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T 6 N



43° 52' 30"
111° 45'

R 40 E

Produced by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:78 000-scale
aerial photographs taken August 5, 1976

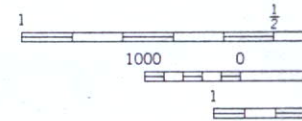
Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks,
zone 12. 1927 North American datum

Photoimagery rectified by optical scanning
Where double or mismatched image occurs use the
mean of image position for map point

MICROFILMED

FEB 14 1989

NORTH



OZA
IDAHO DEPARTMENT

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 21 1988

Department of Water Resources
Eastern District Office

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 November 3, 1988
and the last publication having been made
on November 10, 1988.

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

Subscribed to and sworn to before me

This November 11, 1988

Shirley L. Lark
(SEAL)

Notary Public.

My commission expires June 8, 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07574

NED'S MOODY CREEK PRODUCE
P.O. BOX 329
SUGAR CITY, ID 83448
Source: GROUNDWATER

Diversion Pt: NENE Sec. 4 1. 06N H
40E

Use: COMMERCIAL (.290 CFS)
Date Filed: 8/16/1988
In: T06N R40E S04 NENE
22-07576

HARRIS, BRENT GEORGE
HARRIS, PAULA "C"
1903 W. 190 S.
REXBURG, ID 83440
Source: GROUNDWATER

Diversion Pt: SWNWNW Sec 25 T 06N
R 39E

Use: IRRIGATION (.030 CFS)
Date Filed: 8/23/1988
In: T06N R39E S25 NWNW 1.0 ACRES
TOTAL

22-07577

CRYSTAL POND ANGLERS ASSN.,
INC.

C/O STEVE MCGRATH, BOX 731
IDAHO FALLS, ID 83405
Source: SPRINGS Tributary: SINKS
Diversion Pt: NESWSW Sec 2 T 05N R
39E

Use: RECREATION STORAGE (520.00
AF)

Date Filed: 8/24/1988
In: T05N R39E S02 SWSW S11 NWNW
22-07578

WEBSTER, SHAWN
529 E. 450 S.
REXBURG, ID 83440

Source: GROUNDWATER
Diversion Pt: SESESW Sec 9 T 05N R
40E

Use: COMMERCIAL (.040 CFS)
DOMESTIC (.020 CFS)
Date Filed: 8/24/1988

In: T05N R40E S09 SESW SESW
22-07579

REXBURG ACRES SUBDIVISION
1634 W. 930 S.

REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESW Sec 25 T 06N R
39E

Use: DOMESTIC (.150 CFS) IRRIGA-
TION (.100 CFS)

Date Filed: 8/24/1988
In: T06N R39E S25 SESW SESW 5.0
ACRES TOTAL

22-07580

WEBSTER, KIRK
P.O. BOX 383

REXBURG, ID 83440
Source: GROUNDWATER

Diversion Pt: SWSESE Sec 22 T 05N R
40E

Use: COMMERCIAL (.040 CFS)
Date Filed: 8/24/1988
In: T05N R40E S22 SESE

22-07581

ROBISON, A. RAND
6978 S. 2000 W.

REXBURG, ID 83440
Source: GROUNDWATER

Diversion Pt: SESW Sec 25 T 05N R
39E

Use: IRRIGATION (.060 CFS)
DOMESTIC (.040 CFS)

Date Filed: 8/24/1988
In: T05N R39E S25 SESW SESW 2.0
ACRES TOTAL

FEB 14 1989

22-07582

BAGLEY, JOHN K.
BAGLEY, LUELLA
P.O. BOX 122
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESESE Sec 15 T 05N R

39E

Use: DOMESTIC (.040 CFS)
Date Filed: 8/26/1988
In: T05N R39E S15 SESE

22-07583

TRIPLE J. FARMS, C/O LIONEL
JENSEN

4330 W. 1000 S.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: NWNE Sec 14 T 05N R

40E

Use: COMMERCIAL (.040 CFS)
Date Filed: 8/29/1988
In: T05N R40E S14 NWNE

22-07584

HILL, BRENT
LLOYD, LINDA
PERKES, ROBERT R.
950 S. 200 E.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESENE Sec 31 T 06N R

40E

Use: DOMESTIC (.080 CFS) IRRIGA-
TION (.040 CFS)
Date Filed: 8/30/1988
In: T06N R40E S31 SENE SENE 2.0
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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before NOVEMBER 21, 1988.

R. KEITH HIGGINSON
Director

Publ. Nov. 3 and 10, 1988SJ.

R40E
T6N

43°52'30"

111°45'

610000 FEET

T. 7 N.

T. 6 N.

810000
FEET

SALEM 1.1 MI.

Mile 11

33

SALEM

4

Sugar City

Stack

BM

CANAL

4908

191
20

4902

REXBURG 4.5 MI.
IDAHO FALLS 33 MI.

POINT OF DIVERSION
AND
PLACE OF USE

22-7574

MICROFILMED
MAR 10 1937

T-576-4.2

3 7.4
HEL

#74

T7N

T6N

39.2

#553

13.8

13.4

33 34
4 3

1603
T-361

4.3

29.3
8 HEL

2 43.1

R40E

PLACE OF USE

T6N

POINT OF
DIVERSION

7.9
11 HEL

19.4
13 HEL

43.9
3 4

6.5

2.4

7.6
3
HEL

#136
T-30

T-308

52.6
2
NHE

T-354

22-7574

School
District

53.4
2 NHE

HOUSING

4 3
9 10

47.0
NHE

MAR 10 1937



22-7574
MICROFILMED
MAR 10 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07574

Priority: August 16, 1988

Maximum Diversion Rate:

0.29 CFS

Maximum Diversion Volume:

12.4 AF

This is to certify, that NEDS MOODY CREEK PRODUCE

PO BOX 329

SUGAR CITY ID 83448

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 16, 1988; and has submitted Proof of Beneficial Use on March 1, 1989. An examination indicates that the works have a diversion capacity of 0.290 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>
COMMERCIAL	01/01 to 12/31	0.29 CFS	12.4 AF

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 4, Township 06N, Range 40E
MADISON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 40E 4

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Commercial use is for restrooms, drinking fountains and potato washing in warehouse.

RECORDED
MAR 10 1989

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

WATER RIGHT NO. 22-07574

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 19TH
day of FEBRUARY, 1997.



Acting for KARL J. DREHER, Director

RECEIVED
APR 10 1997

RECEIVED

FEB 13 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07574

APPROVED

Date of Priority: August 16, 1988

Maximum Diversion Rate:

0.29 CFS

Maximum Diversion Volume:

12.4 AF

Comes now

NEDS MOODY CREEK PRODUCE

PO BOX 329

SUGAR CITY ID 83448

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07574, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.29 CFS	12.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 4, Township 06N, Range 40E
MADISON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 40E 4

SENE

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

Signed at Sugar City, ID, this 11 day of February, 1997.

MICROFILMED
MAR 10 1997

Louis Rasmussen
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07574

FOR DEPARTMENT USE ONLY

Preliminary check by Ket Fee = \$50.00 Received by Ket # C038035 Date 2-13-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07574 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Commercial use is for restrooms, drinking fountains and potato washing in warehouse.

Witness my hand this 19TH day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 10 1997

03/86

RECEIVED

MAR 01 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received \$100.00

Date 3/2/89

Receipt # C005636

Receipt by CP

Reviewed by JY

Sent to region

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

Permit No. 22-07574

Name(s) of Permit Holder: NED'S Moody Creek Produce

Post Office Address: P.O. Box 329

SUGAR City, ID 83448

Telephone No. 356-9447

Source of Water: GROUND WATER

Extent of Use:

Domestic (number of households)

Stockwater (number and type of stock)

Irrigation (acres)

Other/Remark COMMERCIAL

Total rate and/or volume for which proof is submitted .29 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: 1973

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

Fee enclosed \$ 100.00
 (See License Examination Fee Schedule)

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

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

Louis Rasmussen

(Name)

356-9447

(Telephone Number)

(Address)

MICROFILMED

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.

AUG 21 1989

2-27-89

Date

Signature of Permit Holder (and title, if appropriate)

Louis Rasmussen General Manager
 Per App for Permit

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 22-7574

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Med's Moody Creek Produce Phone 356-9447
Post office address P.O. Box 329 Sugar City Idaho 83448
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, Govt. Lot _____
Sec. 4 Township 06N Range ~~6E~~ 40E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .29 for Commercial purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .29 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well 5 Horsepower pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
d. Is ground water with a temperature of greater than 90°F 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 (minimum 1 year).

MICROFILMED

FEB 14 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

Potato warehouse for drinking water
bathroom facilities and to facilitate moving
& washing potatoes

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	40E	4	C																

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Ned's Moody Creek Produce

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

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: _____

FEB 14 1989

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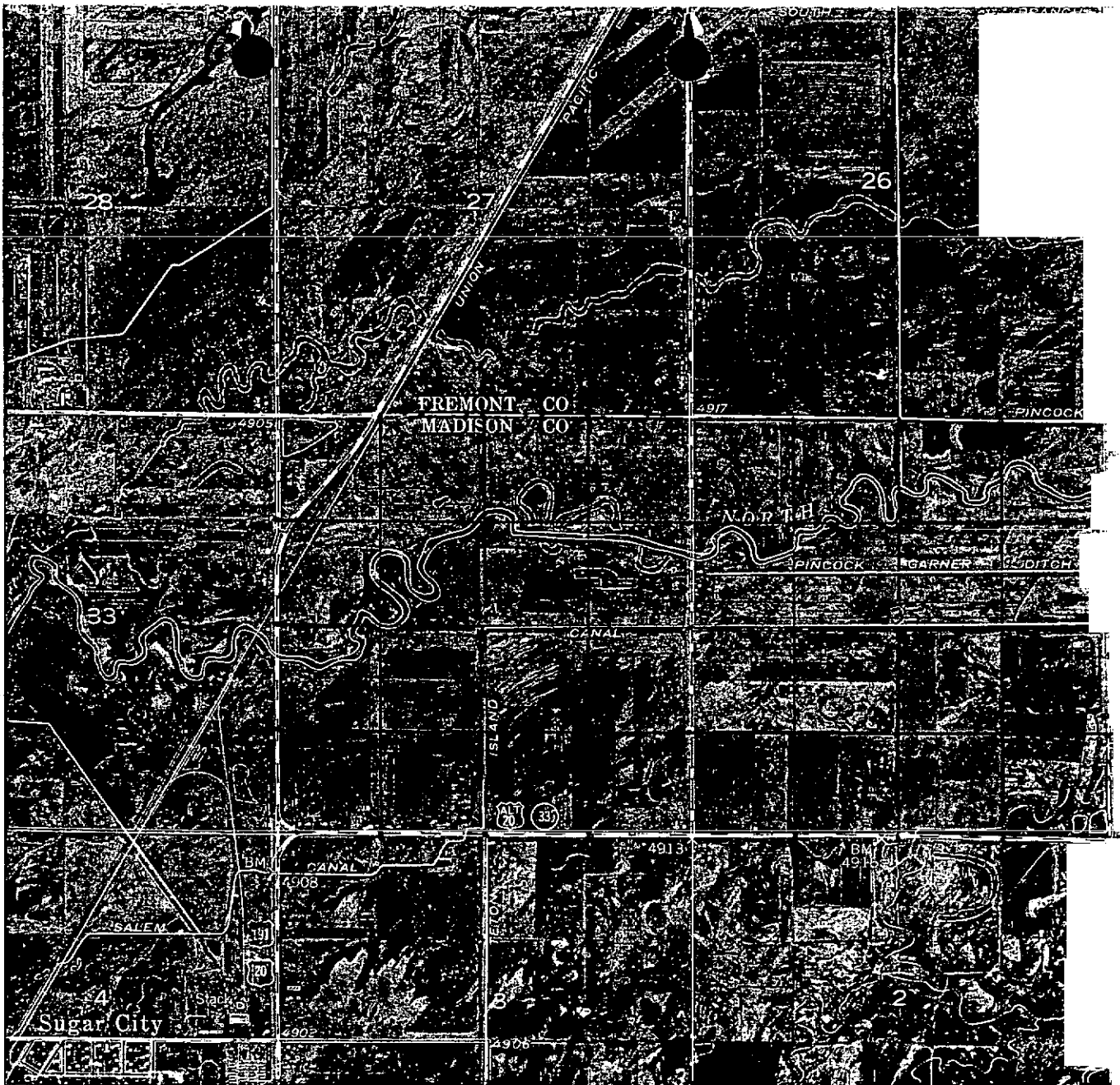
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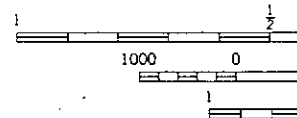
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Where double or mismatched image occurs use the
mean of image position for map point

MICROFILMED

FEB 14 1989

NORTH



OZA
IDAHO DEPARTMENT

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

[illegible]

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.

FEB 14 1989

Louis H. Rasmussen
(Applicant)
General Manager

Proposed Priority 8/16/88

Received by Jo Date 8-16-88 Time 1:00 PM Preliminary check by SM

Fee \$ 45.00 Receipted by Jo # E001338 Date 8-16-88

Publication prepared by REYNOLDS Date 10-27-88 Published in Lexburg Standard-Jnl

Publication approved aw Date 11-29-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7574, 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 February 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Witness my hand this 2nd day of February, 1989.

J. Glen Saylor

MICROFILMED

FEB 14 1989

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 21 1988
Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

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that the

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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

Subscribed to and sworn to before me

This November 11, 1988

(SEAL)

Gayle L. Latta
Notary Public.

My commission expires June 8, 1993

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ACRES TOTAL

FEB 14 1989

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TION (.040 CFS)
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criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before NOVEMBER 21, 1988.

R. KEITH HIGGINSON
Director

Publ. Nov. 3 and 10, 1988SJ.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 26, 1997

NEDS MOODY CREEK PRODUCE
PO BOX 329
SUGAR CITY ID 83448

RE: WATER RIGHT NO. 22-07574

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 within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the 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.

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

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MAR 10 1987

- 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.

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

c: Eastern Region

Enclosures

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MAR 16 2007

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February, 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. 22-07574

**NEDS MOODY CREEK PRODUCE
PO BOX 329
SUGAR CITY ID 83448**



Sharla Curtis
Water Resource Agent

MON 2-26-97
4
MAR 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 3, 1997

NEDS MOODY CREEK PRODUCE
PO BOX 329
SUGAR CITY ID 83448

RE: WATER RIGHT NO. 22-07574

Dear Water Right Holder(s):

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

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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MAR 10 1997

MEMORANDUM

TO: File 22-07574

FROM: Sharla

DATE: January 30, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 22-07574 are based on the following:

H. RECOMMENDATIONS

Commercial 1/1 - 12/31 0.29 cfs 12.4 afa

The volume for commercial use is based on 5 days/week X 52 weeks/year (260 days).

Examiner: Keith Wilson
Exam Date: August 23, 1994

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MAR 10 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07574

DATE 1/30/97

REVIEWER: SHARLA

NAME Change OK

Address Change No

SOURCE Change OK

Is change clarification of originally intended source? Yes

POINT OF DIV SENE

If not, prepare Notice of Intent to Void Amendment required

PLACE OF USE Amendment required

yes

Does map agree with written description? yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .29 cfs

Fee limit 1.0 cfs \$10000

Measured 0.37 cfs

Theoretical .37 cfs

Recommended Total Div Rate .29 cfs

ANNUAL VOLUME/

NATURE OF USES Use

Comm.

12.4 af

Volume Calculation

12.4 af

af

af

af

af

SUBTOTAL 12.4 af

52 wks x 5 = 260 days

Flow rate .29 cfs X 365 days X 1.98 af = 209.6 af

Total volume recommended 12.4 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

restrooms, drinking fountains
& potato washing in warehouse

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions OGE

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo volume

1st Amend Letter P37 P38

2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 12 1994

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Ned's Moody Creek Produce Permit No. 22-7574
Current Address: P.O. Box 329 Sugar City ID 83448 Phone No. 356-9447
2. Accompanied by: Louis Rasmussen EXAM. DATE: 23 Aug 1994
Address: same Phone No. _____
Relationship to Permit Holder: Gen Manager
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A. ☐ Copies Attached
2. Other water rights with same point of diversion: N.A. ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

SUBMERSIBLE PUMP & MOTOR

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MAR 10 1997

Scale: 1" = _____

- N.A.-2. ☐ Copy of U.S.G.S. Quadrangle Attached
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

System Description (continued)

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

30-60 psi

21974

Well pump pressure tanks to distribution system for potato warehouse for washing potatoes and bathtubs & drinking fountains

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin Electric	5	282032201		

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	4	6N	40E	Madison	

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

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	40E	4				C													

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes: *Theoretical*
 $hp = 5$ eff = 70% PSI = 30-60
 lift = 25' from well log 15'
 $Q = \frac{hp(5.814)(\text{eff})}{[(ft) + (PSI \times 2.31)]} = \frac{5(5.814)(.7)}{15 + (30 \times 2.31)} = 0.366 \text{ cfs} \approx 0.37 \text{ cfs}$
 Limit to Permit = 0.29 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

2 hrs / 24 hrs for 240 days
 $V_{OLC} = 0.29 \text{ cfs} \times \frac{2 \text{ hr}}{24 \text{ hr}} \times \frac{240}{240} \times 1.9835 = 10.258 = 10.3 \text{ afa}$
 11.5 afa

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 MAR 10 1967

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1/1	12/31	0.29	10.3 - 11.5
Totals:			0.29	10.3 - 11.5

2. Recommended Amendments

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

J. AUTHENTICATION

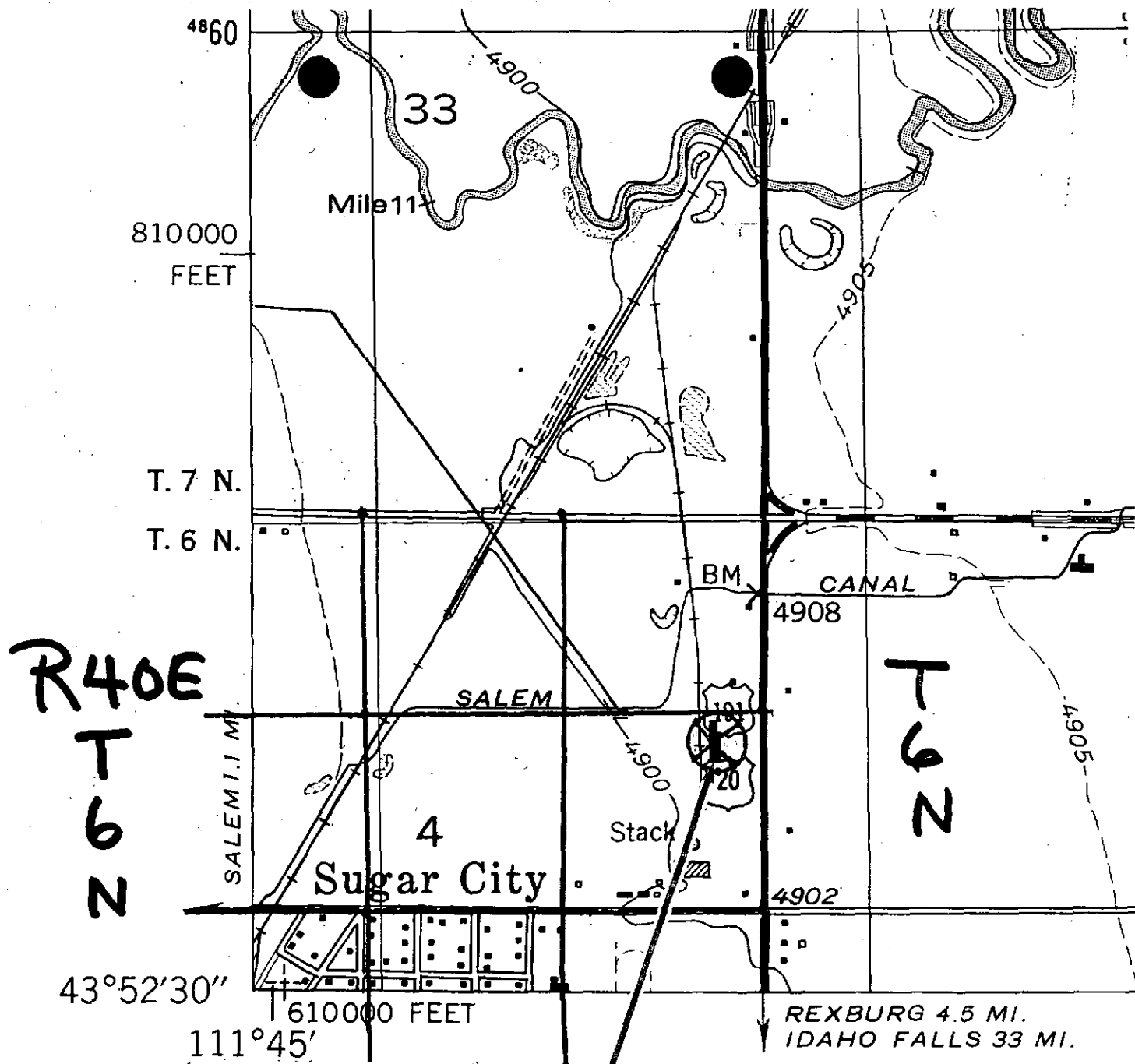
Field Examiner's Name KEITH C WILSON
Signature Keith C Wilson
Certification Date _____
Field Report Preparation Date _____

CONSULTANT SEAL

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

RECEIVED

2008 10 05



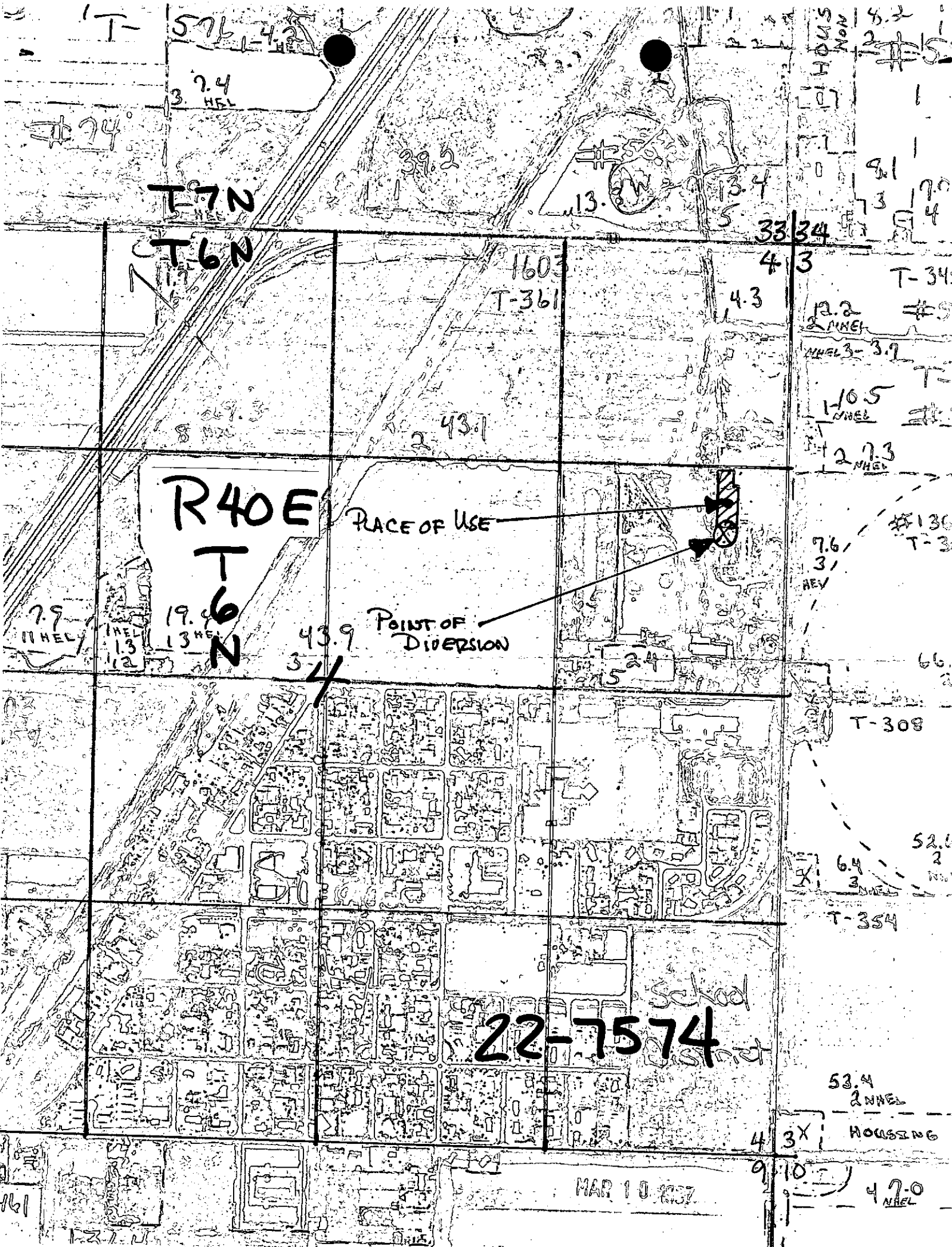
R40E
T6N

T6N

POINT OF DIVERSION
AND
PLACE OF USE

22-7574

MICROFILMED
MAR 10 1977



T-7N

T-6N

R40E

T-6N

T-361

T-345

T-308

T-354

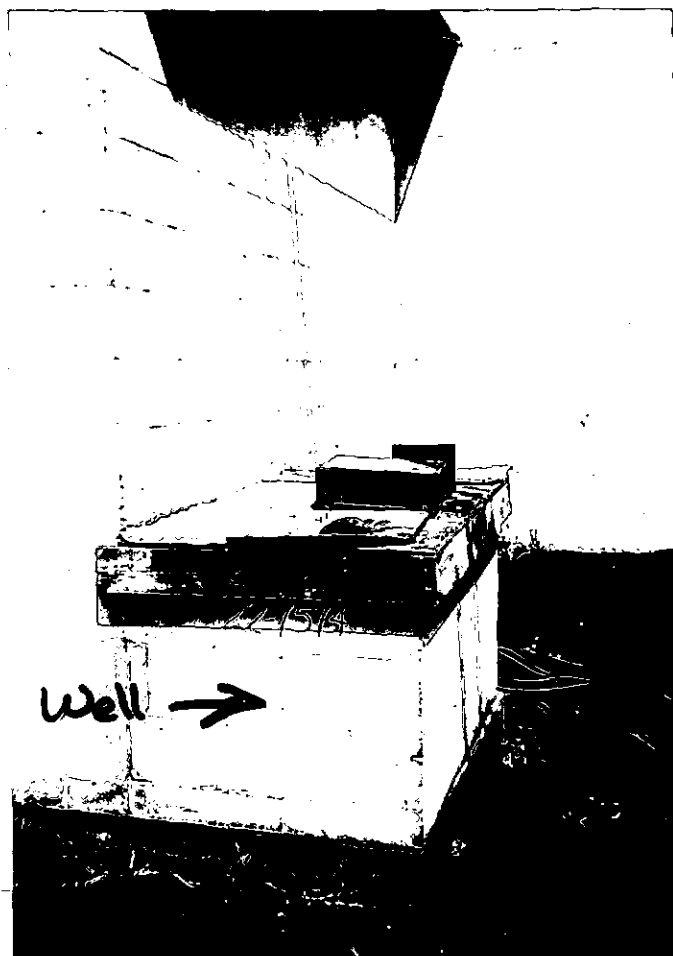
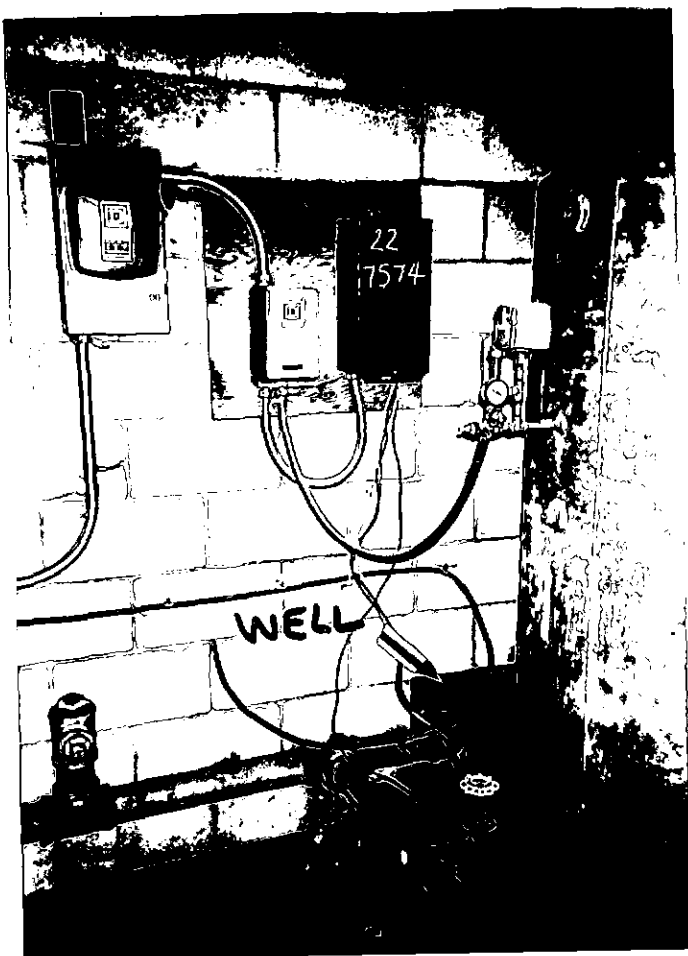
22-7574

SCHOOL STREET

PLACE OF USE

POINT OF DIVERSION

MAR 10 1937



22-7574

EDWARDS-LEWIS

MAR 10 1957

September 13, 1989

Permit No. 22-07574

Ned's Moody Creek Produce
P.O. Box 329
Sugar City, ID 83448

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:lk

ENCLOSURE
MAR 10 1997

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7574

Date: 4/28/89

General Considerations:

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

Source of Water:

 Surface water
Y Groundwater
_____ 1. well log in file - none found
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
_____ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A

Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late		= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

YEE, DETACH THIS STATEMENT BEFORE DEPOSITING

NED'S MOODY CREEK PRODUCE, SUGAR CITY, IDAHO

DATE	INVOICE NO.	DESCRIPTION	GROSS AMOUNT	DISC'T OR DEDUCT.	NET AMOUNT
2/27/89		Water License Examiners Fee		MICROFILMED AUG 21 1989	\$100.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 7, 1989

NED'S MOODY CREEK PRODUCE
P.O. BOX 329
SUGAR CITY, ID 83448

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07574

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.

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.

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.

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

✓
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FEB 14 1989

enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

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FEB 14 1989

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Steve McLeish DATE _____ APPLICATION NUMBER 22-7574

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 trust water 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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

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DEC 05 1988

Department of Water Resources

PROCESSING

☒ Yes ☐ No Inform 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 11-21-88
☐ 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-P05
☐ Yes ☐ No Special conditions of approval or cover letter below.

☐ See below for additional information

Date of priority recommended 8-12-1988 8-16-1988
By HWT Date 11-30-88

STATE OFFICE REVIEW P23 P05, P16 46

By EW ☐ See below for additional information
Date 1/12/89

ADDITIONAL INFORMATION

DCMI - ok to process

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 27, 1988

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 21, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
FILMED

FEB 14 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED

FEB 14 1989

22-07574

NED'S MOODY CREEK PRODUCE
P.O. BOX 329
SUGAR CITY, ID 83448

Source: GROUNDWATER

Diversion Pt: NENE Sec 4 T 06N R 40E

Use: COMMERCIAL (.290 CFS)

Date Filed: 8/16/1988

In: T06N R40E S04 NENE

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FEB 14 1989

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 NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/03/1988 & 11/10/1988

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FEB 14 1989
