

Topographic map of the Snake River area with handwritten annotations. The map shows the Snake River, various canals (Great Western, New Lavaside and Peoples, Yellowstone), and a shaded area labeled 'INGFIELD'. Handwritten notes include 'Rgc 36E', 'Twp. 1S.', 'Lt #13' with an arrow pointing to a 'Point of Diversion' on the river, and a grid of numbered blocks (12, 20, 24, 25, 26, 27, 34, 35, 36). Other features include 'Riverview School', 'High School', 'Rive Cen', 'BM 4559', 'BM 4575', 'BM 4556', and 'HIGHWAY'. Contour lines are marked with elevations like 4500, 4550, 4575, and 4595.

UNCLASSIFIED

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JAN 23 1985

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, David Mark Brown do
solemnly

PUBLISHER

swear that I am the _____ of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions 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: Thursday
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
27th day of December, 19 84,

and the last publication having been made on the
3rd day of JANUARY, 19 85;
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.

David Mark Brown
Subscribed and sworn to before me this 22nd

day of January, 19 85.

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984 1988

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-7352

RUSHTON, Brian L.
Route 1, Box 57

Firth, Idaho 83236

Source: GROUNDWATER

Date Filed: 04/29/1983

Diversion Pt.: LOT 13 (SESW), Sec. 26, T.

01S, R. 36E.

Use: IRRIGATION (0.05 CFS)

DOMESTIC (0.04 CFS)

FIRE PROTECTION (0.20 CFS)

In: SESW, Sec. 26, T. 01S, R. 36E, for 3
ACRES.

The permit(s) will be subject to all prior water
rights. Protests must be filed with the Director,
Dept. of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or before
JANUARY 14, 1985.

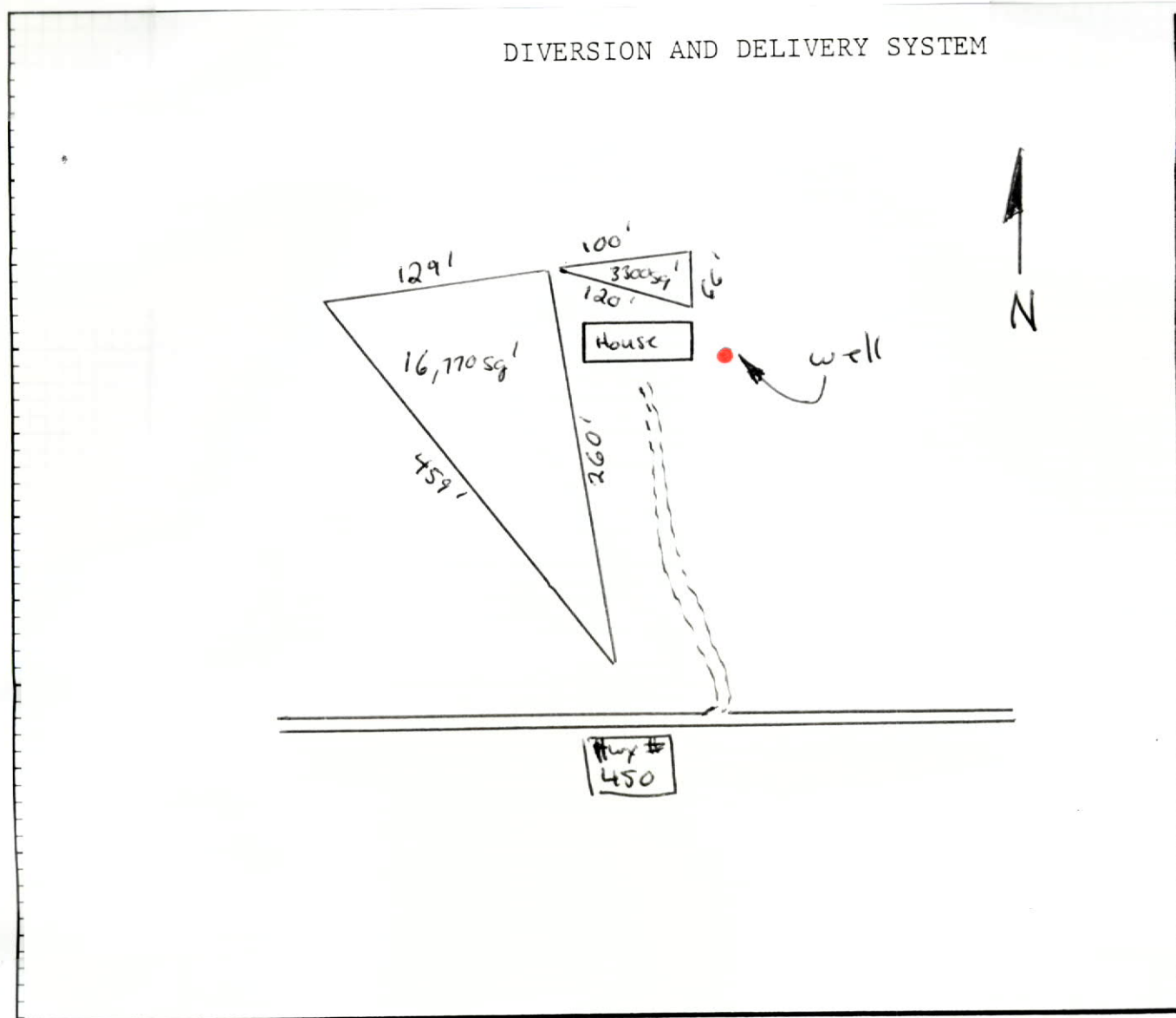
KEN DUNN, Director

(8420)

Pub.: 12-27; 1-3

MICROFILMED

10. Other water rights on these lands N/A
11. Other water right diverted from same p.d. N/A
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks 1 mile west from Highway on Highline Rd.

15. 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

16. Examiner's/Consultant's Signature [Signature] Date _____

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

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DEC 15 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
SEP 19 1986

27-7352
Permit No.

1. Measurement Calculations

Department of Water Resources

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

By bucket & stopwatch

$$5 \text{ gallons} / 9 \text{ seconds} = .55 \text{ gallons/sec}$$

$$.55 \text{ gal/sec} \times 60 \text{ sec/min} = 33 \text{ gpm or } \underline{0.07 \text{ cfs}} \checkmark \text{ capacity irrig. flow.}$$

allow 0.015 cfs for .5 acres of irrig. - Allow 0.02 cfs

allow 0.04 cfs for one Domestic unit $\checkmark$

allow 0.07 cfs for fire protection $\checkmark$

Total 0.07 cfs $\checkmark$

- b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .5 \text{ acres} \times 3.5 \text{ cfs/acre} = 1.75 \text{ cfs} \checkmark \underline{1.8}$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.015 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 6.1$$
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{1.75 \text{ cfs } 1.8}$$

- c) Volume Calculations for Other Uses:

allow 0.6 cfs for one Domestic unit (lawns incl. in irrig. calc.) $\checkmark$

2. Overlap Review

- a) Other water rights with same place of use: NA.

- b) Other water rights with same point of diversion: NA.

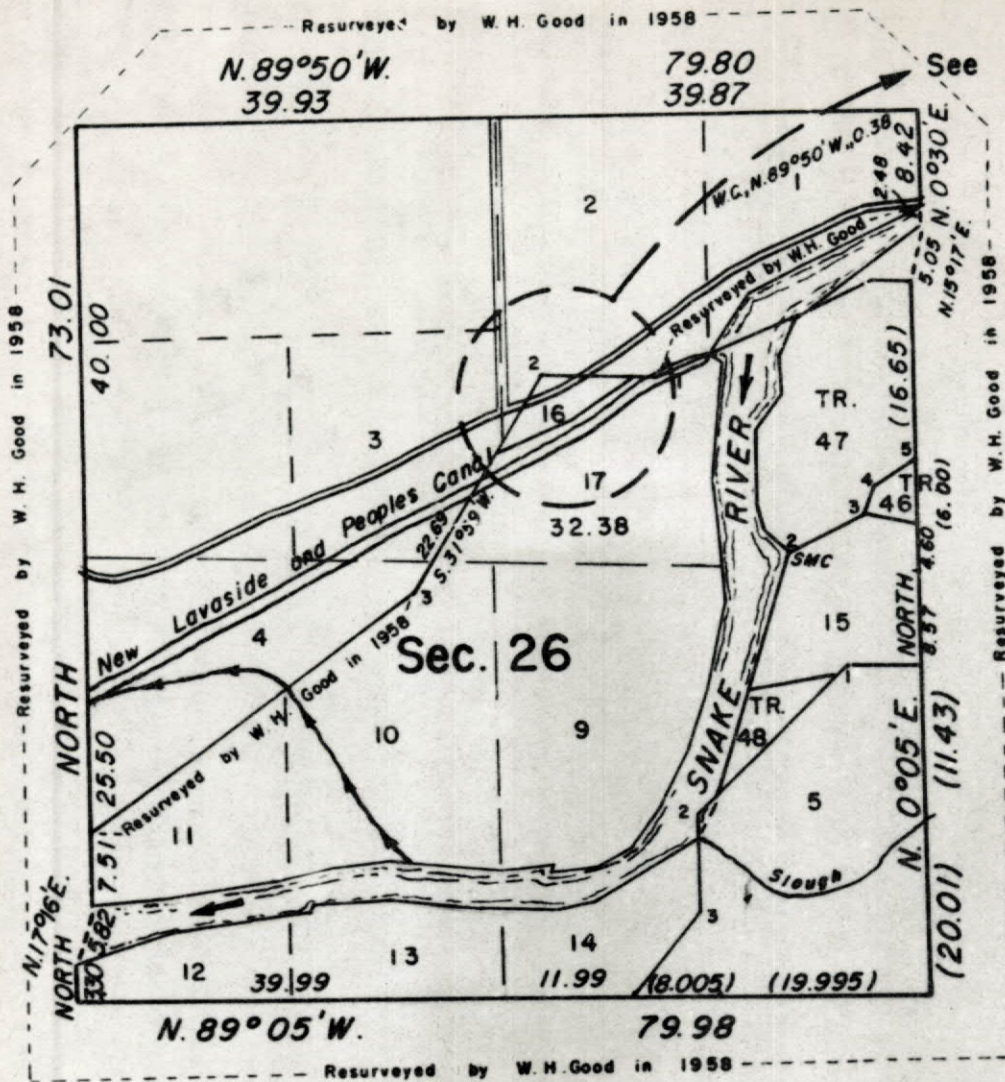
- c) Analysis:



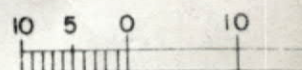
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DEC 15 1986

[illegible]



Latitude 43°17.8' N.
Longitude 112°12.4' W.



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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 27-7352 Priority April 29, 1983 Amount 0.07 cfs

THIS IS TO CERTIFY, that Brian L. Rushton
of Firth, Idaho, has complied with the terms and conditions of Permit
No. 27-7352 issued pursuant to Application for Permit dated April 29, 1983,
and has submitted proof to the Department of Water Resources on October 4, 1985,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.07 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.02</u> cfs and	<u>1.8</u> acre feet
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>0.6</u> acre feet
Fire Protection	from <u>April 1</u> to <u>November 1</u>	at <u>0.07</u> cfs and	<u>N/A</u>
<i>(both dates inclusive)</i>			

Subject, however, to the condition that no more than 0.07 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.4 acre feet per year, said waters to be diverted within the Gov. Lot 13 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 26, Twp 1S, Rge 36E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	36E	26												0.5					0.5

Total number of acres irrigated 0.5

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CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license 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 license 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 license.

Use of water under this license is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26TH day of NOVEMBER, 19 86.

Acting for the Norm C Young
Director

MICROFILMED

B.S.
Jim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Brian L. Rushton Phone 346-4127
Post office address Rt. #1, Box 57, Firth, ID 83236

2. Source of water supply groundwater which is a tributary of (Lot 13)

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26 Township 1S
Range 36E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.05 cfs for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for fire prot. purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

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

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

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

c. Proposed well diameter is 6 inches; proposed depth of well is 93 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation: (Lot 13)
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26 Township 1S
Range 36E B.M.

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

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

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

(5) If water is to be used for other purposes describe: emergency use in the event of fire

RECORDED

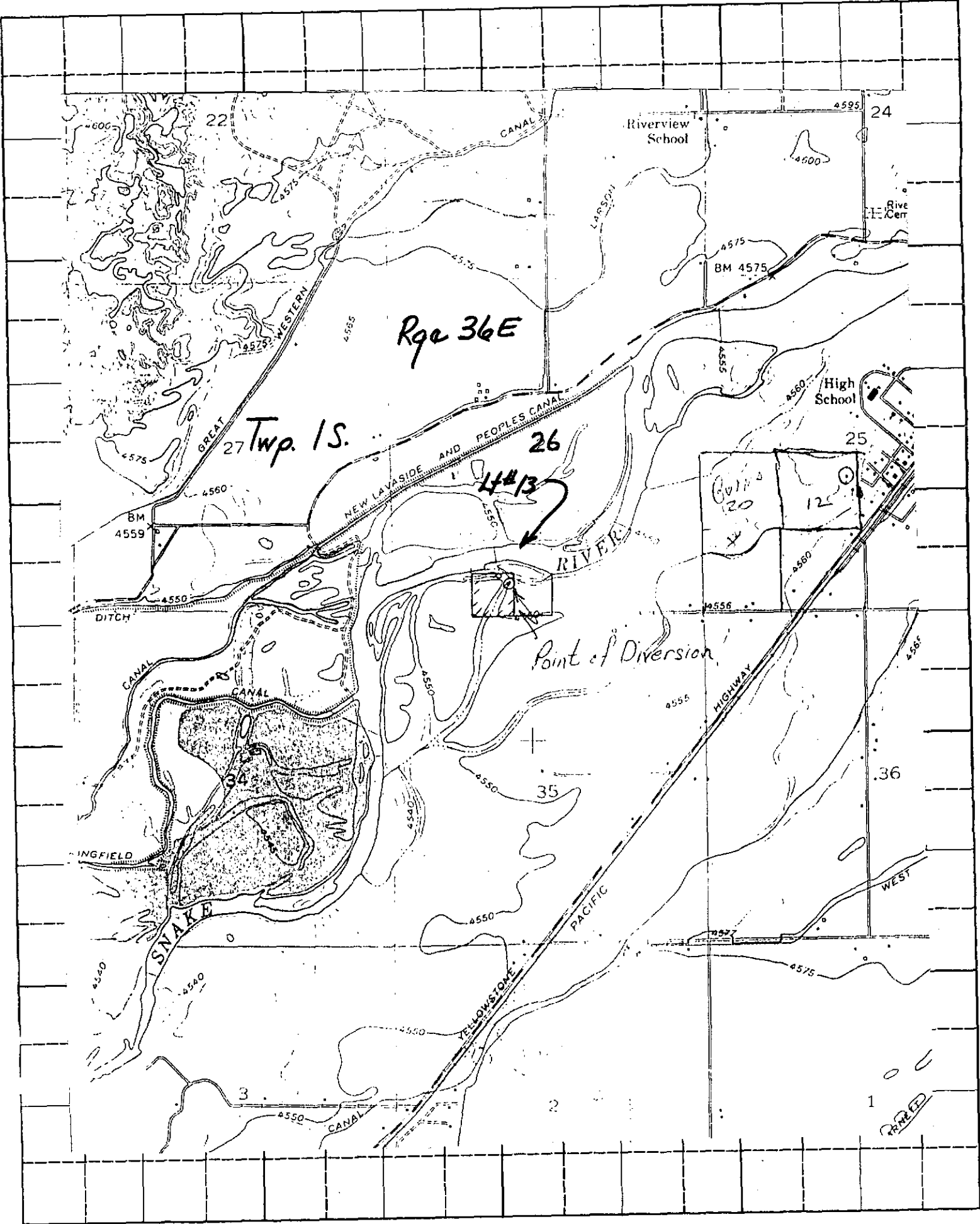
Total number of acres to be irrigated $\frac{10.25}{2.5}$

Applicant filed a companion application for water from the Snake
River

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

10. Remarks _____

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



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.

Brian L. Rusk
(Applicant)

RECORDED

Proposed Priority 4/29/83

MICROFILMED

Received by EMC Date 4-29-83 Time 4:30.

Preliminary check by SM Fee \$ 30⁰⁰

Receipted by EMC Date 4-29-83 #28127

Publication prepared by OW Date 12-19-84

Published in Blackfoot News

Publication dates Dec. 27, 1984 + Jan. 3, 1985

Publication approved OW Date 1-24-85

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7352, and said application is hereby APPROVED.

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 February 1, 1990.

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

d. Other: 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.

Use of water under this permit is subject to control by the watermaster of State Water District 01, Snake River.

Witness my hand this 11th day of February, 1985.

J. Glen Saxton
Chief, Operations Bureau

RECEIVED

JAN 23 1985

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, David Mark Brown do
solemnly

PUBLISHER

swear that I am the _____ of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions 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: Thursday
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
27th day of December, 19 84

and the last publication having been made on the
3rd day of JANUARY, 19 85

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.

David Mark Brown
Subscribed and sworn to before me this 22nd

day of January, 19 85

Patricia A. Johnson
Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires
Oct. 20, 1984

NOTICE OF APPLICATION FOR WATER RIGHT

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

27-7352

RUSHTON, Brian L.
Route 1, Box 57
Firth, Idaho 83236
Source: GROUNDWATER
Date Filed: 04/29/1983

Diversion Pt.: LOT 13 (SESW), Sec. 26, T.
01S, R. 36E.

Use: IRRIGATION (0.05 CFS)

DOMESTIC (0.04 CFS)

FIRE PROTECTION (0.20 CFS)

In: SESW, Sec. 26, T. 01S, R. 36E, for 3
ACRES.

The permit(s) will be subject to all prior water
rights. Protests must be filed with the Director,
Dept. of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or before
JANUARY 14, 1985.

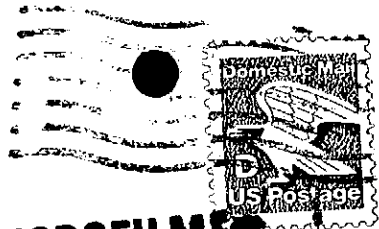
KEN DUNN, Director

(8420)

Pub.: 12-27; 1-3

UNCRAFTED

BRIAN RUBINOV
450 E 700 N
FIRTH IDAHO 83236



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JUN 16 1988

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MAR 18 1988 IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

Department of Water Resources
BOISE IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 27-7352

Name(s) of Permit Holder(s): BRIAN L. RUSHTON

Post Office Address: 450 E. 700 N. FIRTH IDAHO
83236

Tel. No. 346-4127

☒ I hereby certify that construction of diversion works for the above referenced permit began on MAY, 1980 (date) I understand that I must continue to develop the water system and take all steps to maintain a valid permit.

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

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

3-12-85

Date

Brian L. Rushton
Signature of Permit Holder



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 8, 1986

RE: Permit No. 27-7362

Brian L. Rushton
450 E. 700 N.
Firth, ID 83236

Dear Mr. Rushton:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

DEC 15 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 3, 1986

RE: Permit No. 27-7352

Brian L. Rushton
450 E. 700 N.
Firth, ID 83236

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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DEC 15 1986

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SEP 19 1986

Department of Water Resources

Permit No. 27-7352

Phone No. _____

1. Owner: Brian L. Rushton Phone No. 217-1552
Current Address: 450E 700N. FIRTH, ID 8386
2. Accompanied by: NA EXAM. DATE: 6-11-86
Address: Highway #450 Phone No. _____
Relationship to Permit Holder: _____
3. Source: GROUND WATER tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	NA	1 1/2	NA	NA	NA

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. **System Description** (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

well/pump to one home & hoses for irrigation & fire protection
4 faucets branched out of main

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket & Stopwatch	5 gallon					

7. Measurements ☐ Additional data/computation sheets attached

5 gallon bucket filled in 9 seconds From combination of 4 hoses running at once.

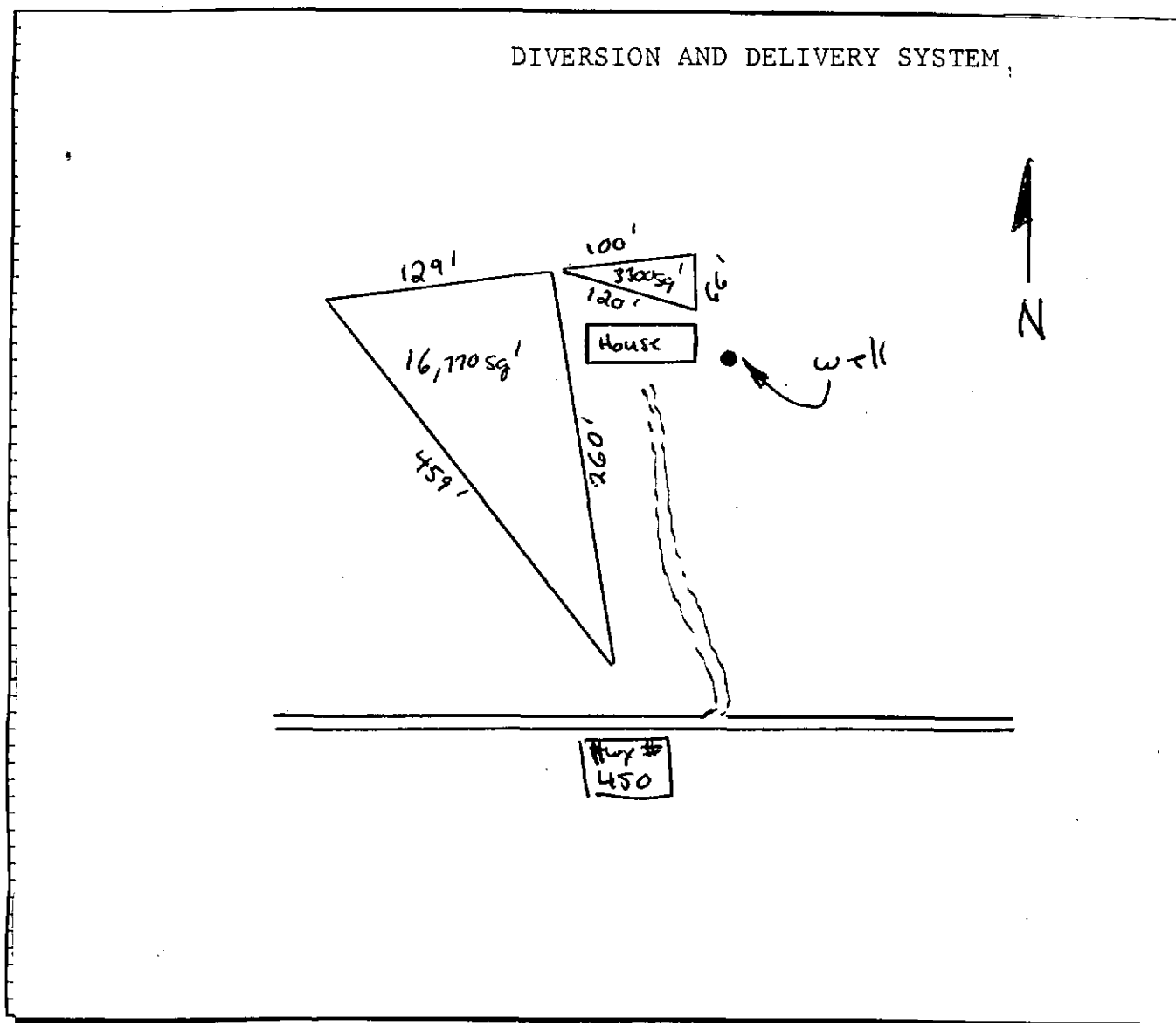
8. Point(s) of Diversion: Indicate Method of Determination USGS MAP

[illegible]

9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination paced off

[illegible]

10. Other water rights on these lands N/A.
11. Other water right diverted from same p.d. N/A
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks 1 mile west from Highway on Highline Rd.

15. 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

16. Examiner's/Consultant's Signature [Signature] Date _____

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

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DEC 15 1986

RECOMMENDED AMOUNTS

10. 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 _____

11. Examiner's Signature *A.W. Jones* **MICROFILMED** Date 6-13-86

Checked in Regional Office by _____ Date _____

Approved in State Office by *K. Wheeler* DEC 15 1986 Date 10-24-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

27-7352

Permit No.

SEP 19 1986

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

By bucket & stopwatch

$$5 \text{ gallons} / 9 \text{ seconds} = .55 \text{ gallons/sec}$$

$$.55 \text{ gal/sec} \times 60 \text{ sec/min} = 33 \text{ gpm or } \underline{0.07 \text{ cfs}} \checkmark \text{ capacity irrig. flow.}$$

allow 0.015 cfs for .5 acres of imp. - Allow 0.02 cfs

allow 0.04 cfs for one Domestic unit ✓

allow 0.07 cfs for fire protection ✓

Total 0.07 cfs ✓

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .5 \text{ acres} \times 3.5 \text{ cfs/acre} = 1.75 \text{ cfs} \checkmark \approx 1.8$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.015 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 6.4$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{1.75 \text{ cfs}} \checkmark \approx 1.8$$

c) Volume Calculations for Other Uses:

allow 0.6 cfs for one Domestic unit (Lawns incl. in imp. calc.) ✓

2. Overlap Review

a) Other water rights with same place of use: NA.

b) Other water rights with same point of diversion: NA.

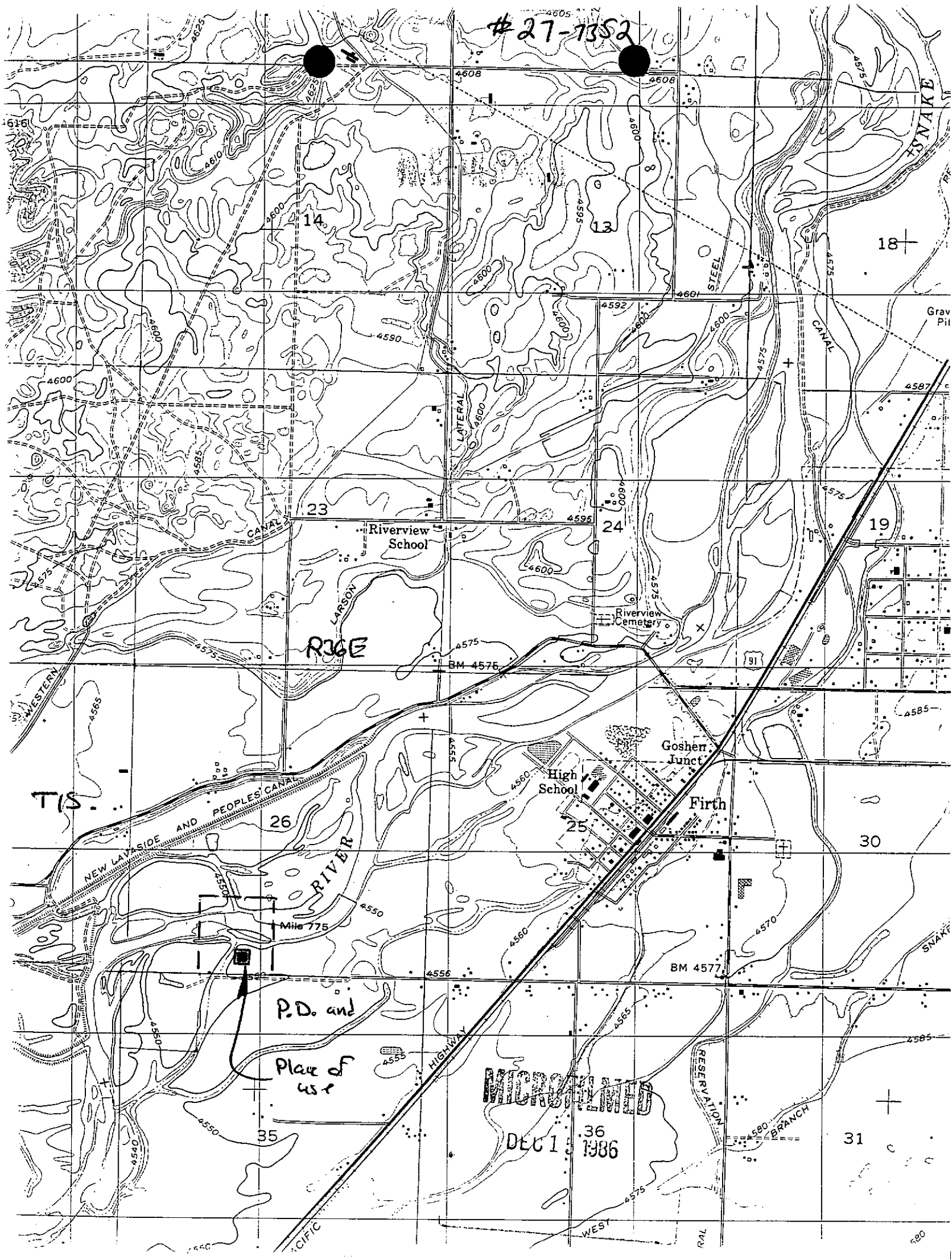
c) Analysis:



MICROFILMED

DEC 15 1986

#27-1352



R36E

T1S.

P.D. and

Place of

MICROFILMED

DEC 1 1986

RECEIVED

MAY 28 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 50.00
Date 5-28-86
Receipt # 39650
Receipt by MD
Sent to S.O. 5-28-86

RECEIVED

JUN 2 1986

1. Permit No. 27-7352

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Brian L. Rushon

3. Post Office Address: 450 E. 700 N. Firth Idaho 83236

Telephone No. 346-4127

4. Source of Water: GROUNDWATER

5. Extent of Use:

Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 2.5 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 0.2 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

May 1980

8. Person to contact to accompany the department representative during the field examination:

Brian L. Rushon

(Name)

450 E. 700 N. Firth Idaho

(Address)

346-4127-0thor-

562-1447 day

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

5-28-86

Date

MICROFILMED

Brian L. Rushon Signature of Permit Holder (and title, if appropriate)

copy retained for file

DFC 15 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

27-7352
RUSHTON, BRIAN L.
450 E. 700 N.
FIRTH, ID 83236

Mailing address:
Statehouse
Boise, Idaho 83720

138169

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

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DEC 15 1986

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

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DEC 15 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 20, 1986

BRIAN L. RUSHTON
450 E. 700 N.
FIRTH

ID 83236

RE: Permit No. 27-7352

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

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DEC 15 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

OCT 4 1985

Department of Water Resources
Eastern District Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

RECEIVED

OCT 10 1985

Permit No. 27-7352

Name(s) of Permit Holder: Brian L. Rushton

Department of Water Resources

Post Office Address: 450 E 700 N Firth ID 83236

Telephone No. 346-4127

Source of Water: Groundwater

Extent of Use:

Domestic 1 (number of households)

Stockwater _____ (number and type of stock)

Irrigation 2.5 (acres)

Other/Remarks Fire protection

Indicate the date water was first diverted and beneficially used under this permit: _____

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

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

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

SAME

(Name)

SAME

(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

4 Oct 1985
Date

Brian L. Rushton
Signature of Permit Holder (and Title, if appropriate)

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10

Place
Stamp
Here

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

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February 27, 1985

RE: Permit No. 27-7352

Brian L. Rushton
Rt. 1, Box 57
Firth, ID 83236

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note that one of the conditions of approval is that the diversion of water under this permit is subject to the control of a State Watermaster. The reason for this is that some hydrologic studies of rivers in the state indicate that wells constructed in the sand and gravel aquifers of the river areas may intercept water that otherwise would have entered the river. However, the extent of the alluvial material thickness is not known nor is the precise degree of interference of wells with surface water flows. Studies do indicate that as much as 50% of the water diverted from a well located one mile from the river would have reached the river if impermeable layers of clay on hard rock do not separate the river from the aquifer from which the well is producing.

The information available to us at this time does not warrant refusing to issue you a permit but does merit cautioning you that any permit issued by the Department cannot deprive water users, with earlier rights, of their water supply.

The reason for conditioning the permit and explaining the potential interference problem is to make you aware that future tests may definitely show that diversion of water from your well should be administered together with the older surface water priorities of the river and its tributaries. If this were to occur, it would essentially mean that there would not be water available for a 1984 priority diversion from your well since the surface water system is fully appropriated. By locating your well as far from the river as possible and by casing out upper water producing zones as the well is constructed, you may be able to reduce the amount of interference with the river.

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February 27, 1985
RE: Permit No. 27-7352
Page 2 of 2

The 1982 Idaho Legislature added a 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,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosures

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McLormide

APPLICATION NUMBER: 27 7352

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☐ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 1-04-85
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1-23-85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01
☒ 4-29-1983 Date of priority recommended.
Special conditions of approval or cover letter. _____

app. released in first dismissal (S-1180)

By: Ernest Carlson

Date: Jan 30, 1985

STATE OFFICE REVIEW:

26 05/01/85 with 617

- ☐ See attached sheet for more information.

By: kw

Date: 2/8/85

FEB 05 1985

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

January 17, 1985

Morning News
P.O. Box 70
Blackfoot, ID 83221

RE: Application for Permit No. 27-7352

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on December 27, 1984 and January 3, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

CHERYL ZEMP
Secretary

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 19, 1984

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 JANUARY 14, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMET

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 14, 1985.

KEN DUNN, Dir.

Published 12/27 & 1/3/85.

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27-7352

RUSHTON, BRIAN L.

RT. 1, BOX 57, FIRTH, ID 83236

Source: GROUNDWATER

Date Filed: 04/29/1983

Diversion Pt: LOT 13 (SESW) Sec 26 T 01S R 36E

Use: IRRIGATION (0.05 CFS)
DOMESTIC (0.04 CFS)
FIRE PROTECTION (0.20 CFS)

In: SESW Sec 26 T 01S R 36E FOR 3 ACRES

1-ust,ust

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-7352

RUSHTON, Brian L.
Route 1, Box 57
Firth, Idaho 83236
Source: GROUNDWATER
Date Filed: 04/29/1983
Diversion Pt.: LOT 13 (SESW), Sec. 26, T.
01S, R. 36E.
Use: IRRIGATION (0.05 CFS)
DOMESTIC (0.04 CFS)
FIRE PROTECTION (0.20 CFS)
In: SESW, Sec. 26, T. 01S, R. 36E, for 3
ACRES.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 14, 1985.

KEN DUNN, Director

(8420)
Pub.: 12-27; 1-3

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]