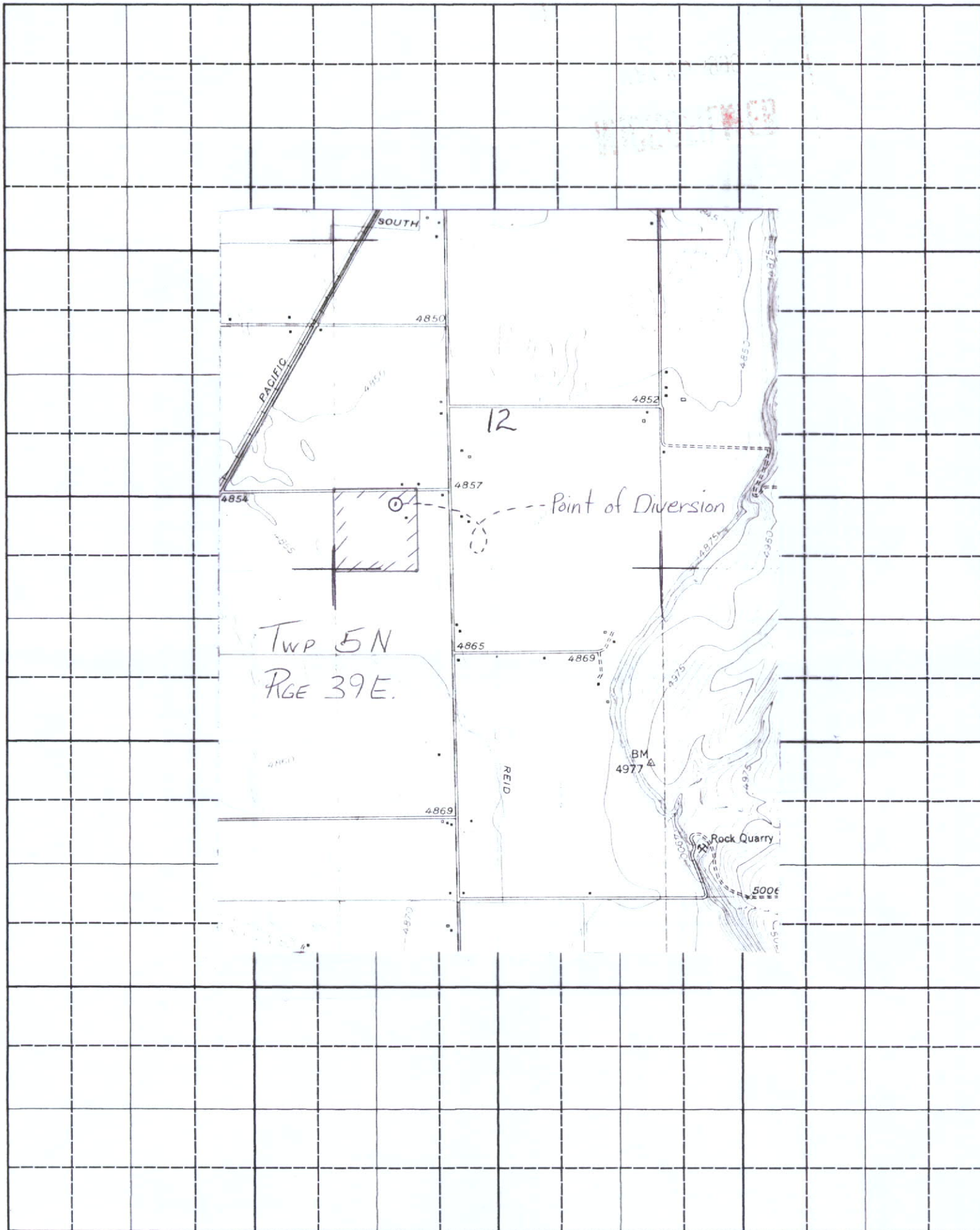


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED

MAY 29 1990

Dean T. Freeman
(Applicant)

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 WATER RIGHTS 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 APRIL 5, 1990 and the last publication having been made on APRIL 12, 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 13TH day of APRIL 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.

Lyphli. J. [Signature]
Notary Public for Idaho

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

NOTICE OF APPLICATION FOR
TRUST WATER RIGHT

22-07457
FREEMAN, DEAN T.
2113 W. 3800 S.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWSW Sec 12 T 05N R 39E
Use: IRRIGATION (.200 CFS)
DOMESTIC (.080 CFS) Total Diversion: (.200 CFS)
Date Filed: 8/4/1983
In: T05N R39E S12 SWSW 10.0 ACRES TOTAL

22-07461
BOWEN, GRANT
BOWEN, BRYCE
3124 W. 3800 S.
REXBURG, ID 83440
Source: POND Tributary: SINKS
Diversion Pt: SENE Sec 10 T 05N R 39E
Use: IRRIGATION (1.600 CFS) Total Diversion: (1.600 CFS)
Date Filed: 6/30/1983
IN: T05N R39E S11 SWNW NWSE 80.0 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 APRIL 23, 1990.

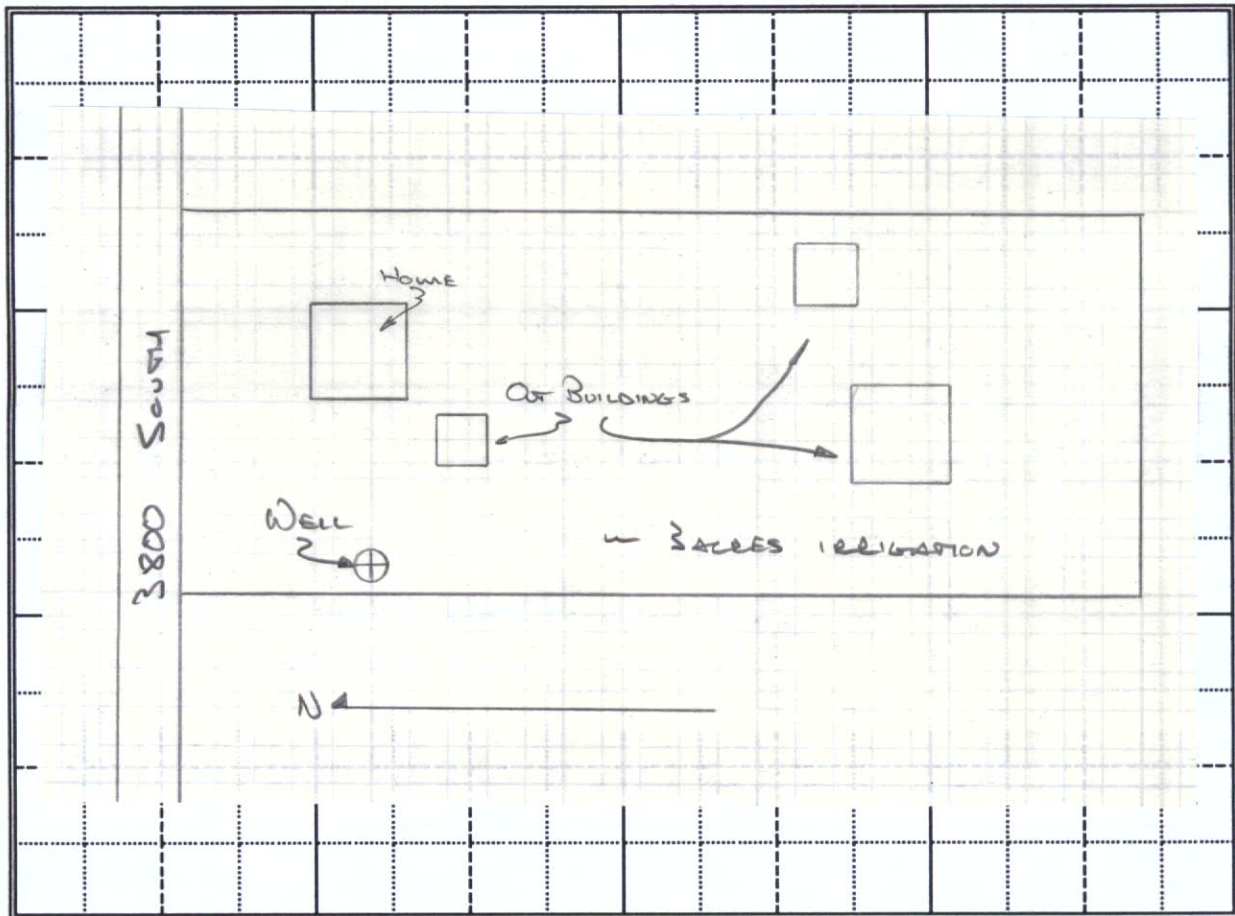
R. KEITH HIGGINSON
Director

Publ. April 5 and 12, 1990SJ.

MICROFILMED

MAY 29 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
	MYERS	5			

*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

2. Measurements: NONE - SEE REMARKS.

STATIC H₂O @ 18' ESTIMATED DRAWDOWN TO 25'

OPERATING PSI ~ 50

JAN 06 1998

34

31

36

2

1

6

2

1

11

12

1

6

12

7

POINT OF DIVERSION
AND PLACE OF USE

TSN
R39E R40E

12

7

13

18

Mark

12

4865

13

18

Thornton

14

13

4869

24

19

22-07457

JAN 6 1936

SCALE 1:24 000

1 MILE



Plate 1. Point of diversion.

MICROFILMED
JAN 06 1938

22-07457

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07457

Priority: August 4, 1983

Maximum Diversion Rate:

0.09 CFS

This is to certify, that DEAN T FREEMAN
2113 W 3800 S
REXBURG ID 83440

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 4, 1983; and
has submitted Proof of Beneficial Use on March 7, 1994. An examination indicates
that the works have a diversion capacity of 0.220 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	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 12, Township 05N, Range 39E
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	39E	12	SWSW 3			3

Total number of acres irrigated: 3

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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

JAN 06 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07457

CONDITIONS OF APPROVAL AND REMARKS

9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual diversion volume of 10.5 af for the lands 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 12TH day of DECEMBER, 1992.


Acting for KARL J. DREHER, Director

MICROFILMED

JAN 06 1993

RECEIVED RECEIVED
MAR 14 1994 APR 01 1994
STATE OF IDAHO
Department of Water Resources
Department of Water Resources

PROOF OF BENEFICIAL USE

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. 22-07457 Telephone No. 356-6575

2. Name(s) of Permit Holder(s): DEAN T. FREEMAN

3. Post Office Address: 2113 W. 3800 S., PERBURG, ID 83440

4. Source of Water: GROUNDWATER

a. If ground water, well driller's name: DEWEY MORRIS 22-93-E-0202-000
Date drilled: 4-93

b. Pump horsepower: 7.5 Pressure (psi): 40 lbs Dynamic pumping level (ft.): 63

5. Extent of Use:

Domestic 2 (No. of households) Irrigation 10 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 0.20 cfs _____ acre/feet

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

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Mr. & Mrs. FREEMAN 356-6575
Name Telephone No.

Same _____
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.

3-7-94 Dean T. Freeman
Date Signature (and title if on behalf of a company or organization)

NOT RECORDED

JAN 06 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07457

Proposed Priority: August 4, 1983 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **DEAN T. FREEMAN**
2113 W. 3800 S.
REXBURG, ID 83440

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	0.20 CFS
DOMESTIC	01/01 to 12/31	0.08 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW Sec. 12, Township 05N, Range 39E
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	39E	12	SWSW	10		10
Total number of acres irrigated:						10

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1994**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is completed.
8. 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.

MAY 29 1990

Permit To Appropriate Water

NO. 22-07457

CONDITIONS/REMARKS:

9. Domestic use is for three homes.

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 May, 1990

for
R. Keith Higginson, Director

MICROFILMED

MAY 29 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 Dean T. Freeman Phone 356-6575
Post office address Rt. #3 Box 449 Rexburg, Idaho
2. Source of water supply groundwater. which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12 Township 5N
Range 39E B.M. Madison. County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.08 for Domestic purposes from 1/1 to 12/31 (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)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, & 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 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12 Township 5N
Range 39E 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 3.

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

MICROFILMED

MAY 22 1990

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

[illegible]

Total number of acres to be irrigated 10

c. Describe any other water rights used for the same purposes as described above. 40 inches
inches in the Reel Canal.

9. a. Who owns the property at the point of diversion Applicant

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

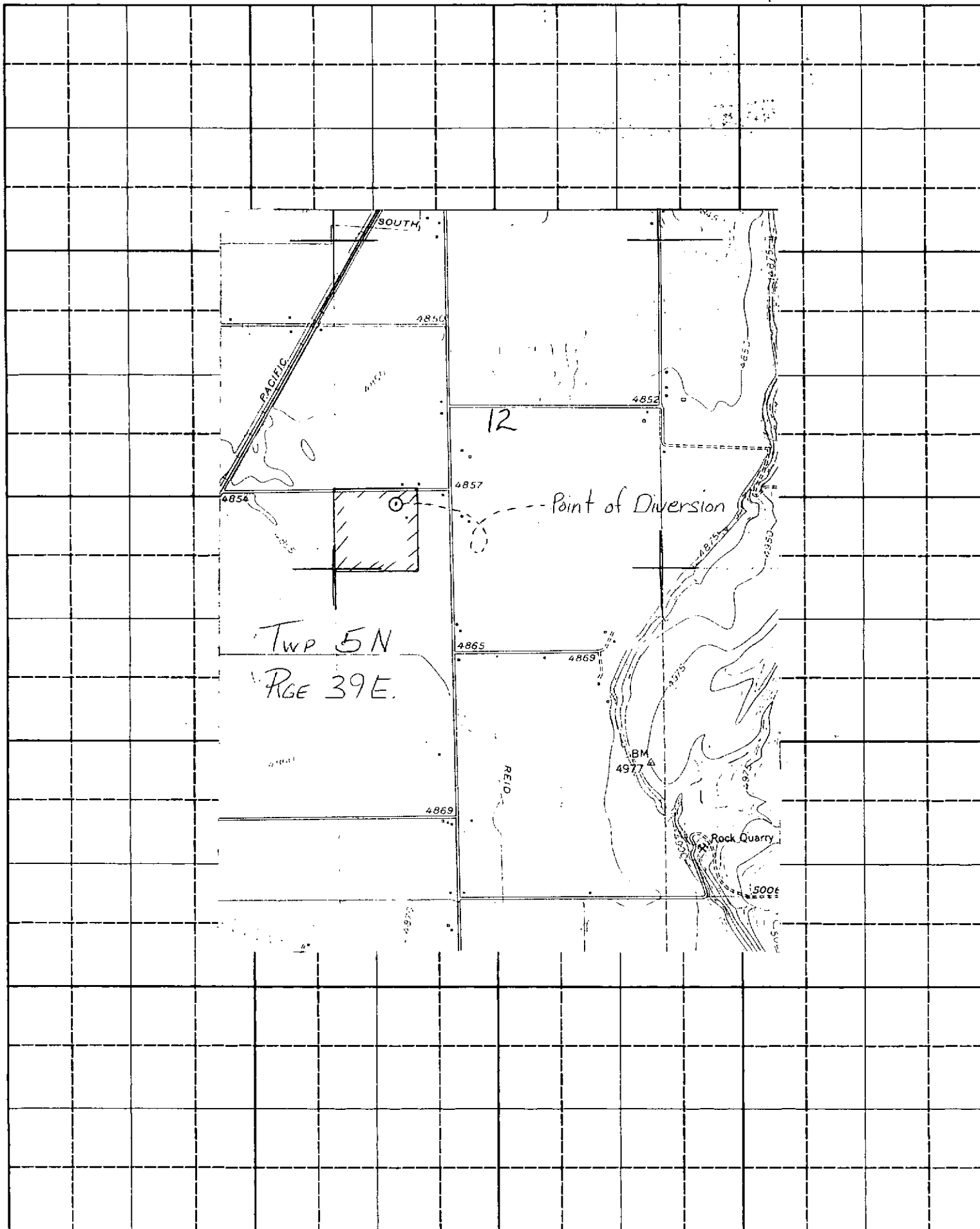
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

RECEIVED

MAY 29 1950

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.

MICROFILMED

MAY 29 1990

Dean T. Freeman
(Applicant)

Received by EMC Date 8-4-83 Time 5:00.
Preliminary check by HWT Fee \$ 30⁰⁰ # 29388.
Receipted by EMC Date 8/4/83
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

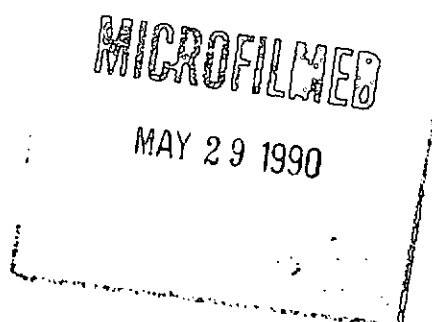
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by kw

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. Other:



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 WATER RIGHTS 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 APRIL 5, 1990 and the last publication having been made on APRIL 12, 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 13TH day of APRIL 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.

Stephen L. [Signature]
Notary Public for Idaho

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

NOTICE OF APPLICATION FOR
TRUST WATER RIGHT

22-07457
FREEMAN, DEAN T.
2113 W. 3800 S.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWSW Sec 12 T 05N R 39E
Use: IRRIGATION (.200 CFS)
DOMESTIC (.080 CFS) Total Diversion: (.200 CFS)
Date Filed: 8/4/1983
In: T05N R39E S12 SWSW 10.0 ACRES TOTAL

22-07461
BOWEN, GRANT
BOWEN, BRYCE
3124 W. 3800 S.
REXBURG, ID 83440
Source: POND Tributary: SINKS
Diversion Pt: SENE Sec 10 T 05N R 39E
Use: IRRIGATION (1.600 CFS) Total Diversion: (1.600 CFS)
Date Filed: 6/30/1983
IN: T05N R39E S11 SWNW NWSE 80.0 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 APRIL 23, 1990.

R. KEITH HIGGINSON
Director

Publ. April 5 and 12, 1990SJ.

MICROFILMED

MAY 29 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

December 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN T FREEMAN
2113 W 3800 S
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07457

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
JAN 06 1998

MICROFILMED

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.

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.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

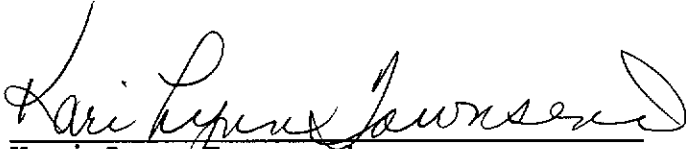
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of December, 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. 22-07457

DEAN T FREEMAN
2113 W 3800 S
REXBURG ID 83440


Kari Lynn Townsend
Secretary

ENCLOSURE

JAN 06 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07457

DATE 12/9/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.20</u> cfs
Fee limit	<u>.20</u> cfs <u>\$5000</u>
Measured	<u>—</u> cfs
Theoretical	<u>.20</u> cfs <u>22</u>

40 psi, 60' lift Recommended Total Div Rate .09 cfs

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u>	Use <u>San</u>	cfs <u>.09</u>	Volume Calc <u>3 x 3.5 =</u>	af
				af
				af
				af
	SUBTOTAL	<u>.09</u>	<u>10.5</u>	af

Flow rate .09 cfs X 184 days X 1.98 = 32.8 af
 Total volume recommended 10.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WB7 (.03, 10.5)

CONDITIONS — Watermaster Control WD# —

1759 GW Measurement/Measuring Device
1759 Overlap
1759 Use-specific conditions

R55, 052, 065, 079

Advancement of Priority Date Required — yes — no

SRBA Claim Filed N/A
 Adjustment Memo —

1st Amend Letter N/A
 2nd Amend Letter —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 10 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07457

1. Owner: DEAN T. FREEMAN Phone No. _____

Current Address: 2113 W 3800S, BEXRUE ID 83440

2. Accompanied by: DEAN T. FREEMAN EXAM DATE: 5-24-94

Address: _____ Phone No. _____

Relationship to Permit Holder: Under

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Surf in Reid Canal

2. Other water rights with the same point of diversion: —

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
		NE	SW	SW	12	SN	39E	Madison	USGS, ONSITE

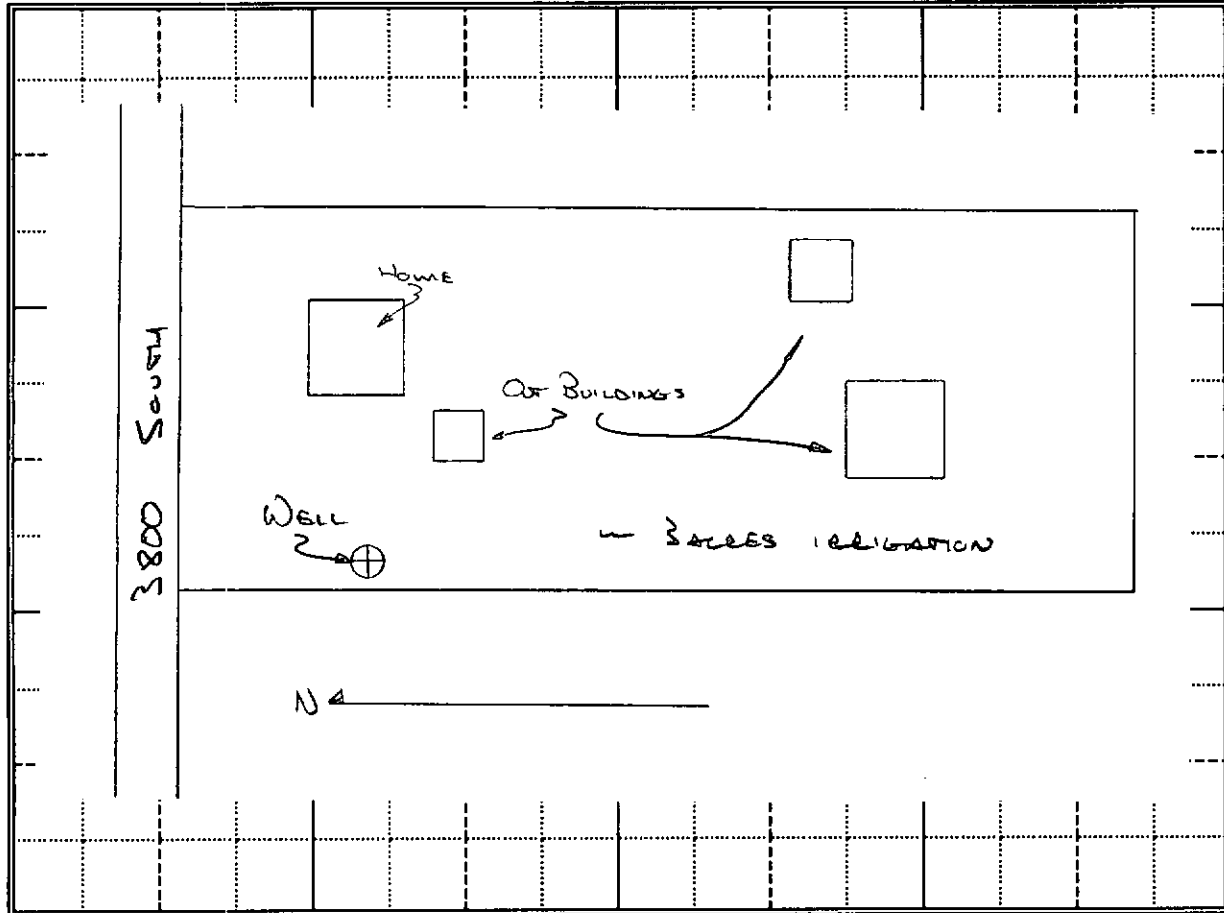
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
SN	39E	12											3						3Ac

MICROFILMED
JAN 06 1998

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
	M-YEES	5			

*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

2. Measurements: NONE - SEE REMARKS.

Static H₂O @ 18' ESTIMATED DRAWDOWN TO 25'

OPERATING PSI ~ 50

E. NARRATIVE/REMARKS/COMMENTS

WELL WITH SUBMERSIBLE PUMP TO FLEXIBLE 2" MAINLINE TO
2" ALUMINUM SPRINKLER LINES FOR IRRIGATION OF LAWN,
GARDEN AND PASTURE.

NOTE: NO MEASUREMENT AVAILABLE AT TIME OF EXAM. PUMP
WAS BURNED OUT AND WAS ABOUT TO BE REPLACED. AS THIS IS
ONLY A SMALL PLACE OF USE, EXAMINER FELT THAT A
THEORETICAL FLOW WOULD BE ADEQUATE FOR LICENSING. THE
OWNER HAS A 5 HP MOTOR THAT HE WILL BE USING AS A REPLACEMENT

AS PER DISCUSSIONS WITH MR. FREEMAN, THE PLACE OF USE IS
ONLY THE AREA SHOWN IN THIS EXAM.

NO DOMESTIC USE AT TIME OF EXAM

SUPPLEMENTAL TO REID CANAL

Have conditions of permit approval been met? ☐ yes

NO
MICROFILMED
JAN 06 1958

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{measured}} = \frac{5 \text{ MP} (8.814) .7 \text{ EAF}}{25' \text{ lift} + (2.308 \times 50 \text{ PSI})} = \underline{0.22 \text{ cfs}}$$

$$\text{RECOMMEND } 0.03 \text{ cfs/AC} \times 30 \text{ AC} = \underline{0.09 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{30 \times 3.5 = 10.5 \text{ AFA}}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.09 \times 183 \times 1.9835 = 32.7}$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = \underline{10.5 \text{ AFA}}$$

2. Volume Calculations for Other Uses:

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	0.09	10.5
Totals:			0.09	10.5

2. Recommended Amendments

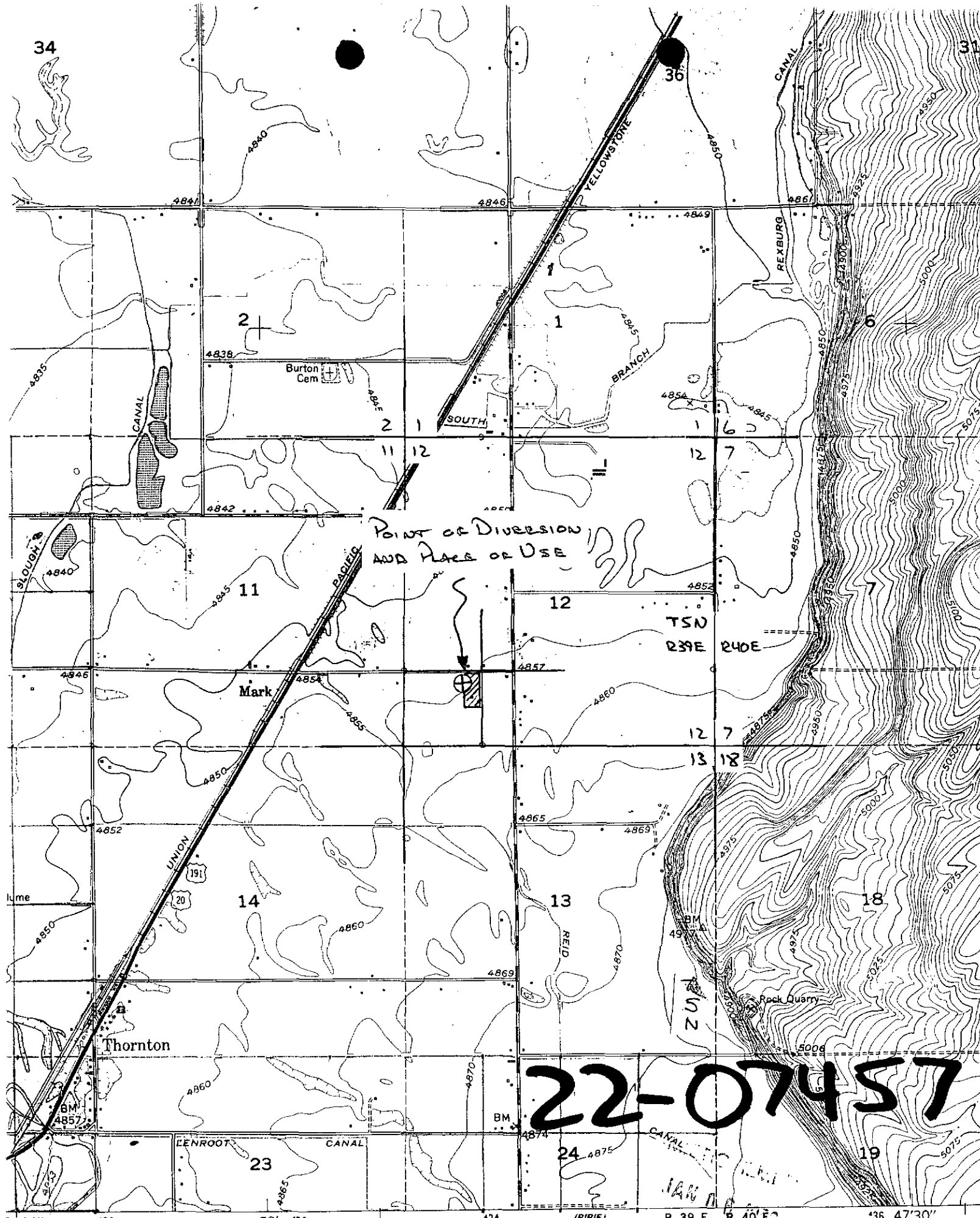
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name: [Signature] Date 10-27-97

Reviewer _____ Date _____

SEAL



POINT OF DIVERSION
AND AREA OF USE

22-07457



Plate 1. Point of diversion.

LEUNG CHUNG
JAN 06 1953

22-07457

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07457

Reviewed by [Signature]

Date 3-17-94

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

Dom. Irr.

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 22-93-E-0202-000

35.00 Amount paid for permit 35.00 Correct?

no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50.00 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received -

Date proof due -

No. of days late =

Priority Date +

New Priority Date +

DEFICIENCIES OR ACTION ITEMS

→ Return for info. on Drilling permit
Cannot locate permit or log

34/11 - Per Dennis et Eastern - Proof acceptable

DATA ENTRY

New Address

Proof Made 3-14-94

April 11, 1994

DEAN T FREEMAN
2113 W 3800 S
REXBURG ID 83440

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07457

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.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
JAN 06 1994

March 25, 1994

Dean T. Freeman
2113 W 3800 S
Rexburg, ID 83440

RE: Permit No. 22-07457

Returned is your Proof of Beneficial Use submitted in connection with the above referenced permit. Before the department can complete processing, additional information is required.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have indicated the well was drilled in 1993, by Dewey Morris. I have been unable to locate a drilling permit or a well log for the legal description listed on your water right permit.

The well log should have been submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, please submit that as well. If you do not, please contact your driller and ask that he submit a copy.

Please return the requested information, and resubmit the returned proof of beneficial use by the proof due date of June 1, 1994.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

MICROFILMED

JAN 06 1996

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

113

Permit No. 22-07457
Name(s) of Permit Holder(s): Dean T Freeman
Post Office Address: 2113 W. 3800 So.
Reynolds Idaho 83440 Tel. No. 356-6575

☐ I hereby certify that construction of diversion works for the above referenced permit began on Nov. 15, 1991 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

4-13-93
Date

Dean T Freeman
Signature of Permit Holder

MICROFILMED

JAN 06 1998

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 22, 1990

DEAN T. FREEMAN
2113 W. 3800 S.
REXBURG, ID 83440

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P22-07457

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the

RECEIVED

MAY 22 1990

permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

MAY 29 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HCS

APPLICATION NUMBER: 22 7457

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*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 Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ 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
8-4-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

Trust Water App.
allow 4 yrs. to develop -

By: _____ Date: _____

STATE OFFICE REVIEW:

P05, P23 P17

51 52 53 46 26

- ☐ See attached sheet for more information.

By: KW

Date: 5/15/90

FEB 20 1990

Department of Water Resources

kw

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						

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 27, 1990

The Rexburg Standard-Journal
Box 10
Rexburg, ID 83440

Dear Legal Dept.:

Enclosed you will find legal notices 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 APRIL 23, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

MAY 29 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

22-07457

FREEMAN, DEAN T.
2113 W. 3800 S.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SWSW Sec 12 T 05N R 39E

Use: IRRIGATION (.200 CFS)
DOMESTIC (.080 CFS)
Total Diversion: (.200 CFS)

Date Filed: 8/ 4/ 1983

In: T05N R39E S12 SWSW

10.0 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, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 23, 1990.

R. Keith Higginson, Director

Published 4/ 5/1990 & 4/12/1990

MICROFILMED

MAY 29 1990

MEMORANDUM

TO: FILE/APPLICATION NO. 22-7457

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 3-22-90

=====

Attached questionnaire indicates that groundwater source has not yet been developed. Place of use overlap analysis and review of 1986 remote sensing data is not conclusive as to whether this application is a supplemental filing. Acreage under application may be new irrigable land. Advertise as trust filing and count 10 acres under application as trust acres.

RECEIVED

MAY 29 1990

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM				
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
2207457																											
0100182B	HALL	D	SNAKE RIVER	05N	39E	12					:	29	13		:				:				42				
0100187B	TEXAS SLOUGH IRRIGATIO	D	SNAKE RIVER	05N	39E	12					:	29	13		:				:				42				
0100251	THE REED CANAL CO.	D	SNAKE RIVER, SOUTH F	05N	39E	12					:			X	X	:	X	X	X	X	:		X	X			
0100316	LIBERTY PARK IRRIGATIO	D	SNAKE RIVER, SOUTH F	05N	39E	12					:					:				:							
2200390	MC GARRY	D	MC MILLAN SLOUGH	05N	39E	12					:					:				:	X	X					
2200391	MC GARRY	D	MC MILLAN SLOUGH	05N	39E	12					:					:				:	X	X					
2200392	MC GARRY	D	MC MILLAN SLOUGH	05N	39E	12					:					:				:	X	X					
2200393	MC GARRY	D	MC MILLAN SLOUGH	05N	39E	12					:					:				:	X	X					
2207457	FREEMAN	A	GROUNDWATER	05N	39E	12					:					:		10		:			10				
2207615	RILEY	P	GROUNDWATER	05N	39E	12					:					:				:		2	2				
	1986 MAPPING DATA	---	COUNTY 51 QUAD W	94	05N	39E	12	42	39	29	42	:	41	36	9	22	:	16	10	12	30	:	41	27	4	42	442

Note: 1976 ^{aerial photo} shows most (at least 30 acres) as farmed. Aerial photo inconclusive as to number of acres irrigated in SW SW 1/4.

1986 Remote Sensing Report classifies only 12 acres in SW SW as irrigated.

Ten acres under Application may be new and rather than supplemental.

Advertise as Trust Right & count 10 acres as Trust.

T. Lake
3/22/90

MAY 25 1990

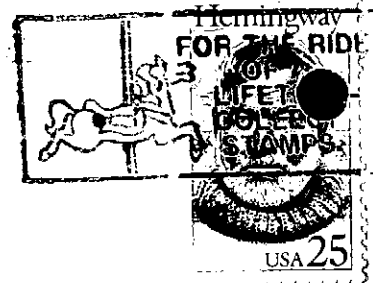
RECEIVED

Dean Freeman
2113 W. 3800 So.
Reynolds Idaho
83440

MAY 29 1990

RECEIVED

Address
DATE



Idaho Dept. of Water Resources
Statehouse mail
Boise, Idaho

attn: Tim Luke

83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 22-7457

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No X

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

3. Please state the number of acres you have irrigated under this application since October 1, 1984. N/A

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 35

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Reed CANAL

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Dean T. Aruman

Date 3-18-90

MICROFILMED

MAY 23 1990

RECEIVED
MAR 21 1990

Department of Water Resources

5. REMARKS/COMMENTS:

[illegible]

MAY 25 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

RE: APPLICATION FOR PERMIT NO. 22-7457

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

MICROFILMED

MAY 29 1990

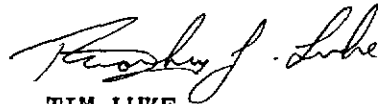
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn
Director

August 12, 1985

RE: Application for Permit No. 22-7457

Dean T. Freeman
Rt. 3, Box 449
Rexburg, Idaho 83440

Dear Mr. Freeman:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MAILED

MAY 29 1990

22-2452-

FREEMAN, DEAN T.

RT.3, BOX 449, B, REXBURG, ID 83440

Source: GROUNDWATER

Date Filed: 08/04/1983

Diversion Pt: SWSW Sec 12 T 05N R 39E

Use: IRRIGATION (0.20 CFS)
DOMESTIC (0.08 CFS)

In: SWSW Sec 12 T 05N R 39E FOR 10 ACRES

MICROFILMED

MAY 29 1990