

-
- R36E
- 135.0
- 138.4
- 155.0
- 31.2
- 22.0
- 8.6
- 8.9
- 10.8
- 6.1
- 13.8
- 20.
- 20
- 24
- 28
- 37
- 39
- T2S
- B411
- B341
- MICROFILMED

APR 23 1990

x. Therese Marquette
(Applicant)

E. NARRATIVE/REMARKS/COMMENTS

GPS 2102620A 20000125 TAG ON TOWER 200 FEET ABOVE WHEEL

Well, pump, mainline to pivot assembly -
- 3/8" windshield wiper" PIVOT GRAVEL

NOTE EXTENT OF IRRIGATED LAND!! REMAINDER
UNDER APP. EOL FOR PERMIT HAS SURFACE ONLY!!

Check p/d legal! Possible amendment



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

MICROFILMED
JUN 09 1997

East Br

Atlantic Rd

5 N

21

N

2-10

267
2073

HEL 2
37.0

HEL 4
37.0

T 25156
268

27-07444
R 1026184
A 0000123

HEL 8
151.0

HEL 3
194

HEL 4
119

HEL 6
86

27-07444

Firth Rd 600 E.

HEL 1
33.2

HEL 2
4.9

S 117 1/2
3/94

HEL 2
56

HEL 12
157.4

27-07444
R 1026184
A 0000123

27-07444
R 1026184
A 0000123

HEL 13
155.0

Reservation Canal

HEL 4
141.6

HEL 5
41

HEL 2
30.1

T 25291
3122

2
10.4

600 E.
13 18
12 7

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07444

Priority: July 21, 1988

Maximum Diversion Rate:

1.48 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 2.000 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	1.48 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESW , 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	12	SWNE 22	SENE 29	NESE 22.3	73.8
			NWSE 0.5			

Total number of acres irrigated: 73.8

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 4.0 afa per acre for 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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07444

CONDITIONS OF APPROVAL AND REMARKS

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 when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 295.2 af for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 27TH
day of MAY, 1997.


KARL J. DREHER, Director

RECEIVED

MAY 23 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 27-07444

Date of Priority: July 21, 1988 Maximum Diversion Rate: 1.48 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. 27-07444, 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	1.48 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 12, Township 02S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S 36E 12	SWNE 22	SENE 29	NESE 22.3	
	NWSE 0.5			73.8

Total number of acres irrigated: 73.8

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 Idaho Falls, Idaho, this 2nd day of May, 1997.

Florian Wernetto
(Signature)
MAY 24 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07444

FOR DEPARTMENT USE ONLY

Preliminary check by DN Fee = 50% Received by DN # 5023180 Date 5-2-1997

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. 27-07444 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 4.0 afa per acre for 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 when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 295.2 af for the lands above.

Witness my hand this 27th day of MAY, 1997.

Karl J. Dreher
KARL J. DREHER, Director

Form 217
03/86

RECEIVED
OCT 19 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 125.00
Date 10-17-90
Receipt # 15015344
Receipt by HLT
Reviewed by HLT 1-11-91
Sent to region

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

Permit No. 27-07444

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

Post Office Address: 494 N. 600 E. Firth, ID 83236

Telephone No. 785-0534

Source of Water: Groundwater

Extent of Use:

WELL Dug in 1985 or 86.
As per phone conv. 1-11-91

Domestic (number of households) Stockwater (number and type of stock)

Irrigation 73 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 1.46 cfs acre-feet

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

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

Fee enclosed \$ 125.00
(See License Examination Fee Schedule)

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

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

Ken Wernette 785-6459
(Name) (Telephone Number)

508 N. 600 E. Firth, ID
(Address)

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.

10-16-90
Date

Florian Wernette
Signature of Permit Holder (and title, if appropriate)

FEB 06 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 27-07444

Proposed Priority: July 21, 1988 Maximum Diversion Rate: 2.96 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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	2.96 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SWNE	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	12	NENE 24	NWNE 30	SWNE 28	
			SENE 39	NESE 27		148

Total number of acres irrigated: 148

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. 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.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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APR 23 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 27-07444

CONDITIONS/REMARKS:

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. 27-7444

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 _____ ¼ of SW ¼ of NE ¼, 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 2.96 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) 2.96 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 sprinkler lines

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	12	24	30	28	39									27				148

Total number of acres to be irrigated 148

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

Canal Shares

11. a. Who owns the property at the point of diversion? _____

Applicant

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

Applicant

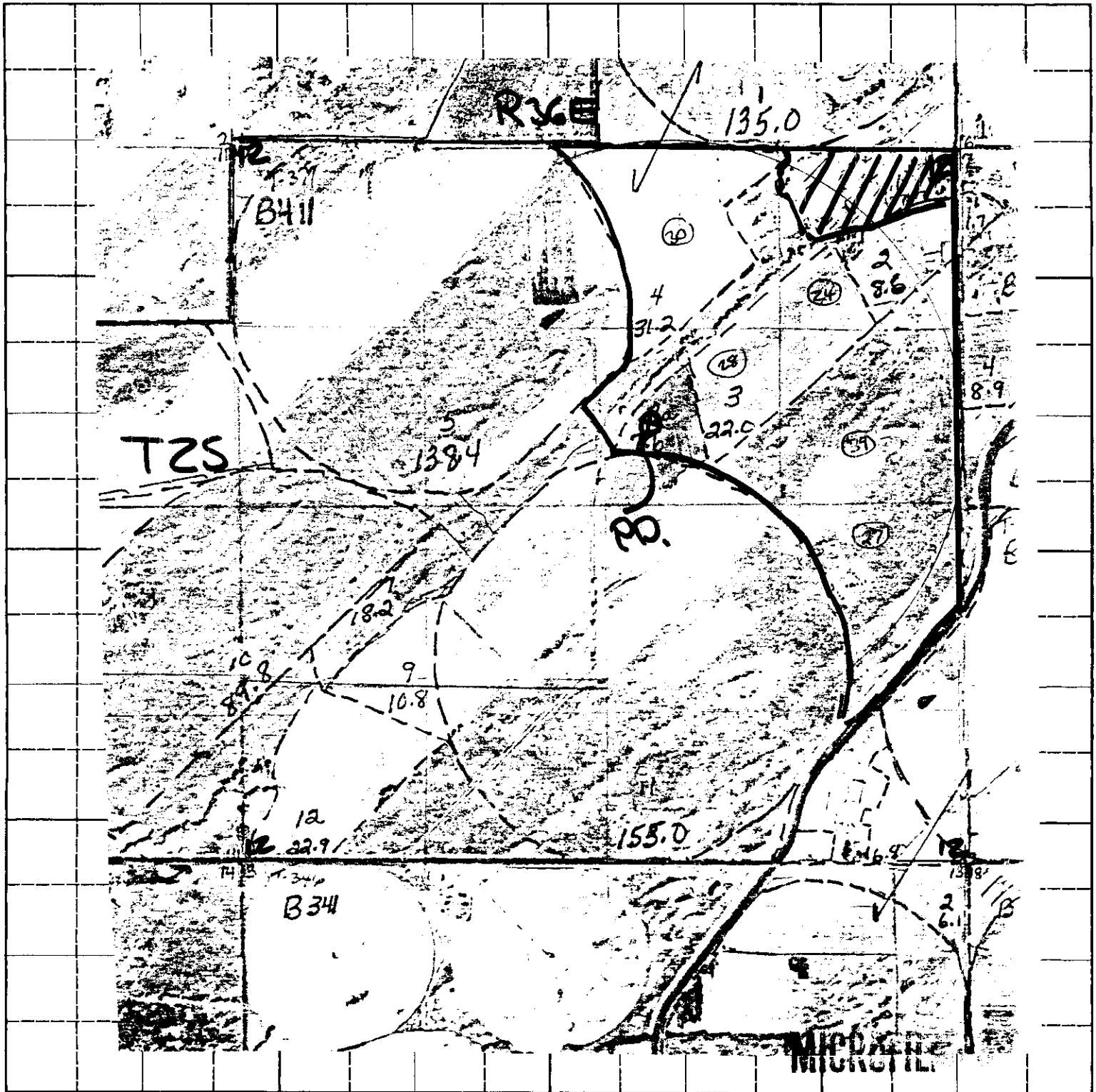
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MICROFILMED

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.

APR 23 1990

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. Susan Monetta
(Applicant)

Received by HUT Date 7-21-88 Time 4:19 pm Preliminary check by SIM
Fee \$ 85 Receipted by HUT # E000801 Date 7-21-88
Publication prepared by RB Date 2-15-22-90 Published in Morning News
Publication approved CW 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

FEB 27 1990

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 Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

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.

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

Affidavit Processing Fee..... \$5.00



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

May 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLORIAN WERNETTE
OPAL WERNETTE
494 N 600 E
FIRTH ID 83236

RE: WATER RIGHT NO. 27-07444

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.

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

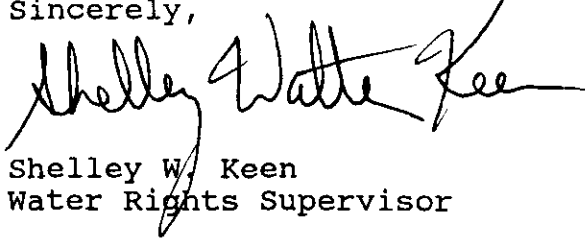
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district 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 (. , 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 black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of May, 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. 27-07444

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, Statehouse Mail, Boise, Idaho 83720-9000

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

May 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLORIAN WERNETTE
OPAL WERNETTE
494 N 600 E
FIRTH ID 83236

RE: WATER RIGHT NO. 27-07444

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within fourteen days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

-



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

April 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLORIAN WERNETTE
OPAL WERNETTE
494 N 600 E
FIRTH ID 83236

RE: WATER RIGHT NO.(S) 27-07444/27-07383

Dear Permit Holder(s):

The above referenced water rights are in the process of being licensed. However, before the licenses can be issued, your permits must be amended to depict your water rights as they have actually been developed.

The enclosed Application for Amendments contains information that will be included on the licenses when they are issued. The amendments reflect a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendments and return them with the \$100.00 (50.00 for each) filing fee within fourteen (14) days.

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) 327-7947.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:vrr

Enclosures

3/91

PLANIMETER ACRES

Rt.
 CLAIM NUMBER: 27-07444
 ADJ/WR AGENT: *A. Curte*
 SIGNATURE

DATE: 1/17/97

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
25	36E	12			23	27.1									24.2			

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
25	36E	12			20.2	30.7									21.5			

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
25	36E	12			22.7	21.2									21.5			

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:

MEMORANDUM

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

FROM: Sharla

DATE: April 16, 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; $2.65/160.5 \text{ acres} (94 \text{ from } 7157, 16.5 \text{ from } 7158, \text{ and } 50 \text{ under } 7445) = 0.0165109 \text{ cfs/acre}$. 2.65 minus 1.51 and 0.27 licensed, leaves .87 cfs which will be picked up under 7445.

LICENSE REVIEW CHECKLIST

PERMIT NO 27-07444

DATE 8/20/96

REVIEWER: S H A R L A

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

Does map agree with written description? yes no

OVERLAPS Change OK P/D P/U

RATE OF DIV

Permitted Rate 2.96 cfs
 Fee limit 2.0 cfs \$12500
 Measured 2.0 cfs
 Theoretical 40x2.8x7/30 + (2.31x60) = 1.46 cfs
 Recommended Total Div Rate 1.48 cfs

ANNUAL VOLUME/ NATURE OF USES

4/1-10/31

Use Yes
 Volume Calculation
~~95x4 = 380.0~~ af
73.8 295.2 af
 SUBTOTAL 624.2 af

Flow rate 1.48 cfs X 213 days X 1.9835 = 801.3 af
 Total volume recommended 801.3 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WB7, WB8
380.0 af
295.2 af

CONDITIONS Change OK Watermaster Control WD#

Change OK GW Measurement/Measuring Device

Change OK Overlap

Change OK Use-specific conditions 048, 049, 065

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
 Adjustment Memo

1st Amend Letter P37, P38
 2nd Amend Letter P47

WR0749NP
No. L27-07444

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/01/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FLORIAN WERNETTE	07/21/1988	IRRIGATION	04/01 10/31	1.900 CFS	
C	OPAL WERNETTE					
	494 N 600 E			TOTAL DIVERSION:	1.900 CFS	
	FIRTH ID 83236					
	(208) 785-0534					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.000 CFS

Point(s) of Diversion: T02S R36E S12 NESW BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
02S	36E	12	:			30	34	:					:					:	30	01			:	95.0
																							TOTAL ACRES	95.0

Pou County: BINGHAM

Other Rights: CANAL SHARES

Other Water Rights Listing Overlapping Place(s) of use:

01-00038B 01-00039B 01-00171B 01-00172B 01-00250B 01-00328B 27-07327 27-07339 27-07383 27-07444
L27-07383

Conditions of Approval:

- 048 - 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.
- 049 - 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.
- R26 - This right when combined with all other rights shall provide no
 - more than 4.0 afa per acre for the lands above.
- 065 - 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.

Remarks:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 380.0 af for the lands above.

WR0749NP
No. L27-07444

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/01/96
PAGE: 2

Remarks: 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.

Dates: App. Received: 07/21/1988 Priority Date: 07/21/1988
Proof Due Date: 05/01/1992 Proof Made Date: 10/17/1990
Exam Made Date: 10/26/1995 Exam Sent to S.O.: 07/29/1996
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 10/01/96 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
L2707444	T02S R36E S12 GROUNDWATER																				
	:			30		34	:			:						30	01	:	95		
A0100038	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
0100038B	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
0100039B	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
A010007521	LARGE CLAI :					:				:						02		20	22		
A010007621	LARGE CLAI :					:				:						02		20	22		
A0100171	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
0100171A	SNAKE RIVE :					:	I	I	I	I	:					:		:			
0100171B	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
0100172A	SNAKE RIVE :					:	I	I	I	I	:					:		:			
0100172B	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
A0100250	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
0100250A	SNAKE RIVE :					:				:						:		:			
0100250B	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
A010031221	LARGE CLAI :					:				:						02		20	22		
0100313	SNAKE RIVE :					:				:						:		:			
A0100328	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
0100328A	SNAKE RIVE :					:				:						:		:			
T0100328A	SNAKE RIVE :					:				:						:		:			
0100328B	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
A010036821	LARGE CLAI :					:				:						02		20	22		
A010036921	LARGE CLAI :					:				:						02		20	22		
A010037021	LARGE CLAI :					:				:						02		20	22		
A0110247	SNAKE RIVE :	18	35	05	18	:	20	30	20	05	:	30	05	25	13	:		:	224		
A250022421	LARGE CLAI :					:				:						02		20	22		
2707157	GROUNDWATE :					:			07	:			26	01	:			:	34		
A2707157	GROUNDWATE :					:			07	:			26	01	:			:	34		
2707158	GROUNDWATE :					:				03	:	09	05	05	12	:		:	34		
A2707158	GROUNDWATE :					:				03	:	09	05	05	12	:		:	34		
2707327	GROUNDWATE :			05		:				01	:	25			18	:	09	40	36	05	139
A2707327	GROUNDWATE :			06		:				04	:	26			24	:	10	40	38	06	154
2707339	GROUNDWATE					:				:						02			11	13	
A2707339	GROUNDWATE					:				:						02			11	13	
2707383	GROUNDWATE		10	05		:	39	39	40	30	:	05	07							175	
L2707383	GROUNDWATE :		03	02		:	37	37	34	32	:	01	01							147	
2707444	GROUNDWATE :	24	30	28	39	:					:					27				148	
2707445	GROUNDWATE :					:					:		05	35	:				:	40	
A2710994	SAND CREEK :	35		35	39	:					:	35		40	39	:	37	40	39	07	346
--86 MAP--	C11Q-Y 91 :	43	42	43	40	:	40	43	41	38	:	40	27	33	33	:	36	41	37	38	615

Wernotus Id = NWSE, S12

stand. conditions will suffice for overlap scenario

[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
	Kewanee	40	514878424	Unknown	8" D.I.S

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
2" 1/2" S.O.C.						

2. Measurements: 2.00 cfs PER METER DOWN

E. NARRATIVE/REMARKS/COMMENTS

SPS 210260A ACC00125 TAGENT W/ 100' ABOVE WATER

1/2" pump, 1/2" line to pivot assembly -
3/8" windshield wiper" PIVOT, 180°

NOTE EXTENT OF IRRIGATED LAND!! REMAINDER
UNDER APP. FOR PERMIT HAS SURFACE ONLY!!

1/2" p/d legal! Possible under permit



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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:

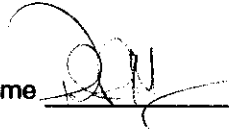
H. RECOMMENDATIONS

1. Recommended Amounts

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

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name  Date 7-26-76

Reviewer _____ Date _____

SEAL

	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	218	43.2604798N	0.4954924	43.2604687N	43.2604887N
Longitude	218	112.1929639W	0.4161407	112.1929779W	112.1929506W
Altitude	218	1383.2754430	1.1410781	1380.5913466	1386.0741843

No velocity records in file.

No DOP records in file.

Start GPS Week #824 on 10/26/95 at 20:45:25

End GPS Week #824 on 10/26/95 at 20:49:43

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

January 15, 1991

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07444

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED
FEB 16 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 27-7444

Date 12-21-90

GENERAL CONSIDERATIONS

☒ Name same as permit?
☒ Address same as permit? If no, prepare data entry form.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

☐ Surface water source
☒ Ground water source
☒ Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Well log in file?
☐ Amt paid for drilling permit? _____ Correct?

LICENSE EXAMINATION FEE

☒ Required?
123 Amount submitted?
☒ Correct amount? - for 1.46 cfs

MEASURING DEVICE

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

DEFICIENCIES OR ACTION ITEMS

- Check and drill permit compliance
OK

PRIORITY CALCULATION

Date proof received 12/21/90
Date proof due _____ - _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

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

DEPARTMENT OF WATER RESOURCES

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

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P27-07444

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.

RECORDED

APR 23 1990

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

APR 21 1980

Swan Falls

Dist. for staffing by 7-25-88

submitted for adv. ALJ 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 8/8/88 APPLICATION NUMBER 27-7444

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
- ☐ Yes ☐ No 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 _____

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 HWT Date 3-20-90

STATE OFFICE REVIEW P05, P23, P03, P17 46 48 49 26 OIG
By KW ☐ See below for additional information
Date 4-16-90

ADDITIONAL INFORMATION

Conditions: <0167

App. in NON-TRUST area -
OK to allow 2 yrs. to develop

08-Feb-1990

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

RE: Application for Permit No. 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 your application in the MORNING NEWS. 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.

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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

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The permit(s) will be subject to all prior water rights. Protests may be submitted based the criteria of Sec. 42- , 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

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APR 23 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 20, 1988

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

RE: Application for Permit #27-7444

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. 27-7444. 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

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APR 23 1990

