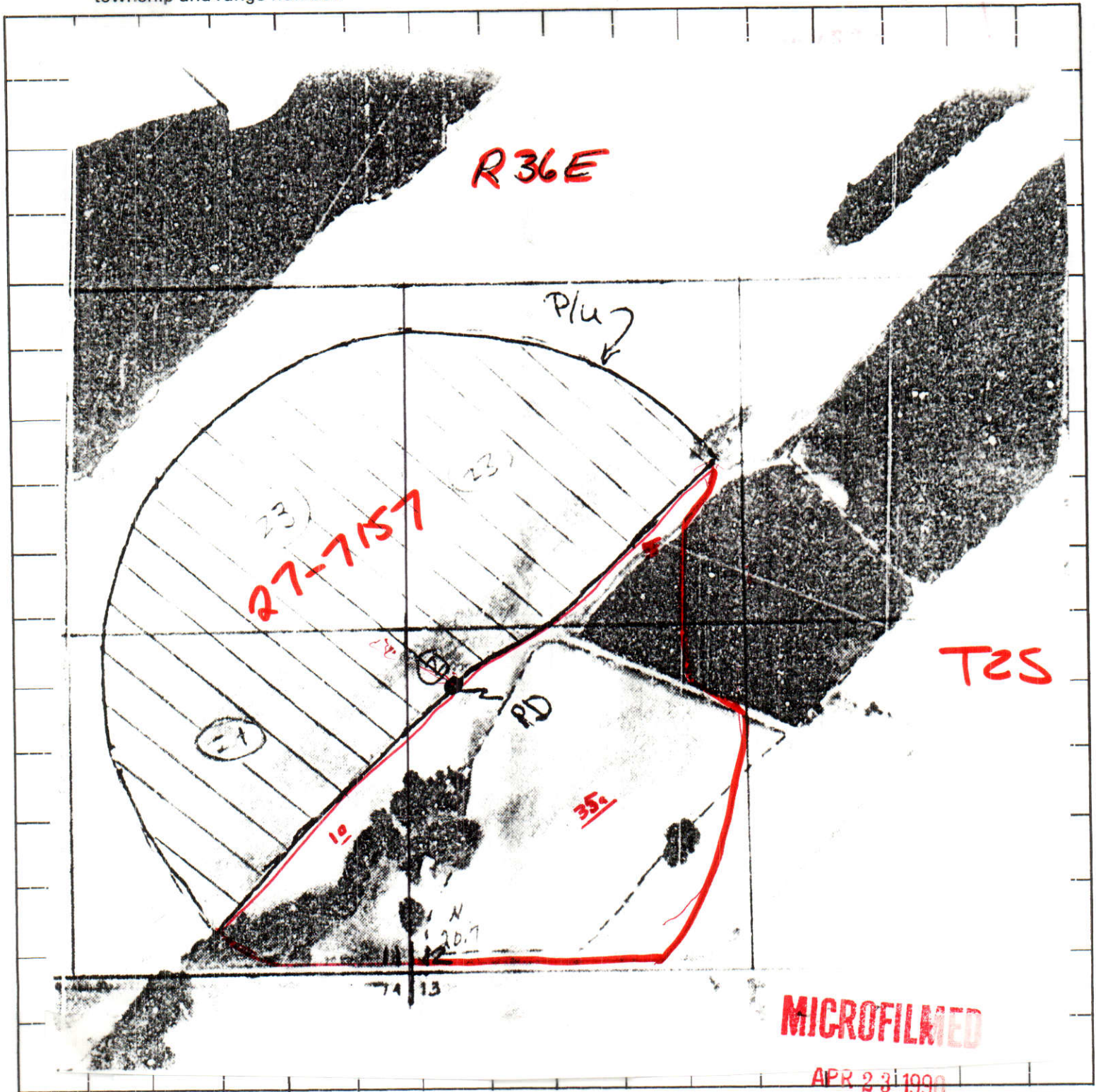


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Florian Mennette
(Applicant)

East Br

Atlantic Rd 50 N

2-10

211

T25 2
312.2

T25156
268

HEL
4
37.0

27-07444
R102619B
A000123

HEL
3
19.4

HEL
6
86

485
37

33.2

2
4.9

HEL
7
66.4

HEL
8
151.0

27-07444

Firth Rd 600E

EL
4.0
0
6

HEL
12
66

Mickelson
ann. 3/94

HEL
2
56

R102619B
A000124

35.7

31.6

HEL
63

HEL
12
157.4

30.9

30.2

27-07444

HEL
13
155.0

72.8

Reservation Canal

HEL
4
141.6

HEL
5
41

T25 2
312.2

2
10.4

346
3467

HEL
2
30.1

12 7
13 18

600E

E. NARRATIVE/REMARKS/COMMENTS

GPS R102619B A00000124

Tag on power pole above meter

Well, pump & mainline to center pivot
assembly.

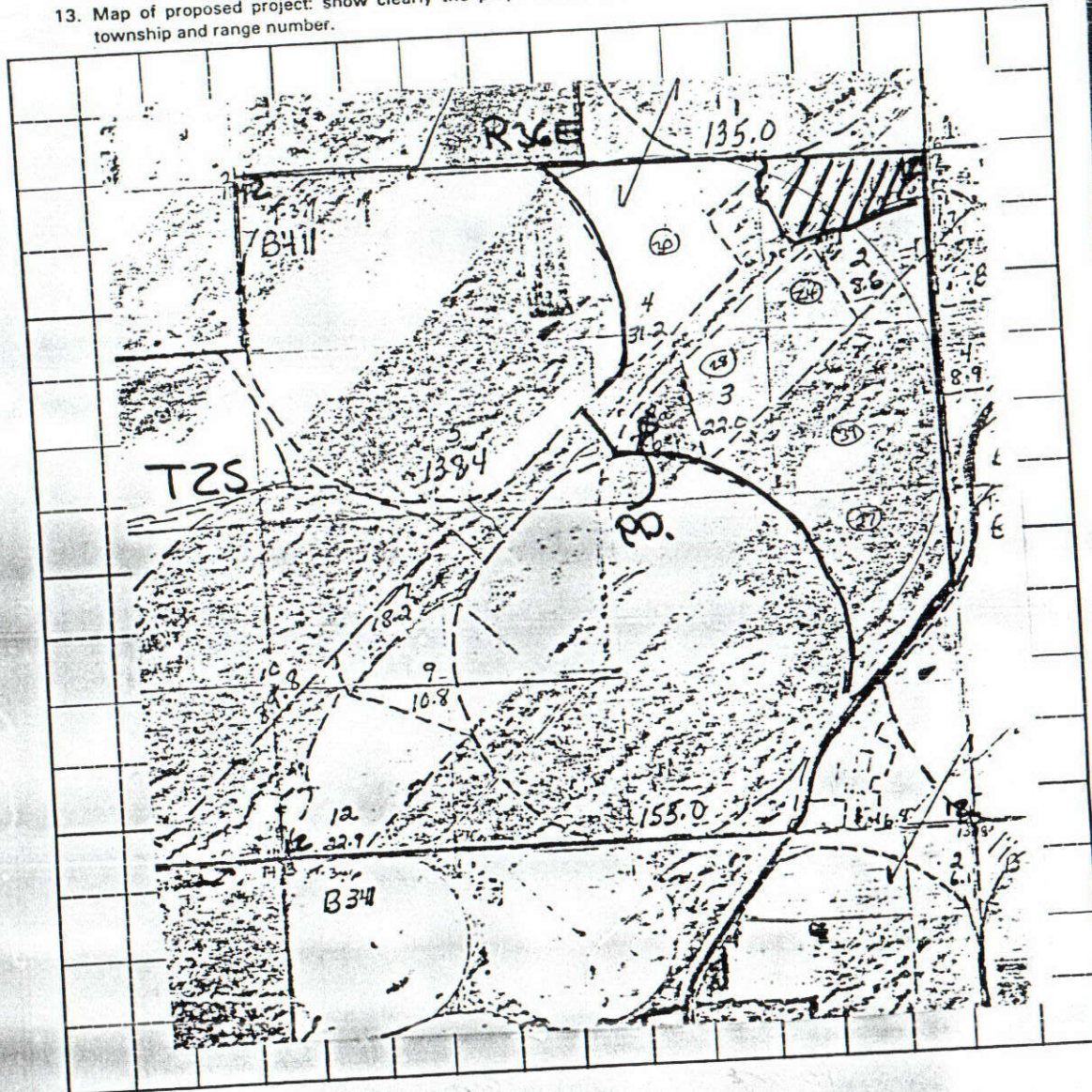


Have conditions of permit approval been met? ☐ yes ☐ no

MICROFILMED

OCT 22 1997

13. 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.

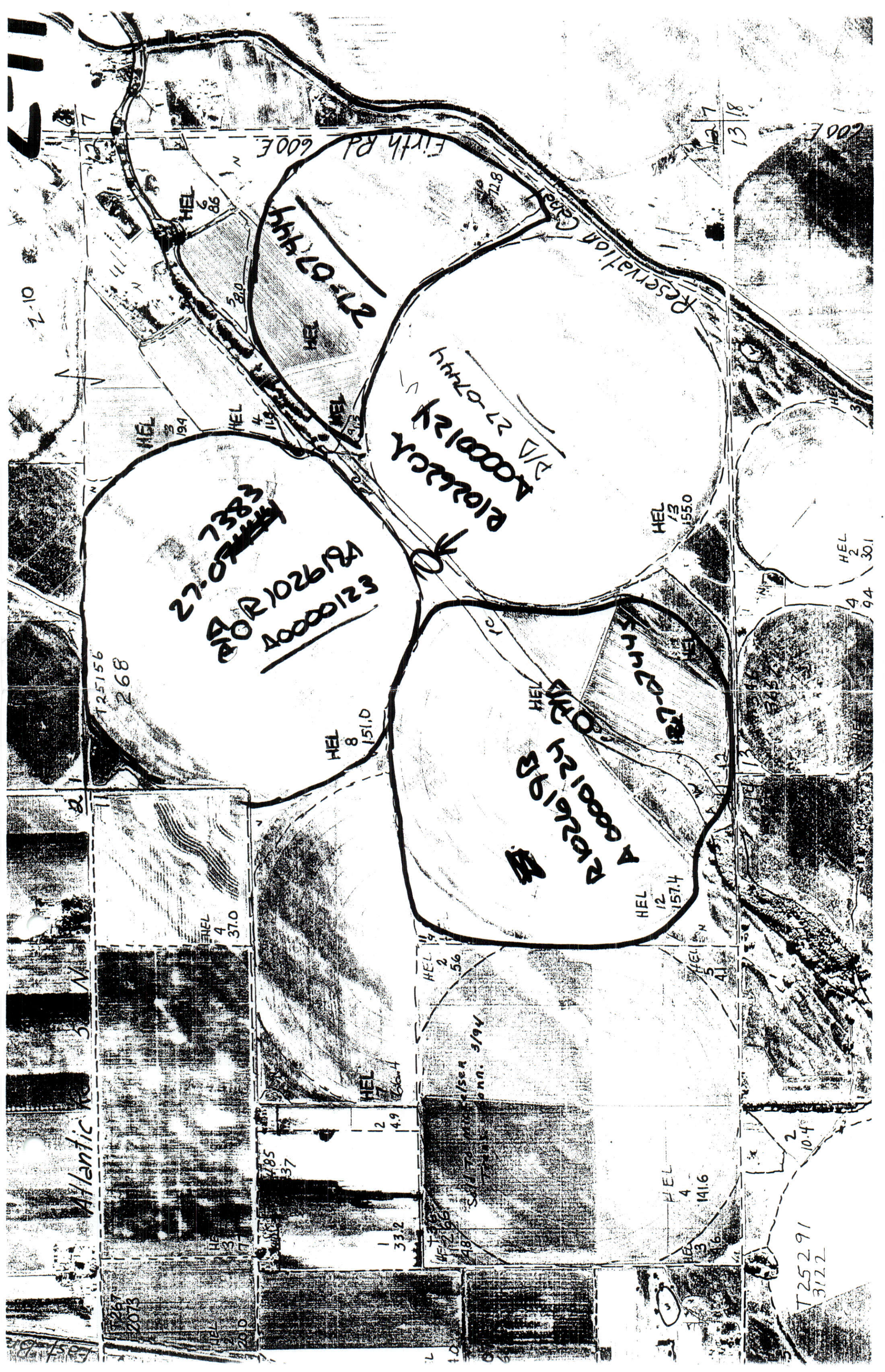
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Theron Nanette
(Applicant)

MICROFILMED
OCT 22 1987

Rec
Fee
Put
Pub
=

Ida
1



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07445

Priority: July 21, 1988

Maximum Diversion Rate:

0.87 CFS

This is to certify, that FLORIAN WERNETTE
OPAL WERNETTE

494 N 600 E

FIRTH ID 83236

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 21, 1988; and has submitted Proof of Beneficial Use on October 17, 1990. An examination indicates that the works have a diversion capacity of 2.650 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 10/31	0.87 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 12, Township 02S, Range 36E
BINGHAM 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>
02S	36E	11	SENE 2	NESE 36	SESE 33	71
		12	SWNW 4	NESW 2	NWSW 38	
			SWSW 33	SESW 6		83

Total number of acres irrigated: 154

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

EXTRACTED

JUL 17 1987

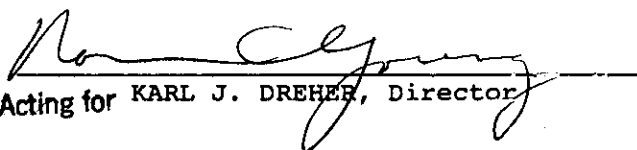
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 27-07445

CONDITIONS OF APPROVAL AND REMARKS

7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
9. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
10. Rights 27-07157, 27-07158, and 27-07445 when combined from the well identified herein shall not exceed a total diversion rate of 2.65 cfs, a total annual diversion volume of 616.0 af, and the irrigation of 154 acres.

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 3rd
day of OCTOBER, 1977.


Acting for KARL J. DREHER, Director

27-07445
OCT 27 1977

State of Idaho
Department of Water Resources

RECEIVED
SEP 29 1997

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07445

Department of Water Resources

Date of Priority: July 21, 1988 **Maximum Diversion Rate:** 0.87 CFS
Comes now FLORIAN WERNETTE
OPAL WERNETTE

494 N 600 E
FIRTH ID 83236

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. 27-07445, 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	04/01 to 10/31	0.87 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 12, Township 02S, Range 36E
BINGHAM 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>
02S	36E	11	SENE 2	NESE 36	SESE 33	71
		12	SWNW 4	NESW 2	NWSW 38	
			SWSW 33	SESW 6		83

Total number of acres irrigated: 154

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 Firth, Idaho, this 26th day of September, 1997.

Florian Wernette
(Signature)
Opal Wernette SEP 29 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07445

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Receipted by LS # CCANOW Date 9/29/97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 27-07445 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
9. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
10. Rights 27-07157, 27-07158, and 27-07445 when combined from the well identified herein shall not exceed a total diversion rate of 2.65 cfs, a total annual diversion volume of 616.0 af, and the irrigation of 154 acres.

NONC PULSED

9/29/97

RECEIVED

STATE OF IDAHO

OCT 19 1990

DEPARTMENT OF WATER RESOURCES

Department of Water Resources PROOF OF BENEFICIAL USE

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

Permit No. 27-07445 Telephone No. 785-0534

Name(s) of Permit Holder(s): Florian or Opal Wernette

Post Office Address: 494 N. 600 E. Pirth, ID

Source of Water: Groundwater

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households) Irrigation 50 (No. of acres)

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

Total rate and/or volume for which proof is submitted 1.00 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 7-21-1988

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

Name Ken Wernette Telephone No. 785-6459

Address 508 N. 600 E. Pirth, ID

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

Date 10-16-90

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

JAN 28 1991

State of Idaho
Department of Water Resources

NO. 27-07445

Proposed Priority: July 21, 1988 Maximum Diversion Rate: 1.00 CFS
This is to certify, that **FLORIAN WERNETTE**

OPAL WERNETTE
494 N. 600 E.
FIRTH, ID 83236

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW Sec. 12, Township 02S, Range 36E
BINGHAM 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>
02S	36E	11	SESE	10					10
		12	NWSW	5		SWSW	35		40

Total number of acres irrigated: 50

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 1.02 cubic feet per second for each acre of land.

ANDY GILMER

APR 23 1964

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 27-07445

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

19th day of April, 1990

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

APR 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 27-7445

To appropriate the public waters of the State of Idaho

1. Name of applicant Florian and/or Opal Wernette Phone 785-0534
Post office address 494 N 600 E, Firth, ID 83236

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

3. Location of point of diversion is _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____
Sec. 12 Township 2S Range 36E B.M. Bingham County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0cfs for Irrigation purposes from 4/1 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 is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pump to pivot

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 16 inches; proposed depth of well is 120 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

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APR 23 1990

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	36E	11																10	10
		12									5	35							40

Total number of acres to be irrigated 50

10. Describe any other water rights used for the same purposes as described above. Canal shares

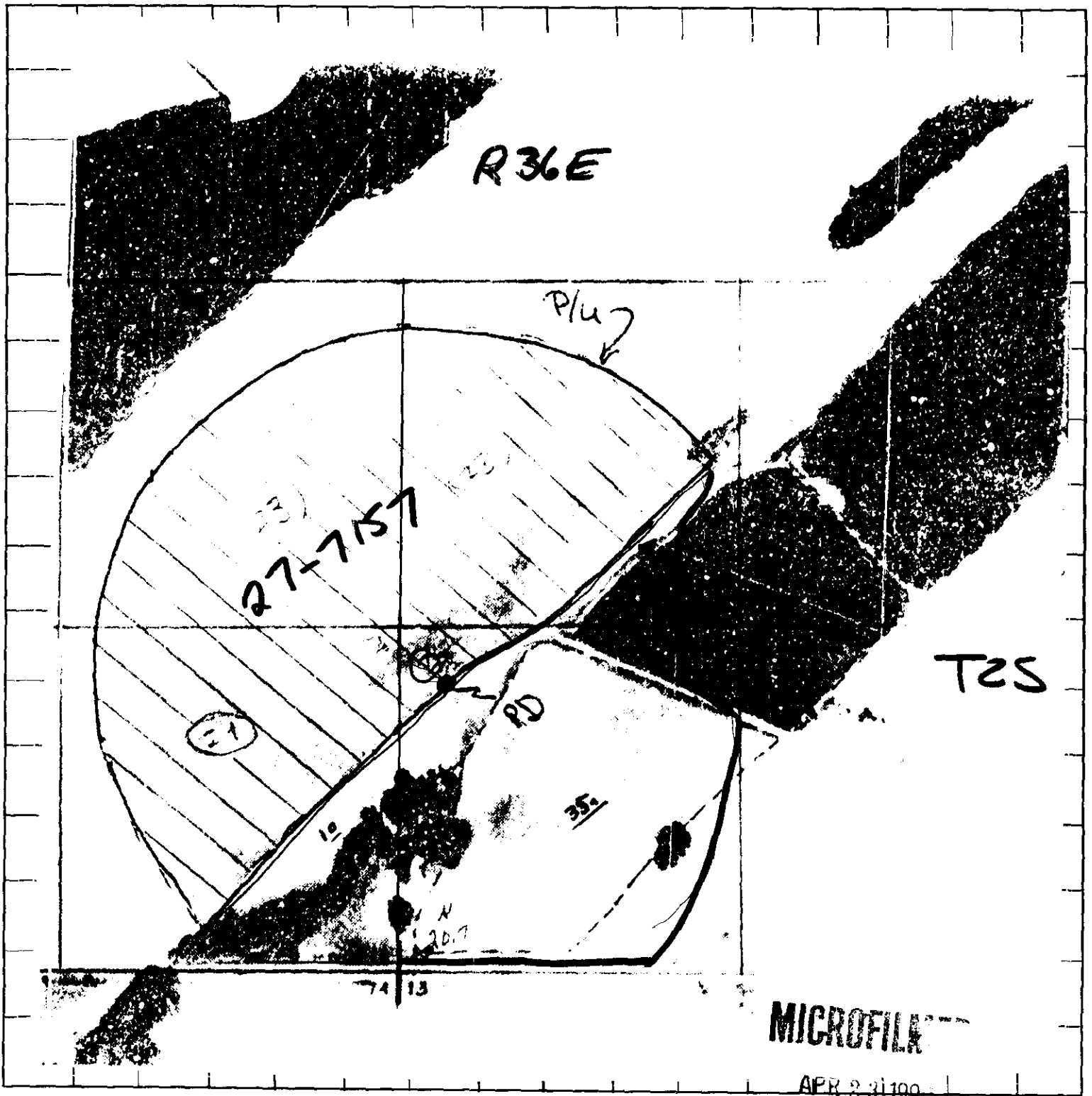
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Same PD as 27-7157; well has been in place and pumping on 1/2 pivot for several years.

RECORDED

APR 23 1990

13. 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.

Florian Mennillo
(Applicant)

Received by HWT Date 7-21-88 Time 4:19 pm Preliminary check by SM
Fee \$ 45 Receipted by HWT # E000831 Date 7-21-88
Publication prepared by RB Date 2-15-22-90 Published in Morning News
Publication approved (u) Date 3-19-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

APR 23 1991

DEPARTMENT OF WATER
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RCES

NOTICE OF APPLICATION
FOR WATER RIGHT

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

27-07443

B.J. LIVESTOCK INC.
P.O. BOX 246
FIRTH, ID 832360000
Source: GROUNDWATER.
Diversion Pt: SWNE Sec 24 T 02S R 35E.
Use: IRRIGATION (2,000 CFS).
COMMERCIAL (1,200 CFS).
Total Diversion: (3,200 CFS).
Date Filed: 1/12/1988.
In: T02S R35E S13 Lot 4 (SESE) S24 Lot 1
(NENE) NWNE SWNE Lot 2 (SENE).
100.0 ACRES TOTAL.

27-07444

WERNETTE, FLORIAN
WERNETTE, OPAL
494 N. 600 E.
FIRTH, ID 83236
Source: GROUNDWATER.
Diversion Pt: SWNE Sec 12 T 02S R 36E.
Use: IRRIGATION (2,960 CFS).
Total Diversion: (2,960 CFS).
Date Filed: 7/21/1988.
In: T02S R36E S12 NENE NWNE SWNE SENE
NESE.
148.0 ACRES TOTAL.

27-07445

WERNETTE, FLORIAN
WERNETTE, OPAL
494 N. 600 E.
FIRTH, ID 83236
Source: GROUNDWATER.
Diversion Pt: SWSW Sec 12 T 02S R 36E.
Use: IRRIGATION (1,000 CFS).
Total Diversion: (1,000 CFS).
Date Filed: 7/21/1988.
In: T02S R36E S11 SESE S12 NWSW SWSW.
50.0 ACRES TOTAL.

27-07450

BROWN, RICHARD L.
BROWN, CLORIS
196 N. 200 E.
BLACKFOOT, ID 83221
Source: GROUNDWATER.
Diversion Pt: NWNE Sec 29 T 02S R 36E.
Use: IRRIGATION (1,200 CFS).
Total Diversion: (1,200 CFS).
Date Filed: 8/08/1988.
In: T02S R36E S29 NENE SENE.
60.0 ACRES TOTAL.

35-08685

FUNK, ALVIN L.
FUNK, RONALD P.
P.O. BOX 430
ABERDEEN, ID 83210
Source: SNAKE RIVER.
Tributary: COLUMBIA RIVER.
Diversion Pt: LOT 17 (NESE) Sec 34 T 01S R
36E.
Use: IRRIGATION (3,060 CFS).
Total Diversion: (3,060 CFS).
Date Filed: 1/13/1989.
In: T01S R36E S34 Lot 19 () Lot 20 () Lot 21 ()
Lot 17 () (NESE) Lot 18 (NWSE).
153.8 ACRES TOTAL.

35-08686

FUNK, ALVIN L.
FUNK, RONALD P.

RECEIVED

MAR 6 1990

Department of Water Resources
Eastern District

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the

15th day of February, 1990;
and the last publication having been made on the
22nd day of February, 1990;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 28th day of February, in
the year 1990 before me a Notary Public of said State,
personally appeared

Ted Townsend
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Kare Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee..... \$5.00

MICROFILMED

APR 23 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLORIAN WERNETTE
OPAL WERNETTE
494 N 600 E
FIRTH ID 83236

RE: WATER RIGHT NO. 27-07445

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

DISPATCHED

OCT 7 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

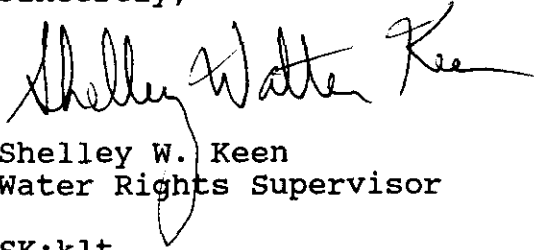
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECEIVED

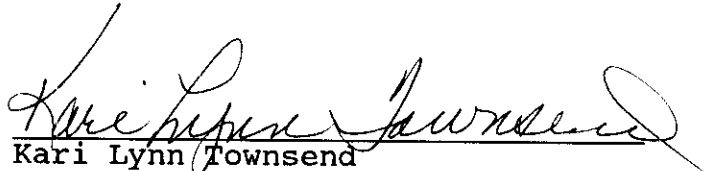
APR 11 1997

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **October, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 27-07445

FLORIAN WERNETTE
OPAL WERNETTE
494 N 600 E
FIRTH ID 83236


Kari Lynn Townsend
Secretary



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

September 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Florian &/or Opal Wernette
494 N. 600 E.
Firth, ID 83236

RE: Permit No. 27-07445

Dear Mr. and Mrs. Wernette:

Enclosed is an Application for Amendment of Permit No. 27-07445. After another review of the aerial photo and rounding off acres to the nearest whole number, the place of use to be licensed has been modified to include a total of 154 acres. As I stated in my telephone conversation earlier today, if you concur with the information listed on the amendment, please sign the form and return it to us with the associated \$50.00 filing fee.

If you have further questions or concerns, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

Sharla Curtis
Water Resource Agent

Enclosure

MEMORANDUM

TO: Files 27-07445, 27-07383 and 27-07444

FROM: Sharla

DATE: July 18, 1997

RE: Recommendation Adjustment(s)

On January 17, Cindy Bird contacted the Wernette's concerning verification of surface water use on the lands to be licensed. Cindy spoke with Mrs. Wernette who confirmed the use of surface water. According to Mrs. Wernette, they have 130" canal shares through Idaho Irrigation, 300" from the Blackfoot River through Sand Creek Irrigation, and 290" through Snake River Irrigation District.

With this confirmation, it is appropriate to issue the licenses with standard conditions relating to the use of surface water.

Also, in a conversation with Paul Meyer at Eastern Region, it was confirmed that the pivot identified under 27-07445 is now operated as a full pivot. Therefore, the license for this right will be issued for a permissible place of use with the limitation of 50 acres/season.

Other adjustments for 27-07445:

Irrigation 4/1 - 10/31 0.87 cfs

The field report has not been completely filled out, however, there is sufficient information to finalize a license. This right diverts from the same well as 27-07157(1.51 cfs based on capacity of system at time it was examined in 1982 and again in 1986 using a 40 hp pump) and 27-07158. 27-07157 covers 94 of the acres served by the pivot; 27-07158 was transferred in November, 1992 (Trans. #3781) to fill in acres between two pivots for a total of 35.5 acres. Attached is a copy of the map identifying these acres; the transfer showed two wells serving these acres. Logically assuming that the well in the NWSE, S12 supplies water to the extra acres picked up by the pivot in the E1/2SW1/4 and W1/2SE1/4, the well overlapping with 27-07157 and 27-07445 serves 16.5 acres out of the 35.5 listed; the rate is $.59/35.5 \text{ acres} = 0.0166197 \text{ cfs/ac} \times 16.5 = 0.27 \text{ cfs}$. The system to be licensed was measured as 2.65 cfs; 2.65 minus 1.51 and 0.27 licensed, leaves .87 cfs which will be picked up under 7445.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLORIAN WERNETTE
OPAL WERNETTE
494 N 600 E
FIRTH ID 83236

RE: WATER RIGHT NO. 27-07445

Dear Permit Holder(s):

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

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50 filing fee within 14 days.

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

[Faint handwritten notes and stamps at the bottom right of the page]

3/91

PLANIMETER ACRESCLAIM NUMBER: 27-7445ADJ/WR AGENT: C. Buel
SIGNATUREDATE: 3/25/97

T	R	S	N E				N W				S W				S E			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
02S	36E	12							36		1	38	33	5				
SECTION ACRES <u>76.8 77</u>																		

T	R	S	N E				N W				S W				S E			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
02S	36E	11				2									35.7			31.5
SECTION ACRES <u>67.2 68 321</u>																		

T	R	S	N E				N W				S W				S E			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
SECTION ACRES																		

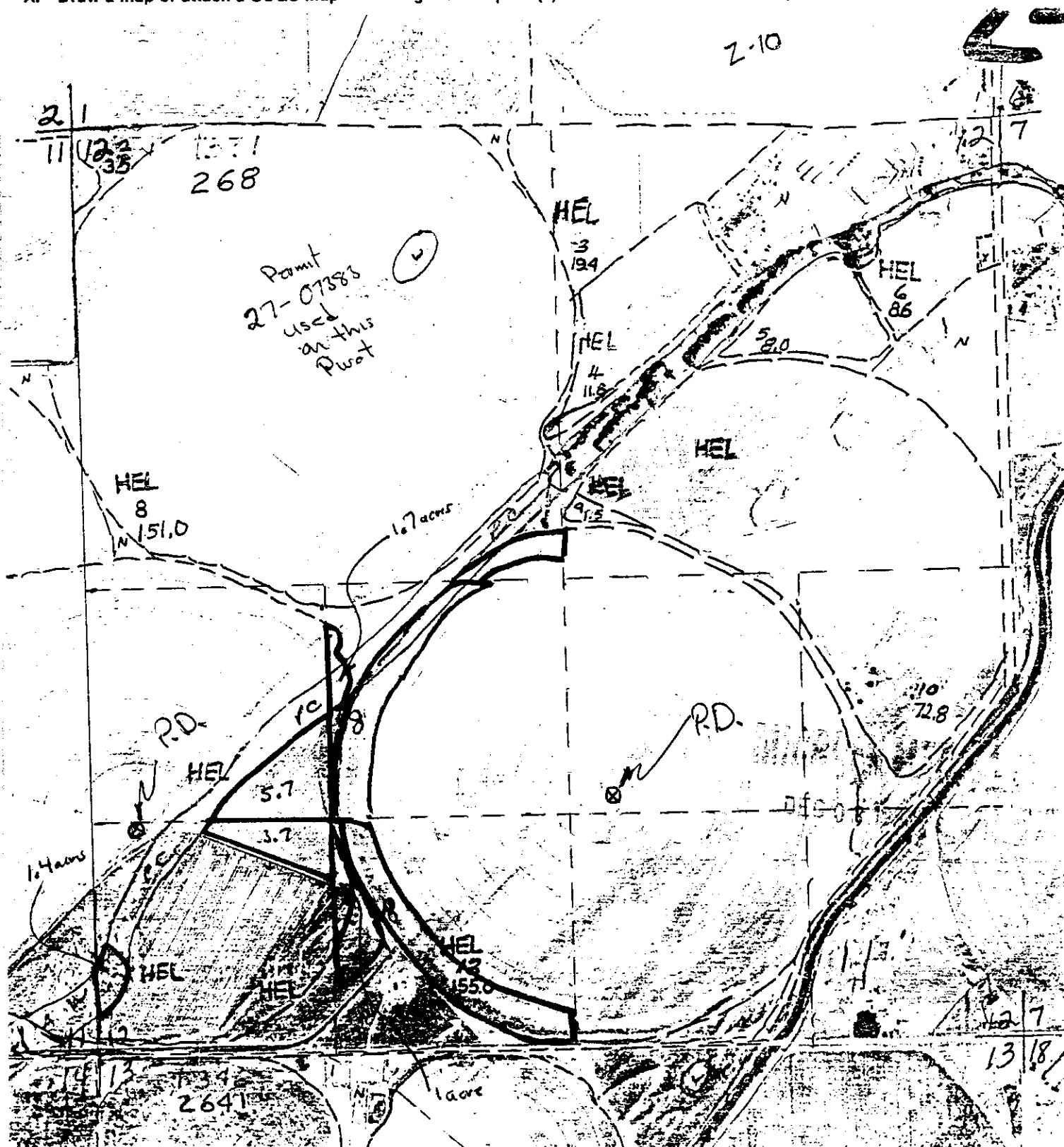
T	R	S	N E				N W				S W				S E			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
SECTION ACRES																		

T	R	S	N E				N W				S W				S E			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
SECTION ACRES																		

PLANIMETER ACRES TOTAL:145 + 9 extra pick up acres

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described



SCALE: 2 inches equal 1 mile. Draw plan in ink.

LICENSE REVIEW CHECKLIST

PERMIT NO. 27-07445

DATE 8/19/96

REVIEWER: S H A R L A

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

Does map agree with written description? yes no

OVERLAPS ✓ P/D ✓ P/U
 RATE OF DIV 27-07157/7158 -.59 (2p/ds) 2.65
 Permitted Rate 1.0 cfs 1.51 -1.51 - 7157
 Fee limit 1.0 cfs \$10000 1.14
 Measured 2.65 cfs -.59 - 7158
 Theoretical 75 x 8.8 x .7 / 30 + (2.31 x 60) = 2.74
 Recommended Total Div Rate 1.0 cfs .55

ANNUAL VOLUME/
 NATURE OF USES ✓ Use U1 Volume Calculation 3.5 x 4 = 174 af
4/1-10/31 43.5 ac. SUBTOTAL 174 af
174 af
174 af
174 af

Flow rate .87 cfs X 213 days X 1.98 = 366.9 af
 Total volume recommended 174.0 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS WB7 4.58 (518.0 af)
WB7 (27-07157/07158) - 2.65 cfs
71 WB27 (50 ac)

full circle
 pivot new,
 use ppu

CONDITIONS Watermaster Control WD#

R26 GW Measurement/Measuring Device
Overlap

Use-specific conditions 048,049,065,079
 Advancement of Priority Date Required yes no

SRBA Claim Filed NA
 Adjustment Memo ✓

1st Amend Letter P41, P38
 2nd Amend Letter P42

[illegible]

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

Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	DS	75	6324/ROCKWELL 142	VERTELINE	8" Dis

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: 2.65 CFS ENTER DOWN

INCHES

11/1/83

E. NARRATIVE/REMARKS/COMMENTS

GPS R102617B A00000124

1.4 ON POWER POLE ABOVE WATER

12.01 pump & maintenance for center pool
water level.



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

Additional Computation Sheets Attached

2. LS c.f.s. - 10450000

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{10cm}}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
	Totals:			

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

Field Examiner's Name SA [Signature] Date 7-26-16

Reviewer _____ Date _____

SEAL

1992

	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	304	43.2573825N	1.1389692	43.2573689N	43.2574835N
Longitude	304	112.1973309W	1.4652149	112.1974159W	112.1973072W
Altitude	304	1378.1493040	2.2569175	1373.5756146	1388.3989560

No velocity records in file.

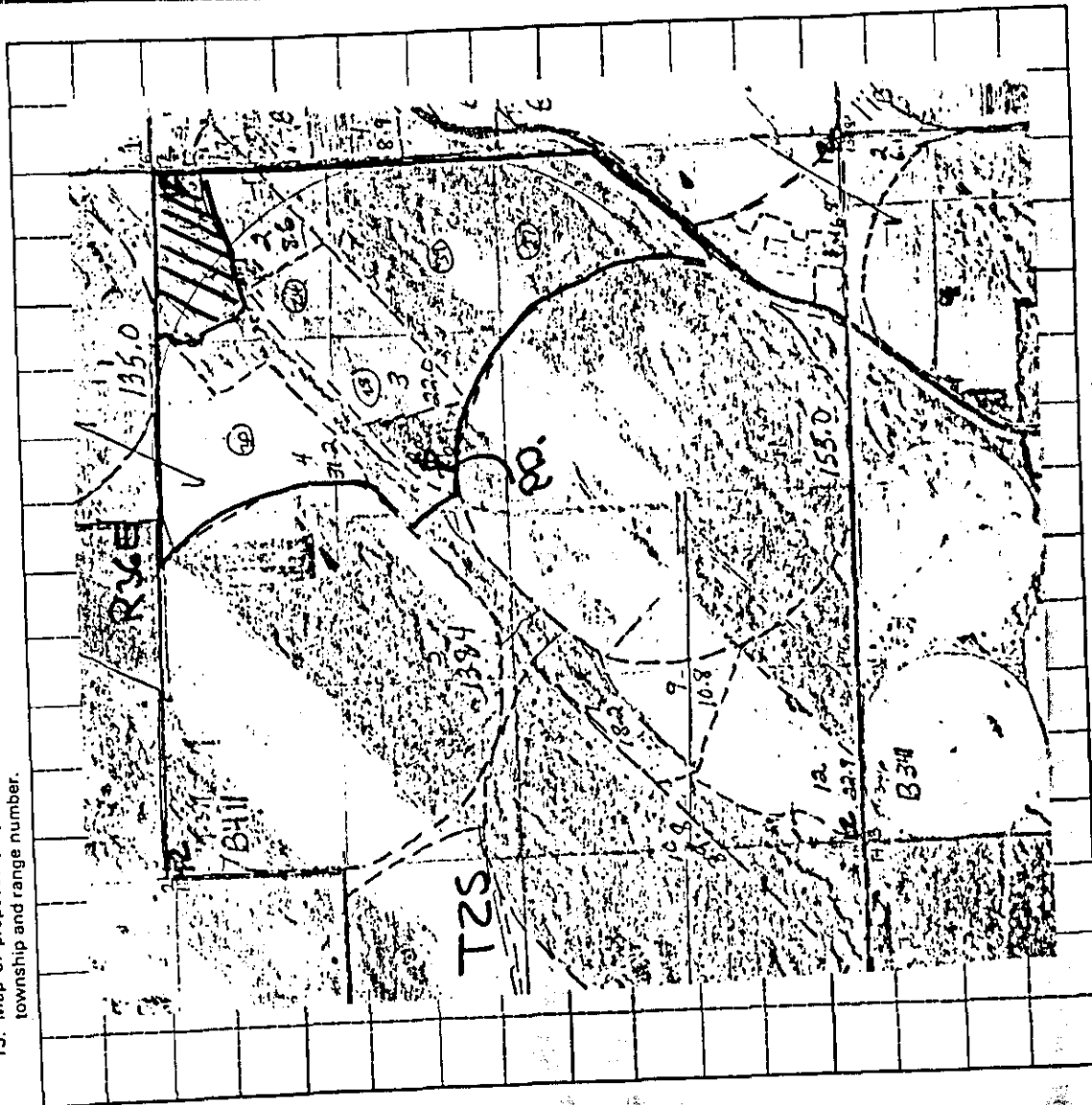
No DOP records in file.

Start GPS Week #824 on 10/26/95 at 20:00:22

End GPS Week #824 on 10/26/95 at 20:04:39

Datum : WGS-84
 Coordinate System : Latitude/Longitude
 Altitude Mode : Height Above Ellipsoid
 Altitude/Distance Units : Meters
 Velocity Units : Meters/Second

13. 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.

Kevin O'Connell
(Applicant)

MICROFILM

OCT 22 1971

East B.

Atlantic

5 W

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2-11

2073

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25156
268

HEL 4 11.8

HEL 3 13.4

HEL 6 8.6

HEL 37

HEL 1 33.2

HEL 2 4.9

HEL 8 151.0

HEL 4 11.8

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HEL 4 141.6

HEL 12 157.4

HEL 13 155.0

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27-0744
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4000123

27-0744

Reservation Cape

Firth Rd 600E

T252291
3122

2 10.4

HEL 2 30.1

600E

December 31, 1990

FLORIAN WERNETTE
OPAL WERNETTE
494 N. 600 E.
FIRTH, ID 83236

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07445

Dear Permit Holder:

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

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

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 26 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 27-7445

Date: 12-20-98

General Considerations:

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

Source of Water:

- ☐ Surface water
☒ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
_____ Waiver or modification of measuring device requested

Remarks:

needs measuring device

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

JB NA

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 19, 1990

FLORIAN WERNETTE
OPAL WERNETTE
494 N. 600 E.
FIRTH, ID 83236

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

RE: PERMIT NO. P27-07445

Dear Permit Holder:

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

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

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

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

MICROFILMED

APR 23 1990

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

APR 11 1990

Swan Falls

Dist. for staffing 9-2 7-1-88

submitted for adv. 465 8-8-88

SWAN FALLS

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY S.M. DATE 2/8/88 APPLICATION NUMBER 27-7445

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____
_____ Date Requested _____
MAR 25 1988
Department of Water Resources

PROCESSING

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

SEND COPIES TO

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

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest 3-5-90

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☒ Yes ☐ No Access port required

☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 27 ^{P05}

☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 7-21-1988

By HWS Date 3-20-90

STATE OFFICE REVIEW

P05, P23, P03, P16, 48 49 46 01G

☐ See below for additional information

By kw Date 4-16-90

ADDITIONAL INFORMATION

Conditions; L01G7

App. in NON-TRUST area -
OK to allow ~~1~~ yes. to develop

08-Feb-1990

Florian &/or Opal Wernette
494 N. 600 E.
Firth, ID 83236

RE: Application for Permit No. 27-7445 & 27-7444

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News on. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

APR 23 1990

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

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 7, 1990

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 5, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

APR 23 1990

27-07445

WERNETTE, FLORIAN
WERNETTE, OPAL
494 N. 600 E.
FIRTH, ID 83236

Source: GROUNDWATER

Diversion Pt: SWSW Sec 12 T 02S R 36E

Use: IRRIGATION (1.000 CFS)
Total Diversion: (1.000 CFS)

Date Filed: 7/21/1988

In: T02S R36E S11 SESE
S12 NWSW SWSW

50.0 ACRES TOTAL

MICROFILMED

APR 23 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based the criteria of Sec. 42- A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 5, 1990.

R. Keith Higginson, Director

Published 2/15/1990 & 2/22/1990

MICROFILMED

APR 23 1990

October 20, 1988

Florian and/or Opal Wernette
494 N. 600 E.
Firth, Idaho 83236

RE: Application for Permit #27-7445

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 27-7445. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

MICROFILMED

APR 23 1990