

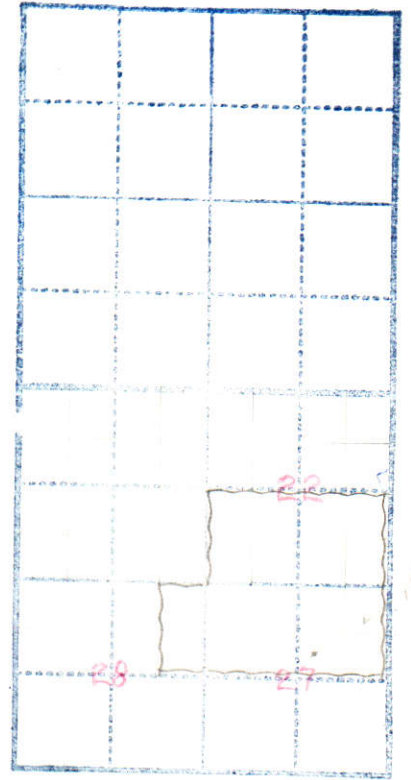
APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

22-2190

Application No. G- 37119
Permit No. G- 29125
District No.

1. Name of Applicant: Adelbert W. Webster
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 7.23 or Idaho
Miners' inches or gallons per minute 3240
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27
Twp. 5 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well turbine pump & sprinkler system
8. Estimated cost of works: \$ 40,000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 7.23 (cubic feet per second, inches or gallons per minute) is for new lands.



State of Idaho
WATER LICENSE

Water License No. G-29125 Priority November 7, 1960 Amount 7.23 c.f.s.

THIS IS TO CERTIFY that ADELBERT W. WEBSTER
of Rexburg, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated November 7, 1960, that Permit G-29125 was issued pursuant
to said application; that the proposed works were completed on or about May 1962
with a storage or carrying capacity of 7.88 c.f.s., said works consisting of
well, motor, pump and main line, and that on October 29, 1965
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 2380
acre feet per season, with a maximum rate of diversion of 7.23 cubic feet per second of the waters
of a ground water source, tributary of
for the purpose of irrigation from April to October 31
and for from to and for
from to and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is
located in SE 1/4 SW 1/4 NW 1/4 Sec. 27 T. 5 N. R. 40 E. S.M., and
other additional points in the County of
Madison, and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 2380 acre feet per year.

Description and location of place of use

TWP.	RANGE	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	
5 N	40 E	21																3	3
		22			8	16				5	39	14	38	40	38	39	35	37	309
		27			39	37	40	39	39	39									311
		23	21				36												67

Total number of acres irrigated 680

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13th day of November, 1968.

R. Keith Higgins
State Reclamation Engineer

G-29125

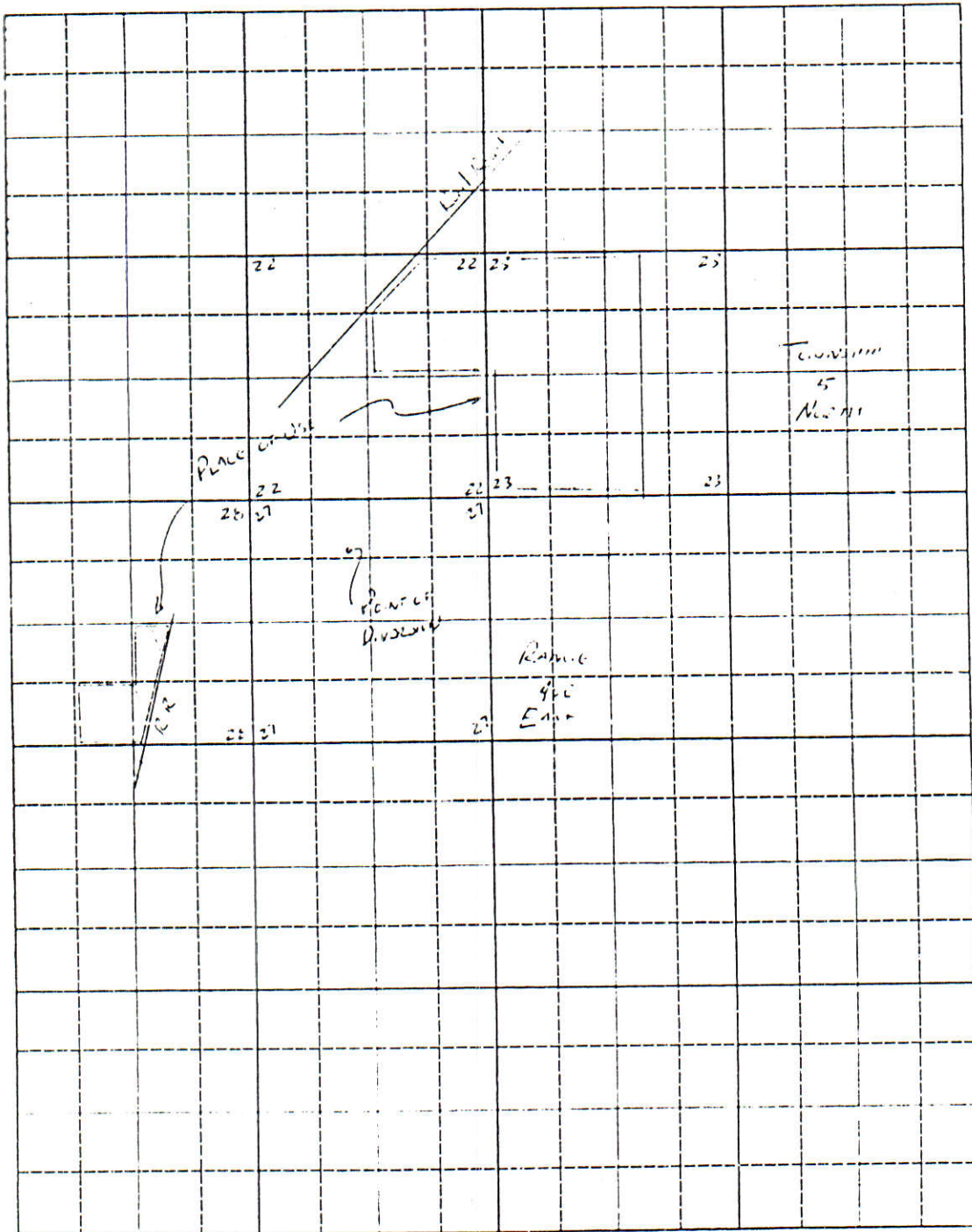
22-2190

EXHIBIT

22-2190

A

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

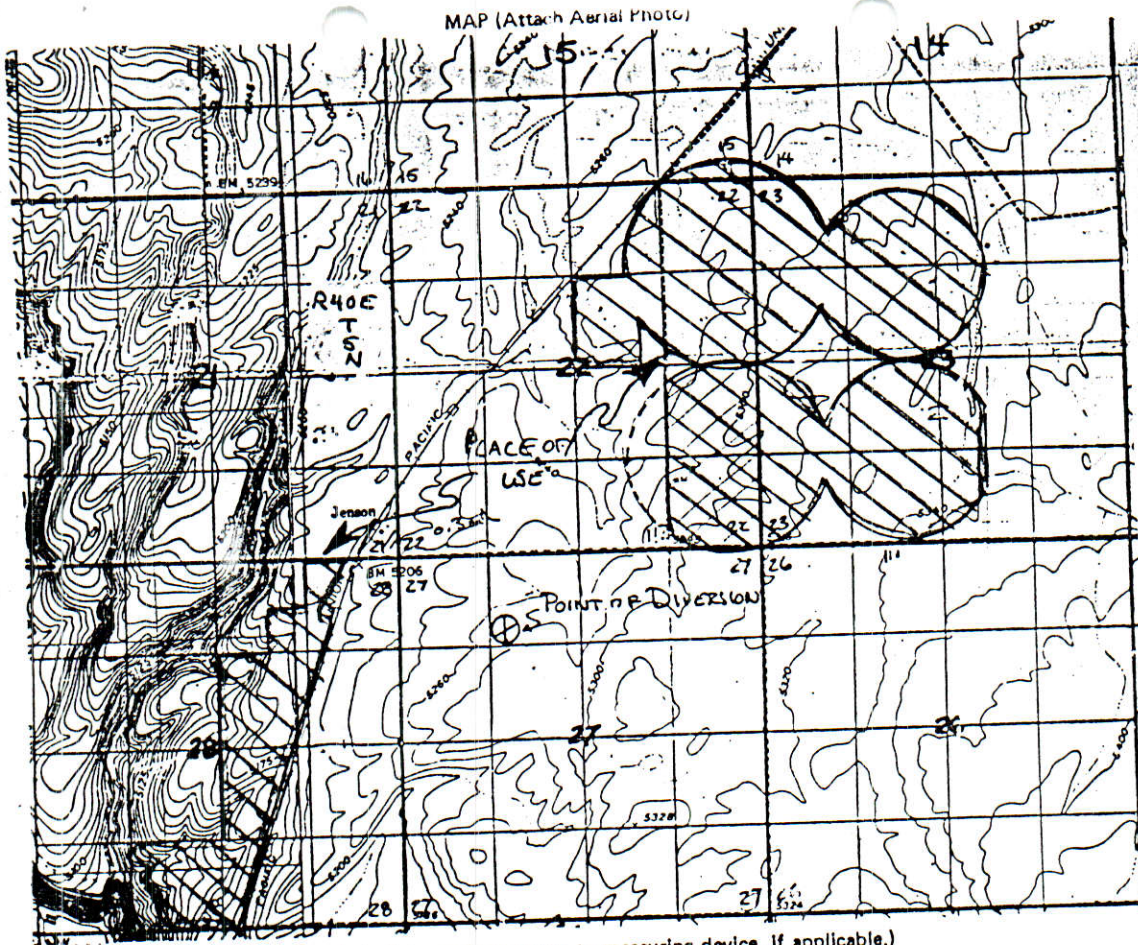


Scale: 2 inches equal 1 mile.

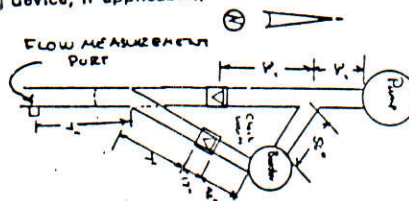
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Shelton's Deep Well Farm, Inc.
by B. K. Shelton, J.P.
 (Applicant)

EXHIBIT
F.3



(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NE NW Sec 27 T5N R40E

Place(s) of Use

TWP.	RGE.	SEC.	NEX				NW				SW				SE				TOTALS
			NEX	NW	SW	SE	NEX	NW	SW	SE	NEX	NW	SW	SE	NEX	NW	SW	SE	
5N	40E	14																	4
		15																12	
		22	40	14	29	23													106
		23		12	15		27	34	31	37	39	34	28	36		25	21		339
		28	12	10	34	3										27	14		134
																			595

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature

Checked by

Approved by

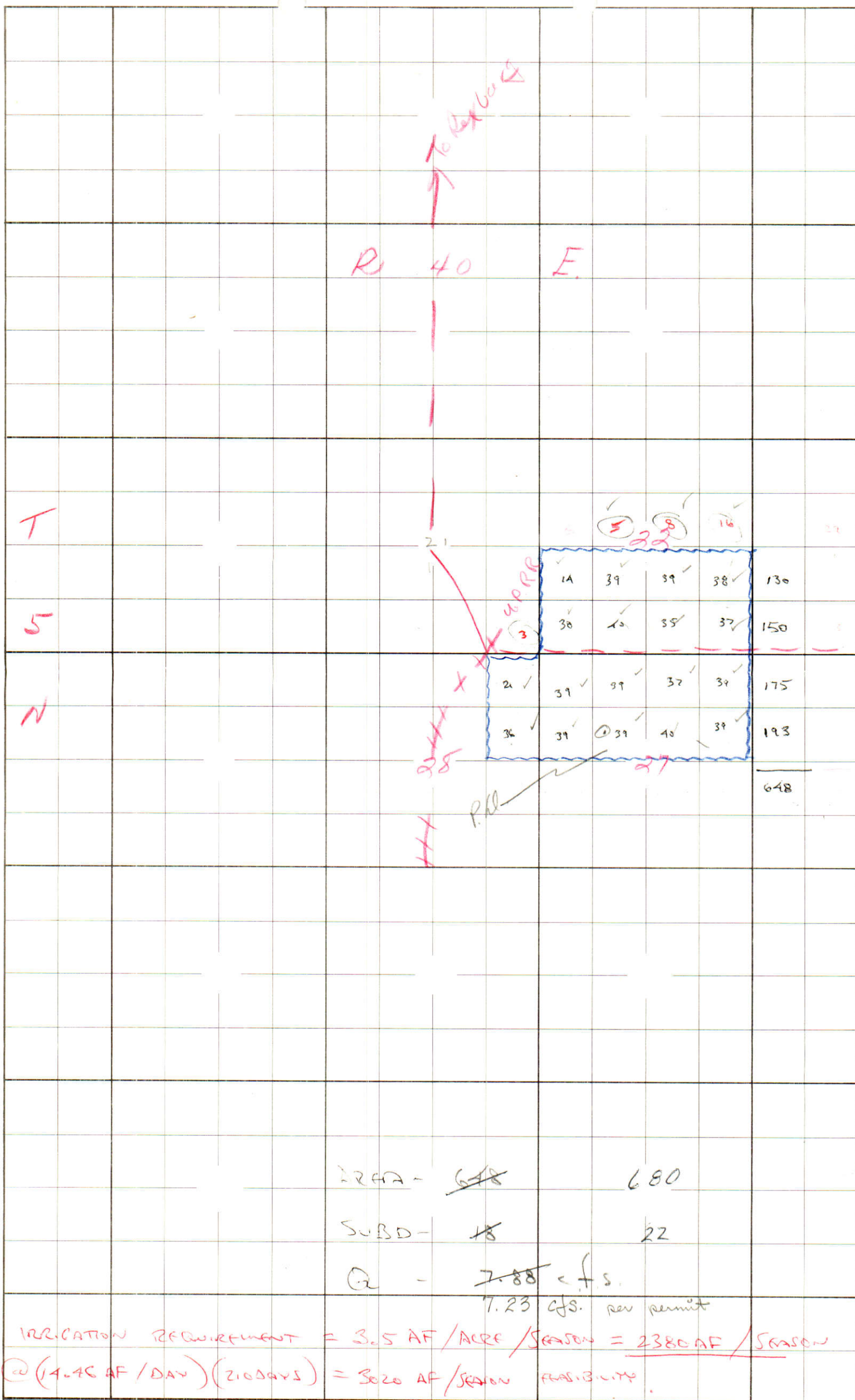
Date

Date

Date

EXHIBIT
G.2

29125



The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Correction of "Legal Notice

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 hav-

ing been made on March 12, 1968
and the last publication having been made

on March 19, 1968.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter



Subscribed to and sworn to before me

this 19th day of March, 1968.

John C. Porter
Notary Public.
(SEAL)

My commission expires 6-5-68

RECEIVED

MAY 1968

Department of Reclamation

NOTICE OF CORRECTION OF
LEGAL NOTICE PUBLISHED
UNDER THE PROVISIONS OF
SECTIONS 42-214, 42-217, IDA-
HO CODE

Notice is hereby given that
the legal notice printed in the
Rexburg Standard on September
28, October 5, 12, and 19, 1965,
showing that Adelbert W. Web-
ster was to make proof of com-
pletion of works and application
of water to beneficial use Octo-
ber 29, 1965, on Permit No.
G-29125 was in error and the

place where said water is used
was given as S $\frac{1}{2}$, Sec. 22, N $\frac{1}{2}$,
Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T.
5 N, R 40 E.B.M.; whereas, the
actual place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22, N $\frac{1}{2}$,
Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5
N, R. 40 E, B.M., totaling 680
acres.

That any protests against the
approval of the depositions made
October 29, 1965, must be
filed in the Department of Re-
clamation, at Boise, Idaho, with-
in forty (40) days from the date
of this notice, and such protest
shall state the name and address
of the protestant and shall clear-
ly set forth his objection to the
approval of said proof of com-
pletion of works and beneficial
use of water.

Dated this 28th day of Feb-
ruary, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer
Date of First Publication March
12, 1968

Date of Last Publication Mar-
ch 19, 1968

Last Date of Protest April 8,
1968.

3A in SF 45E 4 Sec 21
omitted total Acres
correct - no reader
tisement per CSA

29125

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG
Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

NOTICE OF PROOF OF COMPLETION
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 four
consecutive issues, the first publication hav-
ing been made on Sept. 28, 1965
and the last publication having been made
on Oct. 19, 1965.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter



Subscribed to and sworn to before me

this 20th day of Oct.

John C. Porter
Notary Public.
(SEAL)

My commission expires 6-5-68

RECEIVED
NOV 23 1965
Department of Reclamation

NOTICE OF PROOF OF COM-
PLETION OF WORKS
and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that
at 10 A. M. on the 29th day of
October, 1965, at Rexburg,
County of Madison, State of
Idaho, before Mary Smith, No-
tary Public, at 70 East Main,
proof will be submitted of the
completion of works for the di-
version of 7.23 cubic feet per
second of underground water
from a well, and of the appli-
cation to beneficial use of said
water, in accordance with the
terms and conditions of Permit
No. G29125, heretofore issued
by the Department of Reclam-
ation of the State of Idaho.

1. The name and postoffice
address of the person or corpor-
ation holding said permit is
Adelbert W. Webster, Rexburg,
Idaho, 83440.

2. Said works of diversion will
be fully completed on the date
for such completion, and the
amount of water which said
works are capable of conveying
to the place of use is 7.23 cu-
bic feet per second.

3. The use to which said wa-
ter has been applied is irriga-
tion, purposes and the amount
applied to beneficial use is 7.23
cubic feet per second.

4. The point of diversion of
said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section
27, T 5 N., R 40 EBM.

5. The place where said wa-
ter is used is S $\frac{1}{2}$ Sec. 22, N $\frac{1}{2}$
Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28, T.
5 N., R 40 E. B. M.

6. The date of priority which
said user is prepared to esta-
blish is Nov. 7, 1960.

CARL E. TAPPAN
State Reclamation Engineer
Publ. Sept. 28, Oct. 5, 12, 19,
1965

29125

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

NOTICE OF PROOF

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 One
consecutive issues, the first publication hav-

ing been made on June 16, 1964
and the last publication having been made

on June 16, 1964.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter

Subscribed to and sworn to before me

this 17th Day of June, 1964.

John C. Porter
Notary Public.
(SEAL)

My commission expires 2/5/68

RECEIVED
JUL 21 1964

Department of Reclamation

**NOTICE OF PROOF OF COM-
PLETION OF WORKS and AP-
PLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at
10 A.M., on the 20th day of July
1964, at Rexburg, County of
Madison, State of Idaho, before
Mary Smith, Notary Public, at
70 East Main Rexburg, Idaho,
proof will be submitted of the
completion of works for the di-
version of 7.22 cubic feet per
second of underground water
from a well, and of the applica-
tion to beneficial use of said wa-
ter, in accordance with the terms
and conditions of Permit No. G
29125, heretofore issued by the
Department of Reclamation of
the State of Idaho.

1. The name and postoffice ad-
dres of the person or corpora-
tion holding said permit is Adel-
bert W. Webster, Rexburg, Ida-
ho.

2. Said works of diversion will
be fully completed on the date
set for such completion, and the
amount of water which said
works are capable of conveying
to the place of use is 7.22 cubic
feet per second.

3. The use to which said water
has been applied is irrigation,
purposes, and the amount ap-
plied to beneficial use is 7.22
cubic feet per second.

4. The point of diversion of
said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section
27, Township 5 North, Range 40
E. B. M., Madison County, Ida-
ho.

5. The place where said water
is used is S $\frac{1}{2}$ Section 22, N $\frac{1}{2}$
Section 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28,
Township 5 North, Range 40
East, Boise Meridian, in Madison
County, Idaho.

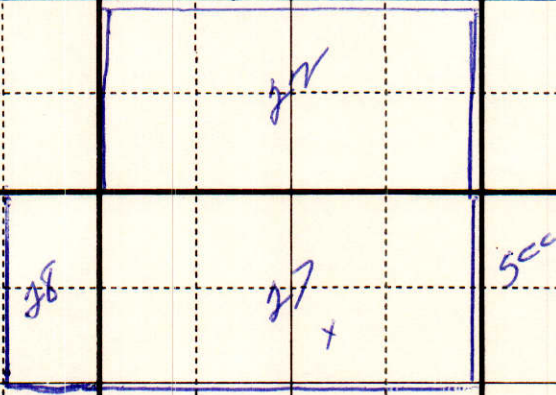
6. The date of prority which
said user is prepared to establish
is November 7, 1960.

Carl E. Tappan

29125

NAME OF APPLICANT Adrian H. Webster

Form No. 0



TW 5N R. 40E
Madison county

Permit Map No. 29125
As Approved
GEO. N. CARTER
NOV 21 1960

WATER LICENSE

Water License No. G-29125 Priority November 7, 1960 Amount 7.23 c.f.s.

THIS IS TO CERTIFY, that ADELBERT W. WEBSTER of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 7, 1960; that Permit G-29125 was issued pursuant to said application; that the proposed works were completed on or about May 1962, with a storage/or carrying capacity of 7.88 c.f.s., said works consisting of well, motor, pump and main line; and that on October 29, 1965, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 2380 acre feet per season, with a maximum rate of diversion of 7.23 cubic feet per second of the waters of a ground water source, tributary of, for the purpose of irrigation from April 1 to October 31; and for from to; and for from to; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SE 1/4 NW 1/4, Sec. 27, T. 5 N., R. 40 E., B.M., and other additional points, in the County of Madison; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 2380 acre feet per year.

Description and location of place of use:

TWP.	RANGE	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	
5 N	40 E	21																3	3
		22			8	16				5	39	14	38	40	38	39	35	37	309
		27	39	37	40	39	39	39	39	39									311
		28	21			36													57

Total number of acres irrigated 680

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13th day of November, 1968.

[Signature] State Reclamation Engineer

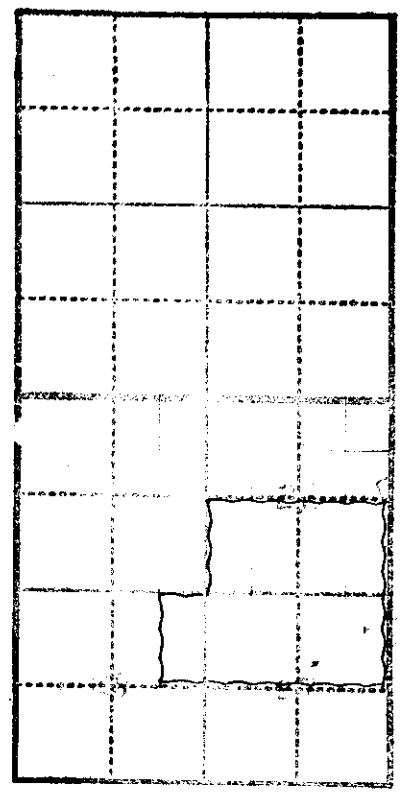
G29125 22 2150

22-2190

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37119
Permit No. G- 29125
District No.

1. Name of Applicant: Adelbert W. Webster
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 7.23 or Idaho
Miners' inches or gallons per minute 3240
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the SW 1/4 of the NE 1/4 of Section 27
Twp. 5 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well turbine pump & sprinkler system
8. Estimated cost of works: \$ 40,000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 7.23 (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Adelbert W. WebsterApplicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. November 7, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29125

Recorded in Book 102 Page 29125 Approved November 21, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before May 21, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before November 21, 1965

Witness my hand this 21st day of November, 1960 s/ RALPH W. THOMAS Deputy STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREVLLOW, Acting Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 21st day of November, 1960.

Countersigned: STATE OF IDAHO By s/ W. E. DREVLLOW, Acting Governor. (SEAL) By s/ ARNOLD WILLIAMS Secretary of State.

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	40 E	27	X	X	X	X	X	X	X	X									320
		28	X			X													80
		22									X	X	X	X	X	X	X	X	320
																		TOTAL	720

Application for Amendment
POINT OF DIVERSION
Permit No. G-29125

Comes now ADELBERT W. WEBSTER and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-29125. That the point of diversion is described in said Permit as being located: SW¼NE¼, Section 27, Twp. 5 North, Rge. 40 E.B. M., Madison County, Idaho. That he now requests that the point of diversion be changed to a point located: SE¼NW¼, Section 27, Twp. 5 North, Rge. 40 E.B. M., Madison County, Idaho. That the reason for desiring to make such change is as follows: After issuance of the permit it was decided that the SE¼NW¼ of said section was a better location for the well. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Rexburg, this 5th day of February, 1962

s/ ADELBERT W. WEBSTER

APPROVAL OF STATE RECLAMATION ENGINEER

Date of Receipt at Department of Reclamation: February 7, 1962

I, Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-29125 This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded February 8, 1962

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

APPLICATION FOR AMENDMENT

Comes now Adelbert W. Webster, and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-29125 and requests that the permit be changed as follows:

1. Place of use or land to be irrigated: 3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21;
 5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$; 8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$; 16 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$; 14 acres
 NW $\frac{1}{4}$ SW $\frac{1}{4}$; 39 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$; 38 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 39 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$; 38 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$; 35 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$; 37 acres
 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22; 39 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$; 39 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$; 39 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 39 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$; 37 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$; 39 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres
 SW $\frac{1}{4}$ NE $\frac{1}{4}$; 39 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27; 21 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; 36 acres
 SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, T 5 N., R 40 East, B.M., totaling 680 acres.

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

Signed at Rexburg, Idaho this 19th day of February, 1968.

/s/ ADELBERT W. WEBSTER

Date of receipt at office of Department of Reclamation: February 23, 1968.

ACTION OF STATE RECLAMATION ENGINEER

I, Jack A. Barnett, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for Permit No. G-29125.

Witness my hand this 28th day of February, 1968.

/s/ JACK A. BARNETT, Deputy
 State Reclamation Engineer

LICENSE ISSUED FOR 723 SEC. FT.
 LICENSE PAGE NO. 29125.



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 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 15, 1999

Steven R. Parry
Anderson, Nelson, Hall, Smith, P.A.
P.O. Box 51630
Idaho Falls, Idaho 83405-1630

Re: Water Right Nos. 22-02190, 22-07408, 22-07325, 22-2255,
22-07409, and 22-07494

Dear Mr. Parry:

As you noted in your letter dated February 15, 1999, the questions you have asked concerning the equitable division of these rights are complex requiring a block of uninterrupted time to properly consider and respond. I have finally been able to focus on the questions and offer the following thoughts to assist you in this matter. I apologize for the delay and hope that this response will be of value to you and your clients at this time.

A. Methods for Dividing Water Rights to Even Up the Amount of Water Allocated to the Land.

There are several procedures that could be used to balance the water between the parties so that each acre receives a proportionate share of the water. One method would be to divide each of the water rights proportionately between the three owners then file a transfer moving each owner's share of each right to the wells and land he owns. The water rights should be divided based upon the fraction of the irrigated land owned by each owner. A transfer can not expand the number of acres covered by each water right, but by using permissible place of use (ppu), all of the land owned by each brother could be listed as the place of use on his share of each right with a limitation on the number of acres irrigated under the right each year. This method has the advantage of allowing the priority dates and annual diversion volumes to be shared equitably. It has the disadvantage of fragmenting the rights, essentially tripling the number of filings.

Another possible approach is to file a transfer of each right listing all wells as the point of diversion and all of the land as the place of use but limiting the acreage irrigated under each right to that authorized under the right (the ppu concept). Each brother would then be given an appropriate undivided share in each of the rights, the amount based upon the fraction of the total irrigated acreage he owns. This provides maximum flexibility in

the use of the rights, but could turn into a record-keeping nightmare depending upon how further splits of the property occur.

B. Amendment of License to Remove a Restrictive Condition.

While Idaho statutes do not provide a specific procedure for reissuing a license to correct an error made by the department, IDWR has done so in the past when the information available clearly demonstrated that the department erred in the licensing process. Licenses will not be amended to conform to a change in policy or law occurring after the license was issued. A review of IDWR's file for License No. 22-07408 does not provide the information necessary to conclude that IDWR clearly erred in issuing the license and that IDWR should initiate action to amend the license at this time. However, I am willing to further review whether the ½ miner's inch per acre policy was properly and appropriately applied if an appropriate petition is filed seeking amendment of the license. Attached for your convenience is a copy of the ½ miner's inch per acre policy as used to evaluate adjudication claims.

A threshold question will be whether a petition can be considered timely filed more than six years after issuance of the license. If IDWR does find that the petition is timely, the petitioner must demonstrate that IDWR erred in applying the ½ miner's inch policy or made some other error in the licensing process. If error is clearly shown, the petitioner will also need to establish that water was used beneficially to grow crops in the same season on all 1275 acres during the permit development period and in accordance with the terms and conditions of the permit.

In recent months, IDWR's procedure for amending licenses has been questioned by an attorney representing the Twin Falls Canal Company and the Northside Canal Company. As you know, holders of senior surface and ground water rights are concerned that ground water development in the Snake River Basin has reduced water available under their rights. Their concern has helped prompt the ongoing effort to tighten management of ground water diversion and use in the Snake River Basin. Some senior water users have expressed concern that license amendment could be used to expand the use of ground water and have asked that IDWR provide notice of any license amendments that involve the use of ground water in the Eastern Snake Plain Aquifer (ESPA). Attached is a copy of correspondence regarding this matter.

The water right which you suggest amending (22-07408) diverts from a well located just to the east of the ESPA as defined in the "Rules for Conjunctive Management of Surface and Ground Water Resources." However, the geo-hydrologic information available to the department does indicate a close relationship between the ground water in the Rexburg Bench area and the flow of Henrys Fork of Snake River. For this reason, notice of a petition to amend the license will be given to interested holders of senior priority rights to allow opportunity for objections.

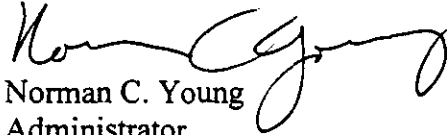
C. Miscellaneous

A key part of the plan for division of water that you have suggested involves the filing of a claim from or an amendment of License No. 22-07325 to address the 277 acre parcel south of the railroad track. I am not aware of a precedent for applying the enlargement procedure of Section 42-1426, Idaho Code, to a parcel of land already having a water right and then moving the place of use of the existing right to another parcel of land under the accomplished transfer provisions of Section 42-1425, Idaho Code. I assume these filings would be made for consideration by the SRBA court. If the filings are made, the department's adjudication staff will review them and a recommendation will be made to the court at that time.

Regarding lapsed permit No. 22-07494, Section 42-218a(2), Idaho Code, may provide a basis for seeking reinstatement of the right. Note that application of this statute requires that beneficial use must have occurred during the permit period and the permit holder must demonstrate a reason for not having filed the proof of beneficial use on time.

I hope that the above discussions are of value to you. If you want to discuss these or other ideas in more detail, I will be happy to do so by telephone or to meet with you.

Sincerely,



Norman C. Young
Administrator
Water Management Division

Enclosures

cc: Harold "Skip" Jones – Idaho Falls Regional Office of IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 19, 1999

Norman M. Semanko
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, Idaho 83303-1906

Re: Process for Amending Licenses

Dear Norm:

This letter acknowledges receipt of your letter of April 1, 1999 asking to be provided direct notice of any future proposed license amendments for ground water pumping from the Eastern Snake Plain Aquifer (ESPA). Amended licenses will be issued as preliminary orders under IDWR's Rules of Procedure. Your name will be put on the list to receive a copy of the preliminary order amending a license. The rules provide a 14-day period to request reconsideration. This provides an opportunity for you to be informed of the action and to become involved if the action affects your client.

Although a procedure is not provided in the statutes, IDWR has taken action, on a case-by-case basis, to correct a water right license if IDWR can clearly establish that a correction is necessary because of a "clerical" error made by the department. Such action is appropriate if the department's records include the information needed to demonstrate that an element of the license inaccurately reflects the information available to the department at the time the license was issued. Amended licenses have also been based upon information supplied to the department to establish that the department had erred by collecting inaccurate or incomplete information in the licensing process. In no case will an amended license exceed the elements of the underlying permit: i.e., the change must simply recognize the use validly developed during the permit period. Amended licenses are not issued to conform existing licenses to a change in law or department policy. Changes to licenses that have been issued as preliminary orders that are now final, require showing a procedural error.

Because the electronic database will not readily sort amended licenses from other licenses, I am not able to identify all amended licenses issued on the ESPA. To do so, would require researching each paper file for the water rights in the appropriate basins. This can be done by IDWR staff with the cost reimbursed in accordance with Section 42-221J, Idaho Code, or the files can be made available here at Boise for your technician to review.

Sincerely,

Norman C. Young, Administrator
Water Management Division

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RECEIVED

APR 02 1999

Department of Water Resources

April 1, 1999

Norman C. Young
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720

Re: IDWR Process for Amending Existing Licenses

Dear Norm:

As you and I discussed earlier today, we have some concerns about the process used by the Department to amend existing licenses.

License No. 35-07490, which was originally issued on May 9, 1991, was amended on March 18, 1999 without notice or opportunity to provide input from other parties. The amendment increased the authorized maximum annual volume from 1069.3 AF to 1224 AF, an increase of 154.7 AFA, and also increased the authorized place of use from 285.5 acres to 306 acres, an increase of 20.5 acres. A copy of the original and amended licenses are enclosed.

Given the fact that Twin Falls and North Side Canal Companies filed an objection to this water right claim in the SRBA because of the impacts that pumping under this right has had and will continue to have on the Canal Companies' water rights, we believe notice of the proposed license amendment should have been provided to the Canal Companies and others who allege to be impacted by ground water pumping from the Eastern Snake Plain Aquifer.

As you know, we represented Magic West, Inc. in their request to amend License No. 61-07189. In that case, the Department provided notice to all parties who alleged to be impacted by Magic West's pumping under the license. All parties were allowed to participate through intervention if they chose to do so, before any amendment was approved. No similar notice or opportunity to participate was provided to the Canal Companies in the matter of License No. 35-07490. We believe a level playing field needs to be provided in license amendment proceedings.

Please consider this letter a formal request that we be provided with direct notice of any future proposed license amendments for groundwater pumping from the Eastern Snake Plain Aquifer. We would also like to know about any other ground water licenses that have already been amended or proposed for amendment. We do not contest the Department's ability to amend existing licenses under appropriate circumstances. However, we believe adequate notice and opportunity to participate should be provided before any such amendment is approved.

Norman C. Young
April 1, 1999
Page 2

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'NORMAN M. SEMANKO', with a stylized, sweeping line extending from the end of the name.

NORMAN M. SEMANKO

04019901.NMS

Enclosures

cc: Twin Falls Canal Company
North Side Canal Company

ADJUDICATION MEMO #16B

TO: Adjudication Bureau Staff

FROM: Lynne Krogh-Hampe

DATE: September 11, 1992

RE: Presumptions, Permissible Place of Use, and Combined Use Limitations

DBS: DBS

NCY: NCY

There are changes in pages 6 and 11, and in examples 6 and 7, concerning diversion volume on surface water rights, to be consistent with Adjudication Memo 34. There are changes on pages 8 and 10 concerning the cut-off date for a license for which a second presumption expansion is claimed, which have been previously discussed in meetings with the adjudication water agents in the state and regional offices. There is a change on page 12, providing for inclusion of the accomplished change in place of use condition in the original right for which a second presumption expansion claim is to be recommended. There is also a minor clarification on the last page.

P. 12

A.	FIRST PRESUMPTION	3
	Ambiguity in decree	3
	Expansion in irrigated acreage	4
	Claimed acreage is less than decreed acreage	7
	Permissible place of use	7
B.	SECOND PRESUMPTION	8
	Rate of diversion	11
	Volume of diversion and consumptive use	12
	Place of use	12
C.	CRITICAL GROUND WATER (GW) EXPANSION	12
D.	PERMISSIBLE PLACE OF USE	14
E.	SUPPLEMENTAL RIGHTS	15
F.	EXAMPLES	16
	1. Permissible place of use, no expansion	17
	2. First presumption, single right	17
	3. First presumption, multiple rights	18
	4. First presumption and permissible PU	19
	5. Second presumption, single right	20
	6. Second presumption, multiple rights	22
	7. Second presumption and permissible PU	24
	8. First presumption and second presumption	25
	9. First presumption, second presumption, and permissible PU	26
	10. Supplemental right moved to new PU, right is not supplemental at new PU	27
	11. Supplemental right moved to new PU, right is supplemental at new PU	29
	12. Permissible PU, supplemental supply required	29
G.	COMBINED USE FOR PARTIALLY OVERLAPPING CLAIMS	30
	1. General rule (example)	30
	2. Exception (example)	30
H.	COMBINED USE WITH IRRIGATION DISTRICTS AND MUTUAL CANAL COMPANIES	31
I.	MISCELLANEOUS	32

Adjudication Memos #16 and 16A set forth IDWR's interpretation of the first two presumptions of Idaho Code §42-1416 for purposes of claims-taking; they describe the claims to which the presumptions apply. This memo sets forth IDWR's interpretation of the presumptions for purposes of claim review. This memo describes how those claims should be investigated and recommended, but does not change memos 16 and 16A. This memo also describes how claims should be recommended that include a permissible place of use, and how a permissible place of use works together with the presumptions. This memo does NOT address IDWR's interpretation as to the effect of the presumptions once an objection is filed to a recommended water right.

A. FIRST PRESUMPTION

Idaho Code §42-1416(1) sets forth the following rebuttable presumption:

The holders of previously adjudicated water rights shall be presumed to have validly applied all water to beneficial use on the lands being irrigated at the time of basin-wide adjudication with no change in the priority dates of the original rights.

Ambiguity in decree

The presumption may be applied to determine the decreed place of use where the decree is ambiguous as to the place of use. Some of the old decrees determine the diversion rate and the lands owned by the claimant, without describing the irrigated acreage by forty acre tract, and without a general finding as to the diversion requirement (from which at least the total number of irrigated acres could be determined). Under the general rules as to an ambiguity in a decree, it would be necessary to determine the acreage actually irrigated at the time of the decree from other pleadings or evidence in the prior case, or from evidence outside the court files as to use at the time of the prior case. Due to the difficulty of obtaining such evidence, IDWR has generally assumed, absent contradictory evidence, that the water right is appurtenant to all of the described lands equally. Using the first presumption, it will be assumed that, **absent contradictory evidence**, the decreed place of use is that portion of the original tract of land that is currently irrigated.

For example, a water user may have been decreed a right to 12 inches of water, and the decree describes the water user's lands as 3 quarter-quarters, and the claimant claims 12 acres within the 120 acre tract as the place of use. If no other claims are filed to this right for the remaining 108 acres in the original place of use, then 12 inches could be recommended for the 12 acres currently irrigated without further review.

NOTE that in this instance, the presumption is being used merely to resolve an ambiguity and determine the original place of use, and not to recommend an expansion, so the "R" record should not be flagged "D" as a first presumption claim.

On the other hand, assume the water user was decreed a right to 20 inches of water, the decree describes the water user's lands as 40 acres, and the decree indicates a general duty of water of one inch per acre. The claimant claims a place of use of 40 acres. The fact that the decree indicates a general duty of water of an inch to the acre indicates that the original irrigated acreage was 20 acres, and the claim to the additional 20 acres should be treated as an expansion in irrigated acres pursuant to the first presumption, discussed below.

In addition, the presumption may not be used to defeat the rules that apply to conveyance of a water right. There is a general rule that where a water right owner conveys a portion of the land without making specific provision for the water right, then it is assumed that a portion of the water right was conveyed in the same proportion as the amount of land that was conveyed (unless there is strong evidence of a contrary mutual intent). In the first example above, assume that the claimant sold one of the quarter-quarters to another claimant, who claimed 4 inches for use on four acres in that quarter-quarter. Absent a deed showing that the seller retained all of the water right, or other strong evidence of a contrary mutual intent, then 4 inches of the water right went to the buyer, and only 8 inches of the water right was retained by the seller. The entire decreed right could not be recommended to the seller solely on the basis of the presumption.

Expansion in irrigated acreage

An expansion in irrigated acreage may be recommended pursuant to the first presumption where:

1. The water right is based on a decree.

NOTE: For the water right to have been decreed, the decree must have determined the amount, source, and priority of the water right as against other owners of water rights. Decrees that do not include these minimum elements, or that solely determine ownership interests (such as foreclosure and divorce decrees) do not constitute a decree that adjudicates a water right. If you have a question as to whether a right is decreed, refer the claim for further review by legal staff.

2. The expansion was accomplished using the original decreed rate of diversion. If the claim includes an increase in rate of diversion, then the original irrigated acreage should be recommended (with the original amounts). The claim should not be reviewed as a claim to the original rate for the total acreage claimed. The reason for this is that, not only has the claimant

failed to allege that the additional acreage was irrigated with the original rate of diversion, but has affirmatively alleged that the additional acreage was irrigated by virtue of the additional rate of diversion.

If an additional rate of diversion for the same lands is claimed on another claim that is to be recommended for disallowal, or if it is discovered as part of the field exam that there was an invalid increase in the rate of diversion, then the expansion acres should also not be recommended. For example, if the claimant claimed the decreed right with an expansion, and filed a second claim for an additional rate of diversion based on beneficial use that is in violation of the mandatory permit statute, and claimed all of the irrigated acres on both claims, then the second claim would be recommended for disallowal and the first claim would be recommended with the original acreage only. In these latter instances, the claimant has not shown that the additional acreage was irrigated with the additional rate of diversion, so the original acreage only should be recommended.

As always, this item 4 states general rules - there could be exceptions. For example, if the claimant claimed the decreed right with an expansion, and filed a second claim for an additional rate of diversion based on beneficial use, but the field exam showed that there had been an increase in irrigated acres but no increase in rate of diversion, then the expansion would be recommended and the second claim disallowed. In this example, there was in fact no increase in diversion rate. Another exception would be where there was an increase in diversion rate, but the claimant has shown that the increase in irrigated acreage occurred before the increase in diversion rate.

Having said all that, however, if there are multiple valid rights for the tract claimed on the first presumption claim, it is sufficient if the combined total rate of diversion that is claimed does not exceed the total combined rate of diversion that can be recommended. (See example no. 3 below.)

3. The increase in irrigated acreage has been verified by field exam, other strong evidence already available to IDWR, or other strong evidence submitted by the claimant. It should also be verified that there was in fact no increase in the rate of diversion (even where no increase in rate of diversion was claimed) but it may be possible to do this without a field exam.

4. The claimant has submitted evidence tending to show that the expansion occurred prior to commencement (prior to November 19, 1987), or, if the expansion is an expansion of GW in a critical GW area, that the expansion occurred prior to designation of the critical GW area. (Our aerial photography should be useful in verifying whether the expansion occurred before commencement.) If the expansion is an expansion of GW in a critical area, and the claimant does not show that the expansion occurred prior to

designation, then the expansion may not be recommended under the first presumption, but might be recommended under the critical GW expansion statute, see Part C below.

5. Water can be beneficially used under the resulting rate of diversion per acre. If the number of acres to be recommended would result in a per acre rate of diversion of less than 1/2 inch (0.01 cfs per acre) at the field headgate for sprinkler systems, or less than 3/4 inch (0.015 cfs per acre) at the field headgate for flood systems, then the claimant must submit information showing that a lower per acre rate of diversion is beneficial. If such information is not submitted, then the recommendation should be limited to the number of acres that will result in a diversion rate of 1/2 inch per acre at the field headgate for sprinkler systems and 3/4 inch per acre at the field headgate for flood systems.

Where an expansion in irrigated acres is to be recommended pursuant to the first presumption, the "R" record should be flagged "D", and the recommendation of the claim should include the following condition: THIS RIGHT INCLUDES AN INCREASE IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

NOTE that the increase in number of irrigated acres may result in an increase in the annual volume of diversion or annual volume of consumptive use. The annual volume of diversion for ground water rights and the annual volume of consumptive use for all rights that include an expansion in irrigated acreage pursuant to the first presumption should be determined based upon the number of acres to be recommended. Therefore, the volume of diversion would generally be the standard volume for the area multiplied by the number of irrigated acres to be recommended, unless there is reason to believe otherwise (such as where the rate of diversion would not be sufficient to produce that volume). Consumptive use will also generally be the standard volume for the area multiplied by the number of irrigated acres to be recommended, unless there is reason to believe otherwise (such as where the diversion volume is less than the standard).

~~Diversion volume for ground water rights and~~ Consumptive use for all rights should be determined for each right individually and stated in the fields for ~~diversion volume and~~ consumptive use, except with overlapping rights. A right is overlapping where it is used for the same purpose at the same place of use. With overlapping rights, then the total combined consumptive use for all rights should be determined for the overlapping rights combined and stated in the remark and the individual fields should be left blank.

Diversion volume should be determined for ground water rights, and for surface water rights for which diversion volume was previously determined, as described in Adjudication Memo 34. Diversion volume should be determined for each right individually

and stated in the field for diversion volume, except with overlapping rights. With those overlapping rights for which diversion volume is to be determined, the combined total diversion volume should be determined for those rights and stated in remarks for those rights and the individual fields should be left blank. With overlapping ground water rights, then the combined total diversion volume for the ground water rights should be determined and stated in remarks for the ground water rights and the individual fields should be left blank.

The combined amount remark should be in the following form:
USE OF THIS RIGHT WITH RIGHT NO. _____ IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF _____ AF, AND A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF _____ AF.

Claimed acreage is less than decreed acreage

It is possible that a claimant may assert a decreed right claiming less acreage than the original decreed acreage. A number of such claims have been filed in areas where water rights were decreed for less than an inch per acre, and the claimant has either reduced the irrigated acreage to apply more water to fewer acres, or has acquired other decreed rights for use on the same lands.

If the total rate of diversion is greater than IDWR standards for the acreage claimed, than an excess irrigation requirement analysis should be made. If IDWR has sufficient evidence to show that more water is claimed than is reasonably necessary for the claimed place of use, then the excess should not be recommended, because the excess has been forfeited for lack of beneficial use. This is the same analysis that applies whenever a claimant claims water under a decreed or licensed right(s) that is in excess of IDWR standards for the current use. Forfeiture and abandonment is discussed further in the claim investigation manual.

Permissible place of use

Permissible place of use is discussed generally in Part D below. It is discussed here only to note that there is an exception to the general policies regarding permissible place of use for expansions under the first presumption. This exception is that where 1) a claim is to be recommended with an expansion under the first presumption, 2) it is to be recommended with a permissible place of use, and 3) there are sufficient other rights to be recommended to cover the entire permissible place of use (regardless of source), then a remark does not need to be included that states the number of acres that can be irrigated within the place of use under this right alone.

Where there are multiple decreed rights for the same place of use, and there are not sufficient other rights to be recommended to cover the entire permissible place of use, then a permissible

place of use limitation should be included for each decreed right, but it should be a combined limitation that limits the number of acres that all the decreed rights together may irrigate, rather than determining the number of acres that can be irrigated under each decreed right.

B. SECOND PRESUMPTION

Idaho Code §42-1416(2) sets forth the following rebuttable presumption:

Expansion of the use after acquisition of a valid unadjudicated water right in violation of the mandatory permit requirements shall be presumed to be valid and to have created a water right with a priority date as of the completion of the expansion, in the absence of injury to other appropriators.

An expansion claim may be recommended based on the second presumption where:

1. The claimant has filed a second claim for the expansion and paid the appropriate filing fee.

2. The original claim is to be recommended, and the original claim is to be recommended based on a license or beneficial use (including posted notice).

NOTE: Although IDWR interprets the presumption as not applying to an expansion of a permit, there are some instances in which a permit will be recommended as a license. In such cases, an expansion may have occurred pursuant to the second presumption after the date ~~of the licensing field exam~~ the proof due notice was submitted. Review and recommendation of claims based on a permit is further discussed in the claim investigation manual.

3. The expansion was accomplished using the original rate of diversion.

If the claims include an increase in rate of diversion, then the original irrigated acreage should be recommended for the original claim, and the expansion claim should be recommended for disallowal. The expansion claim should not be reviewed as a claim to a portion of the original rate for the extra acreage claimed. The reason for this is that, not only has the claimant failed to allege that the additional acreage was irrigated with the original rate of diversion, but has affirmatively alleged that the additional acreage was irrigated by virtue of the additional rate of diversion.

If it is not clear whether the claim includes an additional rate of diversion, then the issue should be resolved either through a field exam or by claimant contact. It should not be assumed that the claimant is claiming the rate of diversion on the expansion claim as part of the total of the original claim.

NOTE: When reviewing expansion claims under the second presumption, the rate of diversion on the original claim plus the rate of diversion on the expansion claim may exceed the original rate of diversion. When this occurs the two claims should contain a remark indicating that the combined rate of diversion for both rights does not exceed the rate of diversion of the original right. If not so marked, then the rate of diversion should be verified as described above.

In addition, the original claim should generally be recommended with the original acres and the expansion claim should generally be recommended for disallowal where an increase in the rate of diversion for use on the same lands is claimed on another claim that is to be recommended for disallowal, or if it is discovered as part of the field exam that there was an invalid increase in the rate of diversion. For example, if the claimant claimed a licensed right and an expansion of the licensed right, and filed a third claim for an additional rate of diversion based on beneficial use that is in violation of the mandatory permit statute, and claimed all of the irrigated acres on both claims, then the second and third claims would be recommended for disallowal and the first claim would be recommended with the original acreage only. In these latter instances, the claimant has not shown that the additional acreage was irrigated with the original rate of diversion, so the original acreage only should be recommended.

Note that the previous paragraph starts by stating a general rule - there could be exceptions. For example, if the claimant claimed the licensed right and an expansion, and filed a third claim for an additional rate of diversion based on beneficial use, but the field exam showed that there had been an increase in irrigated acres but no increase in rate of diversion, then the first and second claims would be recommended and the third disallowed. In this example, there was in fact no increase in diversion rate. Another exception would be where there was an increase in diversion rate, but the claimant has shown that the increase in irrigated acreage occurred before the increase in diversion rate.

Having said all that, however, if there are multiple valid rights for the tract claimed on the second presumption claims, it is sufficient if the combined total rate of diversion that is claimed does not exceed the total combined rate of diversion that can be recommended. (See example no. 6 below.)

4. The expansion has been verified by field exam, other strong evidence already available to IDWR, or other strong evidence submitted by the claimant. (The expansion may include an increase in irrigated acres, an additional purpose of use, or an increase in season of use.) It should also be verified that there was in fact no increase in the rate of diversion (even where no increase in rate of diversion was claimed) but it may be possible to do this without a field exam.

5. The claimant has submitted evidence tending to support the priority date claimed for the expansion claim (the same as for any claim based on beneficial use), or has at least submitted evidence tending to support recommendation of a priority date prior to commencement (before November 19, 1987). BUT NOTE the following:

a. If the priority date supported by the claimant's evidence is prior to the mandatory permit statute, then the presumption is not necessary to recommend the claim, and the "E" flag should be removed from the "R" record.

b. Where the original claim is based on beneficial use, then the priority date recommended may not be the same as or earlier than the priority date of the original claim. Where the original claim is based on a license, the priority date recommended may not be prior to the date the proof due notice was submitted. Information in the license file should be considered in evaluating the evidence of priority. For example, if the licensing field exam for the original license did not confirm the expansion, this is evidence that weighs against a priority date for the expansion claim as of the date of the licensing field exam, unless the expansion is something that would not have been examined as part of the licensing field exam. The priority date to be recommended may not be earlier than: the effective date of the most recent approved transfer; where the original claim is based on a license, the date of the licensing field exam of the original right; where the original claim is based on beneficial use, the priority date of the original claim. If any of these limitations apply, then the priority date to be recommended should be the day after the limiting date, if the claimant's information supports a finding that the use had been made as of that date. If the limiting date is the same as or later than the date of commencement of the adjudication, then the expansion should not be recommended. (Note that there may be circumstances where the licensing field exam confirms the expansion, in which case the priority to be recommended would be the date of the licensing field exam.)

c. If the claimant's evidence of priority for the expansion claim would support a priority date before the effective date of an approved transfer on the original claim,

and the expansion is inconsistent with the transfer, then the claim should be referred to legal staff for further review.

d. If the expansion is an expansion of GW in a critical GW area, and the priority date to be recommended is after designation of the critical GW area, then the claim may not be recommended based on the second presumption, but might be recommended based on the critical GW area expansion statute, see below.

6. For an expansion in irrigated acreage, if water can be beneficially used under the resulting rate of diversion per acre. If the number of acres to be recommended would result in a per acre rate of diversion of less than 1/2 inch (0.01 cfs per acre) at the field headgate for sprinkler systems, or less than 3/4 inch (0.015 cfs per acre) at the field headgate for flood systems, then the claimant must submit information showing that a lower per acre diversion rate is beneficial. If such information is not submitted, then the recommendation should be limited to the number of acres that will result in a diversion rate of 1/2 inch per acre at the field headgate for sprinkler systems, or 3/4 inch per acre at the field headgate for flood systems.

If the expansion claim is to be recommended, then the "R" record for the expansion claim should include the following remark, "THIS RIGHT IS AN EXPANSION OF RIGHT NO. (original right) PURSUANT TO IDAHO CODE 42-1416(2)." If the expansion claim is to be recommended, then the "R" record for the original claim should include the following remark, "RIGHT NO. (expansion right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2)."

NOTE that, as with claims based on the first presumption, the expansion may result in an increase in the annual volume of diversion or annual volume of consumptive use.

Rate of diversion

The rate of diversion should be that portion of the rate of diversion of the original right that is also used for the expansion claim, but should not be greater than the rate of diversion claimed on the expansion claimed or developed under the original right. A future transfer that proposes to separate the two rights will have to be carefully limited to prevent injury or expansion from the transfer. Therefore, each claim should include a remark noting that the rights are used in combination and limiting the combined diversion rate. The remark should be in the following form: "USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF (rate of diversion of original right)." The remark should state the total combined rate of diversion, not the combined rate of diversion per acre.

Volume of diversion and consumptive use

For ground water rights, and for surface water rights for which diversion volume was previously determined, the total diversion volume under both rights should be determined and stated in remarks for both rights, and the diversion volume field should be left blank. Diversion volume for surface water rights is not required to be determined solely due to the second presumption. Where there are overlapping surface and ground water rights, then the total diversion volume for the ground water rights, and for the surface water rights for which diversion volume was previously determined, only should be determined and stated in the remarks for ~~the~~ those ground water rights only.

The total consumptive use for both rights should also be determined and stated in remarks for both rights, regardless of source, and the consumptive use field should be left blank.

The standard remark set forth above should continue in the following form: "... A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF _____ AF, AND A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF _____ AF. The remark should state the total combined volumes, not the volume per acre.

Place of use

With irrigation claims, the place of use to be recommended on each claim is the total irrigated acreage under both claims, but the original claim should include a remark limiting use of the right to irrigation of the original number of acres in the place of use, and the expansion claim should include a remark limiting use of the right to irrigation of the number of expansion acres in the place of use. Both claims should include a remark limiting combined use of the rights to the number of acres in the total current irrigated acreage, to negate any impression that the two places of use described in each claim add up to double the total current irrigated acreage. The standard remark set forth above should continue in the following form: "... AND TO THE IRRIGATION OF A COMBINED TOTAL OF _____ ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF _____ ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON." In addition, since the original claim now includes a permissible place of use, the original claim should include the following condition: "RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A."

C. CRITICAL GROUND WATER (GW) EXPANSION

As noted above, neither of the presumptions apply to expansions in use of GW rights in a critical GW area (CGWA) occurring after designation of the CGWA. However, Idaho Code §42-1416B(1) provides as follows:

Within any critical ground water area designated pursuant to section 42-233a, Idaho Code, a claim to the expanded use of a ground water right, which use was expanded in violation of the mandatory permit requirements, may be decreed in a general water rights adjudication if the expansion occurred after the designation of the critical ground water area, before the commencement of the adjudication, and before the enactment of this section. The priority date for the right decreed shall be June 30, 1985.

HOWEVER, that section further provides that for purposes of this section, expanded use means an increase in the number of acres irrigated or other additional use (omitting increase in season of use), without any increase in the rate of diversion or volume of water diverted.

That section goes on to provide "water will be deemed to be unavailable to fill the rights for expanded use" unless there is a water management program to limit average annual water withdrawals from the aquifer to no more than the average annual recharge to the aquifer.

This statute works basically the same as the second presumption, EXCEPT that:

- a. it applies to decreed rights (see the first presumption discussion for what constitutes a decreed right) as well as to licenses and beneficial use rights (including posted notice rights),

- b. the claimant need only show that the expansion occurred prior to commencement (this information may already be available from our aerial photography), and not the specific date the expansion occurred,

- c. it does not apply to an increase in season of use,

- d. the claimant must show that the expansion was accomplished without an increase in volume of diversion, and

- e. it results in a priority date of June 30, 1985.

The real kicker here is item (d). For irrigation expansions generally, this means that the claimant will have to show an improvement in the efficiency of the irrigation system that allowed the same volume required by the old system to be used on the additional land claimed (or at least, more land than originally irrigated).

If an expansion claim is to be recommended, then the "R" record for the expansion claim should include the following remark, "THIS RIGHT IS AN EXPANSION OF RIGHT NO. (original right) PURSUANT TO IDAHO CODE 42-1416B." If the expansion claim is to be recommended, the "R" record for the original claim should include the following remark, "RIGHT NO. (expansion right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416B." The amounts and place of use should be determined in the same manner as for an

expansion pursuant to the second presumption, and the claims should include the same remarks.

D. PERMISSIBLE PLACE OF USE

There are two general types of permissible place of use claims. The first category is the "multiple rights" situation, where the claimant has several rights for several parcels, but the water is distributed through one system to the entire tract, and the entire tract has appurtenant water rights.

For example, the claimant has an 80 acre tract, and a license for 80 inches of water with a 1940 priority. The claimant has another 80 acre tract, with a license for 80 inches of water with a 1950 priority. The claimant files two claims, one for each license, but claims the full 160 acres as the place of use of each water right. So long as each right is limited to irrigation of 80 acres within the 160 acre tract in a single irrigation season, then there is no expansion (although there is a change in place of use, which should be analyzed for any potential injury).

The second category is the single right situation, where the claimant has one water right that is rotated from year to year to different tracts. For example, the claimant has a 160 acre tract, and a license for 40 inches of water for 40 acres with a 1940 priority, moves the water right from forty to forty each year, and claims the license for the entire 160 acre tract. Again, so long as the right is effectively limited to irrigation of any 40 acres within the 160 acre tract in a single irrigation season, then there is no expansion (although there is a change in place of use, which should be analyzed for any potential injury).

A permissible place of use may be recommended in the adjudication where the claimant can show that water diverted pursuant to the rights to be recommended has in fact been used in the manner claimed, and was first used in that manner prior to commencement of the adjudication, so long as the change does not result in injury (or can be conditioned to prevent injury) and so long as the right can be conditioned to prevent an expansion.

Combined diversion volume for ground water rights and combined consumptive use for all rights should be determined and stated in remarks rather than individually in the diversion volume and consumptive use fields. (If none of the rights are from ground water, then combined diversion volume need not be determined.) If there are not sufficient rights to cover the entire place of use, then diversion volume and consumptive use should be determined based on the total number of acres that may be irrigated in a single season within the place of use, rather than the total number of acres in the permissible place of use. If there are surface rights that overlap multiple ground water rights, then the total diversion volume for the ground water

rights only should be determined and stated in the remarks for the ground water rights only.

The place of use would be the entire permissible place of use, but each right would be conditioned to limit the right to the original number of acres irrigated under each right within that place of use. The recommendation would include a remark in the following form: "THIS RIGHT IS LIMITED TO THE IRRIGATION OF _____ ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON."

There is one notable **exception** to these policies for permissible place of use for claims recommended under the **first presumption**. Where 1) a claim is to be recommended with an expansion under the first presumption, 2) it is to be recommended with a permissible place of use, and 3) there are sufficient other rights to be recommended to cover the entire permissible place of use (regardless of source), **then** a remark does not need to be included that states the number of acres that can be irrigated within the place of use under this right alone.

Where there are multiple decreed rights for the same place of use, and there are not sufficient other rights to be recommended to cover the entire permissible place of use, then a permissible place of use limitation should be included for each decreed right, but it should be a combined limitation that limits the number of acres that all the decreed rights together may irrigate, rather than determining the number of acres that can be irrigated under each decreed right.

Note that the discussion in this part D is limited to a claim to a permissible place of use that does not include an expansion. In most instances, however, the claim will be either an expansion claim or a permissible place of use combined with an expansion. There is a list of examples in Part F which illustrate how permissible PU claims, expansion claims or expansion/permissible PU claims should be recommended.

E. SUPPLEMENTAL RIGHTS

Rights are supplemental when they are for the same purpose at the same place of use, and the total amount of the rights (diversion rate, diversion volume, or consumptive use) add up to more than the total that can be beneficially used on the place of use. Generally, supplemental rights are from different sources, but can in some instances be from the same source (this is an exception to the general rule that rights to water for the same purpose at the same place of use cannot add up to more than can be beneficially used for that purposes).

For a simple example, a claimant might have a right to 40 inches of surface water for the irrigation of 40 acres, but because the surface water right is not always deliverable under

the surface right priority, the claimant obtains another right to 40 inches of ground water for the irrigation of the same 40 acres. The claimant cannot beneficially use more than 40 inches of water and may not divert more than 40 inches of water, but may choose whether to divert all of it from surface water, all from ground water, or part from each.

The recommendation of supplemental rights should include a remark limiting combined use of the rights to the total amounts that can be beneficially used on the place of use, and noting the total combined irrigated acreage. The remark should be in the following form: USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL DIVERSION RATE OF _____ CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF _____ AF (for multiple ground water rights), A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF _____ AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF _____ ACRES IN A SINGLE IRRIGATION SEASON (40 acres in the example above). The report will contain a general provision that will limit a future transfer seeking to separate rights used in combination that would result in an expansion in the total use of the rights.

With supplemental rights, (as with other overlapping rights) the total consumptive use for both (all) rights should be determined and stated in remarks for each right, rather than determining the individual consumptive use for each right and stating it in the consumptive use field. With multiple ground water rights, the total diversion volume for the ground water rights only should be determined and stated in remarks for each ground water right, and the fields for diversion volume should be left blank. Where there is only one ground water right, the diversion volume should be stated for that right in the diversion volume field.

NOTE: Adjudication Memo 32 sets forth standard remarks to be included where a right is used in combination with water diverted in another state, or water supplied by a water delivery organization, or rights in another sub-basin to be reported later.

F. EXAMPLES

In the examples below, assume that the consumptive use for irrigation is 2 acre feet per acre and the diversion volume for irrigation is 3 acre feet per acre. Assume that it has been verified that the acreage claimed is in fact irrigated pursuant to the right claimed, and that the claimant has no additional information in support of the claim. Assume that there is no injury from the change in place of use other than that which would occur from an expansion in irrigated acres.

1. Permissible place of use, no expansion

40 A	< #1: 40" ground water	/	Claimant claims PU for each right as 80 acres
40 A	< #2: 40" surface water		

	Total potential beneficial use for entire tract	Right #1	Right #2
Diversion rate	1.6 cfs	.80 cfs	.80 cfs
Diversion volume	240 af	120 af	
Consumptive use	160 af		
Place of use		80 acres	80 acres

Remarks: (Both rights) THIS RIGHT IS LIMITED TO THE IRRIGATION OF ANY 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 160 AF.

THIS IS THE ANALYSIS THAT WOULD APPLY IF THE PRESUMPTIONS AND THE CRITICAL GW EXPANSION STATUTE DID NOT EXIST. There is no increase in volume of diversion or consumptive use. The entire PPU is irrigated under the two rights, so no remark is needed requiring identification of the acres to be irrigated each season, and the total combined consumptive use is stated in the remarks and not determined individually for each right. Diversion volume is determined for the ground water right only. (If the two rights were from different surface sources, then diversion volume would not be determined; if there were two ground water rights, then the combined diversion volume for the two rights would be determined and stated in remarks.) The amounts for the two rights are not in excess of the total beneficial use for the entire tract, so no other remark is needed limiting combined use of the two rights.

2. First presumption, single right

40 A	< #1: 40" ground water decreed for 40 acres, claimant claims use on 80 acres,
40 A	sprinkler irrigation system, no significant losses between PD and field headgate

Diversion rate	.80 cfs
Diversion volume	240 af (omitted for surface rights)
Consumptive use	160 af
Place of use	80 acres

Remarks: THIS RIGHT INCLUDES AN INCREASE IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

This expansion can be recommended because spreading the right on 80 acres will result in a per acre diversion rate of 1/2 inch per acre at the field headgate under a sprinkler irrigation system, and the rate of diversion is capable of delivering the full volume and consumptive use. The recommendation includes an increase in diversion volume from 120 af to 240 af, and an increase in consumptive use from 80 af to 160 af.

If the claimant used a flood irrigation system, then the maximum number of acres that could be irrigated would be 60 acres, since more acres would result in a per acre rate of diversion of less than 3/4". The place of use would be 60 acres, and the diversion volume and consumptive use would be determined based on 60 acres (diversion volume would be 180 af, consumptive use would be 120 af).

If the claimant used a sprinkler irrigation system, but if 25% of the water is lost in transmission between the point of diversion and the field headgate, then the result would be the same as the variation of the example in the paragraph above. .80 cfs minus 25% equals .60 cfs at the field headgate; .60 cfs divided by .01 cfs (1/2") per acre equals 60 acres. 60 acres is therefore the maximum number of acres that can be adequately irrigated with the claimant's water right and diversion system.

3. First presumption, multiple rights

40 A	< #1: 40" ground water decreed	Claimant claims PU for each right as 80 acres, sprinkler irrigation, no significant losses between PD and field headgate
40 A	< #2: 40" surface water decreed	

	Total potential beneficial use for entire tract	Right #1	Right #2
Diversion rate	1.6 cfs	.80 cfs	.80 cfs
Diversion volume	240 af	240 af	
Consumptive use	160 af		
Place of use		80 acres	80 acres
Remarks: (Both rights) THIS RIGHT INCLUDES AN INCREASE IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1). USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 160 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.			

Either right may be used to provide the full diversion volume and consumptive use for the entire 80 acres, but both rights together may not provide more than the diversion volume and consumptive use necessary for 80 acres (the rights are now supplemental). The remark therefore notes that the two rights are

limited to a combined total of 80 acres of irrigation. Diversion volume for the ground water right is determined based on 80 acres and stated in the field for diversion volume; consumptive use is determined for the two rights combined based on 80 acres and is set forth in remarks.

If the claimant used a flood irrigation system, then the result would be the same, since the total diversion rate to be recommended is sufficient to provide 3/4" inch per acre to the entire tract. The result would also be the same if the claimant used a sprinkler irrigation system but had 25% losses between the point of diversion and the field headgate.

If the two water rights were originally appurtenant to the same 40 acre tract, the total diversion rate for the two rights combined would be limited to .80 cfs. This is because the two rights on the same parcel were **supplemental** rights that were limited to a total diversion rate of .80 cfs. The second remark for both rights would therefore begin: **USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, ...** The diversion rate for each right is nonetheless stated in the diversion rate field for each right. This is different from the treatment of consumptive use above, because a) the diversion rate for each right can and must always be determined, and b) diversion rate for each right is essential for administration of each water right.

Note that when reviewing claims, the claims under example 3 may look exactly like the claims under example 1 (assuming both claims in example 1 are based on a decree). In such cases, it should be assumed that the claimant intended to claim an expansion under the first presumption.

4. First presumption and permissible PU

40 A	40 A	< #1: 40" ground water decreed	\	Claimant claims PU for each right as 160 acres, sprinkler irrigation, no significant losses between PD and field headgate
40 A	40 A	< #2: 40" surface water decreed	/	

	Total potential beneficial use for entire tract	Right #1	Right #2
Diversion rate	1.6 cfs	.80 cfs	.80 cfs
Diversion volume	480 af	~~240~~ 480 af*	
Consumptive use	320 af		
Place of use		160 acres	160 acres
Remarks:	(Both rights) THIS RIGHT INCLUDES AN INCREASE IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1). USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED		

CONSUMPTIVE USE VOLUME OF 320 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.

Since both claims are based on the first presumption, and since the two rights combined are sufficient to irrigate the entire place of use, the analysis focuses on use of the two rights combined rather than on each right individually. The two rights combined can be spread to 160 acres, since the per acre diversion rate would be not less than 1/2 inch per acre for a sprinkler irrigation system. Therefore, the place of use of each right is the entire 160 acres, but a remark is included limiting combined total irrigation to 160 acres.

*The diversion volume for the ground water right is stated, and is based on 160 acres. However, if the diversion rate is not sufficient to produce this volume, then the volume recommended should be the volume that can be produced with the recommended rate of diversion.

If the claimant used a flood irrigation system, then the total place of use would be limited to 120 acres, since each right could only be spread to an additional 20 and still produce 3/4" per acre at the field headgate. The result would be the same if the claimant had a sprinkler irrigation system but had 25% diversion losses between the point of diversion and the field headgate.

5. Second presumption, single right

40 A	< #1: 40" ground water, priority 1940 licensed for 40 acres, expanded to 80 acres in 1980, sprinkler irrigation system, no significant losses between PD and field headgate
40 A	

Total potential beneficial use for entire tract		Right #1 1940	Right #2 1980
Priority			
Diversion rate	.80 cfs	.80 cfs	.40 cfs
Diversion volume	240 af		
Consumptive use	160 af		
Place of use		80 acres	80 acres

Remarks (first right): RIGHT NO. (expansion claim) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).

Remarks (second right): THIS RIGHT IS AN EXPANSION OF RIGHT NO. (original right) PURSUANT TO IDAHO CODE 42-1416(2).

Remarks (both rights): USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF, AND A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 160 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION

SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

This expansion can be recommended because spreading the right on 80 acres will result in a per acre diversion rate of $1/2$ inch per acre at the field headgate under a sprinkler irrigation system, and the rate of diversion is capable of delivering the full volume and consumptive use under both rights. The diversion rate for the second right is the pro rata portion of the rate of diversion of the first right that is now also used under the second right (.80 cfs divided by 80 times 40, not simply .02 cfs times 40.) Since an expansion under the second presumption may not include an increase in the rate of diversion, both rights contain a remark limiting combined use to the total rate of diversion of the first right.

Total diversion volume and consumptive use for both rights is stated in remarks, rather than determined individually for both rights. (Diversion volume would be omitted if the right were a surface water right.)

The place of use for each right is the total acreage irrigated by both rights, but the original right is limited to the irrigation of the original number of acres, and the expansion right is limited to irrigation of the number of expansion acres, and the combined use is limited to 80 acres. Since the entire place of use is irrigated under the two rights, there is no remark requiring identification of the acres to be irrigated each year.

If the claimant used a flood irrigation system, then the maximum number of acres that could be irrigated under the expansion claim would be 20 acres, since more acres would result in a per acre rate of diversion of less than $3/4$ ". The place of use of each right would be 60 acres, and total diversion volume and consumptive use volume would be determined based upon 60 acres.

If the claimant used a sprinkler irrigation system, but if 25% of the water is lost in transmission between the point of diversion and the field headgate, then the result would be the same as in the variation of the example in the paragraph above. .80 cfs minus 25% equals .60 cfs at the field headgate; .60 cfs divided by .01 cfs ($1/2$ ") per acre equals 60 acres. 60 acres is therefore the maximum number of acres that can be adequately irrigated under the claimant's water rights and diversion system.

6. Second presumption, multiple rights

40 A	< #1: 40" surface water 1900 priority beneficial use	\	Claimant claims PU for each right as 80 acres expansion occurred 1980
40 A	< #3 40" ground water 1940 priority license	/	sprinkler irrigation, no significant losses between PD and field headgate*

* This situation can be distinguished from the situation in example 1, because here there should be four claims.

	Total potential beneficial use for entire tract	Original Rights #1&3 (each) 1900 (#1) 1940 (#3)	Expansion Rights #2&4 (each) 1980
Priority			
Diversion rate	1.6 cfs	.80 cfs	.40 cfs
Diversion volume	240 af		
Consumptive use	160 af		
Place of use		80 acres	80 acres
Remarks (first right, third right): RIGHT NO. (second right, fourth right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (second right, fourth right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS [, AND TO A TOTAL COMBINED DIVERSION VOLUME OF 240 AF]. (bracketed material applies to first - gw - right only)			
Remarks (second right, fourth right): THIS RIGHT IS AN EXPANSION OF RIGHT NO. (first right, third right) PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (first right, third right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS [, AND A TOTAL COMBINED DIVERSION VOLUME OF 240 AF]. (bracketed material applies to second - gw - right only)			
Remarks (all rights): USE OF THIS RIGHT WITH RIGHT NOS. (other three rights) IS LIMITED TO TOTAL COMBINED DIVERSION RATE OF 1.6 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE OF 160 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.			

In this scenario, either the surface water rights alone or the ground water rights alone will provide sufficient volume and consumptive use for the irrigation of 80 acres, but together may not provide more than the amount necessary for 80 acres. The rights from one source are therefore now **supplemental** to the rights from the other source, so a remark is included limiting the combined amounts and combined total irrigation applicable to all rights. Each surface water right, however, may only be used for the irrigation of 40 acres, as in the previous example; the same is

true for the ground water rights; hence the remark limiting irrigated acres applicable to each right.

In addition, a limiting remark must be included that indicates that the diversion rate for each of the two expansion rights is part of the diversion rate of the original right, as in the previous example. Each original right with the corresponding expansion claim are also limited to the irrigation of 80 acres, but this need not be stated in the remarks applicable only to those claims since the same limitation is included in the remarks applicable to all the claims. Each original right with the corresponding expansion claim are also limited to a total combined consumptive use of 160 AF, but this need not be stated in the remarks applicable only to those claims since consumptive use for all the claims is determined for all the claims and limited in the remark applicable to all the claims. Finally, a remark is necessary on the ground water rights limiting the combined diversion volume of the ground water rights.

However, if the two original water rights were originally appurtenant to the same 40 acre parcel, the total diversion rate for all four of the rights combined would be limited to .80 cfs. This is because the two rights on the same parcel were supplemental rights that were limited to a total diversion rate of .80 cfs. The second remark for all rights would therefore state: "USE OF THIS RIGHT WITH RIGHT NOS. (other three rights) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, ..."

If the claimant used a flood irrigation system, then the claims would be combined second presumption/permissible place of use claims, similar to the example below. The second and fourth rights would be limited to irrigation of 20 acres instead of 40. The result would be the same if the claimant used a sprinkler irrigation system but had 25% diversion losses between the point of diversion and the field headgate.

If the rights were from the same source, the claimant would have two permissible place of use claims, since the claimant could not get any more from two extra expansion claims than the claimant already has under the first two.

If the surface water right were based on a license, and the license determined the diversion volume of the right, then diversion volume would be determined for all the rights and stated in the remark applicable to all the rights.

7. Second presumption and permissible PU

40 A	40 A	< #1: 40" ground water 1940 priority licensed	/	Claimant claims PU for each right as 160 acres, expansion occurred 1980, sprinkler irrigation, no significant losses between PD and field headgate
40 A	40 A	< #3 40" surface water 1960 priority licensed		

Priority	Total potential beneficial use for entire tract	Original Rights #1&3 (each) 1940 (#1) 1960 (#3)	Expansion Rights #2&4 (each) 1980
Diversion rate	1.6 cfs	.80 cfs	.40 cfs
Diversion volume	480 af		
Consumptive use	320 af		
Place of use		160 acres	160 acres
Remarks (first right, third right): RIGHT NO. (second right, fourth right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (second right, fourth right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, [A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF,] AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. (bracketed material applies to first - gw - right only)			
Remarks (second right, fourth right): THIS RIGHT IS AN EXPANSION OF RIGHT NO. (first right, third right) PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (first right, third right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, [A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF,] AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. (bracketed material applies to the second - gw - right only).			
Remarks (all rights): USE OF THIS RIGHT WITH RIGHT NOS. (other three rights) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.6 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 320 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF ANY 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.			

The maximum that each right can be spread is 80 acres, because if the right were spread to more than 80 acres it would result in a per acre diversion rate of less than 1/2 inch per acre for a sprinkler irrigation system, but if each right is spread to 80 acres, they can irrigate a total of 160. Therefore, the difference between this example and the previous example is that the ground water rights are not supplemental to the surface water rights (and vice versa). Therefore, a remark is necessary limiting total irrigation of each original claim and the corresponding expansion claim to 80 acres, as in example no. 5. A remark limiting combined

consumptive volume of each original claim and the corresponding expansion claim is not necessary, since the total combined consumptive volume for all claims is stated in the remarks applicable to all the claims. Since the entire place of use is irrigated under the four rights, there is no remark requiring identification of the acres to be irrigated each year.

Now assume that the claimant expanded both of the two original rights on to a third quarter-quarter. If the original rights were from the same source, then one expansion claim should be recommended as an expansion of both of the original rights. Where the original rights were from two different sources, however, then there should still be two expansion claims.

If the license determined the diversion volume of the surface water right, then diversion volume would be determined for all the rights and stated in the remark applicable to all the rights.

8. First presumption and second presumption

40 A	< #1: 40" surface water priority 1900 decreed	/	Claimant claims PU for each right as 80 acres, expansion occurred 1980, sprinkler irrigation, no significant losses between PD and field headgate
40 A	< #2: 40" ground water priority 1940 licensed		

Total potential beneficial use for entire tract		Right #1	Right #2	Right #3
Priority		1900	1940	1980
Div. rate	1.6 cfs	.80 cfs	.80 cfs	.40 cfs
Div. volume	240 af			
Cons. use	160 af			
PU		80 acres	80 acres	80 acres
Remarks (first right): THIS RIGHT INCLUDES AN INCREASE IN IRRIGATED ACRES PURSUANT TO IDAHO CODE §42-1416(1).				
Remarks (second right): RIGHT NO. (third right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT IN COMBINATION WITH RIGHT NO. (third right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF. THIS RIGHT IS LIMITED TO THE IRRIGATION OF ANY 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.				
Remarks (third right): THIS RIGHT IS AN EXPANSION OF RIGHT NO. (second right) PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (second right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF. THIS RIGHT IS LIMITED TO THE IRRIGATION OF ANY 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.				

Remarks (all rights): USE OF THIS RIGHT WITH RIGHT NOS. (other three rights) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.6 CFS, ~~A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF, AND A~~ TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 160 AF, AND TO IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.

Expansion of the first right is the same as example no. 3 above. Expansion of the second right is the same as in example no. 6.

If the two original water rights were originally appurtenant to the same 40 acre tract (supplemental rights), the total diversion rate for the three rights combined would be limited to .80 cfs (see remark applicable to all rights), and the remark limiting the combined diversion rate of right nos. 2 and 3 would be unnecessary. This is because the two rights on the same parcel were supplemental rights that were limited to a total diversion rate of .80 cfs.

9. First presumption, second presumption, and permissible PU

40 A	40 A	< #1: 40" surface water	}	Claimant claims PU for each right as 160 acres, expansion made 1980, sprinkler irrigation, no significant losses between PD and field headgate
		priority 1900 decreed		
40 A	40 A	< #2: 40" ground water	}	
		priority 1940 licensed		

Total potential beneficial use for entire tract		Right #1	Right #2	Right #3
Priority		1900	1940	1980
Div. rate	1.6 cfs	.80 cfs	.80 cfs	.40 cfs
Div. volume	480 af			
Cons. use	320 af			
PU		160 acres	160 acres	160 acres

Remarks (first right): THIS RIGHT INCLUDES AN INCREASE IN IRRIGATED ACRES PURSUANT TO IDAHO CODE §42-1416(1).

Remarks (second right): RIGHT NO. (third right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (third right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, A COMBINED TOTAL ANNUAL DIVERSION VOLUME OF 240 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

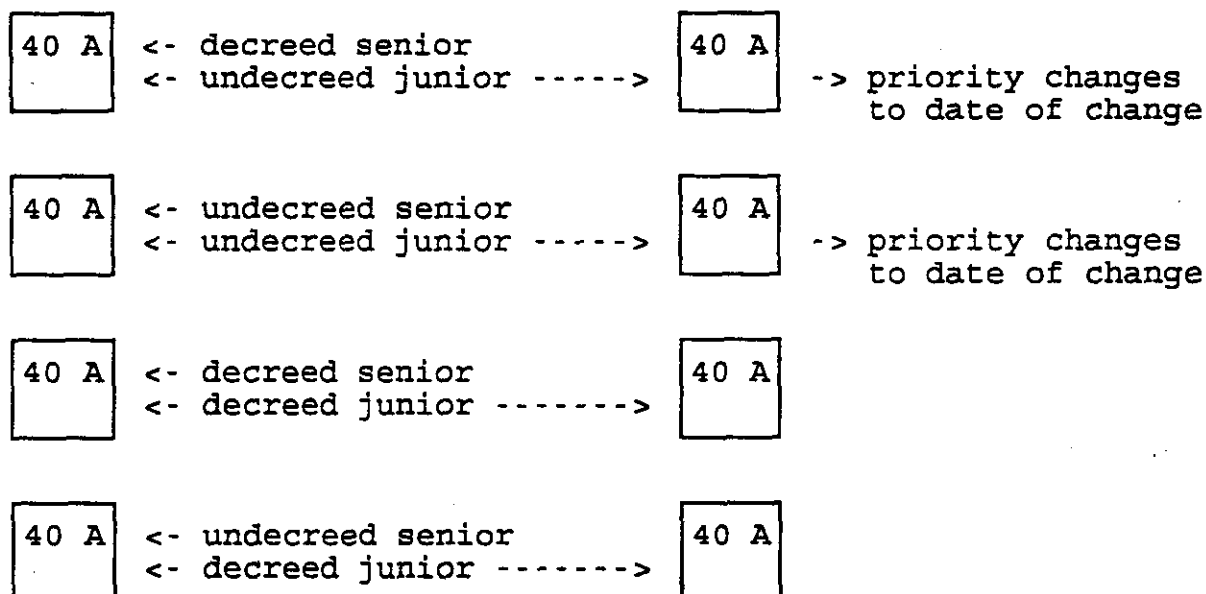
Remarks (third right): THIS RIGHT IS AN EXPANSION OF RIGHT NO. (second right) PURSUANT TO IDAHO CODE 42-1416(2). USE OF THIS RIGHT WITH RIGHT NO. (second right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN

A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks (all rights): USE OF THIS RIGHT WITH RIGHT NOS. (other rights) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.6 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 320, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.

Expansion of the first right is the same as in example no. 4 above. Expansion of the second right is the same as in No. 7 above. Note that since the original rights were appurtenant to different tracts, the potential total diversion rate is 1.6 cfs.

10. Supplemental right moved to new PU, right is not supplemental at new PU



In each of the scenarios above, the plaintiff has a senior right to 40 acres worth of water from one source, and a junior right to 40 acres worth of water from another source. Each right would have a diversion rate of .80 cfs, a diversion volume of 120 AF, and a consumptive volume of 80 AF. However, in each of the scenarios above, the two rights when used together on the same parcel would be limited to a total combined diversion volume of 120 AF, a total combined consumptive use of 80 AF, and total combined irrigated acres of 40. If the junior right is moved to a new PU and is not supplemental at the new PU, then the total potential beneficial use of the two rights on the two tracts would be 240 AF diversion volume and 160 AF consumptive volume. This is an expansion. The following is the analysis that will apply to an accomplished separation of supplemental rights in the adjudication.

It will be assumed that the expansion that resulted from the separation of the supplemental rights occurred in the use of the junior right. Thus, in the examples above, the senior right would still be recommended for the old 40 acres with the same diversion rate, diversion volume, consumptive use, and priority, and with no limiting remarks.

With respect to junior decreed rights, the expansion would be an expansion under the first presumption, so the junior decreed right would be recommended for the new 40 acres with the same diversion rate, diversion volume, consumptive use, and priority, and with no limiting remarks.

With respect to the other junior rights, the expansion, if recommended under the second presumption, would have to be recommended as two rights with two priorities. However, there is no means to determine the amount of each right under each priority. Therefore, the expansion will be treated as a change in use, injury from which can be mitigated only by changing the priority of the right. Thus, the junior right would be recommended for the new 40 acres with the same diversion rate, diversion volume and consumptive use. However, the right would be recommended with a priority as of the date of the change, and would include the following remark, "PRIORITY CHANGED TO PREVENT INJURY FROM CHANGE IN USE."

The first scenario listed above is the most likely; the last scenario is unlikely but not impossible. In each scenario above, the result would be the same if one right were moved to a new PU and the other was moved to a different PU, or if it were the senior right that was moved and the junior right that stayed. An undeclared right that stayed at the old PU would still be treated as a change resulting in injury, because both rights were part of the transfer in which one right was moved.

Note, however, that if the supplemental rights in the examples above were from the same source (such as, for example, where the claimant has one good right from a stream and a supplemental flood right from a stream), OR if the decree or license limits the combined diversion rate to .80 cfs, then both rights should have a remark limiting the total combined diversion rate to .80 cfs.

Note also that neither right, once separated, may be expanded to irrigate additional acres (although it could be part of a larger permissible place of use so long as the right is limited to the original number of irrigated acres). This is because the number of acres irrigated pursuant to the two rights has already been doubled.

11. Supplemental right moved to new PU, right is supplemental at new PU

40 A	<- senior right <- junior right ----->	40 A	<- senior right
------	---	------	-----------------

If there is less water available under the senior right at the new PU than was available under the senior right at the old PU, then there is an expansion in the junior right. As in the example above, if the junior right is based on a decree, then the expansion can be recommended under the first presumption for the new 40 acres, with the same diversion rate, diversion volume (for ground water), consumptive use, and priority. If the junior right is not based on a decree, the expansion would have to be recommended as two rights with different priorities under the second presumption, but there is no means to determine the amount of each right. Therefore, an undecreed junior right would be recommended for the new 40 acres, with the same diversion rate, diversion volume (for ground water), and consumptive use, but with a priority as of the date of change, and with the following remark: "PRIORITY CHANGED TO PREVENT INJURY FROM CHANGE IN USE."

Both the senior right at the new PU and the junior right at the new PU would contain a remark limiting combined use, in the following form: USE OF THIS RIGHT WITH RIGHT NO. (other right) IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .80 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 80 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON." (Diversion volume of 120 AF would be stated in the diversion volume field for the ground water right.)

12. Permissible PU, supplemental supply required

40 A	< #1: 20" ground water licensed	\	Claimant claims PU for right #1 as 80 acres
40 A	< #2: shares in mutual canal company surface water	/	(surface and ground water is combined in sprinkler system to irrigate all 80 acres)

The place of use of the ground water right is the entire 80 acres, but since the right was originally for a total of 40 acres, a remark must be included that limits use of the right to a total of 40 acres in a single irrigation season. However, this does not accurately reflect reality, since the claimant does in fact use the water on all 80 acres when it is used in combination with the shares. To reflect this fact, the following remark would be included, "THIS RIGHT, WHEN USED IN COMBINATION WITH A SUPPLEMENTAL WATER SUPPLY, MAY BE USED TO IRRIGATE THE ENTIRE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON."

This situation should generally arise only where the supplemental supply is pursuant to a water right held by a water delivery organization. Note that this example does not involve the second presumption since the per acre diversion rate for the claimant's right is already at 1/2 inch per acre.

G. COMBINED USE FOR PARTIALLY OVERLAPPING CLAIMS

1. General rule (example)

Combined use for partially overlapping claims should be determined in the same manner as for completely overlapping claims - by determining the total combined diversion rate and consumptive use for the entire tract covered by all of the rights combined (and by determining the total combined diversion volume for the entire tract covered by ground water rights for all the ground water rights combined). For example, assume the claimant has a right to 80 inches of ground water for 80 acres, a right to 80 inches of surface water for 80 acres, and the rights overlap on 40 acres.

SW 40A	SW 40A gw	40A gw
-----------	-----------------	-----------

diversion volume 4 AFA per acre
consumptive use 3 AFA per acre

Total combined diversion rate = 120 inches.

Total combined consumptive use = 360 AF (3 times 120).

Diversion volume for the ground water right, stated in the diversion volume field in the ground water right, is 320 AF (4 times 80).

2. Exception (example)

Where only some of the claims overlap some of the other claims, the combined use limitations should be separated out for only those claims that are overlapping where this can be readily done. This is a terrible statement of the general rule, but hopefully the example will help.

SW 40A gw1	SW 40A gw1	SW 40A gw2	SW 40A gw2
------------------	------------------	------------------	------------------

Diversion volume = 4 AFA per acre

Consumptive use = 3 AFA per acre

SW = 3.2 cfs for 160 acres

GW1 = 1.6 cfs for 80 acres (not claimed as permissible PU)

GW2 = 1.6 cfs for 80 acres (not claimed as permissible PU)

Combined use limits:

SW: SW + GW1 + GW2 is limited to 3.2 cfs diversion rate, 480 AF consumptive use, and 160 acres irrigation.

GW1: SW + GW1 is limited to 3.2 cfs diversion rate, 480 AF consumptive use, and 160 acres irrigation.
Diversion volume of 320 AF is stated in diversion volume field for GW1.

GW2: SW + GW2 is limited to 3.2 cfs diversion rate, 480 AF consumptive use, and 160 acres irrigation.
Diversion volume of 320 AF is stated in diversion volume field for GW2.

The difference between this example and the previous example is that GW1 and GW2 do not overlap. The combined diversion rate in each of the combined use limits is still 3.2 cfs, because the surface water right is not getting split - but it could, if the owner in the future wanted to transfer one of the ground water rights and the half of the surface water right that is used at the same PU.

H. COMBINED USE WITH IRRIGATION DISTRICTS AND MUTUAL CANAL COMPANIES

This part addresses combined use limitations where a right is used in combination with water supplied by a water delivery organization such as an irrigation district or mutual canal company, but not all of the water distributed by the organization is supplemental. Initially, it was proposed that the right would contain a remark indicating that the right was used in combination with water supplied by an irrigation district or canal company, there would be no remark in the irrigation district or canal company right, and there would be a general provision limiting use of water rights in combination for irrigation purposes to a total diversion rate, diversion volume, and consumptive use per acre. It has since been determined that more specific combined use limitations should be included in the report.

The distributee's water right should still contain a remark indicating that the right is used in combination with water supplied by a water delivery organization and identifying the water delivery organization, in substantially the following form: USE OF THIS RIGHT IS COMBINED WITH WATER FROM [organization name]. The water delivery organization's water right should contain a similar remark, in substantially the following form: USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER RIGHTS NOT HELD BY [company/district name] WITHIN THE PLACE OF USE DESCRIBED ABOVE. USE OF THESE PORTIONS OF THE [company/district name] RIGHTS IN COMBINATION WITH RIGHTS OR PORTIONS OF RIGHTS NOT HELD BY [company/district name] IS LIMITED TO THE COMBINED TOTAL DIVERSION RATES, COMBINED TOTAL ANNUAL CONSUMPTIVE USE VOLUMES, AND COMBINED TOTAL NUMBER OF

IRRIGATED ACRES DESCRIBED IN THE RIGHTS NOT HELD BY [company/district name].

In addition, the distributee's water right should contain a remark determining the combined use limitation based on the number of acres irrigated under the rights held by the distributee, in substantially the following form: USE OF THIS RIGHT WITH WATER SUPPLIED BY [organization name] FOR USE ON THE PLACE OF USE LISTED ABOVE IS LIMITED TO A COMBINED TOTAL DIVERSION RATE OF _____, A COMBINED TOTAL ANNUAL CONSUMPTIVE USE VOLUME OF _____ AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF _____ ACRES IN A SINGLE IRRIGATION SEASON.

cs	cs	
40A	40A	40A
	gw	gw

diversion volume 4 AFA per acre
consumptive use 3 AFA per acre
cs = canal shares

Total combined diversion rate = 80 inches.

Total combined consumptive use = 240 AF (3 times 80).

Diversion volume for the ground water right, stated in the diversion volume field in the ground water right, is 320 AF (4 times 80).

The combined use limit is based on 80 acres because it is intended to limit use of an 80 acre ground water right plus the portion of the canal company right used on those same 80 acres. (In previous examples, the combined use limits were on one right and another entire right.)

If the ground water right were claimed as a permissible place of use on the entire 120, the result would be the same, because the maximum number of acres that can be irrigated with the GW and the portion of the canal shares used with the GW is still 80 acres.

I. MISCELLANEOUS

1. When determining the extent to which a water right can be spread, the calculations should be included in the file. If a per acre rate of diversion at the field headgate other than 1/2" or 3/4" is used, this should be included in remarks. For example, if the claimant submits evidence that his flood irrigation system can adequately irrigate each acre with .014 cfs at the field headgate, then the right should include the following comment: "THE NUMBER OF IRRIGATED ACRES FOR THIS RIGHT WAS DETERMINED BASED ON A DIVERSION RATE OF .014 CFS PER ACRE AT THE FIELD HEADGATE."

2. If there are more than three combined rights for the same parcel, then the water right numbers should be listed in the first right only, and the combined use limitation for the other rights should read as follows: USE OF THIS RIGHT WITH RIGHT NO. (first right) AND THE OTHER RIGHTS DESCRIBED THEREIN SHALL"

3. If the claimant could have claimed a permissible PU but did not, then it should generally be assumed that the claimant did not want the right decreed with a permissible PU - the permissible PU should not be automatically recommended based on the assumption that the claimant simply made a mistake in not claiming a permissible PU. The one exception to this rule is where the claimant claimed some but not all of the rights applied through the same system on the same lands. This situation is different because there is some reason to believe that the claimant made a mistake where the claimant claimed some rights with a permissible PU but not others. In those instances, the permissible PU should be recommended, but claimant contact should be made, stating that the permissible PU will be recommended unless the claimant informs IDWR that the claimant does not want a permissible PU recommended (an amended claim is not necessary). If the claimant does not want a permissible PU recommended, then the permissible PU should not be recommended.

The claimant may have good reason to claim or not to claim the permissible PU. If the right is decreed with a permissible place of use and a portion of the property is later sold and nothing is said in the deed about the water rights, then the buyer will acquire a portion of each of the water rights. If each water right is decreed for the original portion of the tract now irrigated by a single system, and that portion is later sold but nothing is said in the deed about the water rights, then the buyer will acquire the entire right appurtenant to the portion and none of the other water rights.

The original claim for which a second presumption or critical ground water expansion in irrigated acres is recommended will, however, always have a permissible place of use.

to rule
Date 1/29 Time 3:00 ^M_{PM}

WHILE YOU WERE OUT

M Steve Perry
of Dakota Falls

Phone Numbers

Office 208 522-3001
Area Code Number Ext.
Voicemail _____
FAX _____
Pager _____
Mobile _____
e-mail _____

- ☒ Telephoned
- ☒ Please call
- ☐ Returned your call
- ☐ Called to see you
- ☐ Wants to see you
- ☐ Will call again
- ☐ URGENT

Message

Re Webster & Letter of 2/99
22-02190
-07408
-07325
-02225
-07409

What
is the
status
of
the
paid
you
know
this.



AMPAD
EFFICIENCY®

Operator

Reorder
#23-000

22-7494

ZOLLINGERS FARM INC.

8611 BRYNWOOD, POISE, ID 83704

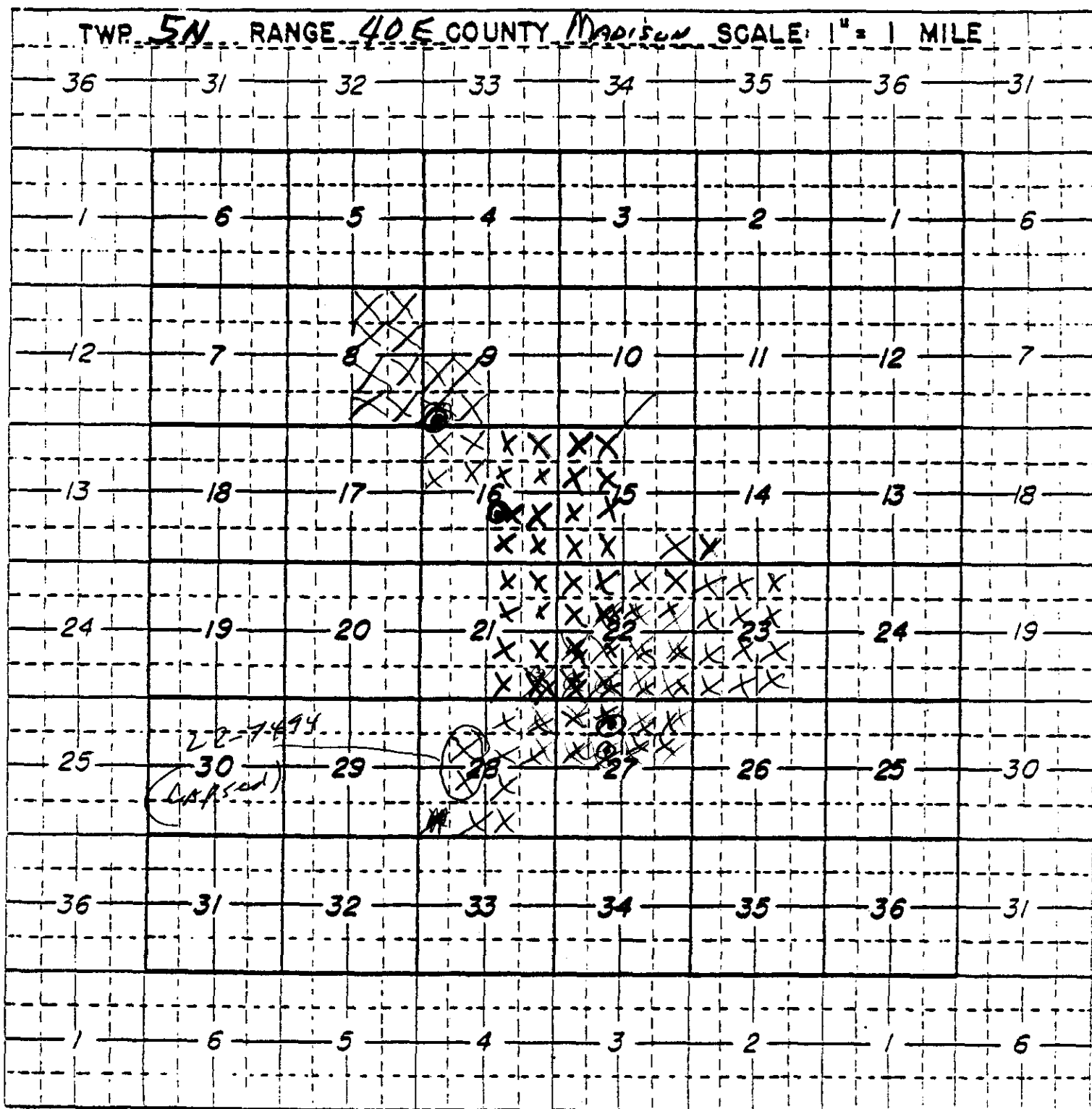
Source: GROUNDWATER

Date Filed: 05/24/1985

Diversion Pt: SENW Sec 27 T 05N R 40E

Use: IRRIGATION (1.00 CFS)

In: SENW NESW Sec 28 T 05N R 40E FOR 70 ACRES



Shaw • 22-2255 5.7 cfs 4520 acres 8/10/65 1582 A-F
 Kire • 22-2190 7.23 cfs 680 acres 11/7/60 2380 A-F
 Kewin • 22-7325 8.63 cfs 808 acres 5/9/80 2828 A-F
 Shaw • 22-7408 7.78 cfs 1275 acres 7/27/82 2082 A-F
 Shaw • 22-7409 3.0 cfs 152 acres 8/2/82 553 A-F

Anderson Nelson Hall Smith, P.A.

ATTORNEYS

RECEIVED
RECEIVED

MAY - 5 1999

Department of Water Resources
Department of Water Resources

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May 4, 1999

Karl J. Dreher, Director
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Water Right Nos. 22-02190; 22-07408; 22-07325; 22-2225; 22-07409*

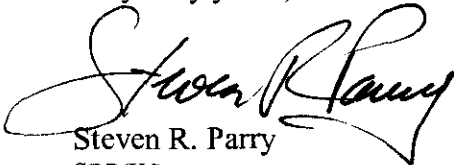
Dear Director Dreher:

By letter dated February 15, 1999, I provided 24 pages of information regarding the above-captioned water rights. As stated in that letter, I believe that a significant amount of hassle and difficulty could be avoided if the water right owners could work with the Department in dividing these water rights. This letter was sent to you only after a considerable amount of time and work with Department Personnel here in Idaho Falls.

To date I have not yet received a response to the letter or an acknowledgment that it has been received. I have called your office, but have been unsuccessful in locating to which person the letter was assigned. Consequently, the purpose of this letter is merely a follow-up to my February 15 letter and a request that I be notified to whom this letter has been assigned.

I have appreciated the assistance of the Department with past matters and am confident that the expertise of the Department can assist the parties in resolving their fairly complex division issues. Hence, I look forward to hearing from a member of your staff as soon as possible.

Very truly yours,



Steven R. Parry
SRP/KS

cc: Kirk Webster
Kevin Webster
Shawn Webster

RECEIVED.

FEB 18 1999

Department of Water Resources

Anderson Nelson Hall Smith, P.A.

ATTORNEYS

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John M. Sharp*

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(1928-1988)

*Also member of Utah bar

February 15, 1999

Karl J. Dreher, Director
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Water Right Nos. 22-02190; 22-07408; 22-07325; 22-2225; 22-07409*

Dear Director Dreher:

This letter is essentially a request for assistance in dividing water rights pursuant to the division of one farming operation into three separate operations. I have had several meetings here in Idaho Falls with Harold Jones who has been very helpful. However, we will need the Department's cooperation in achieving our current plan, and Mr. Jones suggested I send this letter to you with the anticipation that you will assign it to someone else for review. As explained below, the primary hurdle facing the parties is the need to remove a total acreage limitation placed on one of the licenses. However, if the Department has other ideas that would benefit the parties, we would be very interested and appreciative of your suggestions.

Background

My clients are Kirk Webster and his corporation Webster's Deep Well Farm, Inc., Kevin Webster and his corporation Webster's, Inc., and Shawn Webster and his corporation Webster's Mile High Farm, Inc. Although the water rights and land in question are each owned by the respective corporations, I will refer only to Kirk, Kevin, and Shawn for convenience.

Kirk, Kevin and Shawn are brothers who succeeded to their parents' farming operation in Madison County and farmed together until 1992. As is frequently the case, the combined operation acquired various land with various associated water rights. In 1992, the main corporation, Webster's Deep Well Farm, Inc., divided into the three corporations as named in the preceding paragraph. All of the assets have been successfully divided between the three corporations except for the water rights which have been very difficult to divide. As a side note, it would appear, given the inability to procure new water rights, that the problems facing the Websters will become much more common as farms pass from one

February 12, 1999

Page 2

generation to the next and are divided in the process. Almost inevitably some land will have very good water rights and other land will be less endowed. **It would certainly be beneficial to these parties if a mechanism were developed that would allow parties to combine water rights from multiple parcels and then reallocate them out amongst that land so as to even up the water allocated to all the land.** If anything like that is possible, the Websters would certainly be interested.

Returning to the background information, there are five water rights at issue which are summarized as follows:

Right No.	DATE	CFS	AF	Irr Acres	Exhibit	
22-2190 (G-29125)	1960	7.23	2380	680	13.6	A .53
22-7408	1982	7.78	2082.5	1275	25.5	B .305
Combined limits:		7.88	2723	778		
22-7325	1980	8.63	2828	808		C .53
22-2255 (G-32475)	1965	5.7	1582	452	9.04	D .63
22-7409	1982	3.0	553	158	3.16	E .95
Combined limits:		5.7	n/a	n/a		
Totals		22.21	?	?		

For convenience, copies of these licenses are attached as Exhibits A, B, C, D, & E as indicated in the table above.

Main Problem

In the process of dividing the water rights, the Websters discovered that Water Right Number ("WRN") 7408, **when combined with WRN 2190, leaves 497 acres dry each year (1275-778).** Although this restriction was placed in a permit amendment by the Department and sent to Kirk Webster for his signature, neither Kirk nor his brothers understood that 497 acres were actually being left dry. For more background information on this combined restriction, a copy of the original Application for Permit is attached as Exhibit F, a copy of the beneficial use field report is attached as Exhibit G, and a copy of the Application for Amendment is attached as Exhibit H.

Hopefully the Department understands how difficult it is for the average person to recognize from the Application for Amendment (Exhibit H) and the actual License (Exhibit B) that 497 acres is being left dry. Both documents state on page 1 that the diversion rate is 7.78, that the diversion volume is 2082.5, and most importantly that the "Total number of acres

February 12, 1999

Page 3

irrigated" is 1275. There are no restrictions or footnote indications on either of these front pages. Only if one reads and understands conditions 6 and 7 on the back page of both documents is it apparent that only 98 new irrigated acres were added by the new license (778-680), not the full 595 as set forth in the Application (Exhibit H). Moreover, on the Application for Amendment (Exhibit H), these restrictions come on the page after the applicant's signature. *For the reasons set forth below, we believe there is good cause for the Department to eliminate the 778 combined restriction set forth in Condition 7 of WRN 7408.* The elimination of this combined restriction is essential to the parties' ability to amicably divide the water rights.

In considering the request to eliminate Condition 7 of WRN 7408, additional background information will be helpful. The applications for both WRN 7408 and 7409 were apparently filed in 1982. The purpose of WRN 7409 was to add 158 more acres of land to WRN 2255, but without adding any more water. Likewise, the purpose of WRN 7408 was to add 595 more acres below the railroad tracks as an addition to WRN 2190, but without actually adding much more water.¹ In both cases, essentially the same amount of water was being spread out across more land.

Background to WRN 7409. WRN 2255 provided 5.7 CFS, or 285 miners' inches, for 452 acres.² That translated into .63 miners' inch per acre, which exceeded the Department's one-time standard of at least $\frac{1}{2}$ miners' inch per acre. WRN 7409 added 158 more acres, but no new water. Therefore, the same 5.7 CFS now covers 610 acres which gives each acre only .47 miners' inch per acre. Although WRN 7409 restricts the combined diversion rate to 5.7 CFS, it made no further restrictions due to the decrease below the $\frac{1}{2}$ miners' inch per acre. We believe this was because WRN 7409 was issued in 1989 before the Department mandated the $\frac{1}{2}$ inch per acre standard.

Background to WRN 7408. WRN 2190 provides 7.23 CFS, which is 361.5 miners' inches, for 680 acres. That translated into .53 miners' inch per acre. WRN 7408 added 595 more acres, but also added .65 CFS apparently because the well was producing that much more than provided in WRN 2190. Therefore, this resulted in 7.88 CFS to cover 1275 acres (the original 680 + the new 595). If 7.88 CFS (394 miners' inches) were spread across 1275 acres,

¹ WRN 7408 is for 7.78 CFS, which is .55 CFS more than the 7.23 CFS in WRN 2190, and therefore some additional water was gained through WRN 7408. In addition, Condition 8 on WRN 7408 states that the combined diversion under both rights is limited to 7.88 CFS. If this is accurate, then an additional .1 CFS was gained through the combination.

² My understanding is that in Idaho, 1 CFS is equal to 50 miners' inches.

Color Map
Exhibit I 3

then there would only be .31 miners' inches per acre--which was below the Department's standard of $\frac{1}{2}$ miners' inch per acre. Hence, instead of licensing the full 1275 acres such as was done in WRN 7409, the Department imposed the $\frac{1}{2}$ miners' inch per acre standard and restricted the combined rights to 778 acres (which for 389 miners' inches gives $\frac{1}{2}$ miners' inch per acre). Hence, under WRN 7408 as issued, the remaining 497 acres are supposed to be left dry each year. Although that 497 acres can rotate from year to year, somewhere within the 1275 acres 497 acres are supposed to be dry. We believe the $\frac{1}{2}$ inch standard was imposed on WRN 7408, and not on WRN 7409, because WRN 7408 was not issued until 1993, after the Department mandated the $\frac{1}{2}$ inch per acre standard.³

Our understanding is, that with modern irrigation equipment and techniques, the Department now allows less than $\frac{1}{2}$ inch per acre. Under the plan set forth below, all of the land would be under $\frac{1}{2}$ inch per acre, but the lowest would be around .4 inch per acre. However, to accomplish this plan, the Department would need to remove Condition 7 on WRN 7408.

Existing Land and Water Allocations

Before setting forth the Webster's desired division plan, the current land and water allocations need to be set forth. Attached as Exhibit I is a color coded map showing where each water right is located. Kevin owns the 808 acres associated with WRN 7325 (in pink on the map). Shawn owns the 610 acres associated with WRN 2255 (in green on the map) and WRN 7409 (in purple on the map), and 277 acres from the northern most part of WRN 7408 (in blue on the map). The balance, that being 998 acres, associated with WRN 7408 and 2190 is owned by Kirk. Ignoring the combined limit of WRN 7408, the water is currently allocated as follows:

³ WRN 7409 was promptly issued in 1989, but for some reason the application on WRN 7408 was delayed and an extension had to be granted. By the time WRN 7408 was issued in 1993, the Department had apparently adopted a policy that they would not spread the water thinner than $\frac{1}{2}$ miners' inch per acre. This timing explains why the two applications which were filed together were treated differently. It also provides additional reasons why the Websters would not have expected the combined restrictions set forth in WRN 7408.

Right Nos.	Owned By	Acres	CFS	Miners'Inch	Inch/Acre
2255/7409	Shawn	610	5.7	285	.47
7325	Kevin	808	8.63	431.5	.53
2190/7408	Kirk/Shawn	1275	7.88	394	.31
TOTALS		2,693	22.21	1,110.5	.41 (Average)

The foregoing table shows that if it were possible to divide the miners' inches exactly even across all of the acres, then each acre would have .41 miners' inches. Certainly if there were some way to evenly divide the miners' inches, the Websters would be interested in such an approach. However, that is apparently not possible.

Finally, one other key fact must be discussed. The 277 acres of Shawn's south of the railroad have actually been farmed by Kevin, and for years has actually been watered from the well on Kevin's land (that being from WRN 7325). Hence, whether by expansion claim or otherwise, the Websters believe that these 277 acres should actually be watered from WRN 7325.

From the foregoing information, the Websters have devised the following plan for dividing the water rights between them. The obvious goal is to divide the miners' inches as evenly as possible across all of the acreage.

Plan for Division of Water

Kevin and Shawn have arranged for an exchange of land such that after the exchange Kevin will own Shawn's 277 acres south of the railroad. All other land will be owned the same. To divide the water, the following three steps would then need to occur:

1. An expansion claim from or amendment to WRN 7325 would be necessary to include the 277 acres south of the railroad. A change of diversion application may be necessary as well.
2. WRN 7408 would need to be amended to drop the 277 acres discussed in step 1 above, and to eliminate Condition 7. In this way, the potentially dry 497 acres would have water by shifting 277 to WRN 7325 with the remaining 220 staying under WRN 7408 but relieved by the elimination of Condition 7.⁴

⁴ Kirk Webster individually has owned and irrigated an additional 80 acres adjacent to the southern most portion of this land. This land was to be irrigated under

3. Change of ownership forms consistent with the foregoing would need to be filed.

With the foregoing changes, the water would be allocated amongst all the land much more evenly as follows:

Right Nos.	Owned By	Acres	CFS	Miners'Inch	Inch/Acre
2255/7409	Shawn	610	5.7	285	.47
7325	Kevin ⁵	1,085	8.63	431.5	.40
2190/7408	Kirk	998	7.88	394	.39
TOTALS		2,693	22.21	1,110.5	.41 (Average)

As the table shows, this proposal brings the miners' inches per acre much closer. And in fact, this table represents the way the water has actually been irrigated for years. There are three established wells on the property and the water from those wells has irrigated the ground consistent with the foregoing allocation. This allocation is illustrated on the color coded map attached as Exhibit J.

Summary

Obviously the foregoing plan will not work unless the Department is willing to amend WRN 7408 as discussed above. Although this same plan could perhaps be accomplished through expansion claims as it does represent actual usage since prior to 1987, the Websters of course desire the most convenient solution possible and would prefer to work with the Department on a cooperative basis. We recognize that the concepts set forth in this letter may need to be placed into formal petitions, but we thought it would be best to first approach these issues informally by letter.

We are very anxiously to address any questions or concerns that the Department might have, and we would appreciate any alternative suggestions that you might develop. We appreciate and apologize for the time and effort that responding to this letter will require, but we are

Water Permit 22-07494 issued to Zollinger Farm, Inc. for 1.0 CFS. However, we now understand that this permit lapsed. The land has been irrigated from WRN 2190/7408 and Kirk may need to separately file an expansion claim. This 80 acres is treated separately from the other land because it was not part of the corporation division.

⁵ Kevin's original 808 acres plus the 277 acres he will exchange with Shawn total 1,085 acres.

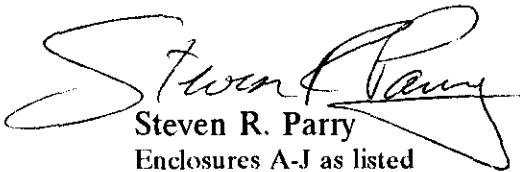
February 12, 1999

Page 7

certain that resolving this matter now will avoid significant disputes and problems down the road.

If you or whomever is assigned this project would like to discuss these issues over the phone, please do not hesitate to contact me at (208) 522-3001. We appreciate the Department's assistance in this matter and look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven R. Parry". The signature is fluid and cursive, with a large initial "S" and a stylized "P".

Steven R. Parry

Enclosures A-J as listed

cc: Kirk Webster
Kevin Webster
Shawn Webster

LASRP\2674\DREHER.LTR778

State of Idaho

WATER LICENSE

Water License No. G-29125 Priority November 7, 1960 Amount 300 c.f.s.

THIS IS TO CERTIFY that ADELBERT W. WEBSTER of Rexburg, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated November 7, 1960, that Permit G-29125 was issued pursuant to said application; that the proposed works were completed on or about May 1962 with a storage or carrying capacity of 7.88 c.f.s. said works consisting of well, motor, pump and main line and that on October 29, 1965 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 300 acre feet per season, with a maximum rate of diversion of 300 cubic feet per second of the waters of a ground water source tributary of Madison for the purpose of irrigation from April 1 to October 31 and for irrigation from April 1 to October 31 and for irrigation from April 1 to October 31 and that the use of said waters has been made in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in SE 1/4, NW 1/4, Sec. 27, T. 5 N., R. 40 E., B.M., and other additional points in the County of Madison and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 300 acre feet per year.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 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	
5 N	40 E	21																	3
		22			8	10				5	39	14	38	40	38	39	35	37	309
		27	39	37	40	39	39	39	39	39									311
		28	21			36													67

Total number of acres irrigated 300

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13th day of November, 1968.

[Signature]
State Reclamation Engineer

29125

22-2150

22-2190

EXHIBIT
A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07408

Priority: July 27, 1982

Maximum Diversion Rate: 7.78 CFS
Maximum Diversion Volume: 2082.5 AF

This is to certify, that WEBSTER DEEP WELL FARM INC
519 E 350 S

REXBURG ID 83440 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1982; and has submitted Proof of Beneficial Use on October 11, 1983. An examination indicates that the works have a diversion capacity of 7.780 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	7.78 CFS	2082.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENW, Sec. 27, Township 05N, Range 40E
MADISON County

PLACE OF USE:	IRRIGATION	ACRES	ACRES	ACRES	TOTAL
TWN	RCE	SEC			
05N	40E	14	SWSW 4		4
		15	SESE 12		12
		21	SESE 3		3
		22	NENE 40	NWNE 14	
			SENE 39	SESW 5	
			NWSW 14	SWSW 38	
			NESE 38	NWSE 39	
			SESE 37	SWNE 37	
				NESW 39	
				SESW 40	
				SWSE 35	
					415
		23	NWNE 12	SWNE 15	
			NWNW 34	SWNW 31	
			NESW 39	NWSW 34	
			SESW 36	NWSE 25	
				SWSE 21	
		27	NENE 39	NWNE 37	
			SENE 39	NENW 39	
			SWNW 39	SESW 39	
					311
		28	NENE 33	NWNE 10	
			SENE 39	SWNE 34	
			SWSE 14	NWSE 27	
					191

Total number of acres irrigated: 1275

CONDITIONS/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 limited to the amount that can actually be beneficially use

EXHIBIT

B.1

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07408

CONDITIONS/REMARKS:

- 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
 6. This right is limited to the irrigation of 595 acres in the place of use described above in a single irrigation season.
 7. This right when combined with right 22-02190 is limited to the irrigation of 778 acres in the place of use described above in a single irrigation season.
 8. The total combined rate of diversion under this right and right 22-02190 shall not exceed 7.88 cfs nor a combined annual volume of 2723.0 afa.

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 29th
day of JANUARY, 1993.

Acting for R. Keith Higginson, Director

EXHIBITB.2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07325

Priority: May 9, 1980

Maximum Diversion Rate: 8.63 CFS
Maximum Diversion Volume:¹ 2828.0 AF

This is to certify, that WEBSTER DEEP WELL FARM INC.
519 E. 350 S.

REXBURG, ID 83440 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 9, 1980; and
has submitted Proof of Beneficial Use on June 18, 1981. An examination indicates
that the works have a diversion capacity of 8.630 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	04/01 to 11/01	8.63 CFS	2828.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 16, Township 05N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	40E	15	NENW 22	NWNW 35	SWNW 35	
			SENW 19	NESW 24	NWSW 33	
			SWSW 34	SESW 17		219
	16		NENE 36	NWNE 34	SWNE 36	
			SENE 36	NESE 27	NWSE 27	
			SWSE 37	SESE 37		270
	21		NENE 17	NWNE 37	SWNE 34	
			SENE 12	NESE 35	NWSE 2	
			SWSE 5	SESE 28		170
	22		NENW 36	NWNW 40	SWNW 35	
			SENW 16	NWSW 21	SWSW 1	149

Total number of acres irrigated: 808

CONDITIONS/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 reflect cropping patterns or acceptable standards of water delivery 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.

EXHIBIT

C.1

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07325

CONDITIONS/REMARKS:

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 24TH
day of OCTOBER, 1989.

Acting for R. Keith Higginson, Director

EXHIBIT

C.2

State of Idaho

WATER LICENSE

Water License No. G-32475/22-2255 Priority August 10, 1965 Amount 5.7 c.f.s.

THIS IS TO CERTIFY, that PAULINE E. SMITH (MRS. ROSS F.)
of Rexburg, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated August 10, 1965; that Permit G-32475/22-2255 was issued pursuant
to said application; that the proposed works were completed on or about June 9, 1967
with a storage/or carrying capacity of 5.7 c.f.s., said works consisting of well,
pumps and motors; and that on July 12, 1968,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1582
acre feet per season, with a maximum rate of diversion of 5.7 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Irrigation from April 1 to October 31
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW 1/4 SW 1/4 Sec. 9, T. 5 N, R. 40 E, B.M., and
other additional points _____, in the County of
Madison, and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1582 acre feet per year.

Description and location of place of use:

TWP	RANGE	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	
5 N	40 E	8	40	40	40	40									40	20	20	40	200
		9									40	40	40	40					160

Total number of acres irrigated 452

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of November, 1969.

State Reclamation Engineer

EXHIBIT

22-2255

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07409

Priority: August 2, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:¹

3.00 CFS
553.0 AF

This is to certify, that WEBSTER DEEP WELL FARM INC.
519 E. 350 S.

REXBURG, ID 83440 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1982; and has submitted Proof of Beneficial Use on October 4, 1983. An examination indicates that the works have a diversion capacity of 4.500 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	04/01 to 11/01	3.00 CFS	553.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 9, Township 05N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	40E	16	NENW 39	NWNW 40	SWNW 40	158
			SEnw 39			

Total number of acres irrigated: 158

CONDITIONS/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 reflect cropping patterns or acceptable standards of water delivery 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. The maximum combined rate of diversion under this right & Right 22-2255 shall not exceed 5.7 cfs.

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 22ND day of AUGUST, 1989.

EXHIBIT

E

Acting for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Webster Deep Well Farm, Inc. Phone 356-3845
Post office address 519 East 350 South, Rexburg, ID 83440

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 5N
Range 40E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 8.00 for irrigation purposes from 4/01 to 11/1 (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. 8.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump 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 20 inches; proposed depth of well is 800 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).

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: _____

EXHIBIT
F.1

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

[illegible]

Total number of acres to be irrigated	595
---------------------------------------	-----

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

Nong

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

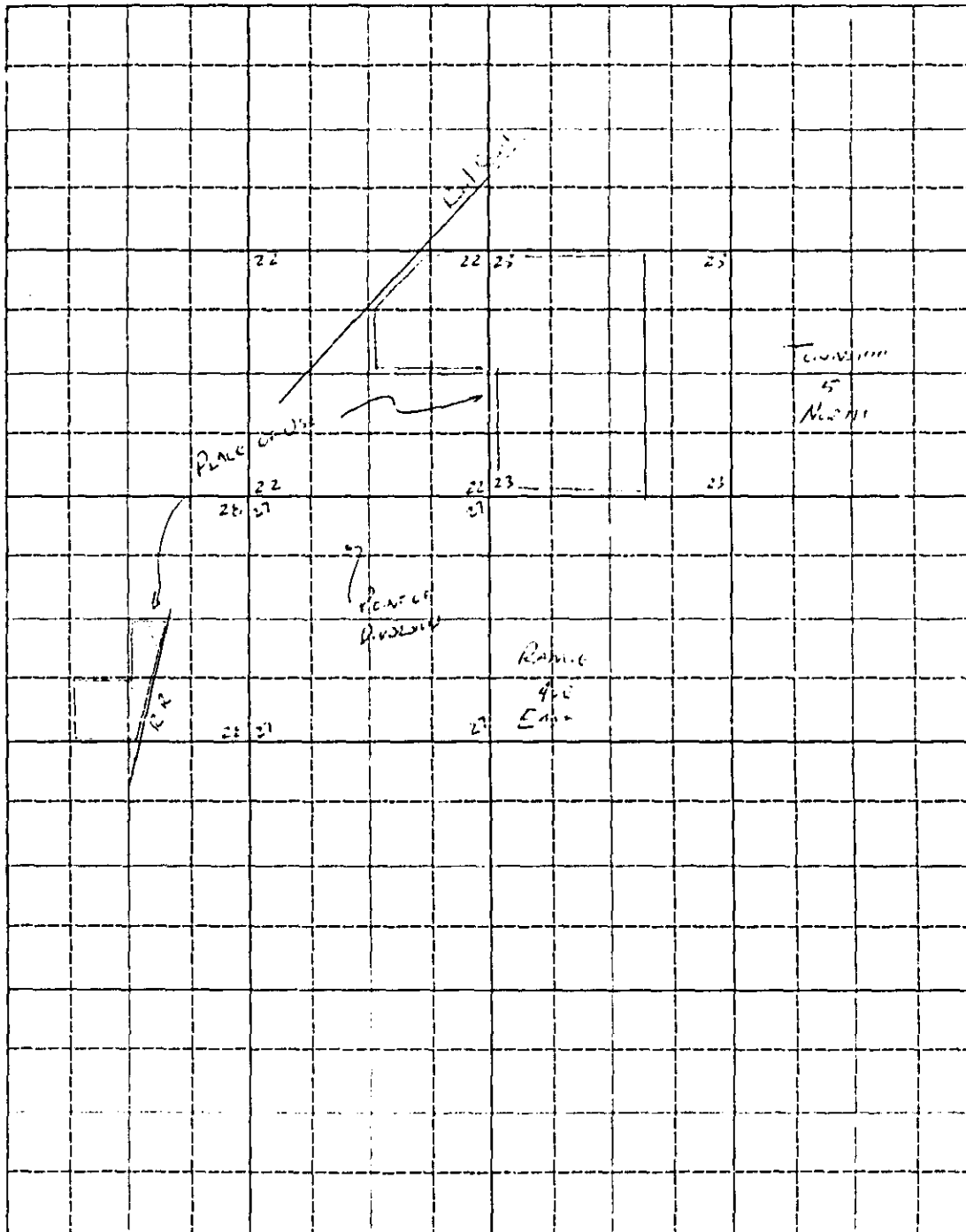
b. Who owns the land to be irrigated or place of use	Applicant
--	-----------

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

10. Remarks

EXHIBIT
F. 2

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.

Walter's Deep Well Farm, Inc.
By B. H. Walter, U.R.
 (Applicant)

EXHIBIT
F.3

RECEIVED

APR 29 1988

State of Idaho

APR 29 1986 DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

Department of Water Resources

22-7408

Permit No. _____

CONTACT WITH PERMIT HOLDER

DATE _____

INITIALS

REMARKS

- ☐ Appointment letter mailed:
- ☐ Telephone call made
(List Telephone No. used)
- ☐ Appointment scheduled for
(Date, time, location)

EXAMINATION 19 March 1986 Checked Plus P/D because of landslip that occurred at time of exam
Date 11 July 1983 Accompanied by Kurt Webster Total Q measured 7.78 cfs
Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? No
If source is surface water, estimate total flow of source _____
Methods of measurement Annubar # 191158 (12") Meets permit requirements? _____
Eagle Eye Meter # 091473

Measurement calculations: $38'' \omega/K = 1.032$

$$Q = 3.85 \text{ (wt)\%} \times V_{\text{tin}} = 3.85 (11.93\%)^2 \sqrt{38} \cdot 1.032 = 3190.56 \mu\text{m} \approx 7.7 \text{ cf}$$
$$595 \text{ ac} \times 0.026 \text{ ft} = 15.47 \text{ ft}$$

Q LIMITED TO CAPACITY = 7.78 cfs

$$V = 7.78 \text{ ch} \times 1.985 \times 214 = 3302.4 \text{ afu}$$
$$V = 595 \text{ ac} \times 3.5 \text{ af/ac} = 2082.5 \text{ af}$$

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
Well	600	GE	KKJ1030045	Johnston	N/A	Annubar		
Booster	200	GE	JKJ911107	Johnston	N/A			

System Description well pump machine to fair center pivot and laterals with sprinklers

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 3.5 AFA/Acre

USE

IRRIGATION

Q (cfs)

7.78c4

V {afa}

2082,5

FROM

7/1

Total

Remarks R17 (22-2190) (7.70cf) is same well for 22-2190; this permit (22-7408)

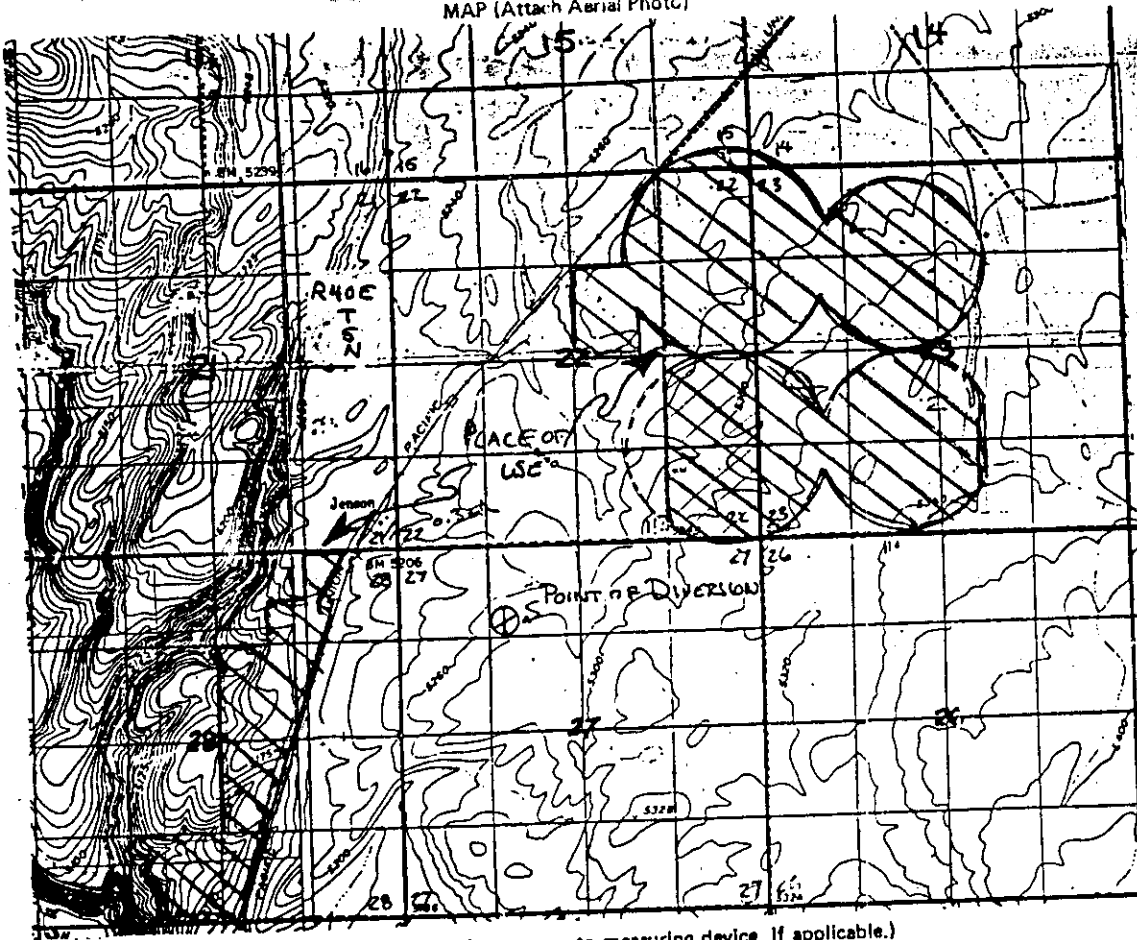
Potential 22 0591 / 0592 / 0593 / 0594 / 3202 / 0578

19 Mar. 1986 Land survey at time of exam needed to be confirmed; P/W needed to be checked for exact location for legal description.

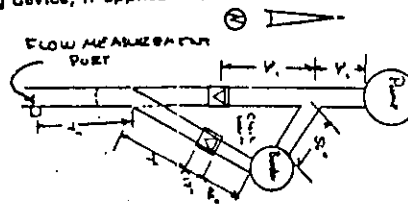
Note: Loc 22-7040 incorrectly describes P/W Circle. Should be East of Road (for Sec. 23)
 22-7090 for lands East of RR track SE 1/4 Sec 28 T5N R40E

EXHIBIT

MAP (Attach Aerial Photo)



(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NENW Sec 27 T5N R40E

Place(s) of Use

TWP.	RGE.	SEC.	NEX				NWK				SEK				SWK				TOTALS
			NEX	NWK	SWK	SEK	NEX	NWK	SWK	SEK	NEX	NWK	SWK	SEK	NEX	NWK	SWK	SEK	
5N	40E	14																	4
		15																	12
		22	40	14	29	23	27	34	31	37	29	34	28	36	25	21			106
		23		12	15										34	27	14		339
		28	12	10	39	3													134
																			595

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature

Checked by

Approved by

Date 7 April 1986
 Date 4-26-86
 Date 1/22/88

EXHIBIT
 G.2

APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07408

RECEIVED
JAN 20 1993

Department of Water Resources
7.78 CFS
2082.5 AF

Date of Priority: July 27, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:

Comes now
519 E 350 S
REXBURG ID 83440

WEBSTER DEEP WELL FARM INC

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. 22-07408, 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>
IRRIGATION	04/15 to 10/15	7.78 CFS	2082.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE, Sec. 27, Township 05N, Range 40E
MADISON County

<u>PLACE OF USE: IRRIGATION</u>						
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	40E	14	SWSW 4			4
		15	SESE 12			12
		21	SESE 3			3
		22	NENE 40	NWNE 14	SWNE 37	
			SENE 39	SENE 5	NESW 39	
			NWSW 14	SWSW 38	SESW 40	
			NESE 38	NWSE 39	SWSE 35	
			SESE 37			415
		23	NWNE 12	SWNE 15	NENW 27	
			NWNE 34	SWNE 31	SENE 37	
			NESW 39	NWSW 34	SESW 28	
			SESW 36	NWSE 25	SWSE 21	339
		27	NENE 39	NWNE 37	SWNE 40	
			SENE 39	NENW 39	NWSE 39	
			SWNE 39	SENE 39		311
		28	NENE 33	NWNE 10	SWNE 34	
			SENE 39	SESW 34	NWSE 27	
			SWSE 14			191

Total number of acres irrigated: 1275

EXHIBIT

H.I.

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07408

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 Bozeman, Md., this 19 day of January, 1993.

B. Keith Shobe, Pres.
(Signature)

EXHIBIT
H.2

PAGE 3

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07408

FOR DEPARTMENT USE ONLY

Preliminary check by GR Fee - \$60.00 Received by DLF # 6026534 Date 1/20/93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07408 with the following:

CONDITIONS/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 limited to the amount that can actually be beneficially use 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. This right is limited to the irrigation of 595 acres in the place of use described above in a single irrigation season.
7. This right when combined with right 22-02190 is limited to the irrigation of 778 acres in the place of use described above in a single irrigation season.
8. The total combined rate of diversion under this right and right 22-02190 shall not exceed 7.88 cfs nor a combined annual volume of 2723.0 afa.

Witness my hand this 29TH day of JANUARY, 1993.

Acting for R. Keith Higginson, Director

EXHIBIT
H.3

November 13, 1968

Re: Permit No. G-29125

Mr. Adelbert W. Webster
Rexburg,
Idaho 83440

Dear Mr. Webster:

Enclosed herewith you will find your Water License issued
on the above numbered permit.

Also enclosed is departmental receipt No. 2306 in the amount
of \$49. covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

29125

October 1, 1968

Re: Permit No. G-29125

Mr. Adelbert W. Webster
Rexburg, Idaho 83440

Dear Mr. Webster:

A representative of this department has made an examination of the works covered by your permit G-29125 and has found the following:

Quantity of water diverted: 7.88 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 7.23 c.f.s.

Purpose of use: For irrigation of 680 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21; S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$, 1Sec. 22; N $\frac{1}{4}$, Sec. 27; E $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 28, T. 5 N., R. 40 E., B. M.

The priority date established is: November 7, 1960.

A fee totaling \$ 49.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

C. STEPHEN ALLRED, Assistant
State Reclamation Engineer

CSA:ew

29125

OFFICE OF CORRECTION OF
LEGAL NOTICE PUBLISHED
UNDER THE PROVISIONS OF
SECTIONS 42-214, 42-217, IDA-
HO CODE

Notice is hereby given that the legal notice printed in the Rexburg Standard on September 28, October 5, 12, and 19, 1965, showing that Adelbert W. Webster was to make proof of completion of works and application of water to beneficial use October 29, 1965, on Permit No. G-29125 was in error and the place where said water is used was given as S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ E $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E.B.M.; whereas, the actual place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E, B.M., totaling 680 acres.

That any protests against the approval of the depositions made October 29, 1965, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 28th day of February, 1968.

R. KEITH HIGGINSON

State Reclamation Engineer

Date of First Publication March 5, 1968

Date of Last Publication March 12, 1968

Last Date of Protest April 8, 1968.

29125

NOTICE OF PROOF OF COM-
PLETION OF WORKS and AP-
PLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10 A.M., on the 20th day of July 1964, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, at 70 East Main Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of — cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 29125, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Adelbert W. Webster, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is — cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is — cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, Township 5 North, Range 40 E. B. M., Madison County, Idaho.

5. The place where said water is used is S $\frac{1}{2}$ Section 22, N $\frac{1}{2}$ Section 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, Township 5 North, Range 40 East, Boise Meridian, in Madison County, Idaho.

6. The date of priority which said user is prepared to establish is November 7, 1960. 29125
Carl E. Tappan

STATE OF IDAHO
COMPLETION OF WORKS
and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 29th day of October, 1965, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, at 70 East Main, proof will be submitted of the completion of works for the diversion of 7.23 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G29125, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Adelbert W. Webster, Rexburg, Idaho, 83440.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 7.23 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 7.23 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T 5 N., R 40 EBM.

5. The place where said water is used is S $\frac{1}{2}$ Sec. 22, N $\frac{1}{2}$ Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28, T. 5 N., R 40 E. B. M.

6. The date of priority which said user is prepared to establish is Nov. 7, 1960.

CARL E. TAPPAN

State Reclamation Engineer

Publ. Sept. 28, Oct. 5, 12, 19,
1965

29125

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-29125 ✓

This proof is for Completion of Works & Beneficial Use ✓ In Water District No. _____

1. Name of applicant Adelbert W. Webster ✓

2. Source of water supply: Subterranean ✓

3. Location of point of diversion: Is in the SE 1/4 ✓ of Section 27 ✓
T. 5 N ✓ R. 40 E.B.M. ✓ County of Madison ✓

4. Describe works as they exist, giving dimensions and capacities of same: _____

400 HP US ELEC MOTOR # 1258386
BURAN JACKSON VERTICAL PUMP # 140 G.H. 7 57 G
12" DISCHARGE THROUGH 150 HP US ELEC MOTOR BOOSTER
PUMP (L.E.B. UNIT # 5919) 12" MAIN LINE -
19 LAT - "64" MAIN LINE @ 44 lbs

5. Water is used for: Irrigation ✓

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation): _____

N 1/2 Sec. 27., E 1/2 Sec. 28., S 1/2 Sec. 22., Twp. 5 N., Rge. 40 E.B.M.

640 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

$$Q = \frac{(19 \frac{1}{4} \text{ mile lat}) (33 \text{ vol/lat}) (5.64 \text{ gpm})}{119 \text{ gpm}} = 7.88 \text{ c.f.s.}$$

This examination was made on the 19th day of Sept, 19 67

(Signed) J.R.

Examiner.

DU
PLT
29/25 ✓

5 414 813-604116" cap
Adelbert M. Webster 693-1/2" cap C 45"
Rexburg, Idaho

Permit No. G-29125 ✓

Examination for Completion of Works & Beneficial Use

County Madison ✓

Quantity: Sec 27 T5N R40 E8M

Source:

P.D.: SE 4 NW 4, Dec 27,
T5N, R 40 E B.M.

Use:

Extension: —

Protest: —

Completion of Works: —

Other Rights: none

Filed: Nov 7, 1960

Due: Nov. 21, 1965

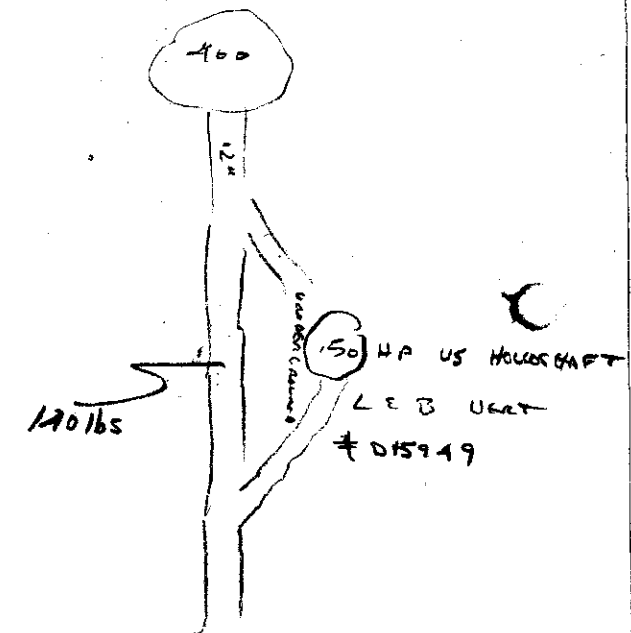
INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

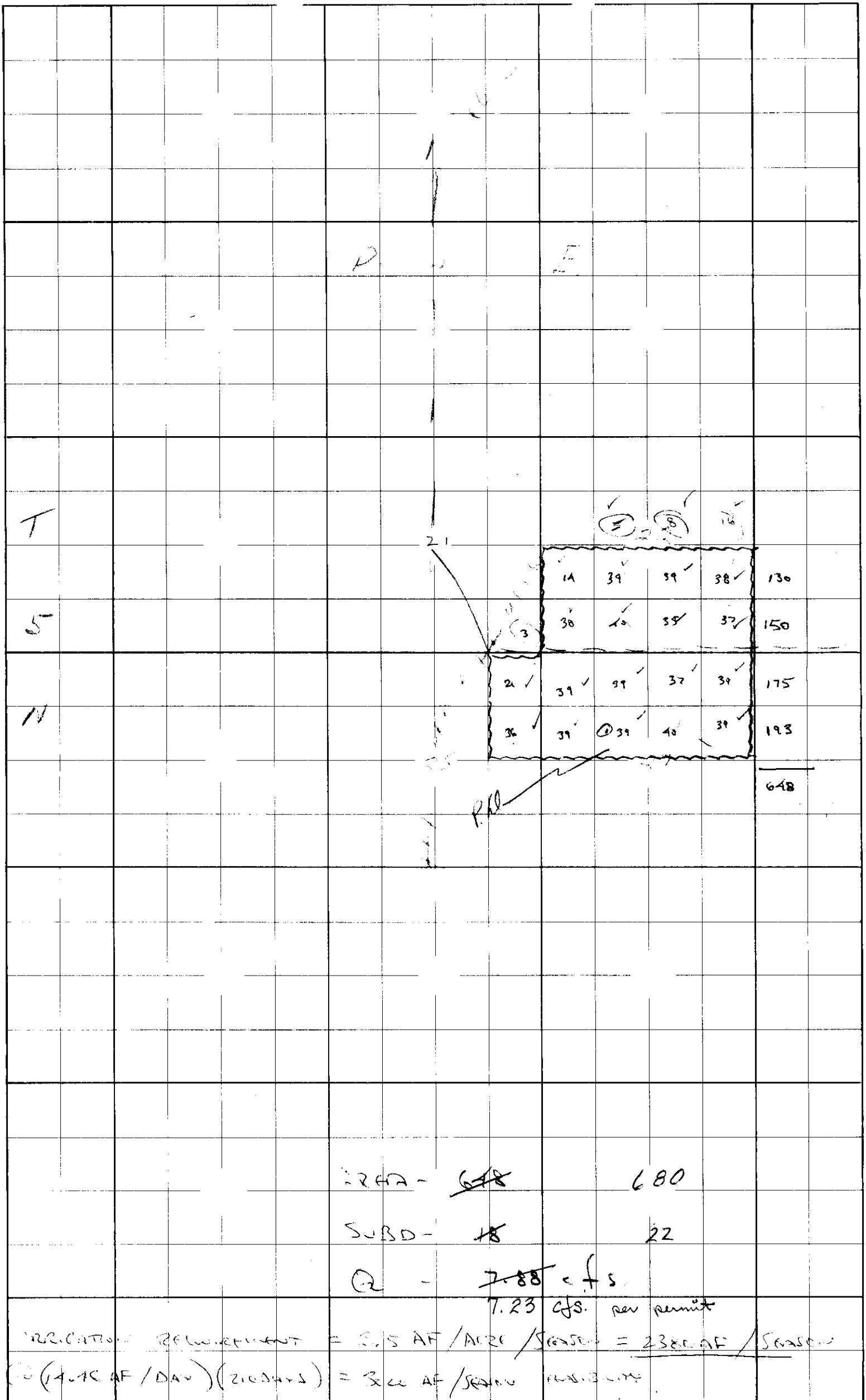
19 LAT - 1/2 mile (A) 41 lbs
11/64" RAINBOW SOWS (A) 100

100 HP US ELECTRICAL
1268326

B 5 VERTICAL DUCT
110647.5 G



4062



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29125 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use ✓

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

RECEIVED

NOV 12 1968

October 1, 1968

Department of Reclamation

Re: Permit No. G-29125

Mr. Adelbert W. Webster
Rexburg, Idaho 83440

Dear Mr. Webster:

A representative of this department has made an examination of the works covered by your permit G-29125 and has found the following:

Quantity of water diverted: 7.88 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 7.23 c.f.s.

Purpose of use: For irrigation of 680 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21; S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N., R. 40 E., B. M.

The priority date established is: November 7, 1960.

A fee totaling \$ 49.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

A handwritten signature in cursive script that reads "C. Stephen Allred".

C. STEPHEN ALLRED, Assistant
State Reclamation Engineer

CSA:ew

29125

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

May 1, 1968

RECEIVED
MAY 2 1968

Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. McEldowney:

Re: Adelbert Webster
Permit No. G-29125

I am enclosing herewith Affidavit of
Publication in the above matter.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

29125

April 9, 1968

Re: Permit No. G-29125

Adelbert Webster
Rexburg, Idaho 83440

Dear Mr. Webster:

Please be advised that there have been no protests of your permit, and we can continue processing it as soon as we receive an affidavit of publication. The affidavit may be obtained from the Rigby Star.

Please submit the affidavit promptly.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

March 6, 1968

Re: Permit No. G-29125
Adelbert W. Webster

The Rexburg Standard
23 South First East
Rexburg, Idaho 83440

Gentlemen:

Please be advised that as there is an error in the notice currently being published in your newspaper for the above referenced permit, and as our instructions to you specifically requested a galley proof before publication, which was not received, you will be required to advertise this notice one extra week at your expense.

This notice should be published March 12 and March 19 and you are requested to supply, by April 8, 1968, an affidavit to Mr. Webster, stating that the notice was published on these two dates.

We would appreciate receiving a galley proof on all future publications so that this problem can be averted. Thank you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Copy of notice

Copy to: Adelbert Webster
Rexburg, Idaho

29125

RECEIVED
MAR 6 1968
Department of Reclamation

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Rexburg Standard on September 28, October 5, 12, and 19, 1965, showing that Adelbert W. Webster was to make proof of completion of works and application of water to beneficial use October 29, 1965, on Permit No. G-29125 was in error and the place where said water is used was given as S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E, B.M.; whereas, the actual place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E, B.M., totaling 680 acres.

That any protests against the approval of the depositions made October 29, 1965, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 28th day of February, 1968.

R. Keith Higginson

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication

March 5, 1968

Date of Last Publication

March 12, 1968

Last Date of Protest

April 8, 1968

RECEIVED

MAR 6 1968

Department of Reclamation

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Dated this 28th day of February, 1968.

R. Keith Higginson

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication

March 5, 1968

Date of Last Publication

March 12, 1968

Last Date of Protest

April 8, 1968

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

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Dated this 28th day of February, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication March 5, 1968

Date of Last Publication March 12, 1968

Last Date of Protest April 8, 1968.

29125

March 6, 1968

RE: Permit G-29125
Adelbert W. Webster

Mary Smith
Attorney at Law
30 South Second West
Rexburg, Idaho 83440

Dear Miss Smith:

Enclosed herewith is a copy of the amendment you submitted to our department in behalf of the above reference. This amendment has been recorded and the original placed in our files.

Attached is Departmental Receipt No. 583 in the amount of \$5.00. This amount covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosures

29125

**The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO**

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Correction of Legal Notice

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 hav-

ing been made on March 12, 1968
and the last publication having been made

on March 19, 1968

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter

Subscribed to and sworn to before me

this 19th day of March, 1968

John C. Porter
Notary Public.
(SEAL)

My commission expires 6-5-68

3A in 584554 Sec 21
omitted total Acres
corrected - no adverse
assessments per CSA

February 28, 1968

Re: Permit No. G-29125
Adelbert W. Webster

Rexburg Journal
23 South 1st East
Rexburg, Idaho 83440

Gentlemen:

Enclosed is a legal notice which is to be published once a week for two consecutive weeks. Insert the dates of first and last publication in one copy and return to us along with a galley proof for proofing.

The cost of the publication is to be paid by Adelbert W. Webster, Rexburg, Idaho. Please send the bill and the affidavit of publication to him and he will forward the affidavit to this department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

cc: Adelbert W. Webster

Enc: legal notice (2 copies)

29125

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

February 21, 1968

RECEIVED
FEB 23 1968

Department of Reclamation

Mr. Donald W. McEldowney
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. McEldowney:

Re: Permit No. G-29125

In reply to your letter of February 14, 1968,
to Adelbert W. Webster, I am enclosing herewith the
Authorization of Publication of Notice and Application for
Amendment, together with my check for \$5.00.

Yours very truly,

Mary Smith
Mary Smith

MS/p

Encls: 3

29125

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Rexburg Standard on September 28, October 5, 12, and 19, 1965, showing that Adelbert W. Webster was to make proof of completion of works and application of water to beneficial use October 29, 1965, on Permit No. G-29125 was in error and the place where said water is used was given as S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E, B.M.; whereas, the actual place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E, B.M., totaling 680 acres.

That any protests against the approval of the depositions made October 29, 1965, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 28th day of February, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last Date of Protest April 8, 1968

RECEIVED

FEB 19 1968

Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Rexburg Journal of 23 S. 1st E., Rexburg, Idaho 83440; published in the county in which the works are situated.

Adelbert H. Hebert
(signature)

Rexburg, Idaho
(address)

February 19, 1968
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

February 17, 1968

Re: Permit No. G-29125

Adelbert W. Webster
Rexburg,
Idaho

Dear Mr. Webster:

Please be advised that the Department of Reclamation has conducted a field examination of the lands and irrigation system covered by Permit No. G-29125.

The results of the examination indicate that you are irrigating lands in addition to those covered by the permit. Therefore, if you wish your license to cover the additional lands which you are irrigating, then you will be required to file an application for amendment and publish the amendment for ~~four~~ consecutive weekly issues. We have prepared an amendment form to include the additional acres.

Please sign the amendment form and return it with a \$5.00 application fee. Also enclosed is the department's form 11, authorization for the department to advertise at your expense. Also sign the authorization and return it to us if you desire the additional 32 acres.

If you prefer not to include the 32 acres under this water license, please advise us promptly and we shall proceed with the issuance of the license of the permit as it now stands.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

Enclosure: Form 11
Form for amendment

29125

November 26, 1965

Re: Permit No. G-29125

Mr. Adelbert W. Webster
Rexburg, Idaho

Dear Mr. Webster:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Rexburg Standard & Rexburg Journal, all submitted in proof of completion of works and beneficial use on Permit No. G-29125.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: ejw

29125

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED
NOV 23 1965
Department of Reclamation

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

NOTICE OF PROOF OF COMPLETION
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 four
consecutive issues, the first publication hav-

ing been made on Sept. 28, 1965
and the last publication having been made

on Oct. 19, 1965.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter

Subscribed to and sworn to before me

this 20th day of Oct.

An C. Porter
Notary Public.

(SEAL)

My commission expires 6-5-68

OF THE
COUNTY OF
IDAHO
BEFORE ME, the undersigned authority, on this
day of October, 1965, at Rexburg,
County of Madison, State of
Idaho, before me, the undersigned Notary
Public, at 78 N. Main,
proof will be made of the
completion of the
version of 7.23 cubic feet
second of underground water
from a well, and of the appli-
cation to beneficial use of said
water in accordance with the
conditions of Permit
No. 144444 issued
by the Department of Reclamation
of Idaho.
The said permit and postoffice
address of the person or corpora-
tion holding said permit is
Annette W. Webster, Rexburg,
Idaho, 83440.
2. Said works of diversion will
be fully completed on the date
for such completion and the
amount of water which said
works are capable of diverting
to beneficial use is 7.23 cubic
feet per second.
3. The date of completion of the
works of diversion is October 19, 1965.
4. The amount of diversion of
said water is 7.23 cubic feet per
second.
5. The place where said water
is used is 394 Sec. 22, N. 27
Sec. 27, E. 14 N. 40 E. 14 N.
6. The date of entry which
said water is proposed to be
blended is 7, 1966.
7. The date of entry which
said water is proposed to be
blended is 7, 1966.
8. The date of entry which
said water is proposed to be
blended is 7, 1966.
9. The date of entry which
said water is proposed to be
blended is 7, 1966.
10. The date of entry which
said water is proposed to be
blended is 7, 1966.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
NOV 23 1965
Department of Reclamation

Permit No. G 29125 ✓

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

Adelbert W. Webster, Rexburg, Idaho; farming; Rexburg, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority: _____

G 29125, November 21, 1960; November 7, 1960.

Ques. 4. State source of water supply: Well ✓

Give location of point of diversion, showing subdivision, section, township and range

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, Township 5 North, Range 40 East, Boise Meridian.

Ques. 5. Describe your works of diversion: well, pump and sprinkler system.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 7.23 cfs ; Give name of canal or ditch or other works by which water is conducted to such place of use: _____

_____ ; if a well, state depth of well 813 feet ; depth and size of casing 16 in. down 604 feet ; depth to water 414 feet ; if pump is used, state discharge of pump: 7.23 cfs ; tell how it was measured or determined _____ at time of testing _____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: 693 - 11/64's nozzles. Aprx. 45 lbs op.

Ques. 6. State for what purpose water is used: irrigation. ✓
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

S $\frac{1}{2}$ Sec. 22, N $\frac{1}{2}$ Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28, T. 5 N., R 40 E.B.M. - the entire
720 acres.

29125

State nature of all improvements which have been made as a direct result of said use:

Dry farm land converted to irrigated land. This has permitted more farming land to be used.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Hopkins Bros., Thornton, Idaho.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

None

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: May, 1962 - Time used since first use:

Continuously or daily every irrigation season since then and including 1962.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign) Adelbert H. Hebert

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Rexburg, County of Madison

State of Idaho, on this 29th day of October, A. D. 1965.

My commission expires: June 25, 1967

Mary Smith
Notary Public. Rexburg, Idaho.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 29125

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Earl Hoopes, 41, Rexburg, Idaho; farming; Rexburg, Idaho

Ques. 2 Are you acquainted with Adelbert W. Webster, the holder of
Permit No. G 29125? How long have you known him and where does he reside?

About 30 years. Rexburg, Idaho.

Ques. 3. Have you read or heard said Permit No. G 29125 read, and are you familiar
with its provisions and conditions: Yes Yes No.

Ques. 4. State source of water supply: Well.

Give location of place of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, Township 5 North, Range 40 East, Boise Meridian.

Describe works for conveying water to place of use: Pump and sprinkling system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 7.23 cfs How much water have you seen being so
conveyed? At least that amount.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

320 acres in S $\frac{1}{2}$ Sec. 22; 320 acres in N $\frac{1}{2}$ Sec. 27, 80 acres in
E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28, Township 5 North, Range 40 East, Boise Meridian.

29125

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

This is a sandy loam soil and requires 7.23 cfs of water for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? None

Ques. 10. When did you first see this water used? early in 1962.

Other times you have seen such use: I have seen it in use several times each irrigation season since then.

(Signed):

Earl Cooper

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

Rexburg, County of Madison, State of Idaho, on this 29th day of October, A. D. 19 65.

Mary Smith

Notary Public for the State of Idaho

Residing Rexburg, Idaho.

My commission expires June 25, 1967.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 29125

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Eldon W. Smith, 45, Rexburg, Idaho; farming, Rexburg, Idaho.

Ques. 2 Are you acquainted with Adelbert W. Webster, the holder of
Permit No. G 29125? How long have you known him and where does he reside?

At least 30 years; Rexburg, Idaho

Ques. 3. Have you read or heard said Permit No. G 29125 read, and are you familiar
with its provisions and conditions: Yes Yes No.

Ques. 4. State source of water supply: Subterranean Well.

Give location of place of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, Township 5 North, Range 40 East, Boise Meridian.

Describe works for conveying water to place of use: Pump and sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 7.23 cfs How much water have you seen being so
conveyed? I believe I have seen that amount.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

720 acres, described as S $\frac{1}{2}$ Sec. 22, N $\frac{1}{2}$ Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28,

Township 5 North, Range 40 East, Boise Meridian.

29125

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Sandy loam soil which would require the full 7.23 cfs used daily during irrigation season for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? None

Ques. 10. When did you first see this water used? Spring of 1962

Other times you have seen such use: I have seen it being used several times each irrigation season since then.

(Signed):

Eldon W. Smith

* * * * *

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

Rexburg, County of Madison, State of Idaho, on this 29th day of October, A. D. 19 65

Mary Smith

Notary Public for the State of Idaho

Residing Rexburg, Idaho

My commission expires June 25, 1967.

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

70 EAST MAIN
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

November 18,
1965

RECEIVED
NOV 23 1965

Department of Reclamation

Mrs. Edna P. Rule
Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Dear Mrs. Rule:

I am enclosing herewith the Depositions of Witnesses and
Holder pertaining to Permit No. G 29125 - Adelbert W.
Webster, together with Affidavit of Publication of Notice.

Yours very truly,

Mary Smith
Mary Smith

s
encs

29125

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR AMENDMENT

Permit No. G-29125

Comes now Adelbert W. Webster
and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-29125, and requests that the permit be changed as follows:

1. Place of use or land to be irrigated: 3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 21
5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, 16 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$, 14 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 39 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 38 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$, 39 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$, 38 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$, 37 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. (22), 39 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$, 37 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$,
39 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. (27), 21 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 36 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. (28), T. 5 N., R. 40 E., B.M.
2. Point of diversion: $\frac{1}{4}$ $\frac{1}{4}$, Sec. _____, T. _____, R. _____, B.M. total 680 acres

Other points of diversion _____

3. Period and nature of use:

For _____ purposes from _____ to _____ (both dates incl.)
For _____ purposes from _____ to _____ (both dates incl.)
For _____ purposes from _____ to _____ (both dates incl.)

4. Other: _____

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

Signed at Rehoboth, Idaho this 19th day of February, 19 68

Adelbert W. Webster
(signature)

Date of receipt at office of Department of Reclamation February 23, 19 68.

ACTION OF STATE RECLAMATION ENGINEER

I, JACK A. BARNETT, Deputy, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for permit no. G-29125.

Witness my hand this 28 day of February, 19 68.

Jack A. Barnett
Deputy State Reclamation Engineer

RECEIVED
SEP 24 1965

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 22, 1965

(P. O.) Rexburg, Idaho, 83440

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Rexburg Standard-Journal of
Rexburg, Idaho Published in
the county in which the works are situated.

Adelbert H. Webster

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached
notice are true.

Engineer

29125

RECEIVED
SEP 24 1965

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10 A. M., on the 29th day of October, 1965, at Rexburg, County of Madison, State of Idaho before Mary Smith, Notary Public, at (address) 70 East Main, proof will be submitted of the completion of works for the diversion of 7.23 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G29125, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Adelbert W. Webster, Rexburg, Idaho, 83440

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 7.23 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 7.23 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T 5 N., R 40 E.M.

5. The place where said water is used is S $\frac{1}{4}$ Sec. 22, N $\frac{1}{2}$ Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28, T. 5 N., R 40 E. B. M.

6. The date of priority which said user is prepared to establish is Nov. 7, 1960.

CARL E. TAPPAN

State Reclamation Engineer

29125

Re: Permit No. G-29125
Adelbert W. Webster

Date: Sept. 24, 1965

Rexburg Standard Journal,
Rexburg, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to October 29, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant 's attorney, Mary Smith
of 70 East Main, Rexburg, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

29125

Re: Permit No. G-29125
Adelbert W. Webster

September 24, 1965

Mary Smith,
Attorney at Law,
Rexburg, Idaho.

Dear Miss Smith:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-29125, in the name of Adelbert W. Webster as Notary on the 29th day of October, 1965, at 10:00 o'clock A.M., at 70 East Main, Rexburg, Idaho.

As of this date, we have mailed the Notice to the Rexburg Standard-Journal Rexburg, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

29/25

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO 83440

RECEIVED
SEP 24 1965

Department of Reclamation

September 23, 1965

Mrs. Edna P. Rule, Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Adelbert W. Webster - No. G-29125

Dear Mrs. Rule:

I am enclosing herewith the proof letter
and Notice of Proof pertaining to the above numbered
permit.

Any date you set the hearing will be
agreeable with me.

Kindest regards,

Mary Smith
Mary Smith

rs

Enclosures

29125

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G - 29125

Sept. 1, 1965

Adalbert W. Webster
Rexburg, Idaho

Dear Mr. Webster:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 29125 are due not later than **Nov. 21, 1965**

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated - - all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,


STATE RECLAMATION ENGINEER

Enc. Form 36 and 11

cc:

29125

June 17, 1964

Re: Permit No. G-29125

Rexburg Standard
Rexburg, Idaho

Gentlemen:

You were inadvertently sent an uncorrected copy of the above Notice of Publication on the Permit shown above. We enclose a corrected copy which is the same as the one mailed to you with the exception of the cubic feet is shown.

Would you please republish the corrected copy for four weeks beginning June 23rd, which publication will be paid by Adelbert W. Webster.

Please bill this department for the one publication sending us an affidavit of publication for this one issue and you will be paid.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

H. PETRI
State Water Rights Clerk

HP:ew

Enc. correct copy

29125

RECEIVED

Date: June 5, 1964

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 5, 1964

(P. O.) Rexburg, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Rexburg Standard-Journal of Rexburg, Idaho published in the county in which the works are situated.

Albert H. Hester

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

29125

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 5, 1964

(P. O.) Rexburg, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Rexburg Standard-Journal of
Rexburg, Idaho published in the
county in which the works are situated.

Adelbert J. Schatz

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the
attached notice are true.

Engineer

RECEIVED
JUN 8 1964

10/1/63

NOTICE OF PROOF OF COMPLETION OF WORKS

Department of Reclamation

and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 20th day of July 1964, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, at (address) 70 East Main Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 7.23 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 29125, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Adelbert W. Webster, Rexburg, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 7.23 cubic feet per second.
3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 7.23 cubic feet per second.
4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, Township 5 North, Range 40 E. B. M., Madison County, Idaho.
5. The place where said water is used is S $\frac{1}{2}$ Section 22, N $\frac{1}{2}$ Section 27, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, Township 5 North, Range 40 East, Boise Meridian, in Madison County, Idaho.
6. The date of priority which said user is prepared to establish is November 7, 1960.

Carl E. Tappan

State Reclamation Engineer

29125

Re: Permit No. G-29125

Date: June 8, 1964

Rexburg Standard Journal
Rexburg, Idaho

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to July 20, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant Adelbert W. Webster
of Rexburg, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

29125

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED
JUL 21 1964

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

NOTICE OF PROOF

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 One
consecutive issues, the first publication hav-

ing been made on June 16, 1964
and the last publication having been made

on June 16, 1964.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter

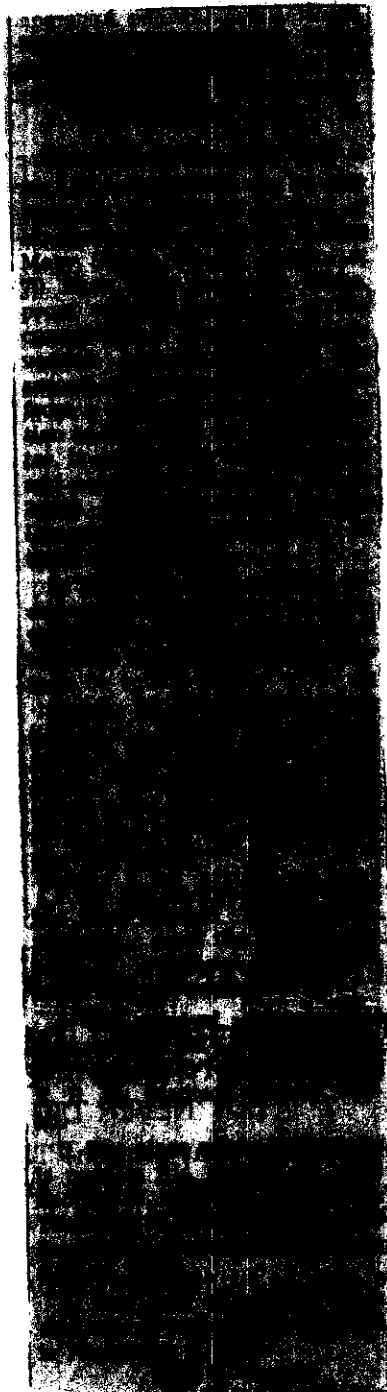


Subscribed to and sworn to before me

this 17th Day of June, 1964.

John C. Porter
Notary Public.
(SEAL)

My commission expires 6/5/68



29125

Re: Permit No. 0-29125

June 8, 1964

Mary Smith
70 East Main
Rexburg, Idaho

Dear Madam:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 0-29125, in the name of Adelbert W. Webster. Final Proof is to be made before you, as Notary on the 20th day of July, 19 64, at 10:00 o'clock A.M., at Rexburg, Idaho.

As of this date, we have mailed the Notice to the Rexburg Standard Journal, with instructions to publish it once a week for 10 consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done hereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

29125

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

RECEIVED
JUN 8 1964

Department of Reclamation

June 5,
1964.

Mrs. Edna P. Rule
Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Dear Mrs. Rule:

Permit No. G 29125 - Adelbert W. Webster

I am enclosing herewith Notice of Proof of Completion of Works and Publication authorization pertaining to the above numbered permit. If everything is in order I would appreciate it if you would have the notice published. Please make any necessary corrections.

You will note I did not fill in the number of cubic inches. I cannot determine whether or not it is 7.17 or 7.23. I would appreciate it if you would insert the correct amount. Thanks.

Kindest regards,

Mary Smith
Mary Smith

s
Enclosures

29125

February 9, 1962

29125

Mr. Adelbert W. Webster
Rexburg, Idaho

Dear Mr. Webster:

Enclosed is the Amendment to the Point of
Diversion which has been recorded in this office.

Also enclosed is departmental receipt No.
G-6809 covering the fee of \$1.00.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

R:ew

Enc. amendment

29125

Application for Amendment

POINT OF DIVERSION

Permit No. G-29125

RECEIVED
FEB 7 1962

Department of Reclamation

Comes now Adelbert W. Webster and
represents to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. G-29125.

That the point of diversion is described in said Permit as being located:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Twp. 5 North, Rge. 40 E.B.M., Madison County, Idaho.

That he now requests that the point of diversion be changed to a point
located: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Twp. 5 North, Rge. 40 E.B.M., Madison
County, Idaho.

That the reason for desiring to make such change is as follows:

After issuance of the permit it was decided that the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said
section was a better location for the well.

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Rexburg, this 5th day of February,
19 62.

Adelbert W. Webster

Date of Receipt at Department of Reclamation February 7, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy

I, ~~GEO. W. THOMAS~~ State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. G-29125. This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

Ralph W. Thomas
Deputy
State Reclamation Engineer

Recorded in Book 102 of
Permits, at Page 29125
February 8, 19 62

29125

December 9, 1960

Re: Permit No. G-29125
Application for Permit

Adelbert W. Webster
236 Harvard Avenue
Rexburg, Idaho

Dear Mr. Webster:

Returned herewith is your application for permit to appropriate water with your check attached for \$6.75 filing fee. Also enclosed is a form for amending the point of diversion.

Permit G-29125 was mailed to you at Rexburg. That permit claimed 7.23 cubic feet per second to irrigate 720 acres in S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{4}$, Sec. 28.

Your application being returned cannot be approved in the present form. It can be approved for a maximum of 7.17 cubic feet per second to irrigate the 720 acres described in Permit G29125 to, bring the total amount of water to one miner's inch or 1/50 cubic foot per second for each acre to be irrigated. The remarks on the application indicate you only want to change the location of the well.

You may use the form enclosed to change the point of diversion under Permit No. G-29125 by completing the enclosed form and returning to this office with the \$1.00 fee for recording.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. permit with check
amendment

29125

November 30, 1960

Re: Permit No. G-29125

Mr. Adelbert W. Webster
Rexburg, Idaho.

Dear Mr. Webster:

We enclose Permit No. G-29125 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-5346 which was issued covering payment in the amount of \$6.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

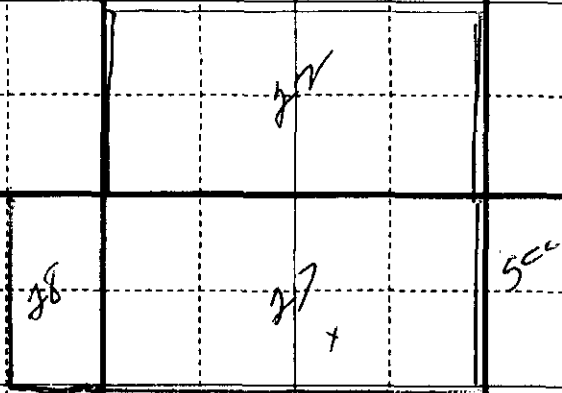
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak

29125

NAME OF APPLICANT Admst J. H. Hester

Form No. 0



TW 5N R 40E
Madison County

Permit Map No. 29125
As Approved NOV 21 1960
GEO. N. CARTER

**NOTICE OF CORRECTION OF
LEGAL NOTICE PUBLISHED
UNDER THE PROVISIONS OF
SECTIONS 42-214, 42-217, IDA-
HO CODE**

Notice is hereby given that the legal notice printed in the Rexburg Standard on September 28, October 5, 12, and 19, 1965, showing that Adelbert W. Webster was to make proof of completion of works and application of water to beneficial use October 29, 1965, on Permit No. G-29125 was in error and the place where said water is used was given as S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E.B.M.; whereas, the actual place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22; N $\frac{1}{2}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, T. 5 N, R. 40 E, B.M., totaling 680 acres.

That any protests against the approval of the depositions made October 29, 1965, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 28th day of February, 1968.

R. KEITH HIGGINSON

State Reclamation Engineer

Date of First Publication March 12, 1968

Date of Last Publication March 17, 1968

Last Date of Protest April 8, 1968.

29125

Whether you've something to sell or to rent; whether you're looking for a job or someone to give a job to, you need a Want Ad now! Phone 356-5441 for an Ad-Writer.

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M., on the 20th day of July 1964, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, at 70 East Main Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 7.23 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 29125, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Adelbert W. Webster, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 7.23 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount ap-

plied to beneficial use is 7.23 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, Township 5 North, Range 40 E. B. M., Madison County, Idaho.

5. The place where said water is used is S $\frac{1}{2}$ Section 22, N $\frac{1}{2}$ Section 27, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, Township 5 North, Range 40 East, Boise Meridian, in Madison County, Idaho.

6. The date of prority which said user is prepared to establish is November 7, 1960.

Carl E. Tappan
State Reclamation Engineer
(Publ. June 16, 23, 30, July 7, 1964)

INSULATION!

If you are building a new home or your heat costs were too high last year, see us for a first quality insulation job.

We use only the finest grade 'A' Rock Wool.
FREE ESTIMATES

Lorin Kauer

Ph. 356-6158

Rexburg