

R40E
T5N

POINT OF DIVERSION

E211
442

9 10

16 15

PLACE OF USE

MICROFILMED

OCT 18 1990

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on July 19, 1990 and the last publication having been made on July 26, 1990

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 27th day of July in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Gayle M. Kild
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

RECEIVED

AUG - 1 1990

Department of Water Resources
Edinburgh District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07668

KMH FARMS
C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642
Source: GROUNDWATER
Diversion Pt: SWNE Sec 9 T 05N R 40

E Use: IRRIGATION (5.950 CFS) Total
Diversion: (5.950 CFS)
Date Filed: 4/30/1990
In: T05N R40E S09 NENE NWNE
SWNE SENE NESE NWSE SWSE SESE
S10 NENW NWNW SWNW SENW
NESW NWSW SWSW SESW 480.5
ACRES TOTAL

22-07674

SON RISE, INC.
C/O JAMES WOOD
BOX 610
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESE Sec 36 T 06N R 40E

Use: IRRIGATION (2.800 CFS) Total
Diversion: (2.800 CFS)
Date Filed: 6/19/1990
In: T06N R40E S36 NESE NWSE
SWSE SESE 140.0 ACRES TOTAL

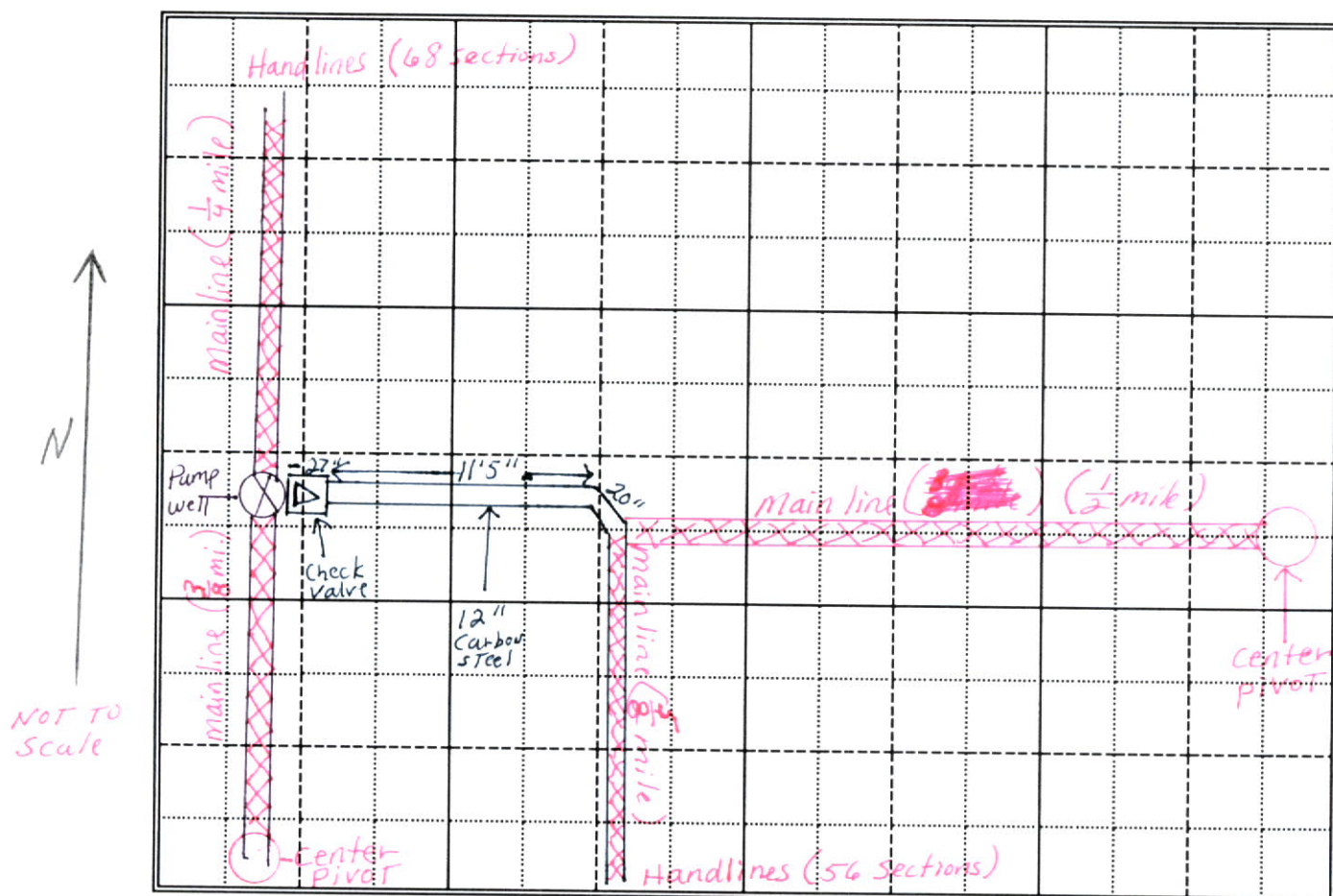
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 26, 1990.

R. KEITH HIGGINSON
Director
Publ. July 19 and 26, 1990J.

MICROFILMED

AUG 1 1990

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	General Electric	400	HKJ814019	Venturi-Lint Layne & Bowler	015750

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Polysonic - Maximum Rate 5.95 CFS ; High Average Rate 5.81 CFS ; High Flow Rate 5.89 CFS.

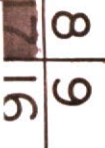
MAY 20 1957

$$\begin{array}{r} 43 \\ 916 \end{array}$$

135.0

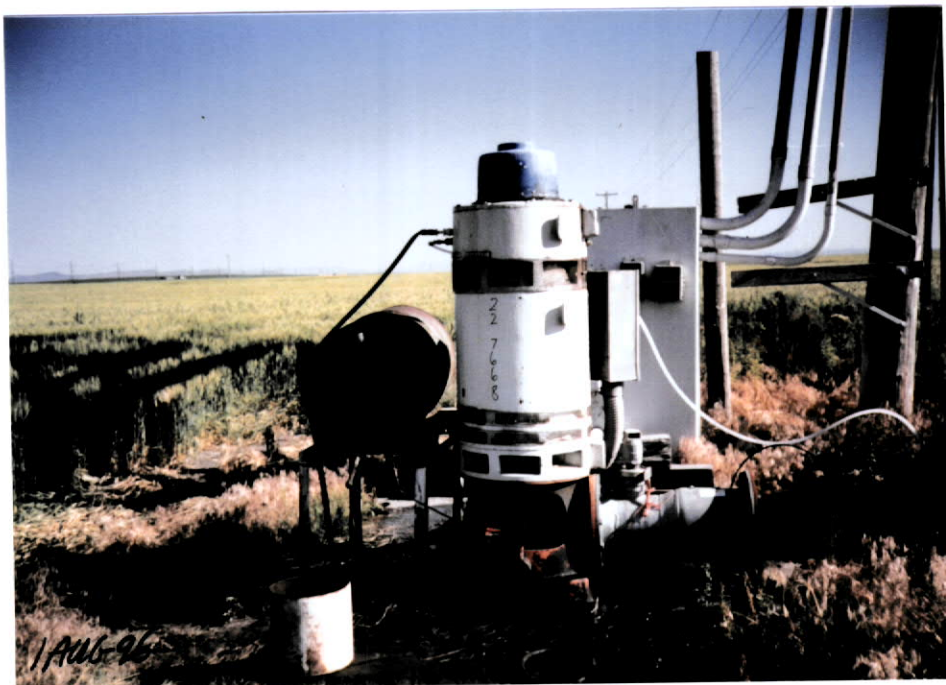
R40E

Place of Use



NOT TO SCALE





Examiner: Steven Garrison



22-7668

MAY 29 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07668

Priority: April 30, 1990

Maximum Diversion Rate:

2.30 CFS

This is to certify, that KWH FARMS
C/O MARILYN HOOPES
16 BRYSON DR
SUTTER CREEK CA 95685

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 30, 1990; and has submitted Proof of Beneficial Use on October 11, 1991. An examination indicates that the works have a diversion capacity of 5.950 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.30 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 9, Township 05N, Range 40E
MADISON 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>
05N	40E	9	NENE 12.5	NWNE 12.5	SWNE 35	
			SENE 40	NESE 40	NWSE 40	
			SWSE 37	SESE 39.5		256.5
	10		NENW 5	NWNW 12.5	SWNW 40	
			SENW 25	NESW 22	NWSW 40	
			SWSW 39.5	SESW 25		209

Total number of acres irrigated: 465.5

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
- 2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

MICROFILMED
MAY 20 1997

State of Idaho
Department of Water Resources

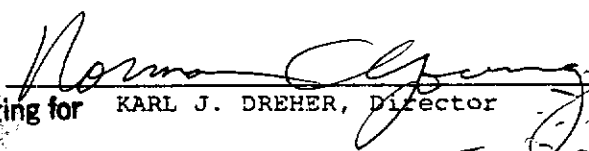
WATER RIGHT LICENSE

WATER RIGHT NO. 22-07668

CONDITIONS OF APPROVAL AND REMARKS

7. Rights 22-02263B, 22-02264B and 22-07668 when combined shall not exceed a total annual diversion volume of 1629.3 af and the irrigation of 465.5 acres.
8. Rights 22-02263B and 22-02264B are also diverted through the point(s) of diversion described above.

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


Acting for KARL J. DREHER, Director

REC'D - JUNE 10

MAY 28 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-07668)
IN THE NAME OF KWH FARMS)

ORDER OF
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before October 1, 1991; and

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, the Department received an incomplete proof of beneficial use on August 19, 1991; and,

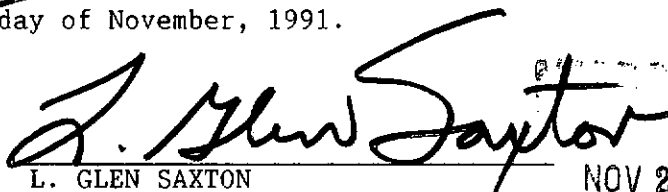
WHEREAS, the Department did not take action on the proof of beneficial use until October 1, 1991, more than one month after it was received; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on October 11, 1991;

IT IS, THEREFORE, HEREBY ORDERED that permit No. 22-07668 be REINSTATED with no advance in priority.

Dated this 15th day of November, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

NOV 20 1991

RECEIVED
AUG 19 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 50.00
Date 10-11-91
Receipt No. CO21907
Received by [signature]

OCT 11 1991

Department of Water Resources

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 22-07668 Telephone No. 209-267-0493
2. Name(s) of Permit Holder(s): Marilyn Hoopes & Holly Hoopes
3. Post Office Address: 116 Bryson Drive Sutter Creek CA 95688
4. Source of Water: underground well
- a. If ground water, well driller's name: Andrews Date drilled: 1966
- b. Pump horsepower: 400 Pressure (psi): 120 Dynamic pumping level (ft.): 380

5. Extent of Use:

Domestic ① (No. of households) Irrigation 484 (No. of acres)
HIRED HAND APARTMENT
 Stockwater (No. and type of stock) 110 Other Shop

6. Total rate and/or volume for which proof is submitted 2600 ^{gpm} cfs 484 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No
 OR
 Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

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

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

GOULD BROTHERS FARMING - 208-458-4101
 Name BOX 333 Telephone No. 209-267-0493
Teton, Idaho or Holly or M. Hoopes
83457 Address

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

8/16/91
 Date

Marilyn Hoopes, Holly Hoopes
 Signature (and title if on behalf of a company or organization)
 NOV 20 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07668

Proposed Priority: April 30, 1990 Maximum Diversion Rate: 5.95 CFS
This is to certify, that **KWH FARMS**

C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	5.95 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 9, Township 05N, Range 40E
MADISON 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>
05N	40E	9	NENE 11.5	NWNE 11.5	SWNE 38	
			SENE 40	NESE 40	NWSE 40	
			SWSE 39	SESE 39		259
		10	NENW 8	NWNW 11.5	SWNW 40	
			SENW 28	NESW 28	NWSW 40	
			SWSW 39	SESW 27		221.5

Total number of acres irrigated: 480.5

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1991.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

MICROFILMED

OCT 16 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07668

CONDITIONS/REMARKS:

7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

21st day of September, 1990

for R. Keith Higginson, Director

MICROFILMED

OCT 16 1990

Ident. No. 22-07668

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KWH FARMS C/O MARILYN HOOPES 209-223-1000
Address: 901 VOGEN TOLL RD.
JACKSON, CA 95642
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SWNE Sec. 9, Township 05N, Range 40E
MADISON County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 04/01 | 11/01 | 5.950 | | |
5. Total quantity appropriated is:
5.950 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
WELL AND PUUMP TO SPRINKLERS
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is 20 inches; proposed depth of well is 384
feet.
 - Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
IRRIGATION
9. Place of Use: IRRIGATION

MICROFILMED

OCT 16 1990

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05N	40E	9	NENE 11.5	NWNE 11.5	SWNE 38	
			SENE 40	NESE 40	NWSE 40	
			SWSE 39	SESE 39		259
	10		NENW 8	NWNW 11.5	SWNW 40	
			SENW 28	NESW 28	NWSW 40	
			SWSW 39	SESW 27		221.5
						Total number of acres irrigated: 480.5

10. Describe any other water rights used for the same purposes.
22-02263B AND 22-02264B

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

APPLICANT

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

APPLICANT

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

12. Remarks:

THIS IS TO BRING WATER ON POU UP TO 0.02 CFS PER ACRE

13. Map of proposed point of diversion and place of use attached? ☒

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.

Paul Hoopes partner (owner)
Applicant

Marilyn Hoopes
Holly Hoopes additional partners

Received by HCW Date 4-30-90 Time 11:38am Preliminary check by _____

Fee \$ 145^{xx} Receipted by HCW # E013824 Date 4-30-80

Publication prepared by RB Date 7-19-80 Published in Rexburg Stand-Jrn

Publication approved RB Date 8-13-90

MICROFILMED

OCT 16 1990

*kw 9/18/90

R40E
T5N

POINT OF DIVERSION

E210
442

43

910

910

1615

PLACE OF USE

MICROFILMED

OCT 16 1990

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on July 19, 1990 and the last publication having been made on July 26, 1990

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 27th day of July in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

RECEIVED

AUG-1 1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07668

KMH FARMS
C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642
Source: GROUNDWATER
Diversion Pt: SWNE Sec 9 T 05N R 40

E Use: IRRIGATION (5.950 CFS) Total
Diversion: (5.950 CFS)
Date Filed: 4/30/1990
In: T05N R40E S09 NENE NWNE
SWNE SENE NESE NWSE SESE
S10 NENW NWNW SWNW SENW
NESW NWSW SWSW SESW 480.5
ACRES TOTAL

22-07674

SON RISE, INC.
C/O JAMES WOOD
BOX 610
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESE Sec 36 T 06N R 40E

Use: IRRIGATION (2.800 CFS) Total
Diversion: (2.800 CFS)
Date Filed: 6/19/1990
In: T06N R40E S36 NESE NWSE
SWSE SESE 140.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 26, 1990.

R. KEITH HIGGINSON
Director

Publ. July 19 and 26, 1990J.

MICROFILMED

OCT 16 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KWH FARMS
C/O MARILYN HOOPES
16 BRYSON DR
SUTTER CREEK CA 95685

RE: WATER RIGHT NO. 22-07668

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED

MAY 20 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

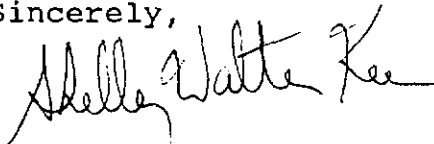
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

MICROFILMED

MAY 20 1987

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

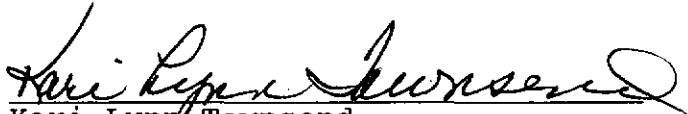
MICROFILMED
MAY 20 1987

CERTIFICATE OF MAILING

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

Water Right No. 22-07668

KWH FARMS
C/O MARILYN HOOPES
16 BRYSON DR
SUTTER CREEK CA 95685


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 20 1997

MEMORANDUM

TO: File 22-07668

FROM: Sharla Curtis

DATE: May 12, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07668 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T5N, R40E, Sec. 9 - NENE (12 acres), NWNE (12 acres), SWNE (35 acres),
SENE (40 acres), NESE (40 acres), NWSE (40 acres),
SWSE (37 acres), SESE (39 acres),

Sec. 10 - NENW (5 acres), NWNW (12 acres), SWNW (40 acres),
SENW (25 acres), NESW (22 acres), NWSW (40 acres),
SWSW (39 acres), SESW (25 acres)

TOTAL 465.5 acres

The number of acres per $\frac{1}{4}$ have been determined using the 660 acre grid overlay with the aerial photo. These figures also correspond to the number of acres listed by ASCS on the aerial.

Examiner: Steven Garrison

Exam Date: August 1, 1996

MIOTC FILMED

MAY 20 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07668

DATE 5/5/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO - add from b/a

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void NO
Amendment required NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

sec 10 overlap
2263 - US 450 hp
200 hp Hollowshaft
Booster (1968)
2264 (1969)

OVERLAPS ✓ P/D ✓ P/U

RATE OF DIV

Permitted Rate 5.95 cfs

Fee limit 3.0 cfs \$150⁰⁰

Measured 5.95 cfs

Theoretical 6.34 cfs

total well depth = 384'
per app.
@ 250' lift and 60 psi = 6.34
@ 380' lift and 60 psi = 4.75
@ 380' lift and 120 psi (per b/a form) = 3.75
Recommended Total Div Rate 2.30 cfs

ANNUAL VOLUME/

NATURE OF USES ✓

Use Irr.

Volume Calculation

469.5 af

3.5 = af

af

af

af

SUBTOTAL 1629.3 af

Flow rate 2.30 cfs X 184 days X 1.9848 = 838.0 af

Total volume recommended 838.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35

W36 (22-02263B, 02264B) 1629.3 af, 469.5 af

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

xfer needs to be filed
for 2263B &
2264B

SRBA Claim Filed NA

1st Amend Letter NA

Adjustment Memo NA

2nd Amend Letter NA

grid/ASCS
totals

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 17 1997

Department of Water Resources

A. GENERAL INFORMATION

PERMIT OWNER

(KWH FARMS C/O MARILYN HOOPES)

Permit No. 22-7668

LAND

1. Owner: Frank Summers, Inc. c/o Kelly Summers Phone No. HPI 356-5375
Farm 356-0553Current Address: 327 S. 3000 E. Sugar City, ID2. Accompanied by: Kelly SummersEXAM DATE: 1 AUG 96

Address: _____

Phone No. 356-5375

Relationship to Permit Holder: _____

3. Source: Groundwater

tributary to _____

B. OVERLAP REVIEW1. Other water rights with the same place of use: 22-022638, 22-0226482. Other water rights with the same point of diversion: 22-022638, 22-022648**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	9	05N	40E	Madison	ON site

2. Place(s) of Use:

Indicate Method of Determination ON site

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	40E	9	11.5	11.5	34	40									40	40	38	39	256
05N	40E	10					5	11.5	40	26	22.5	40	39	26					211
																	TOTAL		467

MAY 20 1997

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	General Electric	400	HKJ814019	Verte-Li Layne & Bowler	015750

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>Polysonic</i>						

2. Measurements: Polysonic - Maximum Rate 5.95 CFS; High Average Rate 5.81 CFS; High Flow Rate 5.89 CFS.

E. NARRATIVE/REMARKS/COMMENTS

* Asked Kelly Summers whether he had filed a transfer. He indicated that he was positive his lawyers had taken care of it. Instructed him to call Keith Wilson, Senior Examiner, IDWR if he had any questions. Name on Permit to Appropriate Water and Proof of Beneficial Use, KWH Farms c/o Marilyn Hoopes.

* Actual irrigated acres minus buildings and non-irrigated corners — *467 acres. Kelly Summers verifies this total. See Aerial photograph.

Recommend 5.95 CFS.

* The Capacity of well was measured @ 5.95 cfs. 22-02263B and 22-02264B are limited to 3.65 cfs in combination.

$$5.95 \text{ cfs} - 3.65 \text{ cfs} = 2.30 \text{ cfs}$$

Recommend 2.30 cfs diversion rate for this Permit.
" " " Limiting this Permit with 02263; 64B to 5.95 cfs.

* Still need Assignment of Permit

Have conditions of permit approval been met? ☒ yes ☐ no

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MAY 20 1997

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 467 \text{ Ac} (3.5 \text{ AF/A}) = 1634.5 \text{ AF/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.95 \text{ cfs} (185) (1.9835) = 2183.3$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1634.5 \text{ AF/A}$$

2. ~~Volume Calculations for Other Uses:~~

$$5.75 - 3.65 (\text{PREV. LICENSES}) = 2.30 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4-15	10-15	2.30 cfs	1634.5 AF/A
Totals:			2.30 cfs	1634.5 AF/A

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
 (acres w/in 1/4/145)

I. AUTHENTICATION

Field Examiner's Name STEVEN GARRISON Date 1 AUG 96

Reviewer Steve Taylor Date 12-20-96

SEAL

$$\frac{9}{10}$$

5191

SWINE 17 15

$$\frac{7385}{118.4}$$

WZ

Plan of Use

PLACE OF USE

118.4

WZ

22-07668

POINT OF
DIVERSION

3	18
4	9

~~135.9~~
~~104.4~~
$$\frac{1.2}{1.2}$$


26

225

26

29

40

40

11.5

4/c

40

39

3

40

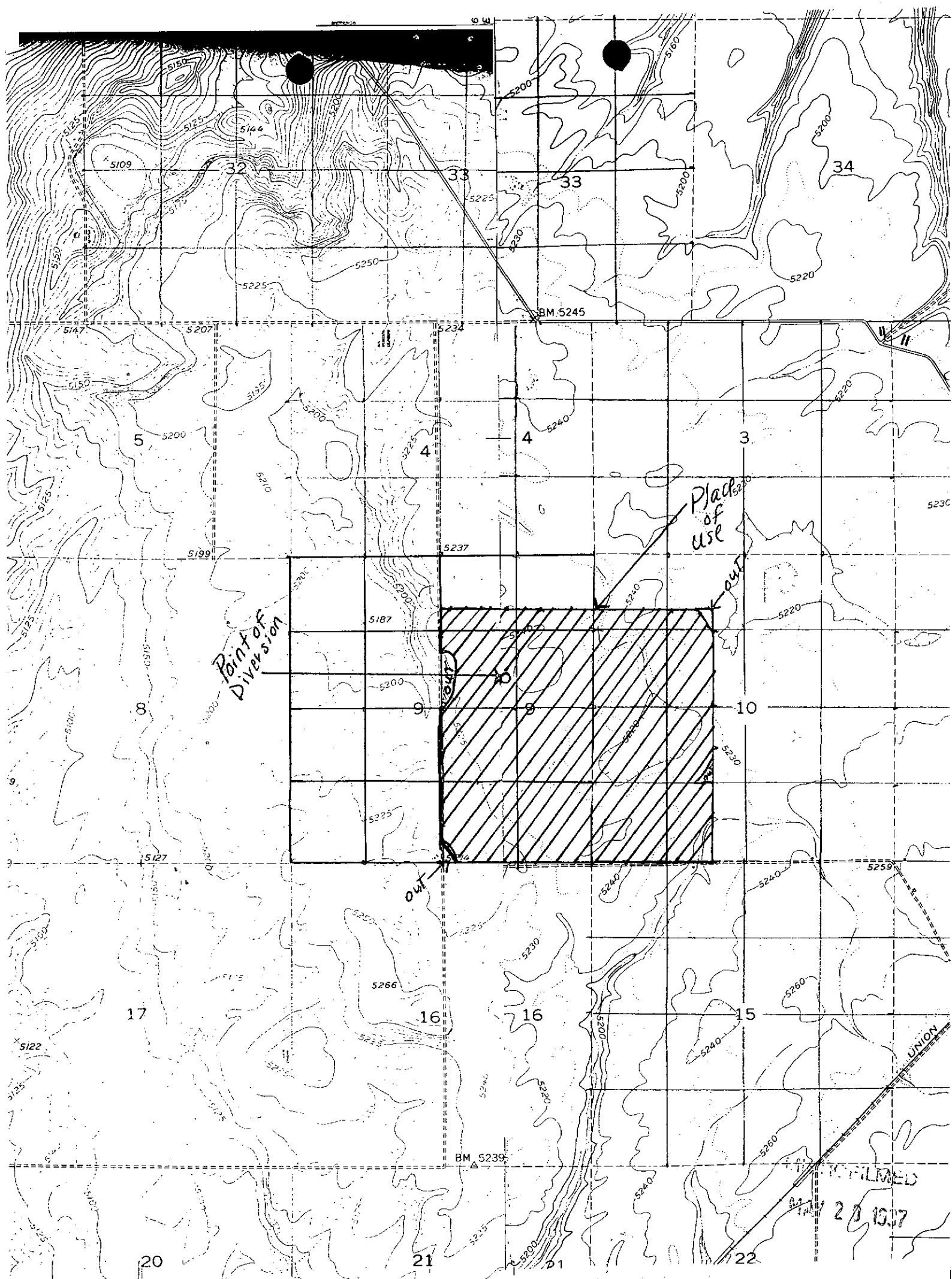
34



place
1155

R40E

2571
2570
H-14



22-7668

SETUP NO. 1

PIPE O.D 12.000 IN

PIPE WALL THICKNESS 0.104 IN

PIPE I.D 11.792 IN

PIPE MATERIAL CARBON STEEL

PIPE SOUND VELOCITY 10597.129 F/S

LINER MATERIAL NONE

LINER SOUND VELOCITY 0.000 F/S

LINER THICKNESS 0.000 IN

INSIDE ABS ROUGHNESS 0.00015000

FLUID MATERIAL WATER

FLUID SOUND VELOCITY 4863.330 F/S

FLUID VISCOSITY 1.132 Cst

TRANSDUCER TYPE STANDARD

TRANSDUCER MOUNTING

TRANSDUCER SPACING 9.527 IN

09:28:16 08-01-96

Min. Rate 0.00 GPM
Max. Rate 2471.51 GPM
Avg. Rate 2231.02 GPM
FLOW RATE 2460.89 GPM
POS TOT(X1) 1027310 GAL
NEG TOT(X1) 22360 GAL

09:29:20 08-01-96

SCALE FACTOR = 0.990
OFFSET(CFS) = 0.000
nsec OFFSET = 9.87
usec OFFSET = -0.09
XMT DET DLY = 18.73
AERATION FAC = 0.50
XDUCE: STANDARD/U

WIN DLY = 437.00 436.36
SE>R = 1.67 1.86
BIAS = 1.78 1.80
AGC = 0.22 0.16
SIG STG = 9.65 9.76
MISSED = 0 0
TIME(us) = 446.9 446.4
DEL TIME(ns) = 564.7
DIFF COUNT = 412
P2X = 17
SPS = 64.49
AERATION = 0.000

FLUID (F/S) = 4863.33
REYNOLDS NO. = 583320
PROFILE FACTOR = 0.9470
FLOW: = 5.492 CFS
7.241 F/S

09:33:55 08-01-96

Min. Rate 0.00 CFS
Max. Rate 5.95 CFS
Avg. Rate 5.60 CFS
FLOW RATE 5.89 CFS
POS TOT(X1) 1041500 GAL
NEG TOT(X1) 22360 GAL

09:35:55 08-01-96

Min. Rate 0.00 CFS
Max. Rate 5.95 CFS
Avg. Rate 5.81 CFS
FLOW RATE 5.80 CFS
POS TOT(X1) 1046712 GAL
NEG TOT(X1) 22360 GAL

09:37:55 08-01-96

Min. Rate 0.00 CFS
Max. Rate 5.95 CFS
Avg. Rate 5.80 CFS
FLOW RATE 5.80 CFS
POS TOT(X1) 1051914 GAL
NEG TOT(X1) 22360 GAL

09:39:55 08-01-96

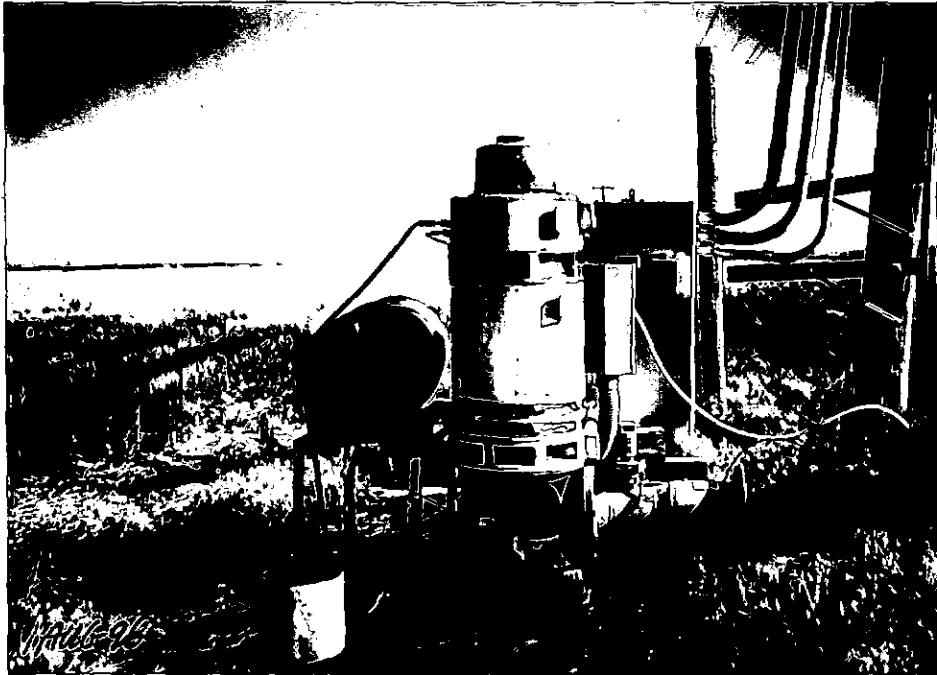
Min. Rate 0.00 CFS
Max. Rate 5.95 CFS
Avg. Rate 5.80 CFS
FLOW RATE 5.80 CFS
POS TOT(X1) 1057122 GAL
NEG TOT(X1) 22360 GAL

5.95 f/s

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MAY 20 1997

~~Negative~~; Polymeric Vps
22-7668



Examiner: Steven Garrison



22-7668
NOT FILMED
MAY 29 1997

November 15, 1991

KWH FARMS
C/O MARILYN HOOPES
16 BRYSON DRIVE
SUTTER CREEK CA 95685

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07668

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Nina Shields
Secretary/Records Manager

RECEIVED

NOV 20 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7668

Date 9-25-91

GENERAL CONSIDERATIONS

? Name same as permit?
NO Address same as permit? If no, indicate below.
✓ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
NA Drill permit req'd?
1966 Copy in file? Drill permit no. _____
1966 Amt paid for drilling permit? _____ Correct?
1966 Well log in file?

LICENSE EXAMINATION FEE

✓ Required?
NO Amount submitted?
NO Correct amount?

MEASURING DEVICE

✓ Measuring device or access port required?
NO Installed?
NO Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*needs fee received
address change
needs flow meas. port
fee mailed 10/11/91 - no advance in priority*
*Received proof 8/19/91
did not Respond on
date fee until 10/1/91*

PRIORITY CALCULATION

Date proof received	<u>10/11/91</u>	_____
Date proof due	<u>9/25/91</u>	_____
No. of days late	<u>16</u>	_____
Priority date	<u>10/11/91</u>	_____
NEW PRIORITY DATE	<u>10/11/91</u>	_____

*16 Bryson Drive
Sutter Creek, CA
95685
done 11/15 KLG*

October 1, 1991

MARILYN & HOLLY HOOPES
16 BRYSON DRIVE
CUTTER CREEK CA 95685

Dear Ms. Hoopes:

Re: Permit No. 22-7668

Returned is the proof of beneficial use form. Based on the diversion rate of 2600 gpm (approximately 2.9 cfs), the license exam fee is \$150.

Upon the receipt of both the proof form and license exam fee, the permit can be process. If the fee and form are not returned, the permit will lapse. Please respond soon.

Also note that the permit was issued with a condition of approval requiring a flow measurement port. This device must be installed by the time the field inspection is scheduled.

If you have any questions, please contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

NOV 20 1991

138890
July 31, 1991

KWH FARMS
C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642

PROOF DUE NOTICE

RE: PERMIT NO. 22-07668

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

NOT RECORDED

NOV 20 1991

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 24, 1990

KWH FARMS
C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07668

Dear Permit Holder:

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

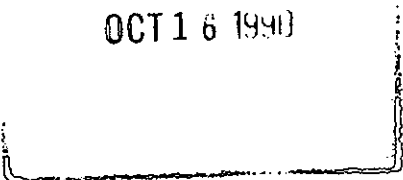
You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this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

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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OCT 16 1990



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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

MICROFILMED

OCT 16 1990

WR-NUMBER	NAME	SIG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM					
2207668																								
2202255	SMITH	L	GROUNDWATER	05N	40E	9									40	40	40	40	160					
2202264A	LEWIS	L	GROUNDWATER	05N	40E	9	28	28											56					
2202264B	HOOPES	L	GROUNDWATER	05N	40E	9	12	12	40	40									262					
2207000	ERIKSON	L	GROUNDWATER	05N	40E	9					38	40	40	39					157					
2207668	KMH FARMS	P	GROUNDWATER	05N	40E	9	11	11	38	40									258					
	1986 MAPPING DATA	-	COUNTY 65 QUAD W	95	05N	40E	9	43	40	40	42	42	41	40	40	40	39	36	40	40	41	39	41	644
2207668																								
2205577	WEBSTER	D	MOODY CREEK	05N	40E	10																		
2205578	WOODMANSEE	D	MOODY CREEK	05N	40E	10																		
2200591	WOODMANSEE	D	MOODY CREEK	05N	40E	10																		
2200592	WOODMANSEE	D	MOODY CREEK	05N	40E	10																		
2200593	WOODMANSEE	D	MOODY CREEK	05N	40E	10																		
2200594	WOODMANSEE	D	MOODY CREEK	05N	40E	10																		
2202202	RAINEY	L	GROUNDWATER	05N	40E	10	16	40	40	16		12		12		12		12	16	40	40	16	272	
2202223	HOME	L	GROUNDWATER	05N	40E	10	24																	
2202263A	LEWIS	L	GROUNDWATER	05N	40E	10					20	28												
2202263B	HOOPES	L	GROUNDWATER	05N	40E	10					8	12	40	28		28	40	39	27				222	
2207280	HOME	P	GROUNDWATER	05N	40E	10	24			24														
2207668	KMH FARMS	P	GROUNDWATER	05N	40E	10					8	11	40	28		28	40	39	27				221	
	1986 MAPPING DATA	-	COUNTY 65 QUAD W	95	05N	40E	10	39	39	40	37	39	39	39	40	39	40	32	40	39	39	42	40	623

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0011 1-90

PLACE OF USE LOTS OVERLAP REPORT

09/25/90

WR-NUMBER	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	LOT + SUM
2207668	T05N R40E S 9												
2207668	T05N R40E S10												

MicroFILMED

OCT 16 1990

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

1010
22-7668INITIAL REVIEW BY James M. Dunn DATE 22 June 1990 APPLICATION NUMBERRWH Farms c/o Marilyn Hoopes

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach _____)
- ☐ supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

RECEIVED
SEP 07 1990

Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Might Need Rule 4.5.7 idg - see overlap
waived; H.W.

Date Requested

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☐ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 8-6-90
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 01
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 4-30-90
By HGS Date 8-31-90

STATE OFFICE REVIEW P05, P23, P03, P16 48 49 46 016

See below for additional information
By KW Date 9-18-90

ADDITIONAL INFORMATION

Rule 4, 5, 6 questions waived due to overlap of 22-2263
and 22-2264 KW
Condition; LOIG

App. in NON-TRUST Area-

State of Idaho
Department of Water Resources
**AMENDED
WATER RIGHT LICENSE**

License of Water Right No. 88570/23-2262 Priority Oct. 26, 1968 Amount 2.65 cfs
THIS IS TO CERTIFY, that (Part) J. CLINT HOOPES

of Reensburg, Idaho, has complied with the terms and conditions of Permit No. 88570/23-2262 issued pursuant to Application for Permit dated October 30, 1968 and has submitted proof to the Department of Water Resources on February 9, 1969 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 2.65 cfs of water from a ground water 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
Drigation	from <u>April 1</u> to <u>1970</u>	<u>2.65</u> cfs and	<u>776 acre feet or</u>
	from _____	and	<u>5.5 ft per acre</u>
	from _____	at _____	
(both dates inclusive)			

Subject, however, to the condition that no more than 2.65 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 certified for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 776 acre feet per year, said water to be diverted within the SEWER of Sec. 9
Twp. 3 N, Rge. 40 E, S. 1. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NEW				MAY				JUN				Total
			NEW	MAY	JUN	JUN	NEW	MAY	JUN	JUN	NEW	MAY	JUN	JUN	
5N	40E	10				8	11.5	40	28	28	40	28	27	221.8	

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Total number of acres irrigated 221.8

* Subject to the condition that the maximum rate of diversion shall not exceed 2.65 cfs when combined with License No. 88571/23-2264 (Part).

NOTE: Modifications to or variance from this license must be made within the limits of Section 45-222, 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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of December, 19 78.

[Signature]
Director

WATER LICENSE

THIS IS TO CERTIFY that Florence M. Gardner - Cyril A. Asselman - J. Clint Hoopes

Reidsburg, Idaho

The State of Idaho, dated October 26, 1966, that Permit G-32571/22-2284 will be issued pursuant to

to the application the proposed work was completed on or about June 1, 1967

with a storage or carrying capacity of 100,000,000 lbs. said works, consisting of

well, pump, motor, and sprinkler system and that on February 9, 1988

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 735

acre feet per season, with a maximum rate of diversion of 1.27 cubic feet per second of the waters

of ground-water tributary of

for the purpose of Irrigation from April 1 to October 31

and for 22-1111-10 from 22-1111-10 to 22-1111-10 and for

from _____ to _____, and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla

mation Engineer and entered in the records of the Idaho Department of Reclamation, the point of diversion is

located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 T. 6 N. R. 40 E. B.M. and

other additional points _____ in the County of _____

Madison and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 735 acre feet per year.

Description and location of place of use	Date of use	Time of day	Weather	Remarks
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
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Total number of acres irrigated 261

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described;

as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this _____ day of _____, 19____.

22nd day of January 1970

State Reclamation Engineer

22 226

22-2264
22-2257

11-Jul-1990

KWH FARMS C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642

RE: Application for Permit No. 22-07668

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the REXBURG STANDARD-JOURNAL on JULY 19 & 26, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

OCT 16 1990

22-07668

KWH FARMS
C/O MARILYN HOOPES
901 VOGEN TOLL RD.
JACKSON, CA 95642

Source: GROUNDWATER

Diversion Pt: SWNE Sec 9 T 05N R 40E

Use: IRRIGATION (5.950 CFS)
Total Diversion: (5.950 CFS)

Date Filed: 4/30/ 1990

In: T05N R40E S09	NENE	NWNE	SWNE	SENE
	NESE	NWSE	SWSE	SESE
S10	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW

480.5 ACRES TOTAL

RECORDED

OCT 1 5 1990