

Hand-drawn map of a water diversion project on a grid. The map shows a well, a diversion point, and various areas of use. Key features include:

- Well:** Located at (4,5) with the label "Well".
- POINT OF DIVERSION:** Located at (5,5).
- PLACE OF USE:** Located at (5,6).
- Numbered Areas:**
 - Area 1: A small rectangle at (5,6) to (6,7).
 - Area 2: A small rectangle at (4,5) to (5,6).
 - Area 3: A small rectangle at (3,4) to (4,5).
 - Area 11: A small rectangle at (4,4) to (5,5).
 - Area 12: A small rectangle at (5,5) to (6,6).
- Numerical Values:**
 - Top row: 35, 14, 40, 40, 39, 40
 - Row 2: 20, 25, 28, 40, 33, 38, 40
 - Row 3: 20, 25, 23, 40, 40, 40, 38
 - Row 4: 29, 35, 39, 38, 36, 36
 - Row 5: 23, 14, 17.5, 15.5, 9, 28
 - Row 6: 20, 35, 34, 28, 7, 29
 - Row 7: 38, 35, 33, 26, 25
 - Row 8: 30, 30, 30, 30
- Map Labels:** "T6N R41E" in the top right corner.

RECEIVED
JUL 19 1949

Brown Inc. by George R Brown
(Applicant)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07512

Proposed Priority: June 27, 1985 Maximum Diversion Rate: 7.00 CFS
This is to certify, that **BROWN INC.**

1425 CAMBRIDGE DR.
IDAHO FALLS, ID 83401

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	7.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SESW Sec. 35, Township 06N, Range 41E
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 41E	1	NWNW	36	SWNW	28	238		
		NESW	40	NWSW	29			
		SESW	40					
		2	NENE	36	NWNE		38	440
			SENE	9	NENW		39	
			SWNW	14	SENE		17.5	
			NWSW	35	SWSW		38	
			NESE	7	NWSE		28	
			SESE	26				
		3	NENE	29	SENE		23	72
			NENE	30	NWNE		30	
			NENW	30	NWNW		30	
06N 41E	34	SWNE	35	SENE	14	190		
		SESW	20	NESE	28			
		SWSE	25	SESE	23			
		35	NENE	40	SWNE		39	508
			SWNW	40	SENE		40	
			NWSW	40	NESW		33	
			NESE	40	SWSW		40	
			SESE	38	SESW		40	
					SWSE		40	

Total number of acres irrigated: 1568

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 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.

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

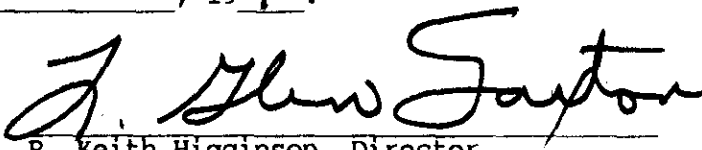
NO. 22-07512

CONDITIONS/REMARKS:

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.
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

28th day of June, 19 90.

for 
R. Keith Higginson, Director

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JUL 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Brown, Inc. Phone 523-6410

Post office address 1425 Cambridge Dr., Idaho Falls, Idaho 83401

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 6N

Range 41E. B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Subject to prior License of Water Right No. 32473/22-2254

Amount 7.00 for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 7.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

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

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).
completed and put to beneficial use on and between 8-9-65 & 10-31-82.

8. Description of proposed uses:

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

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

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

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

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

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

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JUL 19 1990

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

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	41E	34									20			20					40 ✓ *
6N	41E	35	40																40
5N	41E	12					30	30											60 ✓ *
5N	41E	1								40	40			40					120
5N	41E	11	30	30															60 ✓ *
																		Subtotal	320
							SEE ATTACHED LAND LIST				-----							Subtotal	1248

Total number of acres to be irrigated 1568

c. Describe any other water rights used for the same purposes as described above. 22-2254

9. a. Who owns the property at the point of diversion Brown, Inc.

b. Who owns the land to be irrigated or place of use Brown, Inc.

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

The property to which water License No. 32473/22-2254 attached

and the license was transferred and conveyed to Brown, Inc., by the licensees.

10. Remarks _____

Due to improved equipment and farming technology since License No. 32473/22-2254 was granted April 10, 1972, applicant, from April 10, 1972, through October 31, 1982, increased the flow of the licensed well from 5.32 cfs to 5.68 cfs and expanded the use of the water from said well to irrigate not only the 1,248 acres shown in said license but the additional 160 acres described in this application. This application is made for the inclusion in said license or an additional license of water right for the said 160 acres that have been irrigated from said well between April 10, 1972, and October 31, 1982, as well as the increased flow from the well from 5.32 cfs to 5.68 cfs. Applicant would like the water evenly distributed over the entire 1,568 acres (this includes the 1,248 acres under the original license as well as the 320 acres covered in this application). It is not the intent of this application to disturb or in any way alter the priority dates of said License No. 32473/22-2254 and the irrigated acreage therein described. A copy of said License of Water Right No. 32473/22-2254 is attached hereto as Exhibit "A" and by reference thereto is made a part hereof.

* These 140 acres have not been irrigated. Applicant installed the present sprinkler system in 1982 to irrigate the land on a rotational basis.

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LAND LIST ATTACHMENT

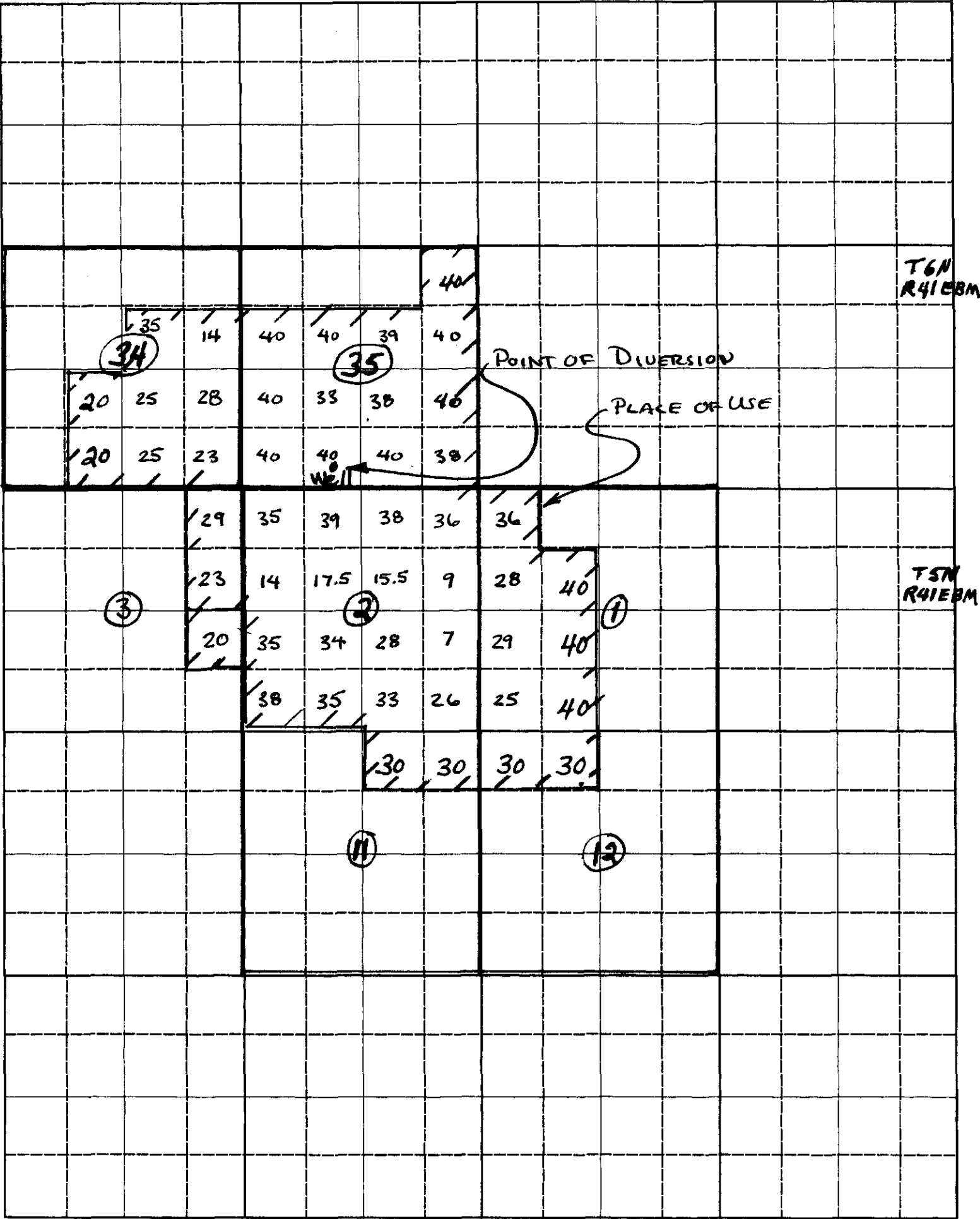
[illegible]

Total number of acres irrigated 1,248

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JUL 19 1990

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



Scale: 2 inches equal 1 mile.

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

RECORDED **FILED** Brown Inc. by George R Brown
(Applicant)

JUL 19 1940

Received by CT Date 6-27-85 Time 2:10 pm
Preliminary check by _____ Fee \$ 165.00 #33380
Receipted by CT Date 6-27-85
Publication prepared by gg Date 8-2-85
Published in Rexburg Standard-Journal
Publication dates 10-19 & 26-89
Publication approved CW Date 11-06-89
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by HWS

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. 30 30 30 30, and said application is hereby _____.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before 9, 19 80.
- The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other.

30	32
34	32

WATER
12 A

WATER
12 A

EXHIBIT "A"

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32473/22-2254 Priority August 9, 1965 Amount 5.32 cfs

THIS IS TO CERTIFY, that George R. Brown & Estate of Jennie W. Brown
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 32473/22-2254 issued pursuant to Application for Permit dated August 9, 1965,
and has submitted proof to the Department of Water Administration on July 23, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.32 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 5.32 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

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

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

Subject, however, to the condition that no more than 5.32 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35, Twp. 6 N, Rge. 41 E, B. M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 2,258.2 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use: See Land List Attachment

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated 1,248

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 10 day of

April

Microfilmed

JUL 19 1990

L. Reid Higg
Director

LAND LIST ATTACHMENT

[illegible]

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total number of acres irrigated 1,248

JUL 19 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 October 19, 1989 and the last publication having been made on October 26, 1989.

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 October in the year of 1989, 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.

Lydia L. Loe
Notary Public for Idaho

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

NOTICE OF APPLICATION
FOR WATER RIGHTS

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

22-07507
SMITH, RICHARD F.
P.O. BOX 8
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESE Sec 28 T 06N R 40E
In: T06N R40E S32 NENE SENE NESE
SESE 160.0 ACRES TOTAL

22-07509
SMITH, JOHN H.
P.O. BOX 805
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SENE Sec 21 T 06N R 40E
Use: IRRIGATION (2.860 CFS)
Date Filed: 7/01/1985
In: T06N R40E S21 NWNE SWNE
NWSE SWSE SESE 143.0 ACRES
TOTAL

22-07510
SMITH, JOHN H.
RT. 4 BOX 11
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWNE Sec 28 T 06N R 40E
Use: IRRIGATION (3.200 CFS)

Date Filed: 7/01/1985
In: T06N R40E S21 NESW NWSW
SWSW SESW 160.0 ACRES TOTAL

22-07511
WOOD BROTHERS FARMS
P.O. BOX 482
REXBURG, ID. 83440
Source: GROUNDWATER
Diversion Pt: NWSE Sec 10 T06N R 41E
Use: IRRIGATION (1.300 CFS)
Date Filed: 6/28/1985
In: T06N R41E S03 SWSW SESW 65.0
ACRES TOTAL

22-07512
BROWN INC.
1425 CAMBRIDGE DR.
IDAHO FALLS, ID. 83401
Source: GROUNDWATER
Diversion Pt: SESW Sec 35 T 06N R 41E

Use: IRRIGATION (7.000 CFS)
Date Filed: 6/27/1985
In: T05N R41E S01 NWNW SWNW
SENE NESW NWSW SWSW SESW S02
NENE NWNE SWNE SENE NENE
NWNW SWNW SENW NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE S03 NENE SENE NESE S11
NENE NWNE S12 NENE NWNW T06N
R41E S34 SWNE SENE NESW SESW
NESE NWSE SWSE SESE S35 NENE
SWNE SENE SWNW SENW NESW
NWSW SWSW SESW NESE NWSE
SWSE SESE 1568.0 ACRES TOTAL

22-07515
IDAHO CORP.
SUMMERCO INC.
RT. 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt: NWSW Sec 25 T 06N R 40E
In: T06N R40E S23 NENE NWNE
SWNE SENE NWSE SWSE SESE
S23 NENE NWNE S24 NESE NWSE
SWSE SESE S25 NENE NWNE SWNE
SENE NESW NWSW SWSW SESW
NESE NWSE SWSE S26 NESW NWSW
SWSW SESW 881.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted

RECEIVED

NOV 3 1989

Department of Water Resources
Eastern District Office

Suite 15, Idaho Falls, Idaho 834
before NOVEMBER 6, 1989.
R. KEITH HIG

Publ. Oct. 19 and 26, 1989SJ.

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JUL 19 1990

WHITE - State Auditor
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy

EXPENDITURE VOUCHER

AUDITOR USE

AGENCY USE

Date	5351
Code	06/05/91
	192002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY

TO

BROWN INC.
 GEORGE BROWN, PRESIDENT
 1439 CAMBRIDGE DRIVE
 IDAHO FALLS, ID 83401

CHECK ONE:

(☒) MISCELLANEOUS EXPENDITURE

(☐) STATE CONTRACT

(☐) PURCHASE ORDER

(☐) MISCELLANEOUS
 ENCUMBRANCE REQUISITION

PAYMENT: (☐) PARTIAL (☐) FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 10 199	1238	8831		REFUNDS PER RITA FLECK WR #22-7512 RECEIPT #C020539 5/23/91 15.00	15.00	
TOTAL						15.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

May 23, 1991

GEORGE BROWN, PRESIDENT
BROWN INC.
1439 CAMBRIDGE DRIVE
IDAHO FALLS, ID 83401

Dear Mr. Brown:

Re: Permit No. 22-7512

Your letter of May 18, 1991, explains that this has been a year for extensive rains and that you do not wish to have the irrigation water turned on and the department's field examination completed prior to June 1, 1991. So, you wish to have the department extend the time and you submitted the \$15 fee.

The department will conduct the field inspection at a time it is convenient for you. The June 1, 1991 is the date that proof is due, not necessarily, the date the field inspection must be completed by the department.

I have initiated the paperwork to return the \$15 fee to you. It will take several weeks.

If I can be of further assistance, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

C: Fiscal Sec.

MAY 29 1991

BROWN INC.
1439 CAMBRIDGE DRIVE
IDAHO FALLS, IDAHO 83401
TELEPHONE 522-9552

May 18, 1991

Dept. of Water Resources
1301 N Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Permit No. 22-07512

Sir:

Because of the extensive rains, our lands are presently saturated with water. I am not certain that I wish more water applied from our irrigation system in order to measure the flow from the well.

I therefore wish an extension of time for you to test the well. Since I didn't think an extension would be required, I discarded the official form for requesting the extension. I think the fee for extension was \$15, which is enclosed.

If this is not satisfactory, please let me know.

Sincerely yours,

George Brown

George Brown, President

MAY 29 1991

May 14, 1991

BROWN INC.
1439 CAMBRIDGE DR.
IDAHO FALLS, ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07512

Dear Permit Holder:

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

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

MAY 29 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7512

Date 5-7-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ 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
☒ Drill permit req'd?
Copy in file? 1965 Drill permit no. _____
Amt paid for drilling permit? _____ Correct?
Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
282.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- ☒ Measuring device or access port required?
☒ Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs flow meas.

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

address change

5-7-91

RECEIVED

MAY 3 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$ 250.00

Date 5/3/91

Receipt No. 6020368

Received by J. J. Smith

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. 22-07512 Telephone No. 208-522-9552

2. Name(s) of Permit Holder(s): Brown Inc.

3. Post Office Address: 1439 Cambridge Drive, Idaho Falls, Idaho 83401

4. Source of Water: Ground water

a. If ground water, well driller's name: Glen Hopkins Well Drillers Date drilled: August, 1965

b. Pump horsepower: 700 Pressure (psi): 80 Dynamic pumping level (ft.): 720
150
Total 850

5. Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>1568</u> (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____

6. Total rate and/or volume for which proof is submitted 7 cfs _____ 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: \$ 250 (See License Examination Fee Schedule)

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

Gordon Smith

208-356-3089

Name

Telephone No.

154 N. 4 E., Rexburg, Idaho 83440

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.

5-2-91

Date

George Brown

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

Pres., Brown, Inc.

MAY 20 1991

138245
March 31, 1991

BROWN INC.
1425 CAMBRIDGE DR.
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 22-07512

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 June 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

MAY 29 1991

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

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

BROWN INC.
1425 CAMBRIDGE DR.
IDAHO FALLS, ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P22-07512

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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JUL 19 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,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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JUL 19 1990

MEMORANDUM

TO: File No. 22-7512
FROM: Gary Spackman *Gary*
DATE: May 18, 1990

RE: Waiver of Rule 4,5. Additional Information Requirements

Application 22-7512 was filed prior to July 1, 1985 and represents pre-existing development. The location of the point of diversion falls outside of the trustwater area. Normally, additional information would be required under Rule 4,5. of the Water Appropriation Rules and Regulations. Possible issues that the additional information should address have probably already been raised during development and operation, however. The Rule 4,5. informational requirement should be waived.

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 22-7512

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No
☒ Yes ☐ No

Platted by: _____ Map No. _____

Other rights on same place of use. LC 22-2254

- ☒ Yes ☐ No*

In form for advertising.

- ☐ Yes ☒ No

Final date for protests: 11-6-89

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11-03-89
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☐ Yes ☒ No Measuring device required.

- ☒ Yes ☐ No Access port required.

- ☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05

6-27-85 Date of priority recommended.

Special conditions of approval or cover letter.

Need Rule 4, 5, 1 data on new 320 acres
Received 11-17-89 HWS

App. in NON-TRUST area-

By: HWS

Date: 11-17-89

STATE OFFICE REVIEW:

P05, P23, P03, P16

48 49 46 016

RECEIVED

- ☐ See attached sheet for more information.

By: kw

Date: 12/15/89

NOV 21 1989

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

RECEIVED

NOV 17 1989

Department of Water Resources
Eastern District Office

NOV. 9, 1989

GEORGE BROWN
1425 CAMBRIDGE DR.
IDAHO FALLS, ID 83236

DEAR MR BROWN:

WE ARE CURRENTLY PROCESSING YOUR APPLIC./22-07512
FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS
200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS
ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE.
PLEASE TRY TO ANSWER THE HIGHLIGHTED QUESTIONS TO THE BEST OF
YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE
ME A CALL AT 525-7161.

SINCERELY,

Harold W. Jones

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

11-14-89

Mr. Jones,

*Let me know if all the questions are
not answered completely + satisfactorily.*

George Brown

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JUL 19 1990

which to submit the information upon request by the applicant and upon a showing of good cause.

Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code.

- 4,5,2. For protested applications or protested permits being reprocessed, the information required by Rule 4,5,3. may be requested by the director to be submitted within 30 days after notification by the director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures.

Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late.

- 4,5,3. Information to be submitted

The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary.

- 4,5,3,1. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

- 4,5,3,1,1. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

- 4,5,3,1,2. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all

RECEIVED

JUL 19 1990

existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

WELL FOR WATER RIGHT NO. 22-7067 IS NEAR THIS WELL.

4,5,3,1,3. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

NO ADDITIONAL PLANS ARE CONTEMPLATED PRESENTLY.

4,5,3,2. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

4,5,3,2,1. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

FULL PUMP CAPACITY OVER IRRIGATION PERIOD. IN 1988 the pump ran continuously from April to Oct. 15

4,5,3,2,2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for ground-water sources, and information on other sources of supply that may be used to supplement the applied for water source.

We have not had to lower the bowls, so I suspect the aquifer level is relatively stable.

4,5,3,3. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

4,5,3,3,1. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

4,5,3,3,2. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

4,5,3,4. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

4,5,3,4,1. The applicant shall submit a current financial statement certified to show the accuracy of the information contained

JUL 19 1990

therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

4,5,3,4,2. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

4,5,3,5. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

4,5,3,5,1. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

4,5,3,6. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water.

4,5,3,6,1. A project design and estimate of cost of development shall be submitted. For applications appropriating more than 25 cfs, or 10,000 AF of storage, or generating more than 5 megawatts, the information shall be prepared and submitted by a qualified engineer licensed under the provisions of Chapter 12, Title 54, Idaho Code, unless waived by the director. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules.

4,5,3,6,2. If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed.

I plan no new projects presently. Our present rotation is potato, wheat, barley, & summer fallow.

4,5,3,6,3. Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development including both the

JUL 19 1990

NOV. 9, 1989

GEORGE BROWN
1425 CAMBRIDGE DR.
IDAHO FALLS, ID 83236

DEAR MR BROWN:

WE ARE CURRENTLY PROCESSING YOUR APPLIC./22-07512
FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS
200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS
ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE.
PLEASE TRY TO ANSWER THE HIGHLIGHTED QUESTIONS TO THE BEST OF
YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE
ME A CALL AT 525-7161.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

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JUL 19 1990



16-Oct-1989

Brown, Inc.
1425 Cambridge Dr.
Idaho Falls, ID 83401

RE: Application for Permit No. 22-7512

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. 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

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JUL 19 1990

22-07512

BROWN INC.
1425 CAMBRIDGE DR.
IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt: SESW Sec 35 T 06N R 41E

Use: IRRIGATION (7.000 CFS)

Date Filed: 6/27/1985

In: T05N R41E S01	NWNW	SWNW	SENW	NESW
	NWSW	SWSW	SESW	
S02	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
S03	NENE	SENE	NESE	
S11	NENE	NWNE		
S12	NENW	NWNW		
T06N R41E S34	SWNE	SENE	NESW	SESW
	NESE	NWSE	SWSE	SESE
S35	NENE	SWNE	SENE	SWNW
	SENW	NESW	NWSW	SWSW
	SESW	NESE	NWSE	SWSE
	SESE			

1568.0 ACRES TOTAL

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JUL 19 1990

22-7512-

BROWN INC.

1425 CAMBRIDGE DR., IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 06/27/1985

Diversion Pt: SESW Sec 35 T 06N R 41E

Use: IRRIGATION (7.00 CFS)

In: NESW SESW Sec 34 T 06N R 41E NENE Sec 35 T 06N R 41E NENW NWNW
Sec 12 T 05N R 41E SENW NESW SESW Sec 01 T 05N R 41E NENE NWNE
Sec 11 T 05N R 41E FOR 320 ACRES

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JUL 19 1990

WATER RIGHT
DATA ENTRY LOG

Initials

Date: _____

Index

JK

8-2-85

Original form entered

Edit Report Correct

Date Protested

Date of hearing

Date Approved/Denied

(Proof due date, stage and/or status,
conditions of approval, water district

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam received

Field Exam Accepted
and changes entered

License: Public Domain

They are, for example:

Approved by State Office