	30
6S	16E	1	35																35

Total number of acres to be irrigated 425

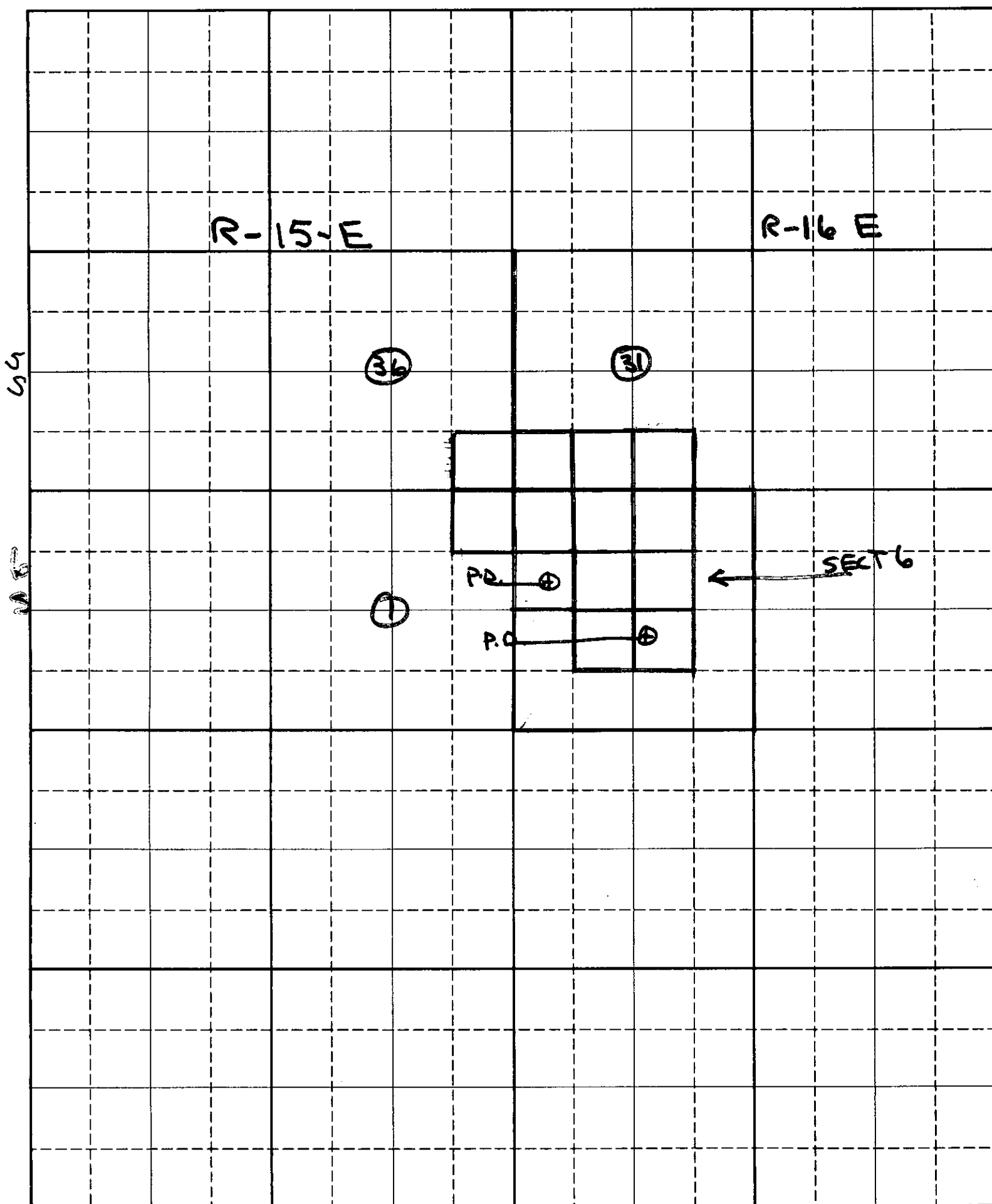
c. Describe any other water rights used for the same purposes as described above. _____

766 shares Big Wood 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.

Harry O. Butcher
(Applicant)

Received by mb Date 8-8-73 Time 10:15
 Preliminary check by KOF Fee \$ 105.00
 Receipted by jmm Date 8-8-73 # 10976
~~KOF~~ Publication prepared by jmm Date 8-9-73
 Published in Gooding County Leader
 Publication dates 8-16 & 8-23-73
 Publication approved jmm Date 9-4-73
 Priority ~~reduced~~ 8-8-73 Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by de 50F

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7260, 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 September 1, 1978.
- c. Other: A measuring device of a type approved by this Department 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 17 day of September 1973.

R. Karl Hjort
 Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

Permit No. 37-7260

Comes now Harvey D. Bothoff of (address) Rt. 2
Gooding, Id., and represents to the Director of
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 37-7260, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6 Twp. 6S
Rge. 16E, B.M., County of Gooding. Other points of diversion:
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T 5S, R 15E, B.M.

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

Amount 8.5 cfs for irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)

Amount for purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

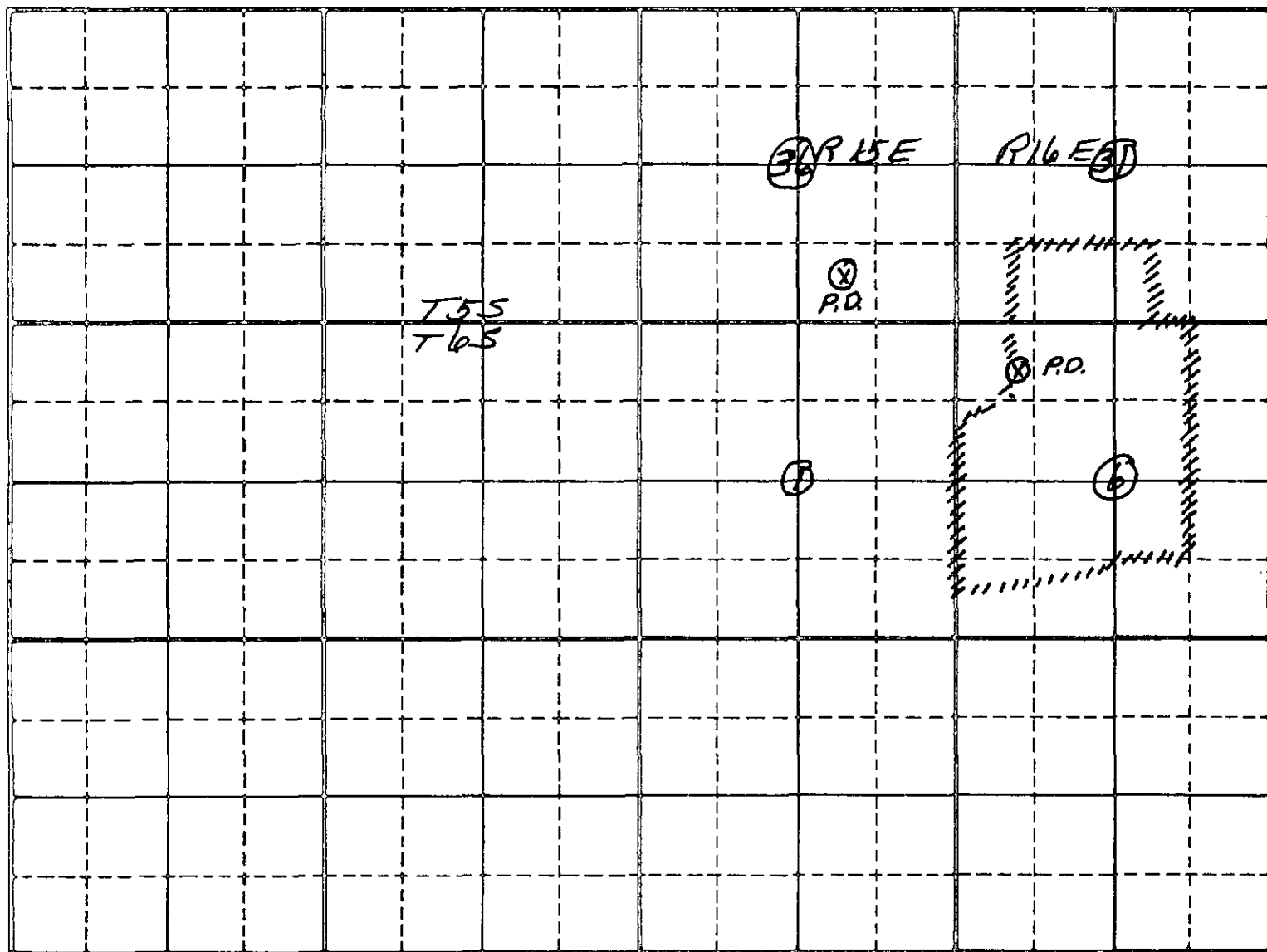
[illegible]

Total number of acres to be irrigated

425

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Twin Falls, Idaho, this 5th day of September, 19 74.

James O. Balthus
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 37-7260.

Witness my hand this 10 day of September, 19 74.

R. Keith Higgins
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- (1) _____ Application No. 37-7260 Harvey D. Bothoff
- (2) KDF 8-8-73 ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee
- (3) KDF 8-8-73 In form to receipt
Send Copies to:
____ Idaho State Health Department
____ Idaho Fish and Game Department
____ Bureau of Land Management
- (4) _____ Request Special Use Permit from U.S.F.S.
____ Request Easement from B.L.M.
____ Request Information from Applicant
- (5) KDF 8-8-73 In form for advertising
- (6) _____ Located within Water District No. _____
- (7) _____ Critical groundwater area: yes _____ no ☒
- (8) _____ Groundwater levels:
____ Decline (comment) _____
☒ Stable (comment) _____
____ Increasing (comment) _____
- (9) _____ Comments: _____
- (10) jmm 9-4-73 Affidavit of Publication received (date) _____
- (11) _____ Final date for protests September 10, 1973
Protests received: yes _____ no ☒
- (12) _____ Date and Place of hearing _____
Decision reached at hearing _____
- (13) _____ All requested information received from agencies or applicant
yes ☒ no _____
- (14) _____ Action recommended:
☒ Approve Priority 8-8-73
____ Deny Reason for Reduction _____
☒ Measuring device required
____ See attached sheet for additional conditions of approval
____ No additional conditions for approval
- (15) District Southern By B. B. Haynes Date 9-10-73

Affidavit of Publication

RECEIVED

State of Idaho, }
County of Gooding } ss.

SEP 4 1973

Department of Agriculture
Soil Conservation Service

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 23 day of Aug, 19 73, and the date of the last publication was on the 30 day of Aug, 19 73

Subscribed and sworn to before me this 30th

day of August, 19 73

(SEAL)

Darla Pratt

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Water Permit

Title of Notice

37-7260

Plaintiff Attorney

Harvey D. Bothoff

Defendant

Plaintiff

Bill to

Dept of Water Adm.
1041 Blue Lakes Blvd N
Twin Falls

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions.....	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertions.....	10c

No 1970

37 7260

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Harvey D. Bothoff Route 2, Gooding, ID has on August 8, 1973 submitted Application No. 37-7260 for a permit to appropriate 8.5 cubic feet per second of water from groundwater by means of deep well pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E, B.M., Gooding County to be used from Mar. 15 to Nov. 15 for irrigation of 425 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 6S, R. 15E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6S, R. 16E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5S, R. 15E; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5S, R. 16E, 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 Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before September 10, 1973.

R. KEITH HIGGINSON,
Director

8-23-2tc



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 29, 2000

GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330

RE: TRANSFER OF WATER RIGHTS 37-07260/37-07380A/37-07380C/37-07576
(Transfer 5622)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5622). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

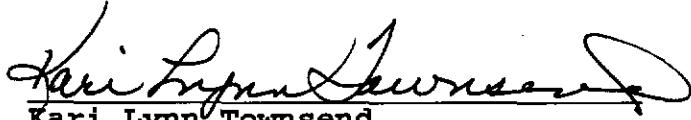
JUN 30 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of June, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: TRANSFER OF WATER RIGHTS 37-07260/37-07380A/37-07380C/
37-07576 (Transfer 5622)**

**GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
NOV 08 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 6/22/00

Trans # 5622 WR No(s) 37-07260 07380A 07380C 07576
Resulting Splits N/A N/A N/A N/A

Name: Glanbia Foods Correct Fee Pd ☒ Ad ok ☒

AREA OF CONCERN: No/Yes

ESPA

Moratorium
GWMA

TRANSFER TYPE:

B - Change p/d
C - Add p/d
D - Change p/u
E - Change use

F - Change use period
G - Other
H - Change p/d & add p/d
I - Change p/d & p/u
J - Add p/d & change p/u

TRUST/NON-TRUST

N/A

GROUNDWATER:

DRILLING PERMIT

All wells -046/

WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres -067/

WMD

Supp irr (irr = only use) -065-104/

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres -01M

SURFACE WATER:

WD - R04 (WD#)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - R55 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

USES:

POWER - 17H-17K (+uses)-025-081
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

Protested - 020-W19
Multiple pd's per 1/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 ie - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
W61 - extended irr season
WB4 - p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report
WD7 - irr ac removed
WD8 - land application of waste water
T18 - special T17 & R43 combined - multiple pds in WD
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

IRRIGATION VOLUME/AC 4.0

OTHER CONDITIONS/REMARKS W27(7260=285, 7380A=151.6, 7380C=248.7, 7576=125) Total=780.3
COMMENTS x4.0:

T files created/updated ☒ Approval form printed drop T's Transfer Memo 3121.2 af
Post approval update

RECEIVED

JUN 6 - 2000

MEMO

~~Department of Water Resources~~

FROM: Allen Merritt

DATE: June 1, 2000

TO: Transfer File No. **5622** **5623** **5625**
Water Right(s): T37-07260 T37-00177N T37-07051
 T37-07380A T37-00374B
 T37-07380C T37-02043B
 T37-07576

Application for Permit **37-08903**

In the Name of: Avonmore West Inc (now Glanbia Foods Inc)

SUBJECT: **Review and Recommendation**

These three transfers and 1 new application for permit deal with the water use at the cheese plant east of Gooding. The purpose of these applications is to document the use at the plant and the arrangement for land application of the waste at the plant. (See Skinner's 1/10/2000 memo for details)

Application 37-08903

The application for permit is for additional flow rate from the wells at the plant. Review of the field exam for 37-07051 finds that both wells existed in 1975 at the time of exam and it appears the wells were drilled in 1969. Both wells had 40 HP pumps and pumping level from log is estimated to be 133'. The wells discharged into a basin then used in a meat processing plant. Based on this information the capacity of these two wells is calculated to be 3.72 cfs. 1.00 cfs was licensed under 37-07051. The remainder of the capacity is intended to be covered under application for permit 37-08903. Although processing of the application was not based on pre -1987 use ; the system has been in place since at least 1975. The basis of processing this application was that it was non-consumptive or mitigated. This basis is documented in the 4/25/00 letter from Glanbia. The water once used in the plant with the addition of the "cow water" will be land applied with leaching back to the aquifer as well as reduced use of existing groundwater rights.

Transfers T5622, T5623 & T5625

See Skinner's memo for details.

I have prepared GIS maps included in file T5622 of the proposal.

Recommendation

I recommend that these transfers be approved subject to the following conditions:

All

-All rights including canal shares currently on property shall be maintained on property and

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NOV 08 2000

not sold off unless authorized by the department.

-Rights subject to lease agreements. Rights in the name of Arkoosh Produce and/or Greenhorn Farms should remain in their name until such time as they are sold. These same rights are subject to a mortgage of First Security Bank.

-Surface water including canal shares and waste water being land applied shall be utilized to the fullest extent prior to diversion directly from groundwater for use for irrigation.

-Subject to SRBA.

T5623

-Under control of watermaster of water district 37M.

-Measuring devices and controls works must be maintained at diversion works.

T5622

-Measuring devices be maintained on all wells and use annually reported to West ESPA Measurement District or North Snake Groundwater District.

-No new wells authorized to be drilled.

T5625 and Permit 37-08903

-Measuring devices be maintained on both wells and use annually reported through West ESPA Measurement District.

-No new wells authorized to be drilled.

-Land application of waste water be the primary source of irrigation needs at site in lieu of use of pumped groundwater under T5623. This is to mitigate use under permit 37-08903.

-On approval of T5625 permit 37-08716 be relinquished or held in abeyance until such time it is demonstrated it is necessary or not superfluous.

-Rights subject to other federal, state or county requirements as may be appropriate and specifically as may apply to land application of commercial waste or discharge of water into the Little Wood River.

-The director retains jurisdiction to determine injury to other water rights &/or require further mitigation.

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NOV 08 2000



Glanbia Foods, Inc.
1728 South 2300 East
Gooding, ID 83330

Telephone (208) 934-8195
Facsimile (208) 934-8294

April 5, 2000

State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
Attention: Cory Skinner

RECEIVED
APR 12 2000
Department of Water Resources
Southern Region

Subject: Company Name Change

Dear Mr. Skinner:

The name of our company has changed from Avonmore West Inc. to Glanbia Foods, Inc. as per previous correspondence. There were no other changes in the company. All corporate officers are the same.

We request that the name of the applicant on transfers 5622, 5623, and 5625 be changed to Glanbia Foods, Inc. as suggested in your January 18, 2000, letter.

Please find the attached copy of the legal document for this name change.

Thank you again for your assistance.

Sincerely,

Rickie Del Warren
Environmental Director

David L. Thomas
Glanbia Foods, Inc.

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MAY 08 2000

Glanbia Foods, Inc.
A subsidiary of Glanbia plc

ARTICLES OF AMENDMENT
OF ARTICLES OF INCORPORATION
OF AVONMORE WEST, INC.

FILED/EFFECTIVE

FEB 8 4 11 PM '00

The undersigned, being the President of Avonmore West, Inc., an Idaho corporation (the "Corporation"), does hereby certify that:

1. The name of the Corporation is: Avonmore West, Inc.
2. Pursuant to Title 30, Chapter 1, Idaho Code, the Corporation amends Article I of the Corporation's Amended and Restated Articles of Incorporation in its entirety to read:

"The name of the Corporation is Glanbia Foods, Inc."

3. The effective date of adoption of this amendment by the Corporation's shareholders and directors was JANUARY 24, 2000.
4. The number of shares of common stock outstanding and entitled to vote was 910,000. The number of shares of common stock that voted for the amendment was 910,000. This vote was cast by written action of the sole shareholder of the Corporation, and was sufficient for approval by the sole shareholder.

AVONMORE WEST, INC.

Date: January 21, 2000

By David L. Thomas
David L. Thomas, President

IDaho SECRETARY OF STATE

02/09/2000 09:00
CL: 00562 CT: 20160 BH: 200521

1 0 30.00 = 20.00 AMEND PROOF 13

C37505

1124936.1

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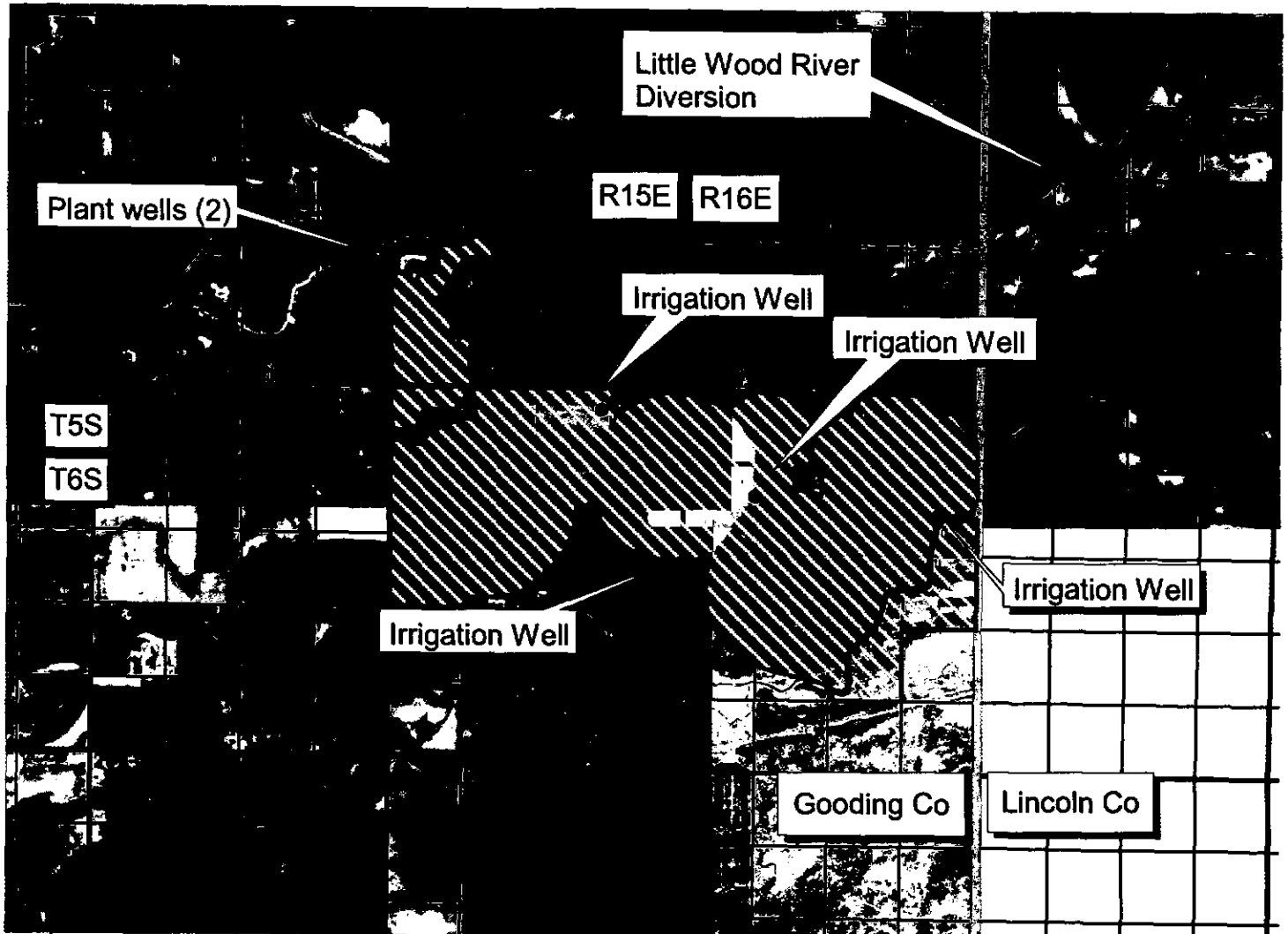
NOV 8 8 2000

RECEIVED
APR 12 2000
Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES

AVONMORE WEST INC

T5622, T5623, T5625 & 37-07051



- B37-pod.shp
- B37-pou.shp
- Counties.shp
- ▨ T05e15e-sec.shp
- ▨ T05e15eqq.shp
- ▨ T05e16e-sec.shp
- ▨ T05e16eqq.shp
- ▨ T06e15e-sec.shp
- ▨ T06e15eqq.shp
- ▨ T06e16e-sec.shp
- ▨ T06e16eqq.shp

BY: ADM
Date: 3/22/2000



IDWR TRANSFER ANALYSIS SHEET

APPLICANT Armonare-Illof TRANSFER NO. 5622

1. Right number(s) 37-07260, 07380A & C, 07576

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☒ Other: CREATE PPU

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: VARIOUS PERIODS OF USE ON ORIGINAL RIGHTS. CANAL WATER (BIG WOOD
& AMERICAN FALLS) AND SURFACE WATER RIGHTS IN COMPANION TRANSFER # 5623
AND WASTEWATER FROM CHEESE PLANT (LAND APPLICATION) IN COMPANION TRANSFER # 5625
PERMIT 37-08716, AND APPLICATION 37-08903 OVERLAP PLACE OF USE.

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred ALSO SEE PERMISSION LETTER FROM ARKOOSH PRODUCE
- h. ☒ Expansion in use of right - Comments: TRANSFER WILL
CREATE PPU. WILL NEED APPROPRIATE LIMITS.

IN TRANSFER
5622
FILE

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

SEE COMMENTS FIRST PAGE

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

CLAIMS REFLECT BASICALLY THE SAME INFORMATION AS WATER

k. X Comment letters X Yes No RIGHT RECORDS
 If yes Water District #
X Lienholder, others, see #2 (IN FILE)
 below for name and address

INITIAL ALLOCATION REVIEW BY [Signature]
 SRBA SUPERVISOR REVIEW BY [Signature]
 PUBLICATION REVIEW BY

DATE 01/10/2000
 DATE 6/1/2000
 DATE

1. Legal Notice electronically sent to DWRO3::VAULT Yes
 2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 2/18/00

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ✓ Yes No
 4. Affidavit of publication received? ✓ Yes No
 5. Protests received? Yes ✓ No; Acknowledgement sent? Yes
 6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. ✓ Approve
 2. Deny due to _____

3. Conditions (special conditions in Water Districts) _____

✓ Also see attached memo for recommendation dated: 6/1/00

4. By AD Date 6/1/00

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

Loraine Delore, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the 2nd day of March, 192000 and that date of the last publication was on the 9th day of March, 192000

On this 9th day of March, 192000, before me, a Notary Public, personally appeared Loraine Delore, 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 acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/31/00

7300/29768
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

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

198.01 Lines tabular at 14.85 7.5¢/Pica
890.99 Lines straight at 57.91 6.5¢/Pica
1089 Subsequent lines at 59.90 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 134.91

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT/CHANGE OF RIGHTS
The following application have been filed by Avonmore West, Inc., aka Glambia Foods, Inc., 1728 S 2300 E, Gooding ID 83330 regarding the public waters of the State of Idaho:

Application for Permit No. 37-08903

Source: ground water (existing development)
Diversion Pt(s): Two wells within SWNW, S36, T05S, R15E; Gooding County.
Use: 01/01-12/31 Commercial (2.00 cfs)
In: Parts of S36, T05S, R15E; S31, T05S, R16E; S01, T06S, R15E; S06, T06S, R16E; Gooding County for product cooling and cleaning of plant & equipment within cheese manufacturing and whey processing plant.
Applicant seeks processing of application as non-consumptive.

Date Filed: 05/17/99

Transfer No. 5622 requests to record a 983.7 irrigated acre permissible place of use by diverting a combined total of 15.61 cfs from four (4) existing connected wells located within SWSE, S36, T05S, R15E; SENE, S01, T06S, R15E; and NENE & NWNW, S06, T06S, R16E; Gooding County using the following water rights within the same sections:

Right No.	Priority	Amt (cfs)
37-07260	08/08/1973	5.70
37-07380A	09/05/1974	3.03
37-07380C	09/05/1974	4.38
37-07576	03/29/1977	2.50

Transfer No. 5623 a companion to proposed Transfer No. 5622, has a point of diversion within SESW, S29, T05S, R16E located in Lincoln County. The applicant requests to record the diversion of a total of 1.58 cfs from the Little Wood river tributary to Malad River within SESW, S29, T05S, R16E; Lincoln County which is co-mingled with ground water, canal water, and processing plant waste water for use on the same 983.7 irrigated acres within Gooding County listed above using the following listed rights:

Right No.	Priority	Amt (cfs)
37-00177N	04/01/1883	0.14
37-00374B	05/15/1884	0.56
37-02043B	05/10/1908	0.88

Transfer No. 5625 requests to change points of diversion and place of use for Right No. 37-07051 (1.00 cfs) recorded with priority date of 08/27/1969 from ground water within NWSW, S36, T05S, R15E; for commercial use there; Gooding County. The applicant wishes to record two existing wells as diversion points within SWNW, S36, T05S for land application of processing plant waste water at same place of use as listed above in proposed application(s) 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 March 20, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

PUB: 3/2 - 3/9

/s/ Karl J. Dreher, Director
G29768

29768

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NOV 03 2000

NOTICE OF APPLICATION FOR WATER PERMIT/CHANGE OF RIGHTS

The following application have been filed by Avonmore West, Inc., aka Glambia Foods, Inc., 1728 S 2300 E; Gooding ID 83330 regarding the public waters of the State of Idaho:

Application for Permit No. 37-08903

Source: ground water (existing development)

Diversion Pt(s): Two wells within SWNW, S36, T05S, R15E; Gooding County.

Use: 01/01-12/31 Commercial (2.00 cfs)

In: Parts of S36, T05S, R15E; S31, T05S, R16E; S01, T06S, R15E; S06, T06S, R16E; Gooding County for product cooling and cleaning of plant & equipment within cheese manufacturing and whey processing plant. Applicant seeks processing of application as non-consumptive.

Date Filed: 09/17/99

Transfer No. 5622 requests to record a 983.7 irrigated acre permissible place of use by diverting a combined total of 15.61 cfs from four (4) existing connected wells located within SWSE, S36, T05S, R15E; SENE, S01, T06S, R15E; and NENE & NWNW, S06, T06S, R16E; Gooding County using the following water rights within the same sections:

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
37-07260	08/08/1973	5.70
37-07380A	09/05/1974	3.03
37-07380C	09/05/1974	4.38
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Transfer No. 5623, a companion to proposed Transfer No. 5622, has a point of diversion within SESW, S29, T05S, R16E located in Lincoln County. The applicant requests to record the diversion of a total of 1.58 cfs from the Little Wood River tributary to Malad River within SESW, S29, T05S, R16E; Lincoln County which is co-mingled with ground water, canal water, and processing plant waste water for use on the same 983.7 irrigated acres within Gooding County listed above using the following listed rights:

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
37-00177N	04/01/1883	0.14
37-00374B	05/15/1884	0.56
37-02043B	05/10/1906	0.88

Transfer No. 5625 requests to change points of diversion and place of use for Right No. 37-07051 (1.00 cfs) recorded with priority date of 08/27/1969 from ground water within NWSW, S36, T05S, R15E; for commercial use there; Gooding County. The applicant wishes to record two existing wells as diversion points within SWNW, S36, T05S for land application of processing plant waste water at same place of use as listed above in proposed transfers & application.

Any protest against the proposed application(s) 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 March 20, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). **(Each application requires a separate protest)**. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 03/02 & 03/09/00.

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NOV 08 2000

OK
Ad-



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 23, 2000

MAGIC VALLEY PUBLISHING
ATTN: Gooding County Leader
PO BOX 468
JEROME ID 83338

Ladies and 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 required publication dates. 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,

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

Mary Baldwin

Administrative Assistant

Enclosure

MICROFILMED

MAY 08 2000



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 18, 2000

Rick Warren
Environmental Director
Avonmore West, Inc.
1728 South 2300 East
Gooding, ID 83330

Dear Mr. Warren:

Our office acknowledges receipt of the list of corporate officers for Avonmore West, Inc.. You mentioned that Avonmore West, Inc. will be changing their name to Glanbia Foods Inc, on January 24, 2000. As you recall, Avonmore West Inc. currently has four water right applications filed with our office. Application for Permit 37-08903 and Transfer Applications 5622, 5623, and 5625 have all been filed in the name of Avonmore West Inc.

I have enclosed a partially completed Assignment of Application for Permit form that upon completion, will enable our office to change the recorded owner of Application for Permit 37-08903. With regards to the transfer applications, I suggest that Avonmore West Inc. submit a letter requesting that the name of the applicant on transfers 5622, 5623, and 5625 be changed to Glanbia Foods, Inc. In addition, copies of legal documents indicating the name change from Avonmore West Inc. to Glanbia Foods, Inc. should be included.

If you have any questions, or if you need any further assistance feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, P.E.
Water Resource Engineer

Enclosure

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NOV 08 2000

T # 5622

MEMORANDUM

TO: Transfer #5622, #5623, #5625 and Application for Permit 37-08903 Files

FROM: Corey Skinner *CS*

DATE: January 10, 2000

SUBJECT: Staff Review

Transfer applications #5622, #5623, #5625 and Application for Permit 37-08903 are filed in the name of Avonmore West Inc. The applications describe the water use at the Avonmore facility located east of Gooding. Basically, there are two wells that are used to provide water for Avonmore's cheese processing plant. After water is diverted from these wells and used in the processing plant, waste water from the processing plant is routed to a redistribution pond and then land applied, along with irrigation water to surrounding lands. The irrigation water consists of groundwater, Little Wood River water, and canal company water. Avonmore is expanding their land application area to a total of 983.7 acres.

Transfer #5622 proposes to modify the groundwater irrigation rights that are appurtenant to the land application area. The transfer proposes tying all of the irrigation wells together and to create a 983.7 acre permissible place of use, consisting of the expanded land application area.

Transfer #5623 proposes to modify the Little Wood River water rights that are appurtenant to the land application area. The transfer propose tying all of the Little Wood River rights together in a 983.7 acre permissible place of use, consisting of the expanded land application area.

Transfer #5625 proposes to modify the existing water right, 37-07051, that provides water for the cheese processing plant. The transfer proposes to add a second, existing, well, and to correctly describe the points of diversion. In addition, the transfer proposes to identify the 983.7 acre land application area as part of the place of use of the water right (land application of waste water will be described as a commercial use).

Application for Permit 37-08903 proposes to create a new water right allowing for the diversion of an additional 2.00 cfs of water for commercial purposes associated with the cheese processing plant and the land application of waste water. The application states that the water use should be considered as non consumptive, so the application is being processed.

The applications should be fairly straight forward, but there are a few items that probably need some further discussion.

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T # 5622

JAN 10 2000

Page 2

Avonmore Applications Memo
January 10, 2000

The proposed land application area is owned by two separate entities. Part of the land application area is owned by Avonmore West and the other part(s) is owned by Arkoosh Produce. Apparently, Avonmore has a lease /purchase agreement on the Arkoosh Produce property. The applications are all filed in the name of Avonmore West, but there is a letter from Arkoosh Produce consenting to the applications in the Transfer #5623 file.

As previously mentioned, there are several different sources of water that are used to irrigate the proposed land application area. Transfer #5622 deals with the groundwater rights, Transfer #5623 deals with the water rights from the Little Wood River, and Transfer #5625 and Application for Permit 37-08903 deal with the waste water from the cheese processing plant. In addition, there is canal company (Big Wood Canal Company and American Falls Reservoir) water that is also used on the land application area. Examination of the Department's records also indicate that water right permit 37-08716, in the name of Avonmore West Inc., describes water quality improvement use on part of the land application area. Further examination of permit 37-08716 reveals that the permit is for the land application of waste water from licensed water right 37-07051. If Transfer #5625 is approved as proposed, then the land application of this waste water will be described in right 37-07051 and permit 37-08716 will no longer be needed. If Transfer #5625 is approved, then the Department may want to cancel permit 37-08716 since this water use will be entirely described on water right 37-07051.

Application for Permit 37-08903 is being processed since it states that the water use should be considered as non consumptive. However, there is no information that has been included with the application that supports this view. In reality, the water is diverted from the wells, used in the plant, stored in redistribution ponds, and then land applied through existing irrigation systems. There is more than likely some loss of this water through evaporation in the ponds, and while applying the waste water through the irrigation systems. In addition, the crops growing on the land application area will consume some of the water. Rick Warren, the Avonmore representative that submitted the applications, said that when the milk is being processed into cheese, quite a bit of water is being separated from the milk so there is actually more water that leaves the plant than what enters the plant from the wells. However, there is no documentation of this in the application file, so the Department should require the applicant to provide information regarding the non consumptive nature of, or possible mitigation for, the water use proposed by Application for Permit 37-08903.

MICROFILMED

NOV 08 2000

IDAHO DEPARTMENT OF WATER RESOURCES

GROUNDWATER
RIGHTS

RISE

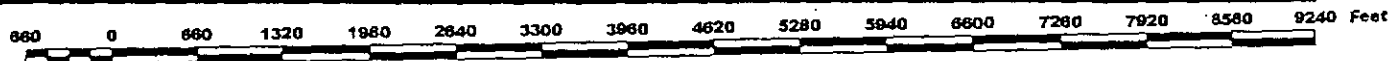
(PRE TRANSFER)

R16E

T05S

T06S

17.3	5	36			31		
35	2.4						
28.8	34.5	26 36.4	33 1	7 23	25	12 20	24
39	40	8 24	40	19 30	41	49	45
38	31.4	10 5.7		17 5	40	35	36
				6	27	6	



- 37-07260 5.70 cfs for 285 acres
- 37-07380A 3.03 cfs for 151.6 acres
- 37-07380C 4.38 cfs for 338.5 (limited to 218.7 acres)
- 37-07576 2.50 cfs for 125.0 acres

900.1 acres total

per field exams.
no overlapping acres

MICROFILMED T#5622

NOV 08 2006

RECEIVED
JUN 10 1983

June 7, 1983

RE: Permit No. 37-7260

Roger James Knight
Route #2 Box 58-A
Gooding, ID 83330

Dear Mr. Knight

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure



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

April 22, 1983

RE: Water Right Permit Nos. 37-7260 and 37-7380

Roger James Knight
Route #2, Box 58-A
Gooding, ID 83330

Dear Mr. Knight:

We are in the final process of the licensing of the above referenced water rights. The water rights were originally filed by Harvey D. Bothoff and are currently in his name. The Gooding County Assessor's Office informed us that you now own the property that this water is appurtenant to. Therefore, we are sending you the letters that we would normally send to the permit holder.

If we do not hear from you within 10 days, licenses will be issued in Mr. Bothoff's name. In Idaho, however, a licensed right is appurtenant to the land, therefore, you are the owner of the water right because you own the property even though they are in Mr. Bothoff's name.

You can have the licenses issued in your name if you have Mr. Bothoff assign the permits to you before they are licensed. We are enclosed two assignment forms for your convenience. Be sure to let us know if you decide to have Mr. Bothoff assign the permit to you if it takes more than 10 days to complete the assignments.

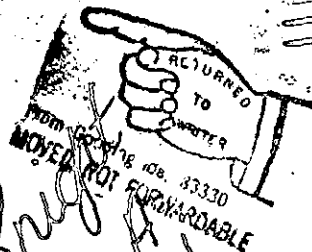
If you have any questions on this, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



RECEIVED

APR 7 1983

Department of Water Resources

Harvey D. Bothoff
Route #2
Gooding, ID 83330

RETURN TO SENDER
AUTHORISED TIME FOR
FORWARDING HAS EXPIRED

as per Gooding
County Assessor
4/22/83
new owner
Roger James Kniff
Rt. 2, Box 58-1
Gooding, ID
4/22/83



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

April 4, 1983

RE: Permit No. 37-7260

Harvey D. Bothoff
Route #2
Gooding, ID 83330

Dear Mr. Bothoff:

A representative of this Department has made an examination of the works covered by your Permit No. 37-7260, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 5.70 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1140.0 acre feet per year.

Point(s) of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 5S, Rge. 15E, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Twp. 6S, Rge. 15E, Gov. Lot 4(NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 6, Twp. 6S, Rge. 16E, Gooding County

Beneficial use: Irrigation of 285 acres within the Gov. Lot 4(SW $\frac{1}{4}$ SW $\frac{1}{4}$), SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, Twp. 5S, Rge. 16E, Gov. Lot 2(NW $\frac{1}{4}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$, Gov. Lot 3(NE $\frac{1}{4}$ NW $\frac{1}{4}$), Gov. Lot 4(NW $\frac{1}{4}$ NW $\frac{1}{4}$), Gov. Lot 5(SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Gov. Lot 6(NW $\frac{1}{4}$ SW $\frac{1}{4}$), NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 6S, Rge. 16E

Priority date established: August 8, 1973

Conditions (if any): This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED

~~June 22 1978~~

~~Department of Water Resources~~
Southern District Office

(name spring, stream, etc.)

RECEIVED

FEB 25 1981

Department of Interior
Southern District Office

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated: _____

Max Rate of Diversion _____ cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 65 N/S, Range 15E E/W, B.M., Section 1, Subdivision SE 1/4 NE 1/4, Gooding County

Township 55 N/S, Range 15E E/W, B.M., Section 36, Subdivision SW $\frac{1}{4}$ SE $\frac{1}{4}$, _____
County _____

Township 6S N/S, Range 16E E/W, B.M., Section 6, Subdivision NW 1/4 NW 1/4, _____
County _____

Other Points of Diversions: _____

Description of diverting works: #1, 20" x 350', 400 Hp, 4 stage 16 KHA L+B pump
#2, 20" x 200', 200 Hp, Peerless 10x10x20 pump
#3 20" x 200', 300 Hp, Peerless 12x12x20 pump

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 425

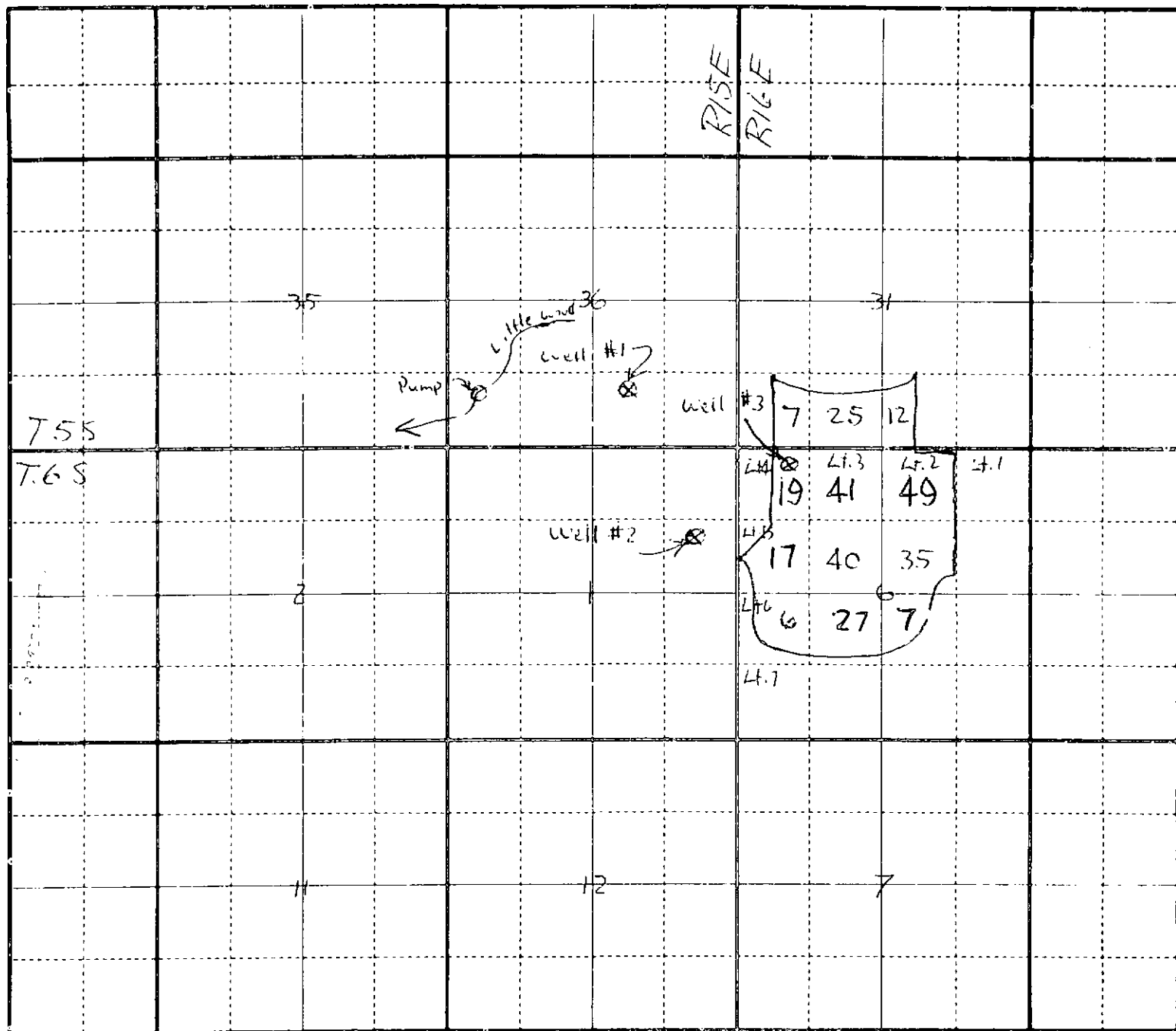


Diagram of System

(See attached sheet)

DATE OF EXAM 7/2 & 10/3 1979

ACREAGE
Found 723
Recommended 285 ✓

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 5.70 ✓ c.f.s. V = 1140 ✓ AF/Ann. from 3/15 to 11/15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes X no _____

Name source: Little Wood River
twp. 5 ~~N/S~~ Rge 15 ~~E/W~~ B.M., Sec. 36, Sub. SW 1/4 SW 1/4 Gooding
County

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Total Q measured 20.74 cfs ^{capacity} Method of measurement (See Attached Sheet)

Total Q recommended 5.70 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1140 A.F./Ann.

Recommended Amendments:

P.D. OK
Place of Use OK
Other _____
None ✓

MEASUREMENT CALCULATION:
(See Attached Sheets)

$$Q_{rec.} = (285 \text{ Acres}) (0.02 \text{ cfs } 2/10w/Acre) = \underline{5.70 \text{ cfs}}$$

$$V_{rec.} = (285 \text{ Acres}) (4.0 \text{ A.F./Acre/Ann.}) = \underline{1140 \text{ A.F./Ann.}}$$

$$57 \times 1.9835 \times 245 = 2769.9$$

SYSTEM DESCRIPTION:
(See Attached sheets)

Three wells with common pipeline network deliver to three center pivots and various hand lines & wheel-line sprinklers.

REMARKS:

Mr. Jim Knight, owner of lands irrigated, was present during the exam. Lands irrigated covered under 37-7380 & 37-7464 also Pump from river was off during well tests. ^{Lapsed}

Harvey Bothoff not available for assignment of permits.

Examiner's Signature Allen D. Merrill Date 10/5/79 2/25/81

Checked by J. E. Stanton Date 10-5-79

Approved by John Jim 4-4-83 Date 3-8-83

Overlap Review attached

PUMP DESCRIPTIONS FOR FIELD REPORTS FOR PERMITS 37-7260 & 37-7380

WELL NO.	MOTOR H.P.	MOTOR MAKE	MOTOR SERIAL	PUMP MAKE	PUMP SERIAL	METER MAKE	METER SERIAL
SWSE Sec 36 #1	200	U.S. Motors	C521231 84-06761-459	Peerless	F19796	McCrometer	75-10-200
SENE Sec 1 #2	400	G.E.	AMJ107011	Aurora Verti-Line	37670259	Collins tube	000879
OWNW Sec 6 #3	300	G.E.	CKJ306127	Peerless	F19776	McCrometer	73-12-254

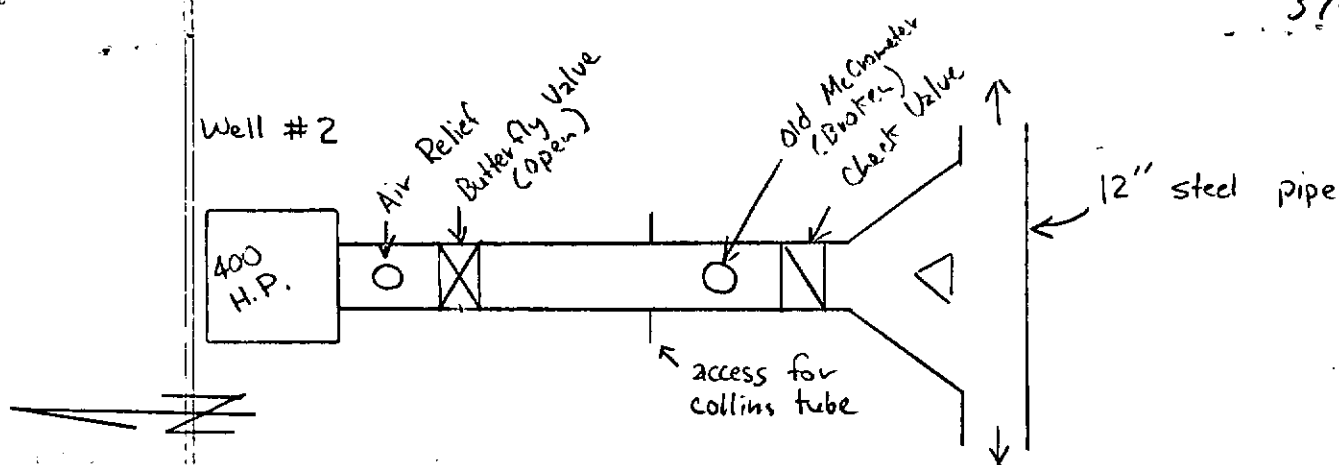
PUMP DISCHARGE MEASUREMENTS AND CALCULATIONS

WELL NO.	MEASUREMENT NOTES	CALCULATED CFS	REMARKS
#1	0.010 A.F./105 sec.	4.15cfs	Wells #2 & #3 were off during measurement Pressure at pump was 55psi at gauge Pressure at sprinklers appeared low All pivots and several handlines were running Tested July 2, 1979
#2	Avg. Vel. = 11.79 fps * Pipe Dia. = 12" * Corrected	9.26cfs	Wells #1 & #3 were off during measurement Pressure at pump was 55 psi at gauge Pressure at sprinklers appeared low All pivots and several handlines were running Tested Oct. 3, 1979 This pump had not been used for irrigation this season The power had to be specially hooked up for test
#3	0.010 A.F./59.4 sec.	7.33cfs	Wells #1 & #2 were off during measurement Pressure at pump not noted Pressure at sprinklers appeared low All pivots and several handlines were running Tested July 2, 1979
TOTAL 20.74 cfs			

Collins Measurement

37-7260

37-7380

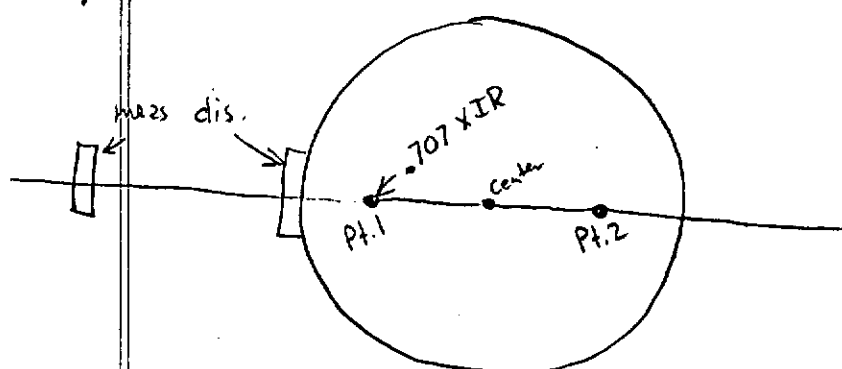


$$\text{Cir of Pipe} = 3.19'$$

$$\therefore \text{OD} = 1.01'$$

$$\text{ID} = 1.00 \text{ or } 12''$$

$$\text{IR} = .5 \text{ or } 6''$$



$$.707 \times \text{IR}$$

$$.707 \times .5 = 0.35$$

@ Center	Meas. dis = 0.50'
@ Pt. 1	Meas dis = 0.85'
@ Pt. 2	Meas dis 0.15'

Used Fig. 3 connection

$$\text{@ Pt. 1} \quad \text{meas} \quad 2.43' \text{ \& } 3.51' \Rightarrow 71.28 \text{ inches}$$

$$\text{Pt. 2} \quad \text{meas} \quad 1.68' \text{ \& } 0.84' \Rightarrow 30.24 \text{ inches}$$

$$101.52 \div 2 \Rightarrow 50.76''$$

$$\text{Velocity} = 1.638 \times \sqrt{h} = 1.638 \sqrt{50.76} = 11.67 \text{ fps.}$$

$$\text{Corrected Velocity} = 1.01 \times 11.67 = 11.79 \text{ fps.}$$

Note: Used two pt. method because oil was low in pump & owner didn't want to run pump very long.

Overlap Review for 37-7260

Permit 37-7380

Field Exam complete ✓

gw

P/D

SWSE Sec 36

SENE Sec 18

GL4 (NWNW) Sec 6

(same wells) ok

P/D different land
which are adjacent
to each other ok

37-7380 7.46 cfs

This right 37-7260 5.7 cfs

13.16 cfs

less than capacity (20.74 cfs) ok

No Overlap - Permit identifies canal water
Recommend condition R16 ok

RC 3/8/83

Permit 37-7464 Lapsed ok

October 29, 1979

Mr. William Parsons
P.O. Box 910
Burley, ID 83318

Dear Mr. Parsons:

Re: 37-7252, 37-7260, 37-7380 and 37-7464

As requested in a phone call to this office, the status of water rights 37-7252, 37-7260, 37-7380 and 37-7464 is as follows:

License No. 37-7252

Name: Lawrence D. Crutchfield
Priority Date: July 24, 1973
Amount: 3.30 cfs
Source: groundwater
Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 6 S., R. 16 E.
Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 12, T. 6 S., R. 15 E; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 7; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6 S., R. 16 E.

Permit No. 37-7260

Name: Harvey D. Bothoff
Priority Date: August 8, 1973
Amount: 8.5 cfs
Source: groundwater
Points of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5 S., R. 15 E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6 S., R. 15 E; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6 S., R. 16 E.
Place of Use: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5 S., R. 16 E; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, T. 6 S., R. 16 E., Sec. 6.
Remarks: Field examination to be conducted prior to licensing.

October 29, 1979

Permit No. 37-7380

Name: Harvey D. Bothoff

Priority Date: September 5, 1974

Amount: 8.9 cfs

Source: groundwater

Points of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6 S., R. 15 E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36,
T. 5 S., R. 15 E; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6 S., R. 16 E.Place of Use: S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, T. 5 S., R. 15 E; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T. 6 S., R. 15 E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 5 S.,
R. 16 E; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 6 S., R. 16 E.

Remarks: Field examination to be conducted prior to licensing.

Permit No. 37-7464

Name: Harvey D. Bothoff

Priority Date: November 10, 1975

Amount: 2.0 cfs

Source: groundwater

Points of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6 S., R. 15 E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36,
T. 5 S., R. 15 E; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6 S., R. 16 E.Place of Use: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, T. 6 S., R. 15 E.Remarks: Proof to Beneficial Use to be submitted on or before December 1, 1980,
by owner of permit.

If you need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ab

WATER RIGHT NUMBER 37-7260

OWNER LAST NAME - ROTHOFF

FIRST NAME - HARVEY D.

ORIG OWNER -

ADDRESS LINE 1 - RT. 2

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - GOODING

STATE - ID ZIP CODE - 83330

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - PERMIT

STATUS -

PRIORITY - 08-08-1973 COUNTY - GOODING

TOTAL DIV. RATE -

5.7

8.5000 -CFS

TOTAL DIV. VOLUME - 1140 .00 AFA TRPR/AMEND - A

WATER DIST. -

BLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENE 01 06S 15E LOT REDIV -

0.0

0.0

0.0

0.0

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0.0

0.0

0.0

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X → NENE 06 06S 16E LOT REDIV -

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SWSE 36 05S 15E LOT REDIV -

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0.0

FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE - 5.7 8.5000 CFS USE DIV. VOLUME - 1140.0 .00 AFA

USE - IRRIGATION

PLACE OF USE - T4N 06S R4G 16E SEC 06

TRACT N4NE LOT

AC 40 TRACT SWNE LOT

AC 40

TRACT N4NW LOT

AC 40 TRACT N4NW LOT

AC 10

TRACT S4NW LOT

AC 35 TRACT S4NW LOT

AC 40

TRACT N4SW LOT

AC 40 TRACT N4SW LOT

AC 40

TRACT S4SW LOT

AC 10 TRACT S4SW LOT

AC 40

TRACT SWSE LOT

AC 20

DATE -

TOTAL ACRES

355

DECRETE NAME -

REMARKS - See Lic.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE - BIG WOOD RES.

PROOF DUE - 09-01-1978 PERMIT/DENIED - 09-17-1973 PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - P FLD EXAM - COND. OF APPROVAL - 01

DIVERSION MEANS - WELL & PUMP.

N4NW 6 6S 16E LOT 4

October 25, 1978

John C. Nibler
Senior Engineer-Appraiser
The Federal Land Bank of Spokane
West 705 First Avenue, TAF-C#
Spokane, WA 99220

Dear Mr. Nibler:

I sincerely apologize for the error of advancing the priority date. The error was made since the proof affidavit wasn't stamped received by our Southern Region office on the day it was received. Our internal procedures have been reviewed to prevent this type of error from happening again.

If you have any questions on this matter, please feel free to contact me.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:alw

October 24, 1978

Reed C. Gardner
Assistant General Counsel
The Federal Land Bank of Spokane
West 705 First Avenue, TAF-C4
Spokane, WA 99220

Dear Mr. Gardner:

Re: Permit Nos. 37-7380 and 63-7260

This office acknowledges receipt of your letter dated October 17, 1978 together with copy of the Amended Certificate of Sale. The language on Page 2, second paragraph from the bottom, and the language at the top of Page 5, probably is adequate for your purposes to show that a permit, in fact, was conveyed to you but is not specific enough without the permit number to be acceptable as an assignment by the Department.

This is our position since a permit is personnel property rather than real property or an appurtenance. Another potential problem with the general type language shown in the Amended Certificate of Sale is that the Department has no indication which permit is being conveyed to another party or to whom, other than the permittee, notice of proof due should be mailed. As I suggested in my letter of September 20, 1978, I again feel that an assignment from the permittee to you would be the best guarantee for security of a loan and, in case the permit holder failed to comply with the provisions of the contract, you could then exercise your ownership of the permit as reflected by the assignment to you.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

RECEIVED

37-7380
37-7260

The Federal Land Bank of Spokane

West 705 First Avenue, TAF-C4
Spokane, Washington 99220

(509) 456-7468



October 10, 1978

RECEIVED

OCT 13 1978

Mr. L. Glen Saxton
Chief, Operations Bureau
Department of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

Dear Mr. Saxton:

In your letter to Reed Gardner of September 20, 1978 you indicated that the enclosed order reinstates Permit No. 37-7260 and advances the priority date the number of days that the proof of beneficial use was late. I personally delivered the completed beneficial use forms to the Southern Regional Office in Twin Falls on Friday, August 30. I discussed the completion of the applications with Loren Holmes, Supervisor of the Southern Region, on that date. I am enclosing a copy of the letter received from James E. Stanton written to me on September 1 indicating that he had received the required proofs of beneficial use for water permits 37-7260 and 37-7380. Do these forms have to be submitted to the Boise office to meet the required completion date?

If there are any changes or you have any questions please contact me.

Sincerely,

A handwritten signature in cursive script that reads "John C. Nibler".

John C. Nibler
Senior Engineer-Appraiser

Enclosure

cc: Dave Burgess, RAVP
Reed Gardner



Microfilm



John V. Evans
Governor

C. Stephen Allred
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

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

NIBLER _____
LEHRMAN _____
FILE _____

September 1, 1978

Mr. John C. Nibler
Federal Land Bank of Spokane
W. 705 First Ave.
Spokane, Washington 99204

Dear Mr. Nibler:

We have received the required Proofs of Beneficial Use for Water permits 37-7260 and 37-7380 from Harvey Bothoff. Pre-license examinations will probably be completed on these permits during next year's irrigation season.

I understand that the land under these permits will be repossessed from Mr. Botloff. You should know that water permits are personal property and will remain in Mr. Bothoff's possession even if he loses the land in question. Once the water rights become licenses, however, the owner of the land automatically possesses the water right. Due to a backlog in our Boise office, it may take a year or more for these permits to be licensed.

I have prepared Assignment of Permit forms by which Mr. Bothoff can transfer his water permits to whoever gets his land. Mr. Bothoff does not have to assign these permits if he doesn't want to, but you now will have the forms required to accomplish this action if it is desired. The completed forms should be returned to this office so that our records can be changed accordingly.

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

Sincerely,

James E. Stanton
James E. Stanton
Senior Water Resource Agent

JES/marya

Encl:

FLB No. _____	
RECEIVED	SEP 5 1978
Referred to _____	
File _____	

MICROFILMED

THE FEDERAL LAND BANK OF SPOKANE

WEST 705 FIRST AVENUE
SPOKANE, WASHINGTON 99204



RECEIVED
SEP 19 1968
FEDERAL LAND BANK

Mr. L. Glen Saxton
Chief, Operations Bureau
Department of Water Resources
Statehouse
Boise, ID 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720

PRESID

FIRST

SEP 27 1978

Department of Water Resources

SEP 27 1978

RECEIVED

Harvey D. Bothoff
Route 2,
Gooding, ID 83330

NOT DELIVERABLE
AS ADDRESSED —
UNABLE TO FORWARD



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 20, 1978

Harvey D. Bothoff
Route 2
Gooding, ID 83333

Dear Mr. Bothoff:

RE: Permit Nos. 37-7260 and 37-7380

Enclosed is a copy of the Order reinstating Permit No. 37-7260 and advancing the priority to August 13, 1973.

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.

If you have any questions regarding the field examination, please contact our regional office in Twin Falls.

Sincerely,

RITA FLECK
Water Rights

RECEIVED

September 20, 1978

Reed C. Gardner
Assistant General Council
The Federal Land Bank of Spokane
West 705 First Avenue, TAF-C4
Spokane, WA 99220

Dear Mr. Gardner:

Re: Permit Nos. 37-7260 and 37-7380

This office acknowledges receipt of proof of beneficial use submitted in connection with the above referenced permits. The enclosed Order reinstates Permit No. 37-7260 and advances the priority date the number of days that proof of beneficial use was late.

With regard to future assignment of the permits by Harvey D. Bothoff, the Sheriff's Certificate of Sale may have conveyed Mr. Bothoff's interest in the permits to you. This office, however, would like to review a copy of the Certificate of Sale before taking a position relative to an assignment of the permits assumed by the Certificate of Sale.

In view of potential problems associated with ownership of permits, you may in the future wish to have a permit assigned to you and filed with this Department for your protection. Note that there is no departmental fee associated with an assignment.

This office will place a note in each of the above referenced files indicating that there is a question of ownership of the permits. After examining the Certificate of Sale, we will be able to more correctly determine ownership.

If this office can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 20, 1978

Harvey D. Bothoff
Route 2
Gooding, ID 83333

Dear Mr. Bothoff:

RE: Permit Nos. 37-7260 and 37-7380

Enclosed is a copy of the Order reinstating Permit No. 37-7260 and advancing the priority to August 13, 1973.

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.

If you have any questions regarding the field examination, please contact our regional office in Twin Falls.

Sincerely,

RITA FLECK
Water Rights

MICROFILMED

The Federal Land Bank of Spokane

West 705 First Avenue, TAF-C4
Spokane, Washington 99220



September 14, 1978

RECEIVED

SEP 18 1978

Department of Water Resources

Mr. Glen Saxton
Division Chief, Water Rights
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Water Permits Nos. 37-7260 and 37-7380 -
Harvey Bothoff

Dear Mr. Saxton:

We have recently had some communication with Mr. James E. Stanton, Senior Water Resource Agent, in the Twin Falls Office. Mr. Stanton has been assisting us in filing proof of beneficial use on the above-referenced permits. In the course of our conversations with Mr. Stanton, he reminded us that the permits were personal property and suggested that there might be some danger that the permits could be transferred by Mr. Bothoff without our knowledge. He suggested that we write to your office, to ask for notification in the event any attempt is made to transfer these permits and to register our interest in them.

We are aware of the personal nature of the permits, but the water permits are not the only personal property which Mr. Bothoff pledged as security for the loan with The Federal Land Bank of Spokane. Because of the personal nature of some of the property, we specifically included the personal property in the foreclosure. This property, along with the real property involved, was ordered sold by the court and The Federal Land Bank of Spokane was the purchaser at the Sheriff's Sale. The court order and the Sheriff's Certificate of Sale included "all water rights, permits, licenses, and appurtenances." It is our understanding that this language is sufficient to give us any interest Mr. Bothoff may have had in the above-referenced permits. We would certainly appreciate hearing from you if it is the position of your office that the permits do not transfer under these circumstances.

In any event, to assure that we have an opportunity to protect our position, we hereby object to any transfers of the permits at the request of Harvey Bothoff and respectfully request that you advise us immediately if such a transfer is attempted.

We have appreciated the helpfulness of your Department in this



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Mr. Glen Saxton

-2-

September 14, 1978

matter and will certainly look forward to hearing from you in this regard.

Very truly yours,



REED C. GARDNER
Assistant General Counsel

RCG:pg

cc: James E. Stanton, Sr. Water Resource
Agent
Dave Burgess
John Nibler
114-1

114-1

Identification No. _____

Permit No. 37-7260

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 5 1978
Director
Department of Water Resources
Boise State Office

1. a) Name of Permit Holder Harvey D. Bothoff
b) Post Office Address Route # 2, Gooding, Idaho
2. Permit Number 37-7260
3. Date of Priority that you are prepared to establish 8-8-1973
4. a) Source from which water was appropriated deep well
b) Location of the point of diversion: SE ¼ NE ¼, Section 1
Township 6S, Range 15E, Boise Meridian, Other points of diversion:
SW ¼ SE ¼, Sec. 36, T5S, R15E; NW ¼ NW ¼, Sec. 6, T6S, R16E, B.M.
5. a) The amount of water and use to which the water has been applied:
Amount 8.50 cfs for irrigation purposes from 3-15 to 11-15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 8.5 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
b) Describe the agreement or understanding by which you take water from the works:
N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) (1) Sec 1 well- 20" dia, 350' deep, 400 H.P., 4 stage
16 KHA I. & B pump
(2) Sec. 36 well - 20" dia, 200' deep, 200 H.P., Peerless 10x10x20 pump
(3) Sec 6, well - 20" dia, 200' deep 300 H.P., Peerless 12x12x20 pump
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
SE ¼ NE ¼ Sec 1- Mreesco flow meter in 12" pipe
SW ¼ SE ¼ Sec. 36 - McCrometer flow meter in 10" pipe,
NW ¼ NW ¼ Sec 6 - McCrometer flow meter in 12" pipe
c) Give well driller's name and address and the date the well was completed: _____
Kenneth F. McCrac
Box 553, Wendell, Idaho
Well Sec. 1 1975 ; well Sec 36 9/20/74 ; well Sec 6 11/2/74
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____
Irrigation only

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Exam typed
9/15/78 NJ

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

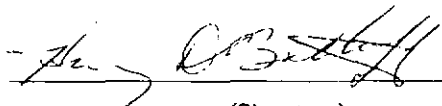
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	16E	31											10	40			20		70
6S	16E	6		40	40		40	10	35	40	40	40	20	10		40			355

Total number of acres irrigated 425

10. Remarks:

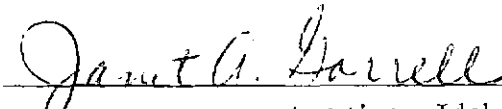
The above information is a true statement of the extent to which the above numbered permit has been developed.

February 9 1976
(Date)


(Signature)

State of Idaho)
County of Gooding) ss.

On this 9th day of February, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

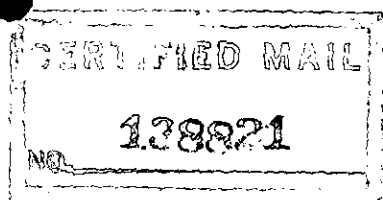

Notary Public residing at Gooding, Idaho

My commission expires February 26, 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



Harvey D. Bothoff
Route 2
Gooding, ID 83330

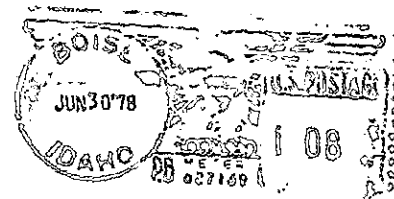


- ☐ Moved, left no address
- ☐ No such number
- ☐ Moved, not forwardable
- ☐ Addressee unknown

RECEIVED

JUL 3 1978

Department of Water Resources



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 30, 1978

CERTIFIED MAIL

Re: Permit No. 37-7260

Harvey D. Bothoff
Route 2
Gooding, ID 83330

Dear Mr. Bothoff:

One of the conditions of approval of your water Permit No. 37-7260 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1978. Enclosed is an affidavit form which must 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 affidavit 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.


RITA FLECK
Water Rights

Encl: Proof affidavit

MAILED
JUN 30 1978
BOISE, IDAHO



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 30, 1978

CERTIFIED MAIL

Re: Permit No. 37-7260

133821

Harvey D. Bothoff
Route 2
Gooding, ID 83330

Dear Mr. Bothoff:

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RITA FLECK
Water Rights

Encl: Proof affidavit

RECEIVED
JUL 1 1978

November 20, 1975

Re: Permit No. 37-7260 & 37-7380

Harvey D. Bothoff
Route 2
Gooding, Idaho 83330

Dear Mr. Bothoff:

Enclosed are copies of the approved applications for amendment issued on the above referenced permits.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosures

State of Idaho
Department of Water Administration

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

September 10, 1974

Re: Permit No. 37-7260

Harvey D. Bothoff
Route #2
Gooding, ID 83330

Dear Mr. Bothoff:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

bcc: Southern Dist. Office

1974 SEP 10 10 10 AM
SOUTHERN DIST. OFFICE

September 18, 1973

Re: Permit No. 37-7260

Mr. Harvey D. Bothoff
Route 2
Gooding, ID 83330

Dear Mr. Bothoff:

Enclosed is a copy of your approved Application for Permit No. 37-7260. 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
Assistant Director

BDF:cd

Enclosures

37 7260

August 16, 1973

RE: Application Nos. 36-7361 - Glenn Dale Ranches, Inc.
36-7362 - A. H. Ambrose
86b7363 - Robert W. Stacey
36-7364 - Chas. W. Hogsden
37-7259 - Harvey D. Bothoff
37-7260 - Harvey D. Bothoff

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

The above referenced applications were to have been published in your newspaper on August 14 and August 23, 1973.

In the cover letters, which were sent with the legal notices, we requested that you submit to us galley proofs for review before publication. Since the Department failed to receive galley proofs prior to publication, we have no way of knowing whether you have advertised these applications. We trust that it is being taken care of by your staff.

If you have not taken action on these legal notices, please contact our office by telephone immediately.

Very truly yours,

Janet H. Messersmith
Secretary

37 7260

August 9, 1973

RE: Application Nos. 37-7259 - Harvey D. Bothoff
37-7260 - Harvey D. Bothoff

Gooding County Leader
Box 56
Gooding, ID 83330

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.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:jmm

Enc.: Legal Notices (2)

Bill submitted 9-6-73... jmm

37 7260

**NOTICE OF APPLICATION
FOR WATER PERMIT**

8-16-73
Notice is hereby given that Harvey D. Bothoff, Route 2, Gooding, Idaho has on August 8, 1973 submitted Application No. 37-7260 for a permit to appropriate 8.5 cubic feet per second of water from ground-water by means of deep well pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E, B.M., Gooding County to be used from March 15 to November 15 for irrigation of 425 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 6S, R. 15E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6S, R. 16E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5S, R. 15E; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5S, R. 16E, B.M.

If issued this permit will be subject to all prior water rights. Protests against the granting of permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301 on or before September 3, 1973.

R. Keith Higginson
Director

8-16-2tc

Need Galley Proof
**NOTICE OF APPLICATION
FOR WATER PERMIT**

8-22-73
OK from 8-22-73
Notice is hereby given that Harvey D. Bothoff Route 2, Gooding, ID has on August 8, 1973 submitted Application No. 37-7260 for a permit to appropriate 8.5 cubic feet per second of water from ground-water by means of deep well pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E, B.M., Gooding County to be used from Mar. 15 to Nov. 15 for irrigation of 425 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 6S, R. 15E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 6S, R. 16E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5S, R. 15E; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5S, R. 16E, 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 Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before September 10, 1973.

R. KEITH HIGGINSON,
Director

8-23-2tc

37
7260

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harvey D. Bothoff

Route 2, Gooding, ID

has on August 8, 1973 submitted Application No. 37-7260

for a permit to appropriate 3.5 cubic feet per second ~~acres feet per annum~~
of water from groundwater

by means of deep well pump

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E, B.M., Gooding County

to be used from Mar. 15 to Nov. 15

for irrigation of 425 acres

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 6S, R. 16E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1,
T. 6S, R. 16E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5S, R. 15E; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5S,
R. 16E, 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 Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301
on or before September 7, 1973.

10

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader

on August 16 and August 23, 1973

4 Aug 30

CORRECTION BY PHONE -- 8-16-73