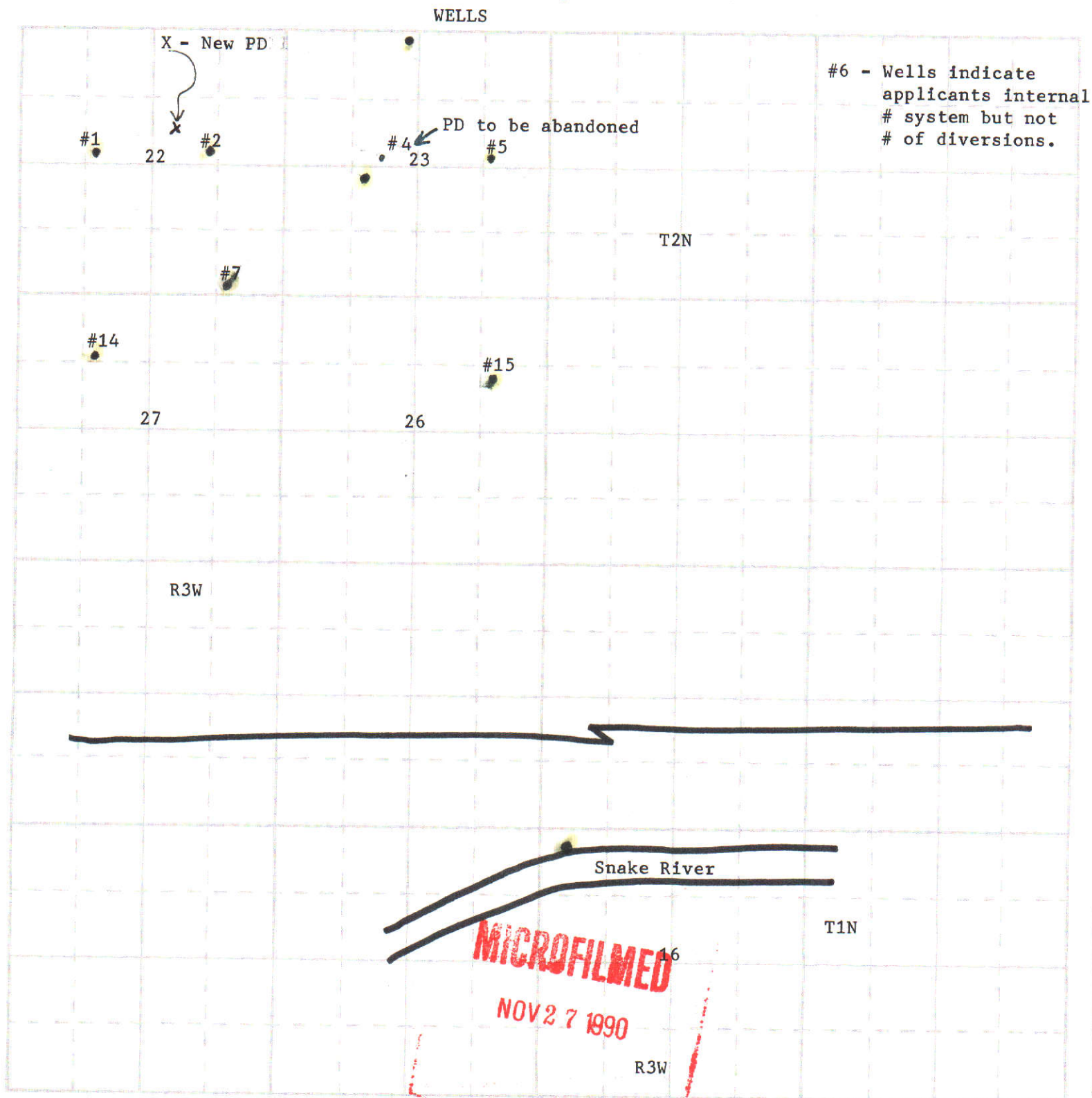


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

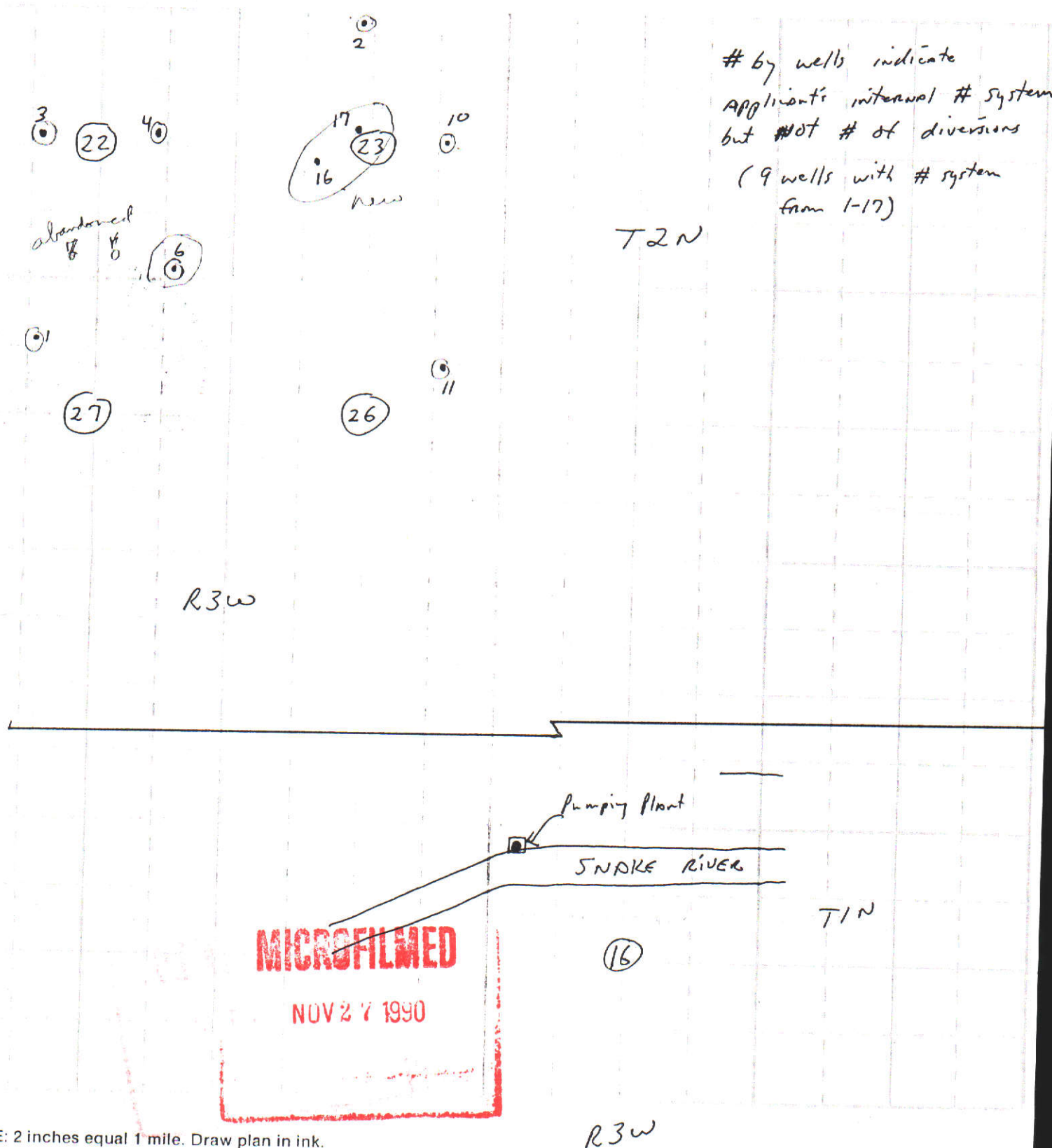


SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

• = WELLS



by wells indicate
 Applicant's interval # system
 but not # of diversions
 (9 wells with # system
 from 1-17)

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 63-03104

Notice is hereby given that Harvest Farm Company of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of Point of Diversion of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 6.80 cfs
Point(s) of Diversion: T1N R3W S16 NWNW

T2N R3W S22 SWNE,
SENE, SESE
T2N R3W S23 SENE,
NENW, SENW, NESW
T2N R3W S26 SENE
T2N R3W S27 NENW

The water is used for irrigation purposes on 650 acres in T2N R3W S22, 23, 26, and 27.

TO BE CHANGED AS FOLLOWS

Amount: 6.80 cfs
Point(s) of Diversion: T1N R3W S16 NWNW

T2N R3W S22 SWNE (2
points), SENE, SESE
T2N R3W S23 SENE,
NENW, NESW
T2N R3W S26 SENE
T2N R3W S27 NENW

The water will be used for irrigation purposes on same irrigated land as described above.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before October 9, 1990.

R. KEITH HIGGINSON
Director
September 19, 26, 1990

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 27 1990

Department of Water Resources
Western Regional Office

la Ward

a, Canyon County, Idaho, being first duly sworn, deposes

I am a citizen of the United States of America, and at all
reinafter mentioned was over the age of eighteen years,
party to the above entitled action.

I am the Principal Clerk of the Idaho Press-Tribune, a
(except Saturday) newspaper published in the City of
and Caldwell, in the County of Canyon, State of Idaho;
said newspaper is in general circulation in the said
of Canyon, and in the vicinity of Nampa and Caldwell, and
uninterruptedly published in said County during a period
ty-eight consecutive weeks prior to the first publication of
e, a copy of which is hereto attached.

the notice, of which the annexed is a printed copy, was
published in said newspaper
two times

—in the regular and entire issue of said paper, and was printed in
the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

September 19, 26, 1990

Sharla Ward

STATE OF IDAHO)

COUNTY OF CANYON)

On this 26th day of September in the
year of 1990 before me, a Notary Public, personally
appeared Sharla Ward, known
or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared
that the statements therein are true, and acknowledged to me that
he/she executed the same.

MICROFILMED

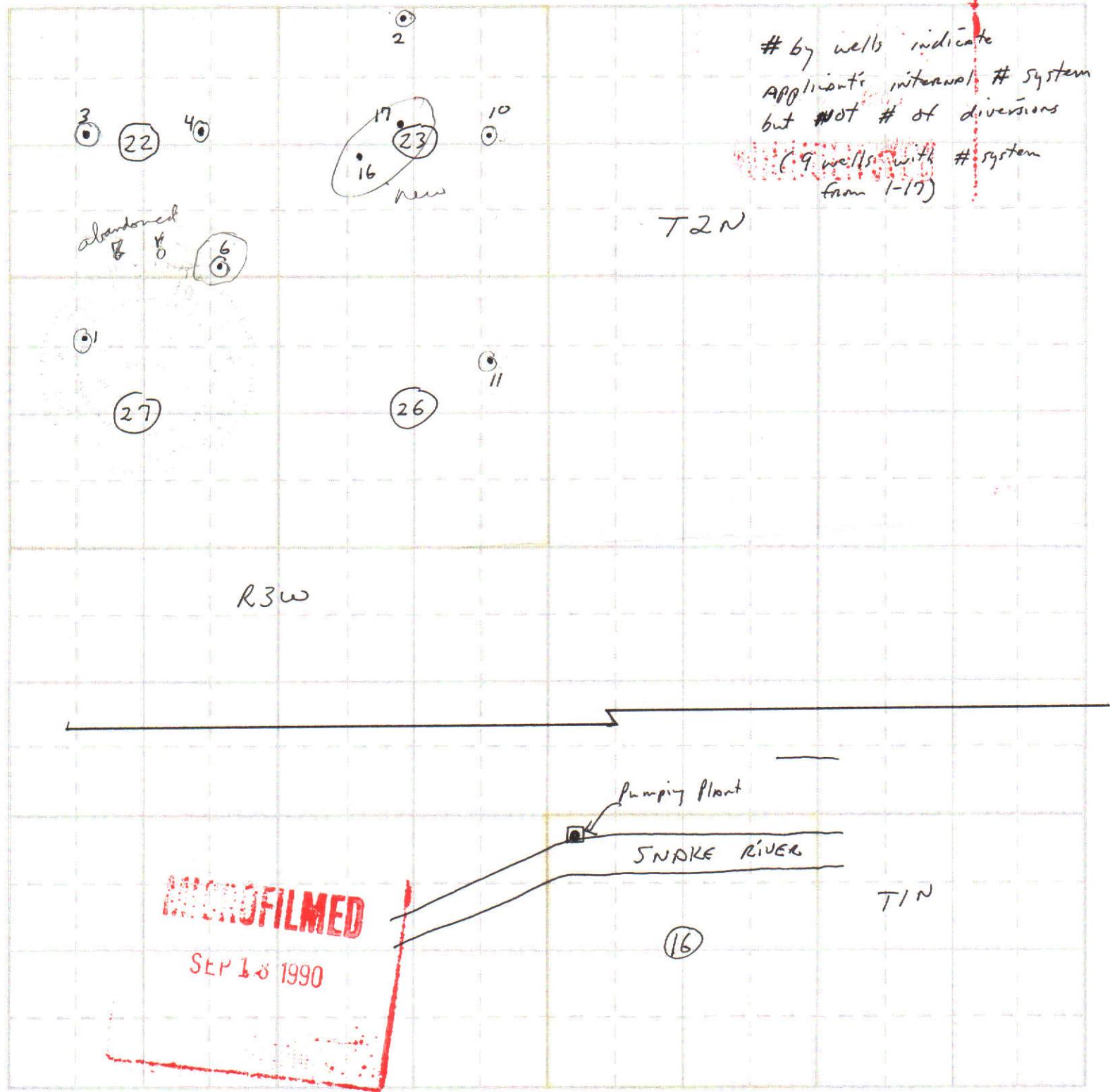
NOV 27 1990

Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

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

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.
•=WELLS



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Rebecca Stiehl

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

September 6, 13, 1989

Rebecca Stiehl

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 13th day of September in the year of 1989, before me, a Notary Public, personally appeared Rebecca Stiehl, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Janet L. Smith
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 63-03104

Notice is hereby given that Bing Frost Ranch Co. of Cottage Grove, OR have applied to the Department of Water Resources for a change of point of diversion of the water of groundwater. The right sought to be changed is evidenced by license and is recorded as follows:

Amount: 6.8 cfs Priority: 03/25/1957

Point(s) of Diversion: T01N, R03W, Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE, S½SE; Section 23 SENE, NENW; Section 26 SENE; Section 27 NENW.

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS

Amount: 6.8 cfs

Point(s) of Diversion: T01N, R03W, Section 16 NWNW; T02N, R03W, Section 22 SWNE, SENW, SESE; Section 23 SENW, SESE, E½NW, NESW; Section 26 SENE; Section 27 NWNE.

The water will be used for irrigation.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before September 25, 1989.

R. KEITH HIGGINSON
Director

September 6, 13, 1989

MICROFILMED

SEP 18 1990

Error in adv.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Rebecca Stiehl

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times
—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 15, 22, 1989

Rebecca Stiehl

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 22nd day of November in the year of 1989, before me, a Notary Public, personally appeared Rebecca Stiehl, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

James Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

NOTICE OF CORRECTION OF APPLICATION FOR TRANSFER
Notice is hereby given that on August 16 and 23, 1989, Application for Transfer No. 63-03104 in the name of Bing Frost Ranch Co. was advertised in error.
The Point of Diversion was advertised to be changed to T01N, R03W Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE; Section 23 SENW, SESE, E½2NW, NESW; Section 26 SENE; Section 27 NWNE.
The change should have read T01N, R03W Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE; Section 23 SENE, E½NW, NESW; Section 26 SENE; Section 27 NENW.
Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before December 4, 1989.
R. KEITH HIGGINSON, Dir.
November 15, 22, 1989

MICROFILMED

SEP 18 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Debra Martin del Campo

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper
Two times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 1, 8, 1989

Debra Martin del Campo

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 8th day of February in the year of 1989, before me, a Notary Public, personally appeared Debra Martin del Campo, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Janet Lusk
Notary Public for Idaho
Residing at Nampa

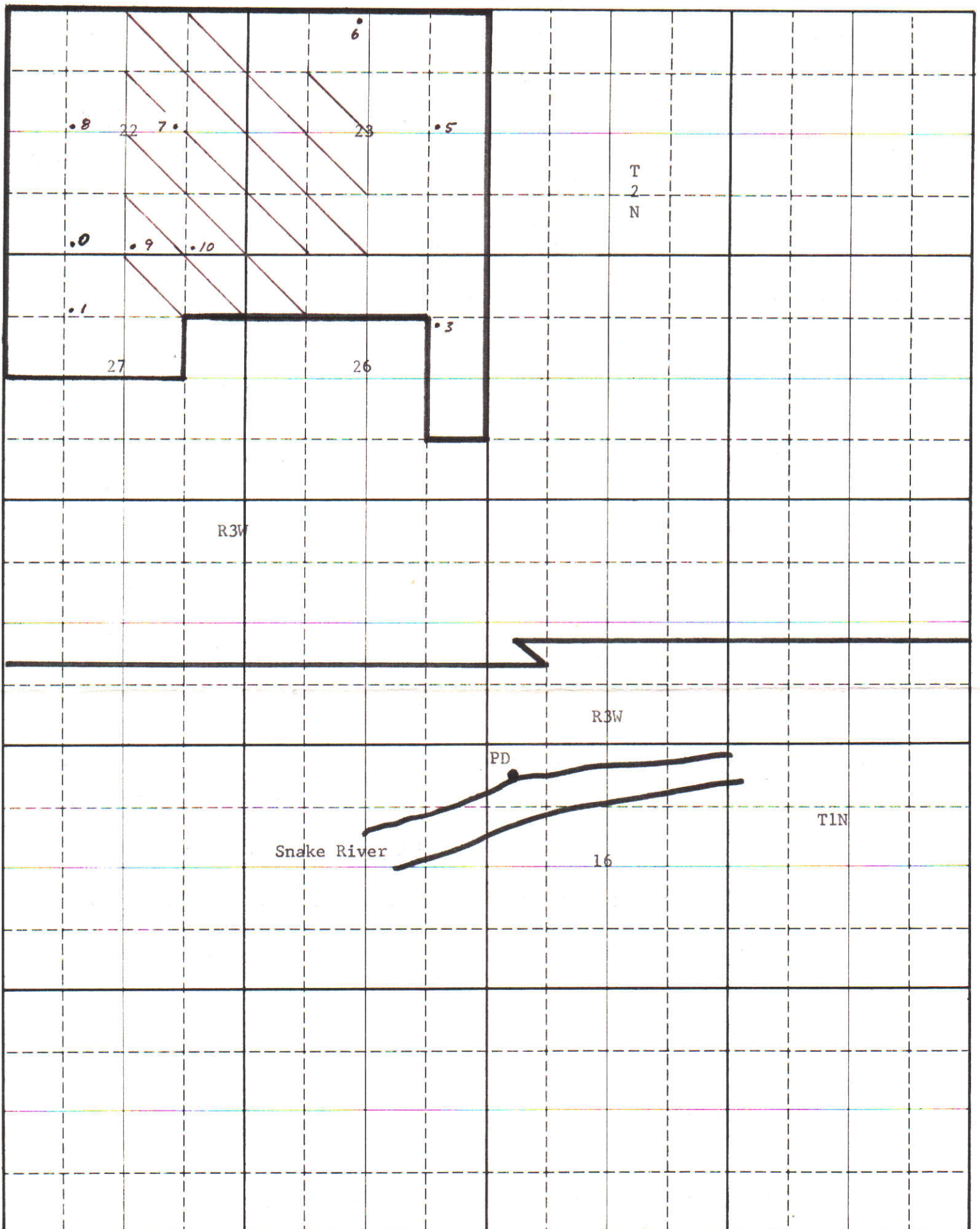
MY COMMISSION EXPIRES
JULY 12th, 1991

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**
No. 63-03104
Notice is hereby given that BING/FROST RANCH CO. of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of point of diversion of the water of Snake River and groundwater. The right sought to be changed is evidenced by License No. 63-03104 and is recorded as follows:
Amount: 6.80 cfs
Priority: 3/25/1957
Point(s) of Diversion: T. 1N., R. 3W., S. 16, NWNW; T. 2N., R. 3W., S. 22, SWNE, SENW, SESW, S½SE¼; S. 23, SENE, NENW; S. 26, SENE; S. 27, NENW, B.M.
The water is used for irrigation purpose.
TO BE CHANGED AS FOLLOWS
Amount: 6.80 cfs
Point(s) of Diversion: T. 1N., R. 3W., S. 16, NWNW; T. 2N., R. 3W., S. 22, SWNE, SENW, SESW, S½SE¼; S. 23, SENE, NENW, NWSW; S. 26, SENE; S. 27, NENW, B.M.
Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before February 21, 1989.
R. KEITH HIGGINSON
Director
February 1, 8, 1989

MICROFILMED

SEP 18 1990

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

) ss.
County of Canyon)

Connie Cutberth

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

July 1, 8, 1982

Connie Cutberth

Subscribed and sworn to before me this 8th
day of July

19 82

Janet Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 63-3104

Notice is hereby given that Bing/Frost Ranch Co. of 515 S. Flower St., Los Angeles, CA 90071 has applied to the Department of Water Resources for a change of the source of water and point of diversion of the water of a groundwater source. The right to be changed is evidenced by license 63-3104 and is recorded as follows:

Amount: 6.8 cfs Priority March 25, 1957
Point(s) of Diversion: SESW and SWNE Sec 22 T2N R3W Canyon Co.

The water is used for Irrigation purposes from March 15 to November 15 upon 650 acres within portions of Sec 22, 23, 26, 27, T2N, R3W.

TO BE CHANGED AS FOLLOWS

Source of Water: Groundwater and Snake River

Amount: 6.8 cfs

Points of Diversion: SESW, SWNE, SENW, SWSE, SESE Sec 22; SENE, NENW Sec 23; SENE Sec 26; NENW Sec 27 T2N R3W and NWNW Sec 16 T1N R3W

The water will be used for: Irrigation purposes from March 15 to November 15 upon 650 acres within portions of Sec 22, 23, 26 and 27 T2N R3W.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before July 19, 1982.

A. KENNETH DUNN
Director

July 1, 8, 1982

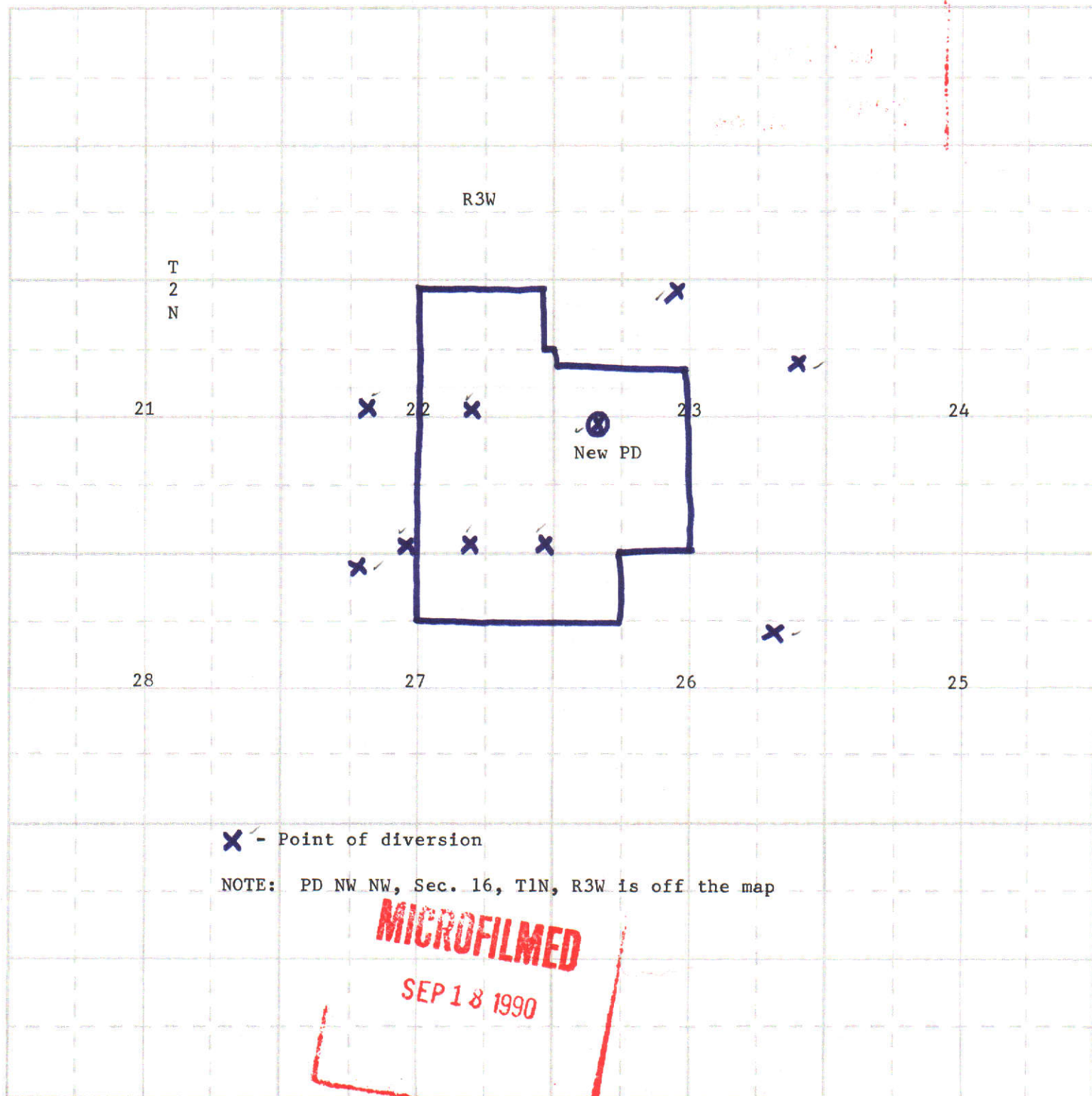
RECEIVED
JUL 9 1982

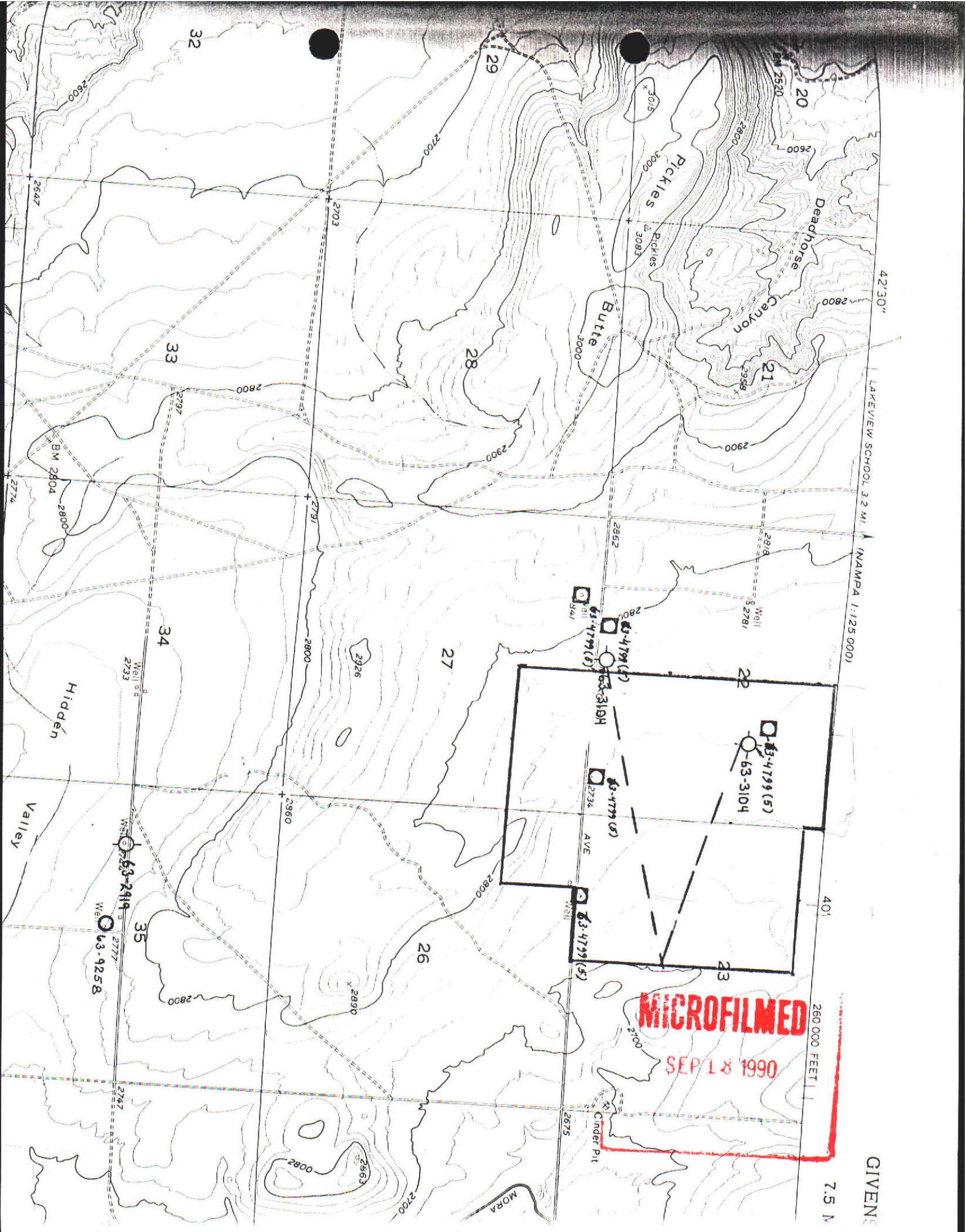
Department of Water Resources
Western Regional Office

MICROFILMED

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.





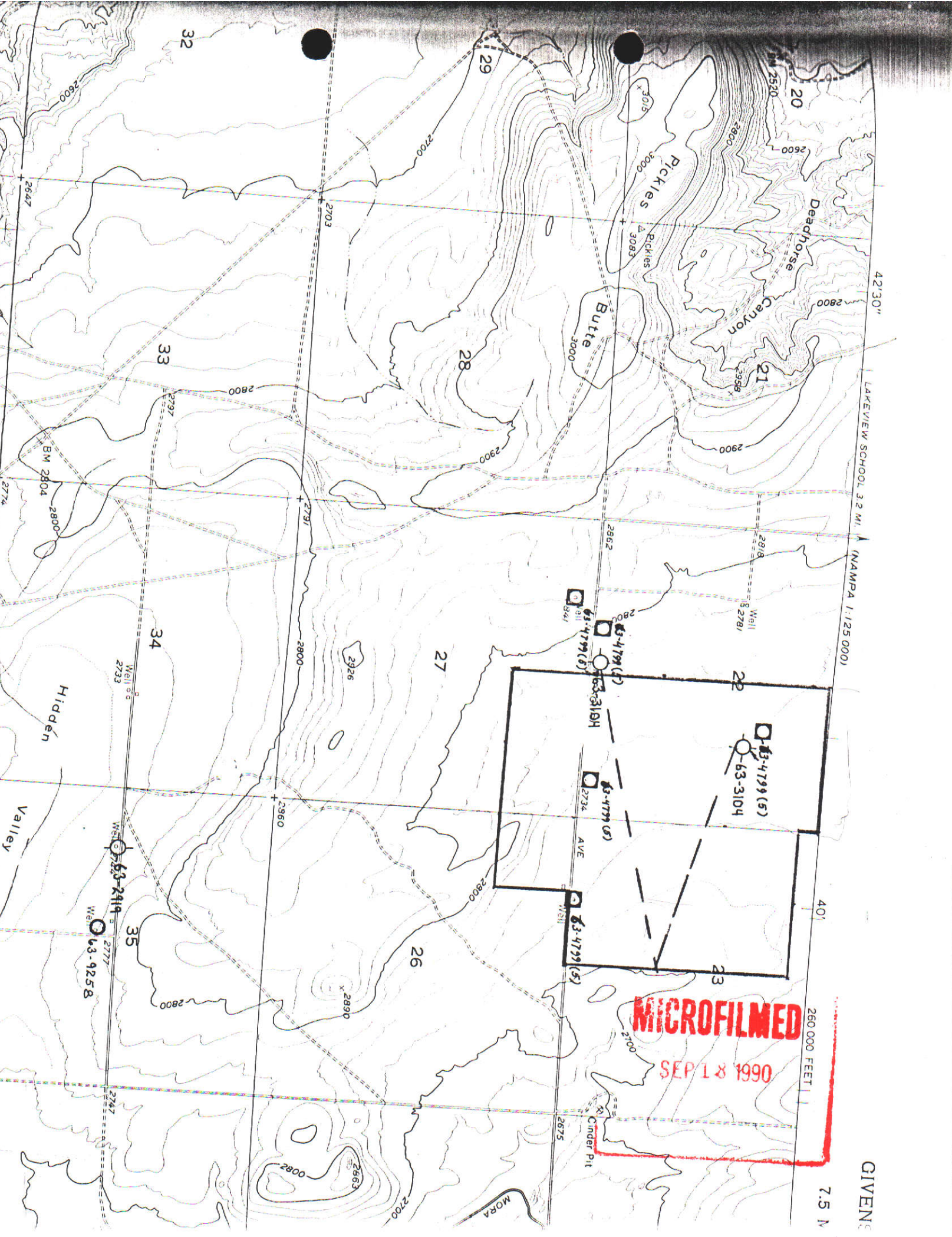
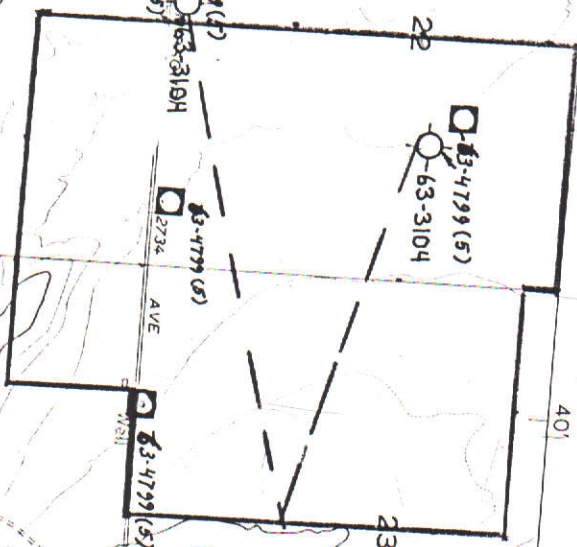
42°30"

LAKEVIEW SCHOOL 3.2 MI. (NAD 83 1:125,000)

260,000 FEET

7.5 IN

MICROFILMED
SEP 18 1990



SE of SW 5 Rev 2 1/2 12 Dec

86°

120
132 3.79 x 96 = 365 cfs or 18 1/2 inches

R-3W.

SW NE 5 Rev 2 Min 34 Sec

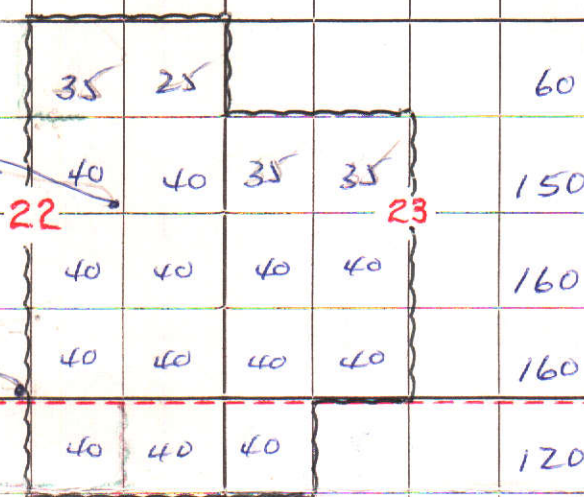
80°

120
34 3.25 x 97 = 315 cfs 15 7/8 inches

T.
2
N.

PD

PD



TO NAMPA

includes
SW NW Sec 22

License # 20905
2.24 cfs

112"

Subdivisions

17

AREA

650 Acres

SE of SW 365 cfs = 18 1/2 inches
SW NE 315 cfs = 15 7/8 inches
6.80
340.0

Q

6.80 cfs or 340 inches

9.04 cfs 452 inches

RECEIVED

JUN 12 1961

Department of Reclamation

AFFIDAVIT OF PUBLICATION

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

Notice is hereby given that at 10:00 A. M., on the 24th day of March, 1961, at Nampa, County of Canyon, State of Idaho, before Thomas Y. Gwilliam, Notary Public, at Nampa D Building, proof will be submitted of the completion of works for the diversion of 7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26823, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Barlow Co., Inc., Rt. No. 4, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water said works are capable of conveying to the place of use is 7 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 7 cubic feet per second.

4. The points of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22; Twp. 2 N; Rge. 3 W. B.M.

5. The place where said water is used is E $\frac{1}{2}$ Sec. 22; S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26; Twp. 2 N; Rge. 3 W. B.M.

6. The date of priority which said user is prepared to establish is March 25, 1957.

GEO. N. CARTER,
State Reclamation Engineer.
Feb. 25; Mar. 4, 11, 18, 1961.

STATE OF IDAHO,

County of Canyon.

)
) ss.

Lucille Copple
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 25, March 4, 11, 20, 1961

Lucille Copple

Subscribed and sworn to before me this 20

day of March, 19 61.

Adam D. Turner
Notary Public, Residing at Nampa, Idaho.

MY COMMISSION EXPIRES JUNE 23, 1963

26823

26823

2 Inches Equal 1 Mile. Draw Plan

3-N-34

Well 0

Well 0

Well 0

27

26

Permit Map No. 9-26823

As Approved

MARK R. KULP

State Reclamation Engineer

MAR 29 1957

NAME OF APPLICANT

Form No. 0

26823

NAME OF APPLICANT R.E. BAILEY

For

R-3 W.

T.
2
N.

Points of Diversion-WELLS



Permit Map No. 9-26823
As Approved MAR 29 1957
MARK R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

26823

AMENDED

Should questions arise during the processing of this application please contact:

STATE OF IDAHO JUL 2
DEPARTMENT OF WATER RESOURCES

JUL 26 1990

Transfer No. 3764

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83706
344-6690

APPLICATION FOR TRANSFER OF WATER RIGHTS

F WATER R

APPROVED

Name of applicant Harvest Farm Co. Phone 1-800-547-7023
Post Office address P.O. Box 650, Cottage Grove, Oregon 97424

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Replacement of well that has failed and will no longer be used.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------|-----------------------|------------------|---------------|
| 63-03104 | 3/25/1957 | 6.8 cfs | Irrigation | 3/15 to 11/15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 6.8 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	22	2N	3W	Canyon	Two wells in SWNE S. 22
		SE	NW	22	2N	3W	Canyon	
		SE	SE	22	2N	3W	Canyon	
		SE	NE	23	2N	3W	Canyon	Continued in Attachment "A"

5. Lands irrigated or place of use:

[illegible]

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system 9 wells and 1 surface water pumping plant
interconnected mainlines for pivot and sprinkler lines.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A ^{Point of diversion change} Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A
- d. Remarks:
Note that approved transfer no 2732 describes this ground water right as
including water pumped from the Snake River.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 63-3104And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Witness my hand this

2nd day ofNovember, 19 90**MICROFILMED**

NOV 2 1990

J. Glen Saxton

Chief, Water Alloc Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03104 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other N/A Point of diversion change only

3. Source of water Ground water tributary to _____

4. Date or priority Mardh 25, 1957

5. Water is used for the following purpose:

amount 6.8 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	22	2N	3W	Canyon	
		SE	NW	22	2N	3W	Canyon	
		~~SE~~	~~SW~~	~~22~~	~~2N~~	~~3W~~	~~Canyon~~	* SEE NOTE ON ATTACHMENT "A"

8. Lands irrigated or place of use: No Change

Continued on Attachment "A"

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above: _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

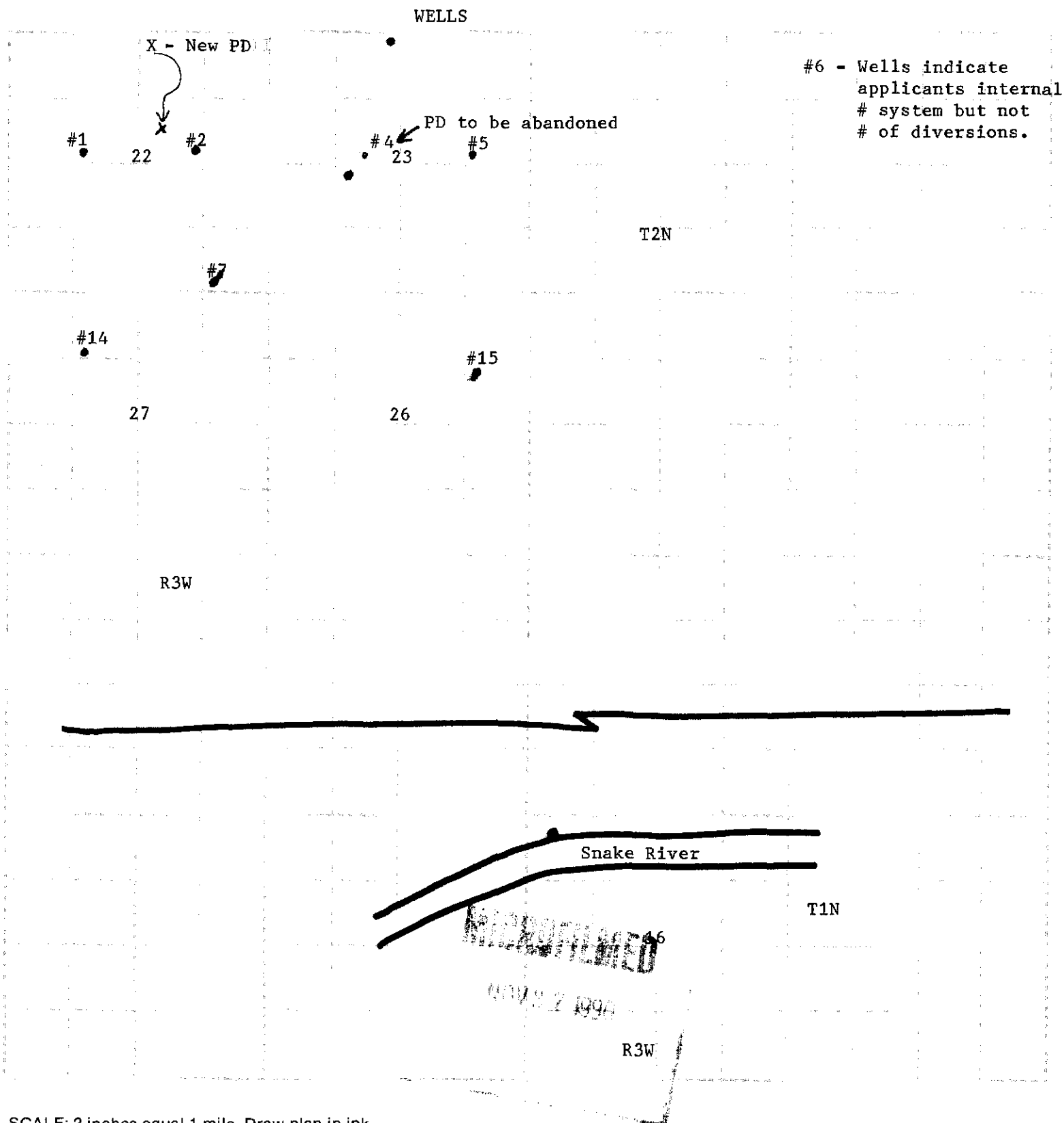
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

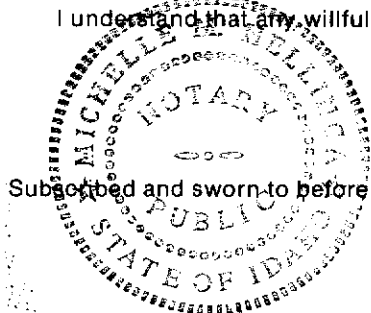
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

Subscribed and sworn to before me this 25th day of July, 19 90.

(Notary Public)

My commission expires 6/8/96**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachmentsReceived by FL Date 7/26/90 Protest filed by _____Prelim. check by FL Fee 150 W012586Receipted by FL Date 7/30/90 (DATE Check Received)Published in PRESS-TRIBUNE Copies of protest forwarded by _____Pub. dates 9/19 & 9/26/1990 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by DET

Copy of transfer sent to lien holder _____

MICROFILMED

NOV 27 1990

ATTACHMENT "A"

APPLICATION FOR TRANSFER OF 63-03104

RIGHT AS RECORDED

POINTS OF DIVERSION CONTINUED

* PER RECENTLY APPROVED TRANSFER
NW. 3634, COPY ATTACHED.
9/11/90

- x* ~~SESE S.22 T2N R3W~~
- ✓ SESE S.22 T2N R3W
- ✓ SENE S.23 T2N R3W
- ✓ NENW S.23 T2N R3W
- ✓ SENE S.26 T2N R3W
- ✓ NENW S.27 T2N R3W
- ✓ NWNW S.16 T1N R3W (Snake River pumping plant)

Being
Eliminated →

- * SENW S.23 T2N R3W
- ✓ * NESW S.23 T2N R3W

RIGHT AFTER CHANGE

POINTS OF DIVERSION CONTINUED

- ✓ NESW S.23 T2N R3W
- ✓ NENW S.23 T2N R3W
- ~~SESE S.22 T2N R3W~~
- ✓ SENE S.26 T2N R3W
- ✓ NENW S.27 T2N R3W
- ✓ NWNW S.16 T1N R3W
- ~~NENE S.26 T2N R3W~~

~~SESE S.22 T2N R3W~~ *RL*

Being
Added →

SWNE (per office visit by S.C. with RW)

MICROFILMED

NOV 27 1990

R-DEPARTMENT MEMO — 1

FROM

Steve L.

DATE

8/2/90

TO

Dana T. Orr

SUBJECT

HARVEST FARMS 63-03104Transfer
= #3634

The transfer filed on this to change a well location is at S.O. Gary S. told me that Phil R. has file. Gary advised me that we should readvertise this recently received amended transfer to make another plot change. Gary said he will forward transfer file to Region for the readvertising. I thought I should give this to you in case questions or need for action occurs.

SIGNATURE

SL

FROM

Steve Lester

DATE

7/30/90

TO

Transfer File on 63.03104

SUBJECT

READVERTISE

Talked to Gary Spackman about the amended transfer appl. The transfer file was sent to S.O. in 12/89 but has not been approved yet. Gary will locate the file & forward it to region for readvertising.

Also spoke to ~~Kenneth~~ **MICROFILMED** ~~debra~~ **FREE** She will

Sheryl Chapman's office concerning a.s.a.p.

Rec'd
7/30/90

NOV 27 1990

82
SIGNATURE

Transfer No. 3634

APPLICATION FOR TRANSFER OF WATER RIGHT

**GHT
APPROVED**

344-6690
Name of applicant Bing / Frost Ranch Co. Phone 1-800-547-7023
Post Office address P.O. Box 650 Cottage Grove, OR. 97424

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes replacement of well

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------------|-----------------------|------------------|---------------|
| 63-03104 | March 25, 1957 | 6.8 cfs | Irrigation | 3/15 to 11/15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 6.8 cubic feet per second and/or _____ acre-feet per annum
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	✓	SW	NE	22	2N	3W	Canyon	#4
	✓	SE	NW	22	2N	3W		#3
	✓	SE	SE	22	2N	3W		#6
	✓	SE	NE	23	2N	3W		#10

5. Lands irrigated or place of use:

NO CHANGE

Continued in Attachment A

[illegible]

COPY PROVIDED RE: AMENDED TRANSFER OF 7/26/90

PART 1

6. General Information:

a. Description of diversion system 9 wells & 1 surface water pumping plant,
interconnected mainlines for pivot & sprinkler lines.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A point of diversion change Yes Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

Note that approved transfer no. 2732 describes this ground
water right as including water pumped from the Snake River.
To remain consistent with earlier record & water right numbering scheme,
leave source description as groundwater with surface water source as a remark.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-3104

And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

RECEIVED

NOV 2 1990

Witness my hand this

13th

day of

August

19 90

H. Glen Saxton
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03104 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other N/A Point of Diversion
CHANGE ONLY

3. Source of water ground water tributary to _____

4. Date or priority March 25, 1957

5. Water is used for the following purpose:

amount 6.8 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 6.8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	22	2N	3W	Canyon	
		SE	NW	22	2N	3W		
		SE	SW	22	2N	3W		

CONTINUED IN ATTACHMENT A

8. Lands irrigated or place of use:

NO CHANGE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Attachment A , App for Transfer of 6303104

Part 1, B, 4 Points of Diversion After the Requested Change , Continued

<u>1/4</u>	<u>1/4</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>	<u>Local Div. Name</u>
NE	NW	23	2N	3W	Canyon ↓	# 2
SE	NW	23	2N	3W		# 17
NE	SW	23	2N	3W		# 16
SE	NE	26	2N	3W		# 11
NE	NW	27	2N	3W		# 1
NW	NW	16	1N	3W		Snake River Pumping Plant

Part 2, A, 7 Points of Diversion as Recorded, Continued

<u>1/4</u>	<u>1/4</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>	<u>Local Div. Name</u>
SW	SE	22	2N	3W	Canyon ↓	
SE	SE	22	2N	3W		
SE	NE	23	2N	3W		
NE	NW	23	2N	3W		
SE	NE	26	2N	3W		
NE	NW	27	2N	3W		
NW	NW	16	1N	3W		Snake River Pumping Plant

UNRECORDED

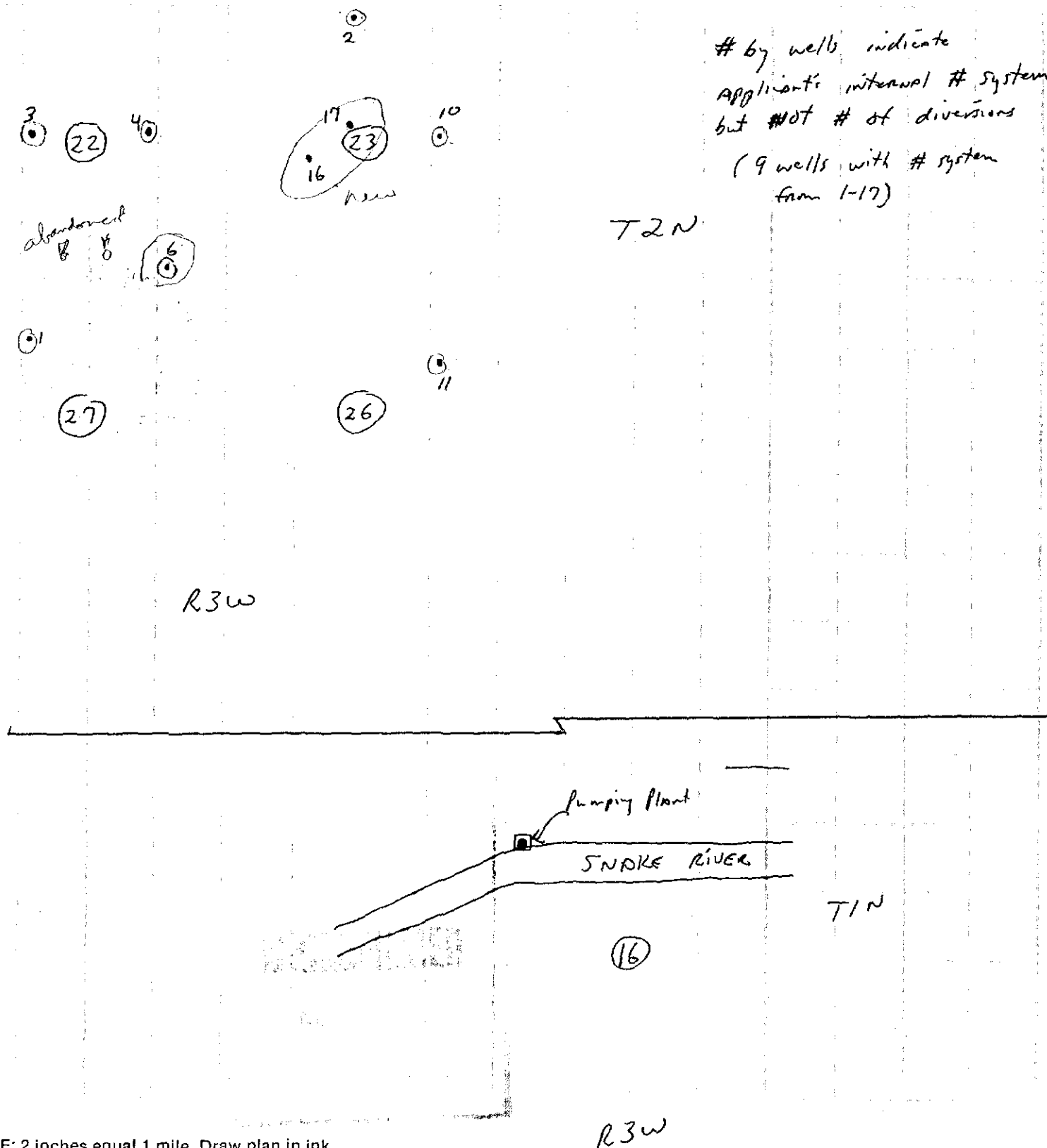
NOV 2 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

•=WELLS



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this _____

18

day of _____

July, 19 89.

(Signature of Applicant)

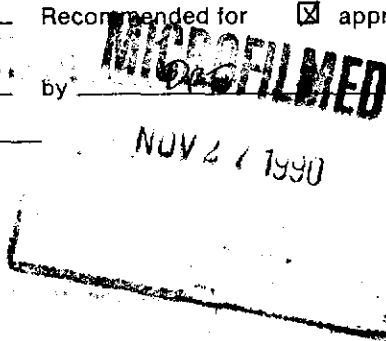
L. S. Ten for Dr. Fort Smith Co.Sherl L. Chapman

(Notary Public)

My commission expires June 14, 1994**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachmentsReceived by SL Date 7/17/89 Protest filed by _____Prelim. check by GP Fee \$50.00Receipted by SL Date 7-18-89Published in PRESS-TRIBUNE paper enclosed Copies of protest forwarded by _____Pub. dates 9/6 & 9/13/89 Reads 11/15 + 11/22/89 Hearing held by _____ Date _____Watermaster recommendation requested on TRANSFER 9/19 + 9/26/1990 Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



CONDITIONS OF APPROVAL
TRANSFER NO. 3634 OF WATER RIGHT NO. 63-03104

1. For any well developed within 1/8 mile from any property boundary line, the applicant must submit a proposal to the Department showing the exact location of the proposed well, and must establish that withdrawal from the well will not interfere with other water rights.
2. Surface water shall continue to be used as a source of supply for the ground upon which water right no. 63-03104 is appurtenant, and ground water shall not be used as a sole supply of water except when earlier priority rights, maintenance problems or mechanical pumping problems prevent delivery of surface water.
3. Conditions imposed by transfer no. 2732 must continue to be satisfied.
4. All existing wells which will be inactive must be abandoned pursuant to IDWR standards.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 63-03104

Notice is hereby given that Harvest Farm Company of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of Point of Diversion of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 6.80 cfs

Point(s) of Diversion: T1N R3W S16 NWNW

Priority: 3/25/1957

T2N R3W S22 SWNE,
SENE, SESE
T2N R3W S23 SENE,
NENW, SENW, NESW
T2N R3W S26 SENE
T2N R3W S27 NENW

The water is used for irrigation purposes on 650 acres in T2N R3W S22, 23, 26, and 27.

TO BE CHANGED AS FOLLOWS

Amount: 6.80 cfs

Point(s) of Diversion: T1N R3W S16 NWNW

T2N R3W S22 SWNE (2
points), SENE, SESE
T2N R3W S23 SENE,
NENW, NESW
T2N R3W S26 SENE
T2N R3W S27 NENW

The water will be used for irrigation purposes on same irrigated land as described above.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before October 9, 1990.

R. KEITH HIGGINSON

Director

September 19, 26, 1990

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 27 1990

Department of Water Resources
Western Regional Office

la Ward

a, Canyon County, Idaho, being first duly sworn, deposes

I am a citizen of the United States of America, and at all hereinafter mentioned was over the age of eighteen years, a party to the above entitled action.

I am the Principal Clerk of the Idaho Press-Tribune, a (except Saturday) newspaper published in the City of and Caldwell, in the County of Canyon, State of Idaho; said newspaper is in general circulation in the said Canyon, and in the vicinity of Nampa and Caldwell, and uninterruptedly published in said County during a period of twenty-eight consecutive weeks prior to the first publication of the same, a copy of which is hereto attached.

that the notice, of which the annexed is a printed copy, was published in said newspaper
two times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

September 19, 26, 1990

Sharla Ward

STATE OF IDAHO)

COUNTY OF CANYON)

On this 26th day of September in the year of 1990, before me, a Notary Public, personally appeared Sharla Ward, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

Total acres _____

PART 1

6. General Information:

a. Description of diversion system 9 wells & 1 surface water pumping plant, interconnected mainlines for pivot & sprinkler lines.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Point of diversion change
Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

Note that approved transfer no 2732 describes this ground water right as including water pumped from the Snake River. To remain consistent with earlier record & water right numbering scheme, leave source description as groundwater with surface water source as a remark.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-3104

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

MICROFILMED

SEP 18 1990

Witness my hand this 13th day of August, 19 90

J. Glen Saxton
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03104 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other N/A Point of Diversion
change only

3. Source of water ground water tributary to _____

4. Date or priority March 25, 1957

5. Water is used for the following purpose:

amount 6.8 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	22	2N	3W	Canyon	
		SE	NW	22	2N	3W		
		SE	SW	22	2N	3W		

CONTINUED IN ATTACHMENT A

8. Lands irrigated or place of use:

NO CHANGE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

SEP 18 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

MICROFILMED

SEP 18 1990

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

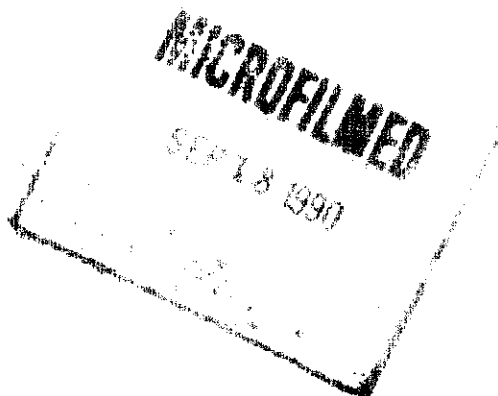
Attachment A , Appl for Transfer of 63-3104

Part 1, B, 4 Points of Diversion After the Requested Change , Continued

<u>1/4</u>	<u>1/4</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>	<u>Local Div. Name</u>
NE	NW	23	2N	3W	Canyon	# 2
SE	NW	23	2N	3W	↓	# 17
NE	SW	23	2N	3W		# 16
SE	NE	26	2N	3W		# 11
NE	NW	27	2N	3W		# 1
NW	NW	16	1N	3W		Snake River Pumping Plant

Part 2, A, 7 Points of Diversion as Recorded, Continued

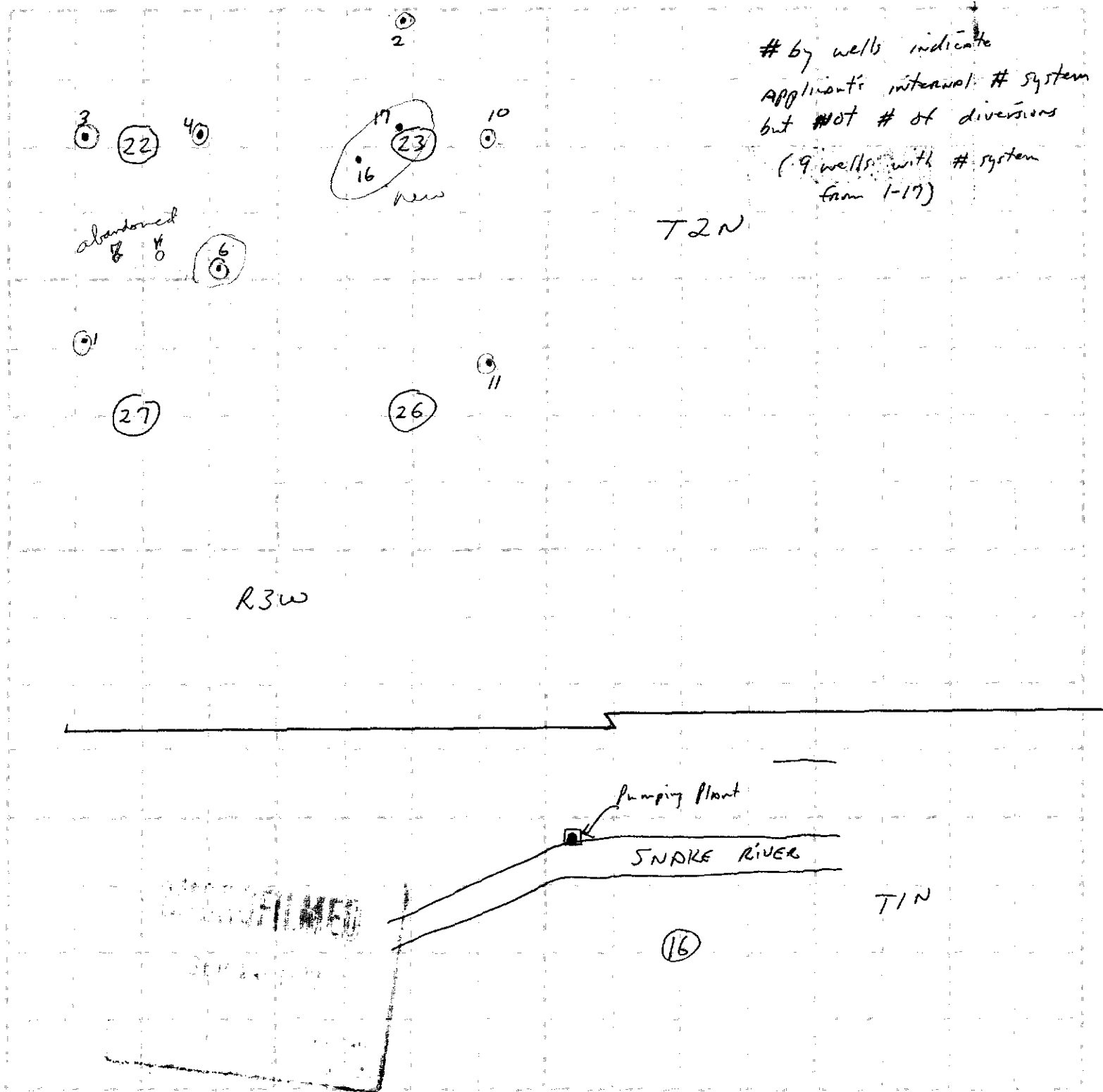
<u>1/4</u>	<u>1/4</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>	<u>Local Div. Name</u>
SW	SE	22	2N	3W	Canyon	
SE	SE	22	2N	3W	↓	
SE	NE	23	2N	3W		
NE	NW	23	2N	3W		
SE	NE	26	2N	3W		
NE	NW	27	2N	3W		
NW	NW	16	1N	3W	↓	Snake River Pumping Plant



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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

•=WELLS



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

R3W

PART 3**B. CHANGES IN NATURE OF USE**

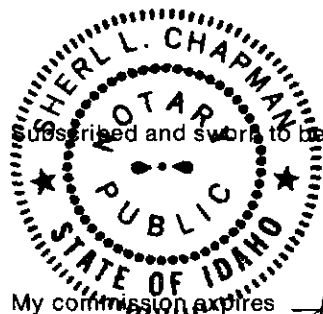
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this _____

18

day of

July, 19 89.

(Signature of Applicant)

Sherill L. Chapman

(Notary Public)

My commission expires

June 14, 1994**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachmentsReceived by SL Date 7/17/89

Protest filed by _____

Prelim. check by SL Fee \$50.00Received by SL Date 7-18-89Published in PRESS-TRIBUNE paper error

Copies of protest forwarded by _____

Pub. dates 9/6 & 9/13/89 Rec'd. 11/15 + 11/20/89

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by DRT

Copy of transfer sent to lien holder _____

MICROFILMED

SEP 18 1990

CONDITIONS OF APPROVAL
TRANSFER NO. 3634 OF WATER RIGHT NO. 63-03104

1. For any well developed within 1/8 mile from any property boundary line, the applicant must submit a proposal to the Department showing the exact location of the proposed well, and must establish that withdrawal from the well will not interfere with other water rights.
2. Surface water shall continue to be used as a source of supply for the ground upon which water right no. 63-03104 is appurtenant, and ground water shall not be used as a sole supply of water except when earlier priority rights, maintenance problems or mechanical pumping problems prevent delivery of surface water.
3. Conditions imposed by transfer no. 2732 must continue to be satisfied.
4. All existing wells which will be inactive must be abandoned pursuant to IDWR standards.

MICROFILMED

SEP 24 1980

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Rebecca Stiehl

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times
—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

September 6, 13, 1989

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 13th day of September in the year of 1989, before me, a Notary Public, personally appeared Rebecca Stiehl, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Janet L. Smith
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

No. 63-08104

Notice is hereby given that Bing Frost Ranch Co. of Cottage Grove, OR have applied to the Department of Water Resources for a change of point of diversion of the water of groundwater. The right sought to be changed is evidenced by license and is recorded as follows:

Amount: 6.8 cfs Priority: 03/25/1957

Point(s) of Diversion: T01N, R03W, Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESW, S½SE; Section 23 SENE, NENW; Section 26 SENE; Section 27 NENW.

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS

Amount: 6.8 cfs

Point(s) of Diversion: T01N, R03W, Section 16 NWNW; T02N, R03W, Section 22 SWNE, SENW, SESE; Section 23 SENW, SESE, E½NW, NESW; Section 26 SENE; Section 27 NWNE.

The water will be used for irrigation.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before September 25, 1989.

R. KEITH HIGGINSON
Director

September 6, 13, 1989

MICROFILMED

SEP 13 1989

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

NOTICE OF CORRECTION OF
APPLICATION FOR TRANSFER

Notice is hereby given that on August 16 and 23, 1989, Application for Transfer No. 63-03104 in the name of Bing Frost Ranch Co. was advertised in error.

The Point of Diversion was advertised to be changed to T01N, R03W Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE; Section 23 SENW, SESE, E½NW, NESW; Section 26 SENE; Section 27 NWNE.

The change should have read T01N, R03W Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE; Section 23 SENE, E½NW, NESW; Section 26 SENE; Section 27 NENW.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before December 4, 1989.

R. KEITH HIGGINSON, Dir.
November 15, 22, 1989

Rebecca Stiehl

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times
—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 15, 22, 1989

Rebecca Stiehl

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 22nd day of November in the year of 1989, before me, a Notary Public, personally appeared Rebecca Stiehl, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

James Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

MICROFILMED

SEP 18 1990

ATTACHMENT "A"

Desired p/d

new p/d = NW SW S. 23

NW/4 SW/4, SEC. 23
SE/4 SW/4, SEC. 22
NE/4 NW/4, SEC. 27
SE/4 NE/4, SEC. 26
SE/4 NE/4, SEC. 23
NE/4 NW/4, SEC. 23
SW/4 NE/4, SEC. 22
SE/4 NW/4, SEC. 22
SW/4 SE/4, SEC. 22
SE/4 SE/4, SEC. 22

All in T2N, R3W and

NW/4 NW/4, SEC. 16, T1N, R3W

MICROFILMED

SEP 18 1990

ATTACHMENT "B"

existing p/d

SE/4 SW/4, SEC. 22
NE/4 NW/4, SEC. 27
SE/4 NE/4, SEC. 26
SE/4 NE/4, SEC. 23
NE/4 NW/4, SEC. 23
SW/4 NE/4, SEC. 22
SE/4 NW/4, SEC. 22
SW/4 SE/4, SEC. 22
SE/4 SE/4, SEC. 22

NW/4 S. 16 = Snake
River

All in T2N, R3W and

NW/4 NW/4, SEC. 16, T1N, R3W

MICROFILMED

SEP 18 1990

Attachment C

RECEIVED
JAN 13 1989

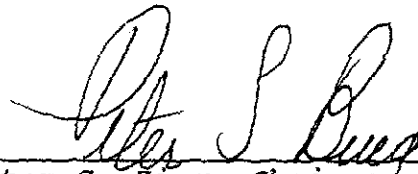
9700 WEST PICO BOULEVARD
LOS ANGELES CALIFORNIA 90035

Department of Water Resources
Western Regional Office

11 January 1989

TO WHOM IT MANY CONCERN:

This letter authorizes Mr. George Fenn to act on behalf of
Bing/Frost Ranch in matters related to the transfer of water
rights for Bing/Frost Ranch Co.



Peter S. Bing, Chairman of the Board
Bing/Frost Ranch Co.

RECEIVED

SEP 18 1990

RECEIVED
JAN 13 1989

Department of Water Resources
Western Regional Office

11 January 1989

TO WHOM IT MANY CONCERN:

I hereby certify that the following are the current directors
and officers of BING/FROST RANCH CO.:

Peter S. Bing, Director and Chairman of the Board
F. Daniel Frost, Director and President
Helen L. Bing, Vice President
Camilla C. Frost, Secretary-Treasurer



Peter S. Bing, Chairman of the Board

[Faint handwritten notes and a rectangular stamp box]

Attachment

POLICY OF TITLE INSURANCE

issued by

SAFECO TITLE INSURANCE COMPANY OF IDAHO

RECEIVED
JAN 1 1990

Department of Water Resources
Western Regional Office

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, SAFECO TITLE INSURANCE COMPANY OF IDAHO, an Idaho corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title;

and in addition, if a mortgage is referred to in Schedule A as the insured mortgage, by reason of:

5. The invalidity or unenforceability of the lien of the insured mortgage upon said estate or interest except to the extent that such invalidity or unenforceability, or claim thereof, arises out of the transaction evidenced by the insured mortgage and is based upon
 - a. usury, or
 - b. any consumer credit protection or truth in lending law;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Any statutory lien for labor or material which now has gained or hereafter may gain priority over the lien of the insured mortgage, except any such lien arising from an improvement on the land contracted for and commenced subsequent to Date of Policy not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment, shown in Schedule A, of the insured mortgage or the failure of said assignment to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

In Witness Whereof, SAFECO Title Insurance Company of Idaho has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of Date of Policy shown in Schedule A.

[Signature]
Secretary



W H Little
President

Richard D Suttle
An Authorized Signature

MICROFILMED
SEP 13 1990

COPY

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SCHEDULE A

Order No. 11-32470-II

Amount of Insurance: \$4,500,000.00

Date of Policy: November 3, 1981 at 2:03 P.M.

1. Name of Insured:

BING/FROST RANCH CO., AN IDAHO CORPORATION

2. The estate or interest in the land described herein and which is covered by this policy is:

FEE SIMPLE

3. The estate or interest referred to herein is at Date of Policy vested in:

BING/FROST RANCH CO., AN IDAHO CORPORATION

4. The land referred to in this policy is situated in the County of Canyon, State of Idaho and is described as follows:

PLEASE SEE EXHIBIT I ATTACHED HERETO AND MADE A PART HEREOF.

MICROFILMED
SEP 18 1990

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Order No. 11-32470-II

EXHIBIT I

All in Township 2 North, Range 3 West, of the Boise Meridian in Canyon County, Idaho.

SECTION 21: The East Half (E1/2) of the East Half (E1/2).

SECTION 22: All, save and except the South 25 feet of the East 35 feet of the East 100 feet of the West Half (W-1/2) of the Northwest Quarter (NW-1/4).

SECTION 23: All, save and except the following described parcel, to-wit:

Beginning at a point 528 feet North of the Southeast corner of Section 23, Township 2 North, Range 3 West Boise Meridian, and running thence West and parallel to the South line of the said Section 23, 160.0 feet; thence running North 45°00' West 173.6 feet; thence running North and parallel to the East line of the said Section 23, 673.7 feet to a point on the North line of the Southeast Quarter (SE-1/4) of the Southeast Quarter (SE-1/4) of the said Section 23; thence running East with the said North line 282.8 feet to the Northeast corner of the said Southeast Quarter (SE-1/4) of the Southeast Quarter (SE-1/4) of Section 23; thence running South and with the said East line of the said Southeast Quarter (SE-1/4) of the Southeast Quarter (SE-1/4), Section 23, 796.5 feet to the Point of Beginning.

LESS right of way 25 feet wide along and adjoining the East line of Section 23, from the Southerly line of the above described tract, South to the public highway on the South line of said Section 23.

SECTION 26: The North Half (N-1/2) of the Northwest Quarter (NW-1/4), Northwest Quarter (NW-1/4) of the Northeast Quarter (NE-1/4), East Half (E-1/2) of the Northeast Quarter (NE-1/4) and the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4).

(Continued)

MICROFILMED

SEP 18 1990

Order NO. 11-32470-II

EXHIBIT I (Continued)

SECTION 27: The Northwest Quarter (NW-1/4), North Half (N-1/2) of the Northeast Quarter (NE-1/4) and the Southwest Quarter (SW-1/4) of the Northeast Quarter (NE-1/4).

EXCEPT All minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied (As to $W\frac{1}{2} W\frac{1}{2} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$ of Section 22; $E\frac{1}{2} NE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $NW\frac{1}{4} NE\frac{1}{4}$ and $NE\frac{1}{4} NW\frac{1}{4}$ Section 26) (As to $W\frac{1}{2} NW\frac{1}{4}$ Excepting therefrom the East 100 feet thereof; $W\frac{1}{2} SW\frac{1}{4}$ Section 22; $E\frac{1}{2} E\frac{1}{2}$ of Section 21 and $W\frac{1}{2} NW\frac{1}{4}$ Section 27 until December 22, 1990.) (An undivided 1/2 interest, in common with Vestee herein as to balance of premises.)

MICROFILMED

SEP 18 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Debra Martin del Campo

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper
Two times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 1, 8, 1989

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 8th day of February in the year of 1989, before me, a Notary Public, personally appeared Debra Martin del Campo, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Janet Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**
No. 63-03104

Notice is hereby given that BING/FROST RANCH CO. of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of point of diversion of the water of Snake River and groundwater. The right sought to be changed is evidenced by License No. 63-03104 and is recorded as follows:

Amount: 6.80 cfs

Priority: 3/25/1957

Point(s) of Diversion: T. 1N., R. 3W., S. 16, NWNW; T. 2N., R. 3W., S. 22, SWNE, SENW, SESW, S1/2SE1/4; S. 23, SENE, NENW; S. 24, SENE; S. 27, NENW, B.M.

The water is used for irrigation purpose.

TO BE CHANGED AS FOLLOWS

Amount: 6.80 cfs

Point(s) of Diversion: T. 1N., R. 3W., S. 16, NWNW; T. 2N., R. 3W., S. 22, SWNE, SENW, SESW, S1/2SE1/4; S. 23, SENE, NENW, NWSW; S. 26, SENE; S. 27, NENW, B.M.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before February 21, 1989.

R. KEITH HIGGINSON
Director

February 1, 8, 1989

MICROFILMED

SEP 18 1990

If questions arise, please contact:

Sherl L. Chapman

921 S. Orchard, Suite N

Boise, ID 83705

344-6690

Transfer No. 2732Water Right No. 63-3104STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Bing/Frost Ranch Co. Phone 213-488-7338Post office address 515 S. Flower St., Los Angeles, CA 90071

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)b. License No. 63-3104 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Purchase of
land to which water is appurtenant.3. Source of water Ground Water tributary to -----4. Date of priority March 25, 1957

5. Water is used for the following purposes:

amount 6.8 cfs for Irrigation purposes from 3-15 to 11-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)6. Total amount of water under right: a. 6.8 cubic feet per second
&/or
b. 2,925 acre feet per annum7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22
Township 2N Range 3W, B.M., in Canyon County
Additional points of diversion, if any SW $\frac{1}{4}$ NE $\frac{1}{2}$ Sec. 22, T2N, R3W.

8. Lands irrigated or 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 $\frac{1}{4}$	
2N	3W	22	25	35	40	40									40	40	40	40	300
2N	3W	23							35	35	40	40	40	40					230
2N	3W	26						40											40
2N	3W	27	40	40															80

Total number of acres to be irrigated 6509. Describe any other water rights used for the same purposes as described above 63-7561; 63-3490

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 6.8 c.f.s. &/or 2,925 acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 22 Township 2N
Range 3W, B.M., Canyon County _____
(1) (3) (5) (6)
Additional points NE¼NW¼ Sec. 27; SE¼NE¼ Sec. 26; SE¼NE¼ Sec. 23; NE¼NW¼ Sec. 23;
(7) (8) (9) (10)
SW¼NE¼ Sec. 22; SE¼NW¼ Sec. 22; SW¼SE¼ Sec. 22; SE¼SE¼ Sec. 22 all in T2N, R3W and
NW¼NW¼ Sec. 16, T1N, R3W.
- c. Description of diverting works 8 wells and one pumping station on the Snake River.
- d. Describe the reasons for applying for a change in the point(s) of diversion See Attachment "A"

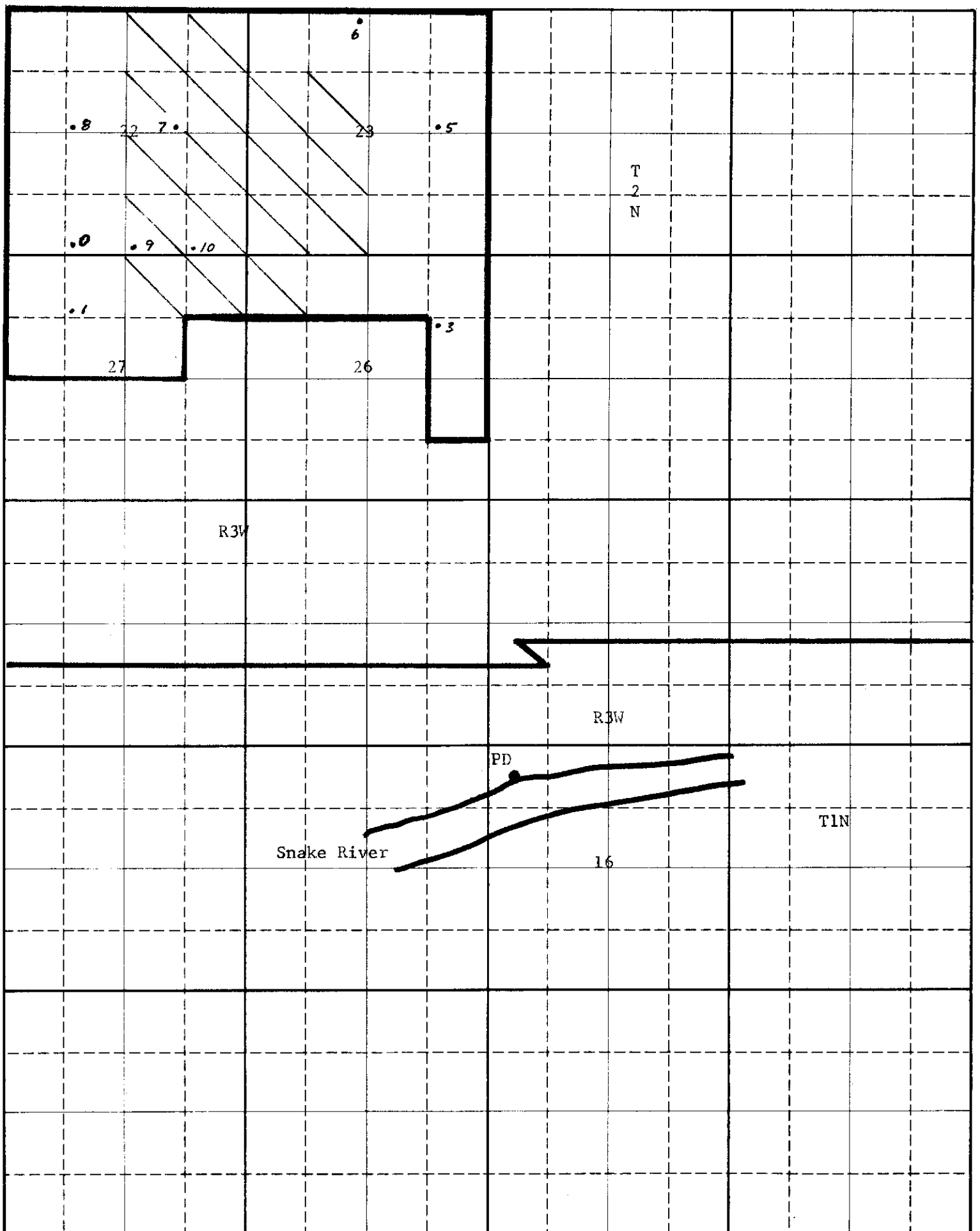
2. Change in place of use NO CHANGE

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

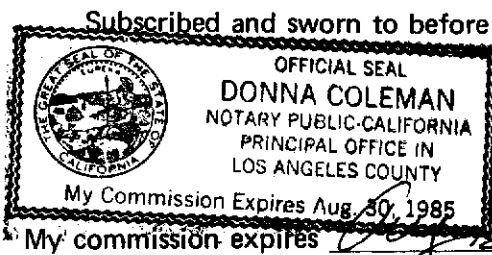


SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
BING FROST RANCH CO., an Idaho Corporation

By: (Signature of applicant)
F. Daniel Frost, President
April, 1982

Subscribed and sworn to before me this 5th day of _____

My commission expires Aug 30, 1985

(Signature of Notary Public)
Donna Coleman
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-3104
and said application is hereby APPROVED, subject to the following limitations and conditions:
1. The diversion rate of water and annual volume of water diverted at each and every point of diversion shall not exceed the amount originally licensed at that point of diversion.
2. Each point of diversion shall maintain its original priority date and in times of water shortage, each point of diversion shall be regulated according to the original priority date associated with that point of diversion.
3. No more than 1454.1 acres shall be irrigated during any irrigation season from groundwater and no more than 400 acres shall be irrigated each irrigation season with water diverted directly from the Snake River.
4. Failure to comply with condition #3 will void the approval of Transfers 2730 through 2737.

Witness my hand this 18th day of April, 1983.

(Signature of J. Glen Saxton)
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by 6hS Date 4/16/82 Protest filed by _____
Prelim. check by _____ Fee \$50.00
Receipted by 6hS Date 4/16/82 # 22956
Published in Tucson Tribune Copies of protest forwarded by _____
Pub. date 7/1 & 7/2/82 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by DBS Jim DPT

ATTACHMENT A

Applicant wishes to apply for transfer of water right with regard to all points of diversions applicable to this property. In the past the farm was developed in stages with wells being drilled or water being provided the land as the need developed. A portion of the property is irrigated with surface water from the Snake River and the balance irrigated from wells developed on the farm. With modernization of irrigation equipment, applicant irrigates the entire property through a single unitized irrigation system. Mainlines and lateral lines traverse the entire property and water from all of the sources of supply are comingled within the irrigation system. Since water from all sources is used to irrigate various portions of the farm property, applicant wishes to use this method of water distribution within compliance of Idaho State law. It is realized that commonly ground and surface waters are separated insofar as water right transfers are considered but because of the unique nature of the irrigation system and the comingling of all water supplies merging of the points of diversion in this manner is felt to be appropriate and necessary.

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

July 1, 8, 1982

Subscribed and sworn to before me this 8th
day of July

19 82

Janet Subk
Notary Public, Residing at Nampa, Idaho

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 63-3104

Notice is hereby given that Bing/Frost Ranch Co. of 515 S. Flower St., Los Angeles, CA 90071 has applied to the Department of Water Resources for a change of the source of water and point of diversion of the water of a groundwater source. The right to be changed is evidenced by license 63-3104 and is recorded as follows:

Amount: 6.8 cfs Priority March 25, 1957
Point(s) of Diversion: SESW and SWNE Sec 22 T2N R3W Canyon Co.

The water is used for irrigation purposes from March 15 to November 15 upon 650 acres within portions of Sec 22, 23, 26, 27, T2N, R3W.

TO BE CHANGED AS FOLLOWS

Source of Water: Groundwater and Snake River
Amount: 6.8 cfs

Points of Diversion: SESW, SWNE, SENW, SWSE, SESE Sec 22; SENE, NENW Sec 23; SENE Sec 26; NENW Sec 27 T2N R3W and NWNW Sec 16 T1N R3W

The water will be used for: Irrigation purposes from March 15 to November 15 upon 650 acres within portions of Sec 22, 23, 26 and 27 T2N R3W.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before July 19, 1982.

A. KENNETH DUNN
Director

July 1, 8, 1982

RECEIVED
JUL 9 1982

Department of Water Resources
Western Regional Office

MY COMMISSION EXPIRES
JULY 12th, 1985

State of Idaho

License and Certificate of Water Right

Water License No. G-26823

Amount 6.8 c.f.s.

Water District No.

Priority March 25, 1957

THIS IS TO CERTIFY that R. E. Balley - Assignee - THE BARLOW COMPANY, Inc. of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 25, 1957; that Permit No. G-26823 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.8 second feet, was issued thereunder on September 18, 1962, showing that said works were completed on the 24th day of March, 1961; and that on the 24th day of March, 1961,

THE BARLOW COMPANY, Inc.

of Nampa, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two wells, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-26823 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7446, on the 18 day of September, 1962; The right hereby confirmed dates from March 25, 1957;

The Point of Diversion is located SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 22, Tp. 2 N., R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.80 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	3 W.	22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	25
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	35
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$	160	160
		23	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	35
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	35
			SW $\frac{1}{4}$	160	160
		26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
		27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			Total number of acres to be irrigated:		650

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 18th day of September, 1962.

CARL E. TAPPAN
Assistant State Reclamation Engineer.

(SEAL)

63-2104
26823

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34728
Permit No. G- 26823
District No.

Assigned to

The Barlow Co.
Rt # 4 - Nampa
Ida

1. Name of Applicant: R. E. BAILEY
Postoffice address: Rt. 4, Nampa County: Canyon State: Idaho
2. Quantity of water claimed: 7.0 cfs
 - (a) Rate of withdrawal in cubic feet per second. 7.0 or Idaho
Miners' inches 350 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow (wells)
In the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 22,
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ $\frac{1}{4}$ of the NW $\frac{1}{2}$ $\frac{1}{4}$ of Section 27,
Twp. 2 N. , Rge. 3 W. , B.M., County of Canyon
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 75,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: See Permit No. 20905
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Filed for record in the Department
of Reclamation in Book 95 of Permits
at Page 26823 - January 20, 1959
GEO. N. CARTER
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-26823

Comes now BARLOW COMPANY, Inc. and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho,
No. G-26823.

That the point of diversion is described in said permit as being located: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27,
T. 2 N., R. 3 W., B. M.

That he now requests that the points of diversion be changed to points located SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22,
T. 2 N., R. 3 W., B. M.

That the reason for desiring to make such change is as follows: error in original application.
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 3 day of February, 1960.

s/ BARLOW CO., INC.

by Max F. Barlow

Date of receipt at Department of Reclamation: February 3, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-26823. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: February 8, 1960

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-26823

Comes now BARLOW COMPANY, Inc. and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-26823 and requests that the list of lands to be irrigated as described in said permit, be changed to read as follows:

E $\frac{1}{2}$, Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 2 N., R. 3 W., B. M.
making a total of 680 acres

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 3rd day of February, 1960.

s/ BARLOW CO., Inc.
by Max F. Barlow

Date of Receipt at Department of Reclamation: Feb. 3, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-26823. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: February 8, 1960

Permit No. G-26823
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that R. E. BALLEY - Assignee - BARLOW COMPANY, Inc. of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-26823, issued upon Application No. G-34728 bearing date of priority of March 25, 1957, authorizing the diversion of 7.0 second feet of waters of wells County of Canyon, State of Idaho for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 6.80 second feet of the waters of two wells from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 2 N., R. 3 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

650 acres in E $\frac{1}{2}$, Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, T. 2 N., R. 3 W., B. M.

Witness my hand this 18th day of September, A. D. 1962.

s/ CARL E. TAPPAN, Assistant
State Reclamation Engineer

Proof of Completion of Works Made: March 24, 1961

LICENSE ISSUED FOR 6.8 SEC. FT.
page 7446

MEMORANDUM

TO: Files 63-2754/2975/3104/3490/3492/7561/7793

FROM: Sharla

DATE: November 30, 1992

RE: Transcript of Hearing

See file 02-0068 for a copy of the transcript of hearing conducted on the transfers filed in connection with these rights.

RECEIVED
APR 8 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF COMPLETED TRANSFER

The Idaho Department of Water Resources will consider this form as a statement regarding completion of the authorized water right(s) transfer.

1. Water Right No(s). 63-03104

Transfer No. 3764

2. Name of Water Right Holder(s): HARVEST FARM CO.

Change of Office
Address: 13735 MISSOURI AVE NAMPA, ID 83686

3. Water right transfer authorized by Department is:
(check appropriate space or provide description)

Complete ✓

Not Complete _____

Partially Complete (describe work completed) _____

4. If the transfer has not yet been completed or is only partially complete, please provide a statement why the authorized change(s) have not been accomplished and the date which you expect the changes to be complete: _____

5. I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in Department action rescinding the approved water right(s) transfer.

Harvest Farm Co
By Charles A. Penell 4-6-92
Signature Date

(& title if on behalf of a company or organization)

MICROFILMED

MAY 19 1992

HARVEST FARM COMPANY
13735 MISSOURI AVENUE
NAMPA, ID 83686
Tel (208) 467-9712

RECEIVED
APR 6 1992

Department of Water Resources

April 2, 1992

Memo to Department of Water Resources
regarding change of address----

Please change the address for Harvest Farm Company to
13735 Missouri Avenue
Nampa, ID 83686

Currently mail is being sent to Cottage Grove, OR. That is no longer the
address for Harvest Farm Company. Please change all records to the
current address.

Thank you,


HARVEST FARM COMPANY

Helen J. Magoffin, office manager

RECEIVED

MAY 19 1992



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 26, 1992

Harvest Farm Co.
Box 650
Cottage Grove, OR 97424

RE: Approved Transfer No. 3764/Water Right No(s). 63-03104

Dear Water Right Holder(s):

On November 2, 1990, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and give an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

SHARLA CURTIS
Water Resource Agent

Enclosure

MAY 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 2, 1990

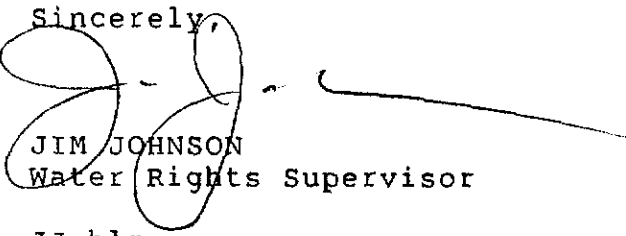
RE: Transfer of Water Right No. 63-03104

Harvest Farm Co.
P.O. Box 650
Cottage Grove, OR 97424

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3764). Be sure to note any conditions of approval as listed on the second page.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

NOV 27 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: October 15, 1990

RE: TRANSFER NO. 3764/LICENSE NO. 63-3104

=====

The above transfer involves a point of diversion change only.
The transfer may be approved with standard conditions below:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

NOV 2 1990

NOV 2 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: 82

1. Right number 63-03104 Applicant Honest Farms Co.

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

Transfer app. filed to correct a point of diversion described in recent transfer #3634.

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☐ Description of original place of use. *N/A as in recent transfer #3634*

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☐ Check description of place of use. *N/A NO CHANGE*

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☐ Check proof of ownership of right &/or land from which water is transferred. *N/A PID change*

h. ☐ Check for expansion in use of right. Comments *Replacement well*

i. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) N/A

j. ☐ Is use within a Watermaster District? ☐ Yes ☐ No *N/A ground water*

If yes, what district? _____ Comment letter sent ☐ Yes ☐ No

FINAL PROCESSING REVIEW BY: DET

1. Watermaster recommendation requested on N/A Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By DET

Date 10/11/90

RECEIVED
OCT 11 1990

Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 9, 1990

W. F. Ringert
599 West Bannock St.
P.O. Box 2773
Boise, ID 83701

Re: Proposed Change of Water Right #63-03104

Dear Mr. Ringert:

We are in receipt of your letter dated October 2, 1990, regarding the above-referenced proposed change of water right. You have stated that your understanding is that the proposed change involves only the elimination of a well in the SE 1/4 NW 1/4 of Sec. 23, T2N R3W, B.M., and the addition of a well in the SW 1/4 NE 1/4 of Sec. 22, T2N R3W, B.M.

This letter confirms that your understanding of the intent of the application for transfer matches the filing in this office. Accordingly, your letter will not be considered to be a protest in this matter.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

MICROFILMED

NOV 27 1990

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1988)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701

TELEPHONE (208) 342-4591
FAX (208) 342-4657

October 2, 1990

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

Re: Proposed Change of Water Right No. 63-03104

Gentlemen:

We have received a copy of a Notice of Proposed Change of Water Right for Water Right No. 63-03104. The Notice indicates that any protest against approval of the proposed change must be filed with your office on or before October 9, 1990. On behalf of my clients, the Board of Directors of West End Project, Allen Noble Farms, Inc., Farm Development Corporation, Desert Sun Farms, Inc., Donald K. Brandt, Joan Marie Brandt and Marilyn Irene Brandt, this is to advise you that we understand the proposed change as involving only the elimination of a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T. 2 N., R. 3 W., B.M., and the addition of a well in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 2 N., R. 3 W., B.M., under License No. 63-03104. My clients have no objection to the proposed change if that understanding is correct.

However, if the proposed change of Water Right No. 63-03104 involves anything other than, or in addition to, the elimination of one well and the addition of another in the locations described above, then this letter shall constitute a protest against the proposed change pursuant to Idaho Code §42-222 on the grounds that the proposed change (1) will reduce the quantity of water under existing water rights, (2) is not made in good faith or is made for delay or speculative purposes, (3), will conflict with the local public interest and (4) is contrary to conservation of water resources within the state of Idaho.

Yours very truly,



W. F. Ringert

WFR:am

cc: Allen T. Noble
Don Brandt
Charles Pintler

MICROFILMED
NOV 27 1990

SEP 19 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 63-03104

Department of Water Resources
Western Regional Office

Notice is hereby given that Harvest Farm Company of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of Point of Diversion of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 6.80 cfs

Priority: 3/25/1957

Point(s) of Diversion: T1N R3W S16 NWNW✓
T2N R3W S22 SWNE, SENW, SESE✓
T2N R3W S23 SENE, NENW, SENW, NESW✓
T2N R3W S26 SENE✓
T2N R3W S27 NENW

The water is used for irrigation purposes on 650 acres in T2N R3W S22, 23, 26, and 27.

TO BE CHANGED AS FOLLOWS

Amount: 6.80 cfs

Point(s) of Diversion: T1N R3W S16 NWNW✓
T2N R3W S22 SWNE (2 points), SENW, SESE✓
T2N R3W S23 SENE, NENW, NESW✓
T2N R3W S26 SENE✓
T2N R3W S27 NENW✓

The water will be used for irrigation purposes on same irrigated land as described above.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before October 9, 1990.

R. Keith Higginson
Director

Published in the Press-Tribune on 9/19 & 9/26/1990.

MICROFILMED

NOV 27 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 63-03104

Notice is hereby given that Harvest Farm Company of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of Point of Diversion of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 6.80 cfs

Priority: 3/25/1957

Point(s) of Diversion: T1N R3W S16 NWNW
T2N R3W S22 SWNE, SENW, SESE
T2N R3W S23 SENE, NENW, SENW, NESW
T2N R3W S26 SENE
T2N R3W S27 NENW

The water is used for irrigation purposes on 650 acres in T2N R3W S22, 23, 26, and 27.

TO BE CHANGED AS FOLLOWS

Amount: 6.80 cfs

Point(s) of Diversion: T1N R3W S16 NWNW
T2N R3W S22 SWNE (2 points), SENW, SESE
T2N R3W S23 SENE, NENW, NESW
T2N R3W S26 SENE
T2N R3W S27 NENW

The water will be used for irrigation purposes on same irrigated land as described above.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before October 9, 1990.

R. Keith Higginson
Director

Published in the Press-Tribune on 9/19 & 9/26/1990.

MICROFILMED

NOV 27 1990

August 16, 1990

RE: Transfer of Water Right No. 63-3104

Bing/Frost Ranch Co.
P.O. Box 650
Cottage Grove, OR 97424

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3634). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

SEP 18 1990

MEMORANDUM

TO: File No. 63-03104, Transfer No. 3634
FROM: Gary Spackman *Gary*
DATE: June 28, 1990

Water Right No. 63-03104 should be conditioned pursuant to transfer no. 3634 as follows:

1. For any well developed within 1/8 mile from any property boundary line, the applicant must submit a proposal to the Department showing the exact location of the proposed well, and must establish that withdrawal from the well will not interfere with other water rights.
2. Surface water shall continue to be used as a source of supply for the ground upon which water right no. 63-03104 is appurtenant, and ground water shall not be used as a sole supply of water except when earlier priority rights, maintenance problems or mechanical pumping problems prevent delivery of surface water.
3. Conditions imposed by transfer no. 2732 must continue to be satisfied.
4. All existing wells which will be inactive must be abandoned pursuant to IDWR standards.

MICROFILMED

SEP 18 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

63-2754

02-0068

SAYTON

CECIL D. ANDRUS

June 27, 1990

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Mr. Bruce M. Smith
Nelson, Rosholt, Robertson, Tolman & Tucker, Chartered
P.O. Box 2139
Boise, ID 83701-2139

RECEIVED
JUN 28 1990

RE: Harvest Farms Co., West End Project Lands

Dear Bruce:

Department of Water Resources

We are in receipt of your letter dated June 19, 1990, in which you presented the position of Harvest Farms Company relative to the use of Snake River water on the West End Project. The Department has reviewed and analyzed this information in light of the conditions of approval of the water right transfers associated with this property, Nos. 2730 through 2737. Accordingly, the Department takes the position identified herein.

Condition of approval No. 3 on each of the Transfers states as follows:

No more than 1454.1 acres shall be irrigated during any irrigation season from groundwater and no more than 400 acres shall be irrigated each irrigation season with water diverted directly from the Snake River.

Condition of approval No. 4 or 5 on each of the Transfers states as follows:

Failure to comply with condition #3 will void the approval of Transfers 2730 through 2737.

Your letter essentially admits that under the present system construction and operation, compliance with condition of approval No. 3 is not possible. Thus we are faced with invoking the provisions of the condition of approval that would void the approval of the transfers.

As an alternative to voiding the approval of the transfers, we are willing to review the potential for limiting both rate of flow and volume of water delivered via the West End Project to accommodate use of water in the existing system, if we can be assured that these limitations will prevent any expansion of the water rights or injury to other water users. You have proposed that a diversion of 4 to 4 1/2 acre feet per acre (afa) be used as the annual volumetric limitation of diversion under this system. While the Department would normally allow diversion of 4.5 afa for a new appropriation of water in this climatic area, experience has shown that due to high costs of pumping typical diversion volumes are less than this amount. A more typical volume is the average irrigation requirement for alfalfa, which is 936 mm, or 3.08 afa ("Estimating Consumptive Irrigation Requirements for Crops in Idaho", Allen and Brockway, Research Technical Completion Report, IWRRI, Aug, 1983).

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SEP 1 1990

It appears that by limiting the Harvest Farms Co. diversion of West End Project water to a maximum rate of flow of 8.16 cfs, with a maximum annual volume of 1232 acre-feet (400 x 3.08), other water users could be protected from injury. However, we recognize that other factors such as traditional returns of drainage water, and capacities of delivery canals could provide other limitations to these parameters. Also, a detailed review of the records of West End Project could demonstrate that the lands have traditionally received either more or less than 3.08 afa per annum. Thus, this letter is intended to represent another step to quantify a proposed solution and provide opportunity for related input rather than to present the final solution in this matter. For a solution such as this to be workable, Harvest Farms Company would have to maintain the device(s) which measure flows diverted from the West End Project in fully functional condition, capable of measuring both instantaneous and totalized flows, accessible to be read by representatives of both the Department and West End Project.

Comments relative to this proposed solution are encouraged from any interested party, and will be reviewed by the Department through July 13, 1990. Soon thereafter the Department will plan to issue another statement in this matter.

As an additional item of interest, please find enclosed a copy of the notice of the applications for injection wells, scheduled to be advertised in the Press Tribune on July 4 and 11, 1990. Any comments on this proposal must be received by this office no later than July 23, 1990.

Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf:

John F. Aslip, III
James and Martha Rosti
Donald E. Tiegs
Margrieta M. Stam
Maurice Clements
Barbara L. Craven
Harvest Farms Co.
Sherl Chapman
William F. Ringert, Esq.
Farm Development Corporation

Sky View Farms, Inc., Garrett W. Goulet, Mgr.
George and Charles Pintler
Kenneth Tiegs
John H. Brandt
Stephen A. Bradbury, Esq.
Tiegs Farm Inc., c/o William B. Cunningham
Lance Salladay, Esq.
State Office (Norm Young, Lotwick Reese)
Allen Noble Farms, Inc.
West End Project Board of Directors,
c/o William F. Ringert, Esq.

SEP 19 1990

-----LEGAL NOTICE-----

The following applications have been filed for permits to operate injection wells.

NOTICE OF APPLICATIONS FOR PERMITS
TO OPERATE INJECTION WELLS

Notice is hereby given that Harvest Farms, Company, 13735 Missouri Rd., Nampa, ID 83686, has applied to the Department of Water Resources to operate injection wells under the provisions of Title 42, Chapter 39 of the Idaho Code. The purpose of these wells is to inject groundwater from other wells, made available due to pressure relief of the irrigation system. The proposed maximum rate of injection for each well is 2.2 cfs, and the maximum average weekly rate of injection is 1.1 cfs per well. The locations of the wells are as follows:

#63-W-41: NE1/4 NE1/4 NW1/4, Sec. 23, T2N, R3W, B.M., Canyon County.

#63-W-42: NW1/4 NE1/4 SW1/4, Sec. 23, T2N, R3W, B.M., Canyon County.

#63-W-43: SW1/4 SE1/4 SE1/4, Sec. 22, T2N, R3W, B.M., Canyon County.

Any protests against approval of the above permits must be filed with the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, on or before July 23, 1990.

R Keith Higginson
Director

(to be published on 7/4 and 7/11, 1990)

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JUL 12 1990

Sherd L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

May 29, 1990

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MAY 31 1990

Mr. Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Department of Water Resources

Dear Mr. Young:

Recently we met and discussed concerns of the Idaho Department of Water Resources with regard to the operation of the Harvest Farm Co. property as a common irrigation system utilizing both surface and groundwater. Your concern, expressed at that meeting, was that the Department had little idea of where the surface water or the groundwater was being utilized and therefore you were concerned about expansion of the water right. The manager of Harvest Farm Co. has asked me to include my thoughts on the operation of this system with the response from Mr. Bruce Smith, attorney for the farm.

The common irrigation system on the Harvest Farm Co. "home place" or headquarters was developed in the 1980's and was, in part, a response to problems with wells on the farm. Additionally, when applications for transfers of points of diversion for a number of water rights were initiated on the home place, one of the primary Departmental concerns was that this system be a common system in order to legitimize the method by which the transfers were being made. The Department was assured at that time that the system was, in fact, a common distribution system allowing water to be moved throughout the entire property. The reason for the system being operated in the manner that it is is for efficiency both that of the water resource and energy consumption. Water is brought in from the West End Project at the southwest corner of the farm and eight wells are also available to pump water into the mainline system. Several pivot systems are presently installed on the farm in order to distribute water efficiently and other areas have both side roll and solid set sprinkler distribution equipment.

As I'm sure your energy department personnel are aware, the most efficient use of an electrical motor on a pump is to turn the system on in the spring and off in the fall to eliminate significant power surges upon startup and extent the wear of the motor. Additionally, the cost to the producer from the power company is less because of a reduced demand charge that is typically increased because of startup and shut down of large electrical motors. More importantly, however, is the effect of frequent startup and shut down of irrigation systems on the aquifer and formational materials in this area. As you may be

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SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Mr. Norm Young
May 29, 1990
Page 2

aware, the aquifer in the Dry Lake area consists primarily of interbedded sand, silt and clay layers, most of which are relatively unstable thus requiring caution in construction of wells and in the operation of the pumping systems. When wells are started and stopped with frequency, stress is put on the formational materials through withdrawal of the water and back flushing which tends to de-stabilize aquifer materials and increase sand production. The attendant sand production erodes bowl assemblies, bearings and increases maintenance costs tremendously.

Harvest Farm Co. has chosen to try to operate in a most efficient manner by turning its pumps on and leaving them on throughout the irrigation season in order to minimize electrical consumption, maximize water efficiency and eliminate the possibility of sand production and de-stabilization of aquifer materials. In order to accomplish this, the farm manager is using three old existing water wells as overflow or injection ports to accept excess water when pressure fluctuations occur or equipment fails requiring less water on the farm. The idea is not to specifically recharge the groundwater system but to provide an efficient disposal method for the water that is being pumped onto the property, putting it back into the aquifer rather than allowing that water to flow down county roads, through surface drains or across fields where erosion and waste will occur.

It is apparent that other water users in the area do not understand this process but are most willing to object to the way Harvest Farm Co. handles its water. However, these same individuals protested a recent water right application by Harvest Farm Co. claiming that the aquifer in the area was being depleted and no more water should be withdrawn. It is my feeling that Harvest Farm Co. is doing more to maintain an equilibrium in the aquifer than any of the other users in the area.

The situation on the Allen/Naito farm is much the same except that water is not being injected into the subsurface but is being discharged to a pond centrally located on the "Allen" property in Section 36 for reuse on irrigated cropland rather than being allowed to flow away from the property or to require a shut down of the well for unnecessary reasons.

I understand that the Department has a responsibility to administer water rights to insure they are not expanded and that water use is held within acceptable bounds. However, I believe the Department also has a responsibility to manage both the water and energy resources of the state in the most efficient manner.

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Mr. Norm Young
May 29, 1990
Page 3

I would urge you give serious consideration to these factors when making future decisions affecting the use and application of water on the Harvest Farm Co. property.

Sincerely yours,

A handwritten signature in black ink, reading "Sherl L. Chapman". The signature is fluid and cursive, with the first name "Sherl" and last name "Chapman" clearly legible.

Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. George Fenn

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SEP 18 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

Twin Falls Office

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUICLEY
TIM J. WILLIAMS
SHARON F. DUNKIN
JUSTIN R. SEAMONS

May 29, 1990

Mr. David R. Tuthill, Jr.
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Transfer Applications for the Harvest Farm Company
Allen/Naito Property

Dear Dave:

We appreciated the opportunity to meet with you and the Department and the fellow Hat Butte system users yesterday. I believe the meeting was beneficial and provided a basis for devising a solution that will address everyone's concerns.

As confirmation of what will be taking place, Sherl Chapman and I will be working with Harvest Farm Company to prepare a proposal for resolving the concerns expressed in the meeting. As he indicated, Sherl will need the delivery and use data for the Harvest Farm Company lands to begin work. Charlie Pintler or another Hat Butte officer will provide that information to us. Additional information may be necessary and we can notify Charlie if we need to obtain it. We will begin development of our proposal as soon as we receive the needed information and anticipate getting the proposal prepared in about 30 days.

One issue raised by Mr. Clements, and I assume shared by all the protestants, is how Harvest Farm Company will operate during the period while we prepare our proposal. Mr. Clements suggested we operate according to the existing agreement, by which I think he means that the Allen place and the Naito place will be operated independently. Because the system is an integrated one, operating as two separate systems would cause detrimental impacts. Foremost among these is that pumping the Naito well for only one pivot could cause serious damage to the well and/or require the wasting of approximately 1,000 gallons per minute of water. The engineers have stated that the minimum pumping level of the well is 1,000 gallons per minute. If the pump is throttled down below that level, serious damage to the

SEP 1 1990
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Mr. David R. Tuthill, Jr.
May 29, 1990
Page Two

system could occur. If the pivot shuts down automatically or is shut down for maintenance or other reasons, the 1,000 gallons per minute would have to be dumped if another place to use the water is not available. (Also see Sherl Chapman's attached May 29, 1990, letter.)

These impacts are not only wasteful but also pose a possibility of severe damage to the irrigation system. Recognizing the other users' concerns, we would like to suggest as an alternative the following:

Harvest Farm Company, at its own expense, will install a totalizing flow meter in the line between the Allen place and the Naito property. Harvest Farm Company will assure that at the end of the period during which we have prepared our proposal, and hopefully resolved everyone's problems, there will be no net exchange of water between the two pieces of property. Basically, this means that at the end of the approximately 30 day period, no more water from the Hat Butte system will have been used on the Naito place than Naito water will have been used on the Hat Butte/Allen place.

We think this solution, which would be in place for the approximately 30 day period while we work out our solutions, will accommodate the protestants' concerns about water transfer and protect the Harvest Farm Company system from damage and the wasting of water.

Please let me know if the above solution is acceptable and we will expeditiously put the meter in place. We would notify the ditch rider and Mr. Pintler when we put the meter in and they can participate in that if they desire.

Sincerely,



Bruce M. Smith

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SEP 18 1990

45211

cc:

John F. Alsip, III
James and Martha Rosti
Donald E. Tiegs
Margrieta M. Stam
Maurice Clements
Barbara L. Craven
Harvest Farm Company
Sherl Chapman

Sky View Farms, Inc. Carrett W. Goulet
Lance Salladay
George and Charles Pintler
Kenneth Tiegs
John H. Brandt
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Tiegs Farm Inc., c/o William Cunningham
State Office (Norm Young)

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142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

May 29, 1990

Lotwick Reese
Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, Idaho 83720

Re: Injection Well No. 63-W-34

Dear Lotwick:

This letter is confirmation of the agreement reached at the conference on Wednesday, May 23rd with the Department and the protestants to the injection well on the Harvest Farm Company's land. Harvest Farm Company requested the Department hold the application for the injection well in abeyance while Harvest Farm Company investigates the contamination of the Snake River water by return flows from other system users. As we indicated in the meeting, Harvest Farm Company's intent was to inject only Snake River water into the well. If other users are contributing chemicals to the water so as to make it unsuitable for injection, Harvest Farm Company must reconsider its application to inject the water. As we noted, the condition of the water as indicated by the protestants is new information to us and was not part of the Harvest Farm Company's original application.

Harvest Farm Company will review the situation and may conduct studies of the water quality. Harvest Farm Company will keep the Department and the protestants informed of these studies and will provide the results of the studies to the Department and the protestants at least 60 days before asking the Department to

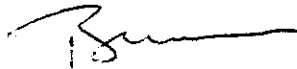
RECORDED

SEP 18 1990

Lotwick Reese
May 29, 1990
Page Two

act on the application. If my understanding does not agree with that of the Department or the protestants, please let me know.

Sincerely,



Bruce M. Smith

45231
BMS/sj
cc:

John F. Alsip, III
James and Martha Rosti
Donald E. Tiegs
Margrieta M. Stam
Maurice Clements
Barbara L. Craven
Harvest Farm Company
Sherl Chapman

Sky View Farms, Inc. Garrett W. Goulet
Lance Salladay
George and Charles Pintler
Kenneth Tiegs
John H. Brandt
Stephen A. Bradbury
Tiegs Farm Inc., c/o William Cunningham
State Office (Norm Young)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: DP SL 8/22/89

1. Right number 63-03104 Applicant BING FROST RANCH CO
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use SEE REMARKS 6. D for Source
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use. N/A

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use. N/A
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. N/A POD only
- h. ☒ Check for expansion in use of right. Comments N/A POD change only
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A
- j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: DP

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By DP Date 12/6/89

Department of Water Resources

NOTICE OF CORRECTION OF APPLICATION FOR TRANSFER

Notice is hereby given that on August 16 and 23, 1989, Application for Transfer No. 63-03104 in the name of Bing Frost Ranch Co. was advertised in error.

The Point of Diversion was advertised to be changed to T01N, R03W Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE; Section 23 SEW, SESE, E1/2NW, NESW; Section 26 SENE; Section 27 NWNE.

The change should have read T01N, R03W Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESE; Section 23 SENE, E1/2NW, NESW; Section 26 SENE; Section 27 NENW.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before December 4, 1989.

R. Keith Higginson, Dir.

Advertised in the the The Press Tribune on November 15 and 22, 1989.

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SEP 18 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 8, 1989

Idaho Press-Tribune
P.O. Box 9399
Nampa, ID 83652-9399

Re: Error in Advertising, Application for Transfer #63-03104 in the name of
Bing Frost Ranch Co.

Dear Legal Dept.:

Enclosed is a copy of the original notice for the above-referenced application and the affidavit of publication received by our office. Note that there is a discrepancy in the two notices.

Please readvertise this application with the enclosed notice of correction. Upon receipt of an affidavit of publication for the correction notice, we will forward the bill for the first publication to our accounting section.

Thank you for your cooperation.

Sincerely,

Sue Taylor
Secretary, Office Coordinator

Enclosures: Copy of Original Notice
Copy of Affidavit
Legal notice



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 63-03104

Notice is hereby given that Bing Frost Ranch Co. of Cottage Grove, OR have applied to the Department of Water Resources for a change of point of diversion of the water of groundwater. The right sought to be changed is evidenced by license and is recored as follows:

Amount: 6.8 cfs Priority: 03/25/1957

Point(s) of Diversion: T01N, R03W, Section 16 NWNW; T02N, R03W, Section 22, SWNE, SENW, SESW, S1/2SE; Section 23 SENE, NENW; Section 26 SENE; Section 27 NENW.

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS

Amount: 6.8 cfs

Point(s) of Diversion: T01N, R03W, Section 16 NWNW; T02N, R03W, Section 22 SWNE, SENW, SESE; Section 23 SENE, E1/2NW, NESW; Section 26 SENE; Section 27 NENW.

The water will be used for irrigation.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before September 25, 1989.

R. Keith Higginson, Director

Published in the Press-Tribune on 9/6 and 9/13/1989.

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SEP 18 1990

MEMORANDUM

TO: File No. 63-03104, Transfer No. 3634
FROM: Gary Spackman *Gary*
DATE: June 28, 1990

Water Right No. 63-03104 should be conditioned pursuant to transfer no. 3634 as follows:

1. For any well developed within 1/8 mile from any property boundary line, the applicant must submit a proposal to the Department showing the exact location of the proposed well, and must establish that withdrawal from the well will not interfere with other water rights.
2. Surface water shall continue to be used as a source of supply for the ground upon which water right no. 63-03104 is appurtenant, and ground water shall not be used as a sole supply of water except when earlier priority rights, maintenance problems or mechanical pumping problems prevent delivery of surface water.
3. Conditions imposed by transfer no. 2732 must continue to be satisfied.
4. All existing wells which will be inactive must be abandoned pursuant to IDWR standards.

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SEP 18 1990

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Ground water and surface water is supplied to all lands described under this right through a common mainline system. Irrigation water is supplied through a variety of sprinkler equipment.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Adding one point of diversion to replace falling production levels in other wells.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-03104

And said application is hereby APPROVED, subject to the following limitations and conditions:

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Witness my hand this _____ day of _____, 19 89

SEP 18 1990

Chief, Water Alloc Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-3104 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other

SEE ATTACHMENT D

3. Source of water Ground Water tributary to N/A

4. Date or priority 3/25/57

5. Water is used for the following purpose:

amount 6.8 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.8 cubic feet per second and/or 2925 acre-feet per annum.

7. Point(s) of Diversion: See Attachment "B"

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	22	25	35	40	40									40	40	40	40	300
2N	3W	23							35	35	40	40							230
2N	3W	26						40											40
2N	3W	27	40	40															80

Total acres 650

9. Describe any other water rights used for the same purpose as described above 63-7561; 63-3490, 63-02867

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount No Change for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Add one point of diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	23	2N	3W	Canyon	#16

3. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) No Change - add one point of diversion.

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

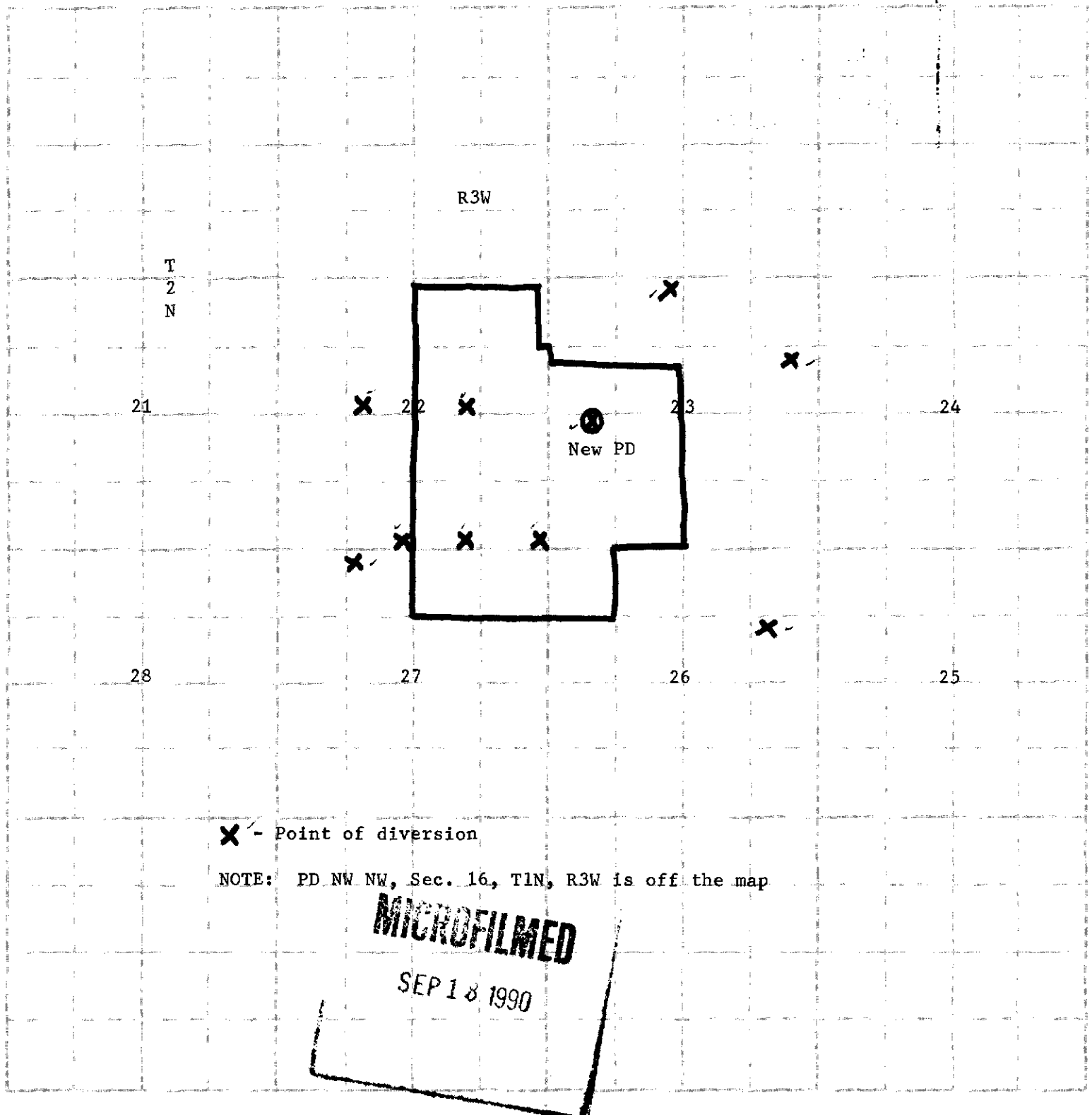
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

PART 3**B. CHANGES IN NATURE OF USE** N/A

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

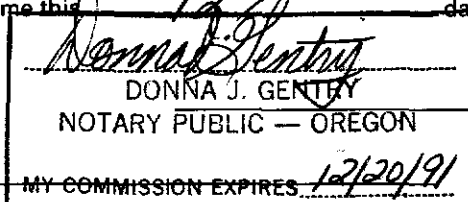
3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

x Law S. French from Burin/Fort Ranch Co.
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of January, 19 89.



(Notary Public)

My commission expires _____

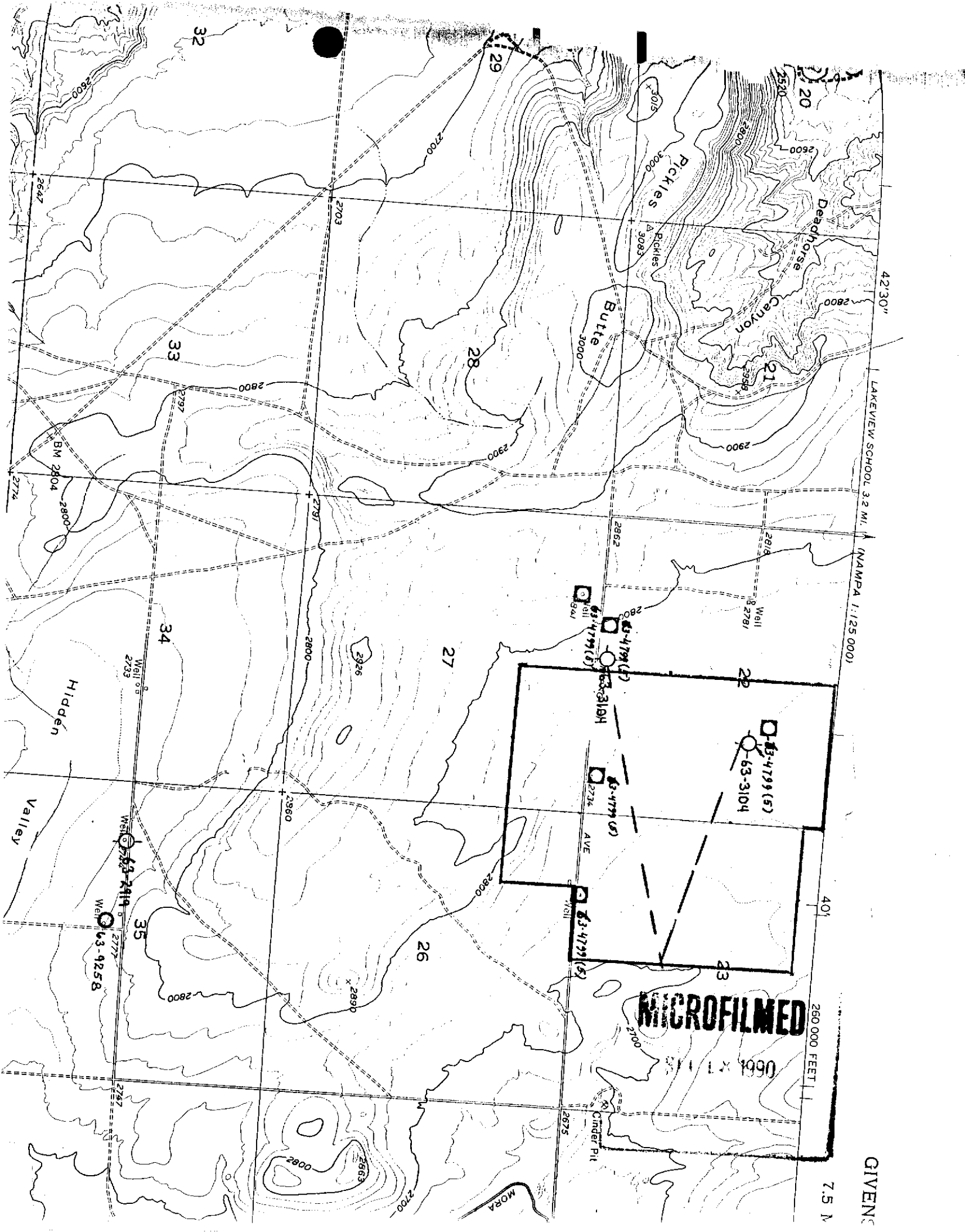
FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments
 Received by nl nl Date 2-6-89 Protest filed by _____
 Prelim. check by SL Fee \$50
 Received by SL Date 1/18/89 # W002015
 Published in Press-Tribune Copies of protest forwarded by _____
 Pub. dates 2/1 * 2/8/89 Hearing held by _____ Date _____
 Watermaster recommendation requested on NA Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DRT Jim Gary
 Copy of transfer sent to lien holder _____

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SEP 18 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SL

1. Right number 63-03104 Applicant Bing/Frost Ranch Co.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check: surface and ground water see attached pg.
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - N/A b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use. NO change
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. N/A with pld change
 - h. ☒ Check for expansion in use of right. Comments NONE
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 63-07561, 63-02867, 63-03490 additional g.w. and Snake River water (03490 & 07561) on some of same lands. 03490 & 07561 share common pld. with 63-03104.
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? g.w. use in w.d. 63 & Snake River water

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No protest date 2/21/89

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

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SEP 18 1990

4. By Dro Date 4/18/89

RECEIVED
APR 20 1989

Transfer applied 4/18/83

NOTICE OF THE APPLICANT OF WATER RIGHT

No. 63-3104

Notice is hereby given that Bing/ Frost Ranch Co.
CH 70071
of 515 S. Flower St., Los Angeles has applied to the Department of Water
Resources for a change of the source of water and point of diversion
of the water to a groundwater source

The right sought to be changed is evidenced by license 63-3104

and is recorded as follows:

Applicant: G.B.C.F.S. Priority: 3/25/1957

Point of Diversion: SE SW and SW NE Sec 22 T 2N R 3W Canyon Co.

The water is used for Irrigation purposes from 3/15 to 11/15
upon 650 acres within portions of Sec 22, 23,
26, 27 T 2N R 3W

Source of Water: Groundwater and Snake River

As to: G.B. SE SW, SW NE, SE NW, SW SE, SE SE Sec 22; SE NE,
Point of Diversion: NE NW Sec 23; SE NE Sec 26; NE NW Sec 27 T 2N
R 3W and NW NW Sec 16 T 1N R 3W

The water will be used for Irrigation purposes from 3/15 to 11/15
upon 650 acres within portions of Sec 22, 23, 26,
and 27 T 2N 3W

Any protest against or denial of the proposed change of water right applica-
tion must be filed with the Department of Water Resources, 92 S. Main Street,
Boise, Idaho 83709.

APPROVED FOR

RECORD

Public Law No. 94-162, 16 U.S.C. 1401-1404

and

MICROFILMED

SEP 18 1990

BILL DOTY
WELL DRILLING
ROUTE 7, BOX 311
CALDWELL, IDAHO 83605
TELEPHONE 459-9627

February 10, 1989

State Of Idaho
Department Of Water Resources
Western Region
2735 Airport Way
Boise, Id. 83705


David R. Tuthill, Jr., P.E.

RE: Response to DWR letter dated February 2, 1989
Bing Frost Ranch

Dear Mr Tuthill,

It is routine with our firm to always secure a drilling permit or a verbal approval before we commence any drilling.

We did achieve a verbal with the understanding the paperwork would follow. All party's understand that a drilling permit in no way gives them a water right and would and must be approved before the well goes into production.

In this instance, the project was coordinated through Sherl Chapman. It was our understanding that all necessary paperwork was taken care of by Sherl Chapman in July of 88, prior to our beginning to drill.

We apologise for the inconvenience this has caused your department. We will take steps to eliminate this from being a problem by requesting that a verbal approval be followed by a letter. This should prevent any misunderstanding or conflict in the future.

Sincerely,



Bill Doty Jr.

BILL DOTY DRILLING CO., INC.
25497 FREEZE OUT RD.
CALDWELL, ID. 83605

cc: Shrel Chapman

kab

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SEP 18 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 63-03104

Notice is hereby given that BING/FROST RANCH CO. of Cottage Grove, Oregon has applied to the Department of Water Resources for a change of point of diversion of the water of Snake River and groundwater. The right sought to be changed is evidenced by License No. 63-03104 and is recorded as follows:

Amount: 6.80 cfs Priority: 3/25/1957

Point(s) of Diversion: T. 1N., R. 3W., S. 16, NWNW;
T. 2N., R. 3W., S. 22, SWNE, SENW, SESW, S1/2SE1/4;
S. 23, SENE, NENW; S. 26, SENE; S. 27, NENW, B.M.

The water is used for irrigation purpose.

TO BE CHANGED AS FOLLOWS

Amount: 6.80 cfs

Point(s) of Diversion: T. 1N., R. 3W., S. 16, NWNW; T. 2N., R. 3W., S. 22, SWNE, SENW, SESW, S1/2SE1/4; S. 23 SENE, NENW, NWSW; S. 26, SENE; S. 27, NENW, B.M.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before February 21, 1989.

R. Keith Higginson
Director

Published in the Press-Tribune on 02/01 & 02/08/89.

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SEP 14 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 2, 1989

Bill Doty Drilling Co., Inc.
Rt. 7, Box 311
Caldwell, ID 83605

RE: Well Drilled on Bing Frost Ranch

Dear Mr. Doty:

Enclosed please find two copies of the well drilling permit approved on January 27, 1989 for the drilling of a well on the Bing/Frost Ranch. One copy is for your office records and the other is to be held at the drilling site. These paper copies confirm the verbal approval that was conveyed to Mr. Sherl Chapman's office on January 27th.

Upon discovering that this well had already been mostly drilled prior to approval of this drilling permit I became concerned about your firm's compliance with the well drilling statutes. We have reviewed our records for 1988 and have found that some 44 well drilling permits were issued with your firm at the designated driller. This verifies that that you are seeking permits prior to the drilling of wells, and this particular instance likely has special circumstances.

The purpose of this letter is to inquire as to why drilling commenced on this particular site without the benefit of a well drilling permit in hand. Your response will be used in view of the regulatory requirements of Section 42-235, Idaho Code, to determine if further action in this matter is warranted. Please respond no later than February 17, 1989, so that this review can be conducted in a timely manner.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures: Copies of well drilling permit

cc: Bob Fleenor
Norm Young
Sherl Chapman

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SEP 18 1990

Form 235-1
4/88

Drilling Permit No. 63-89-W-006
Water Permit No. 63-03104 (Transfer appl. submitted for)
Injection Permit No. _____

RECEIVED
JAN 13 1989

State of Idaho
Department of Water Resources

DRILLING PERMIT

RECEIVED
JUL 13 1988

Department of Water Resources
Western Regional Office

(Authorizing Construction of a Well)*

Department of Water Resources
Western Regional Office

1. Applicant Bing/Frost Ranch Co.
2. Address Route 4, Box 4326, Nampa, Idaho 83651
Telephone 467-9712

(X) Well Owner () Well Operator () Other, specify _____

3. Proposed well location NW 1/4 SE 1/4*, or Gov't lot No. _____,
Sec. 23, Twp. 2N, Rge. 3W, County Canyon,

Lot, block and subdivision _____ *per transfer appl rec'd 1/13/89 at
Western Region SL

4. Proposed use of well: (Check all that apply)
() Domestic () Stockwater () Monitoring
(X) Irrigation () Industrial () Municipal
() Injection () Other, Specify _____

5. Well construction information:

(X) New well () Deepen

(X) Replace

per comm with Sheryl Chapman
11/16/88 (contracted by
owners). SL

Proposed surface diameter 16"

Maximum depth 600±

Anticipated bottom hole temperature: _____

- (X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)

6. Anticipated construction start date 3/18/88 7/19/88 (within 2 months of approval drilling permit)
7. Well Driller (if known) Bill Doty Well Drilling

Address Caldwell, Idaho

8. Applicant's signature x Bing Frost Ranch Co.
Title x George A. Nelson Ranch Manager
Date x July 15, 1988

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

ACTION OF IDWR

(X) Approved

() Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

8. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.

See attachment for Conditions of Approval Nos. 9. through 12.

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SEP 18 1990

Dated this 27th day of January, 19 89.

Signed

David R. Tuttle

Title

Western Region Manager

Received by 82

Fee

\$100

Date

1/18/89

Receipt No.

W002014

Construction start extension to

Extension approved by

Additional Conditions of Approval for Well Drilling Permit No. 63-89-W-006
January 27, 1989

9. Bing/Frost Ranch Co. shall not divert or authorize the diversion of water from the well unless and until written authorization is received from the director of the Department of Water Resources in accordance with an approved water right permit, or transfer.
10. Any diversion of water from this well, other than for a pump test, is a violation of Section 42-351, Idaho Code, pending further action of the Department.
11. A permanent pump or diversion system shall not be installed in the well without approval of a water right permit or transfer which specifies the location of this well as an authorized point of diversion.
12. Evidence concerning the approval of this drilling permit and the existence and cost of construction of the well will not be given any weight in the Director's decision regarding the pending application for transfer.

David R. Tuthill Jr.

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

RECEIVED

SEP 18 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 24, 1989

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID. 83705

Re: Bing/Frost Transfer for 63-03104

Dear Sherl:

Enclosed is the original transfer application for your client. Please note the changes made in the items shown at the top of page 1. The applicant needs to initial and date the changes at the spaces also found at the top of the front page. This is necessary with a notarized document.

Meanwhile, we are using a copy of the revised application for advertising purposes. I submitted the transfer for advertising today, and it will appear in the first two weeks of February. Also attached are receipts for your client for the transfer and well drilling permit. Please return the transfer promptly.

Let me know if I may provide additional help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:sl
Encl.

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SEP 18 1990

01/26/89

10:17

FENN PRODUCTS

001

**FENN
PRODUCTS**98 Palser Avenue
P.O. Box 650
Cottage Grove, Oregon 97424Toll Free 1-800-547-7023
(503) 942-7919 In Oregon**RECEIVED**
JAN 26 1989

FACSIMILE MESSAGE SHEET

Department of Water Resources

DATE 1-26-89TO: Idaho Dept of Water ResourceFAX NUMBER 1-208-334-7866

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME Norman C. YoungLOCATION Boise, IdahoFROM George S. FennFENN PRODUCTS
P.O. BOX 650
COTTAGE GROVE, OR 97424WE ARE SENDING 34 PAGES (INCLUDING THIS PAGE).

TO SEND A FAX MESSAGE TO US, CALL (503) 942-1137.

TO TALK TO US, CALL (503) 942-7919.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.

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SEP 18 1990

RECEIVED
JAN 27 1989Department of Water Resources
Western Regional Office

BING/FROST RANCH COMPANY

Business Office
P.O. Box 850
Cottage Grove, OR 97424
PHONE 503-942-7919
FAX 503-942-1137

RANCH OFFICE
ROUTE 4, BOX 4328
Nampa, ID 83851
PHONE: 208-467-9712
FAX: 208-466-7413

January 26, 1989

RECEIVED
JAN 27 1989

Department of Water Resources
Western Regional Office

Mr. Norman C. Young
Idaho Department of Water Resource
Statehouse
Boise, Idaho 83720

Dear Mr. Young:

In accordance with our discussion of Monday, January 23, I am providing you with a confirmation letter of my understanding of the agreement reached relating to the continuation of the drilling of the well for Bing/Frost Ranch Co. located in the NE/4 SE/4, Section 23, T2N, R3W.

Since at the present time we do not have a valid drilling permit but have a pending application for a drilling permit as well as an application for transfer of the point of diversion of a water right, we would ask the Department to authorize the continuation of the drilling at the present time rather than wait until the application for transfer has been fully processed. It will be several weeks before the Department is able to complete processing of the drilling permit application and to suspend the drilling operations for this period of time would create hardship on the well driller as well as the applicant. Bing/Frost Ranch Co. therefore requests that the Department issue the approved well drilling permit with the following conditions:

1. Bing/Frost Ranch Co. will not divert or authorize the diversion of water from the well unless and until written authorization is received from the Director of the Department of Water Resources in accordance with an approved water right, or transfer.

2. Bing/Frost Ranch Co. acknowledges that diversion of water from this well, other than for a pump test, is a violation of Section 10-101, Idaho Code, pending further action of the Department.

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SEP 18 1990

3. Bing/Frost Ranch Co. agrees not to install a permanent pump and/or diversion equipment in the well without written authorization from the Director, Department of Water Resources, in accordance with an approved water right or transfer.

4. Bing/Frost Ranch Co. agrees that evidence concerning the approval of the drilling permit and the existence and cost of construction of the well will not be given any weight in the Director's decision on the pending application for transfer.

Bing/Frost Ranch Co. believes that the above enumerated conditions sufficiently protect the resource from unauthorized withdrawal and provide the flexibility necessary to complete the project without prejudice regarding the pending application for transfer.

Sincerely yours,



George S. Fenn
Authorized Representative for
Bing/Frost Ranch Co.

/ds

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SEP 18 1990

01/26/89

10:19

FENN PRODUCTS

004

file
C
O
P
Y
RECEIVED JAN 20 1989

9700 WEST PICO BOULEVARD
LOS ANGELES CALIFORNIA 90035

13 January 1989

Dear Tom:

This is to advise you that Mr. George Fenn is our authorized agent for signing agreements for purchase or sale of ranch products, as well as for the utilization of ranch property.

Yours sincerely,

BING/FROST RANCH CO.



Peter S. Bing
Chairman of the Board

Tom N. Ambrose, Esq.
Suite 400, Jefferson Place
350 N. 9th
Boise, Idaho 83702

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SEP 18 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dec. 23, 1988

Sherl L. Chapman
410 S. Orchard, Suite 144
Boise, ID. 83705

Re: Application for Well Drilling Permit

Dear Sherl:

I am sending you the attached drilling application and check no. 7813 for \$100 in the name of the Bing/Frost Ranch Company. Also enclosed is a copy of my letter of 7/19/88 to the applicant c/o G. Nelson, Ranch Manager. No response has been received to date, and I did not want to continue to hold the check.

I apologize for retaining the check for such a long time. The volume of water rights business in recent months prevented a more timely follow-up. Please respond to the concerns in the 7/19/88 letter if a well drilling permit is still desired. I will provide any help that is requested. Thank you and Happy Holidays!

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:s
encl.

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SEP 18 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 19, 1988

Dear Applicant:

This office recently received your application for a well drilling permit for a well in the NE1/4 SE1/4 of Section 23, T 2 N, R 3 W. A valid groundwater right must exist before a well drilling permit may be approved for an irrigation well. Our records indicate that Bing/Frost Ranch Co. holds several groundwater rights but none for diversions in the above tract (see attached "Water Rights by Point of Diversion" index).

You may add a point of diversion to an existing right such as a claim or license by filing an Application for Transfer. Please complete the enclosed transfer application and return it to me. The well drilling permit can be issued upon approval of the transfer, or, if circumstances require, when the transfer application is received.

I will send you a receipt for the \$100 well drilling form after receiving your response. Please contact this office for additional help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:s
Encl.

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SEP 18 1990



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

ADMINISTRATOR'S MEMORANDUM

TO: Resources Administration Division
FROM: Norman C. Young *NCH*
DATE: May 10, 1984
RE: Point of Diversion Description

Permit Processing No. 6
Transfer Processing No. 8

There has been considerable discussion concerning amendment or transfer requirements when a point of diversion location is changed, point or points of diversion are added or a replacement point of diversion is constructed.

The following will be the policy of the Department:

An amendment is needed to change the tract in which a point of diversion is to be constructed if different than the tract described on the permit. An amendment is also needed to add one or more points of diversion in the same tract described on a permit.

In the case of a claim, license, or decree, a transfer is needed to change the tract in which a point of diversion is located or to add a point of diversion even if the point of diversion to be added is in the original tract described on the license or decree. A transfer is not needed to replace a point of diversion in the original tract if the original point of diversion will be abandoned.

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SEP 18 1990

POOR QUALITY

March 4, 1988

Keith Cornelison
155 W. 1st West
Rexburg, ID 83440

Dear Mr. Cornelison:

Your letter of February 24, 1988, requested an expedited approval of the four applications for well drilling permit you have filed. As I understand the applications, the wells will be used to divert water under rights now appurtenant to land owned by Richard and Brent Blake. Applications are now pending to transfer these rights to lands owned by Ralph Hillman and Dyle Robertson. Processing has been commenced on the applications for transfer, but it will be several weeks before the public notice has been published and the protest period has elapsed. Whether the applications for transfer can be allowed will be determined by the record developed for the applications, including any information provided by protestants if protests are received. The department cannot approve a transfer which injures other rights, creates an expansion in use, or is not in the local public interest.

Department policy is to coordinate the timing of issuance of a drilling permit with any other approvals needed to allow water to be used from the well. This is to avoid having authorized construction of a well from which it is later determined that water cannot be withdrawn. It is my understanding that you are asking the department to waive this policy to allow wells to be completed before the upcoming irrigation season and further that you accept all the risk of drilling wells with no assurance that the applications for transfer will be approved to allow water to be pumped from the wells.

The department will issue drilling permits for the wells upon receipt of a consent order stating that the applicants and their agents, employees, assigns, and successors:

1. Will not divert or authorize the diversion of water from the wells unless and until written authorization is received from the director of the Department of Water Resources with an approved water right.

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SEP 18 1990

March 4, 1988

2. Do not have or claim valid water rights to divert from the proposed well sites.

3. Acknowledge that diverting water from these wells, other than for a pump test approved by the department, is a violation of Section 42-351, Idaho Code, unless and until a valid water right is obtained.

4. That the director is authorized to lock or take other similar action to disable the pumps as necessary to prevent the diversion of water from the wells without a valid water right.

5. Agree to indemnify and hold harmless the director, the department and its employees from liability and expense on account of any claim, suits and costs resulting from the construction of the wells in the event the pending applications for transfer of water rights are not approved, and from the action of the department or its employees in locking or similarly disabling the pumps to prevent their use without a valid water right.

6. Agree that the director may enforce the consent order in district court, if necessary, without further administrative proceedings if the order is violated.

7. Agree that evidence concerning the approval of the drilling permits and the existence and cost of constructing the wells will not be given any weight in the director's decision on the pending applications for transfer.

The consent order must bear the notarized signatures of all principals involved in the project, i.e., the Hillman's, Robertson's and Cornelison's. Upon receipt of the order, the department will waive the policy of delaying approval of the drilling permits.

If I can answer questions on this matter, please call me.

Sincerely,

NORMAN C. YOUNG

Administrator

Resource Administration Division

NCY:dlw

cc: Robert Lee, Gen State Irrigation
Eastern Region, IDWR

COPY

RECEIVED

MAY 18 1989

Department of Water Resources

Richard B. Eismann*
Jack D. Swafford
Attorneys at Law
3016 Caldwell Boulevard
Nampa, Idaho 83651-6416
Telephone: (208) 467-3100
vn/8/RBE

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 65-12842-AND
APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 65-03104 -
STEVE DOBSON & TOM OLIVER.

PETITION FOR REHEARING
BY PROTESTANT, GEORGE DOVEL

DEFINITIONS: When used in this petition the terms following
shall have the meanings following:

--- "applicants" mean Steve Dobson and/or (Leo) Tom Oliver.

--- "protestant" means George Dovel.

--- "water application" means application for permit no.
65-12842.

--- "transfer application" means application for transfer of

water right no. 65-03104.

- "subject water right" means the water right no. 65-03104.
- "Department" means the Department of Water Resources of the State of Idaho.
- "order" means the Order Addressing Exceptions to Proposed Memorandum Decision and Order dated April 28, 1989.
- "memorandum decision" means the Memorandum Decision and Order Approving Application for Permit No. 65-12842 and Approving in Part Application for Transfer of Water Right No. 65-03104 dated April 28, 1989.

PETITION FOR REHEARING: Request for a rehearing before the Department is made by the protestant on the grounds and for the reasons following:

1. The order contains deficiencies in addressing the EXCEPTIONS:

a. The order erroneously fails to address paragraphs (c), (d), (e) and (f) of EXCEPTION 1.

b. The order erroneously fails to address paragraphs (b), (c) and (d) of EXCEPTION 2.

c. The order erroneously states that "the other exceptions and parts thereof (paragraphs (a), (b) and (c) of EXCEPTION 3) are without merit. . . ." which is not true.

d. The order erroneously fails to address EXCEPTION 4.

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SEP 31 1990

e. The order erroneously fails to address EXCEPTION 5.

f. The order erroneously fails to address EXCEPTION 6.

2. Procedural deficiencies which occurred at the hearing include the following:

a. The protestant asked the hearing officer if the protestant would be permitted to question the applicants' witnesses. The hearing officer advised the protestant that the protestant would only be allowed to cross-examine applicants' witnesses based on the direct testimony of the applicants' witnesses.

b. The protestant was not allowed to present additional evidence by rebuttal as the hearing officer explained the protestant would be able to so do.

c. Evidence as to the watermaster's ability to distribute the water is a critical issue with regard to approval of either the water application or the transfer application as approval of these applications would make distribution of the water impossible.

3. Newly discovered evidence does exist with regard to the water application and the transfer application:

a. The fields proposed to be irrigated by Porter Creek in the transfer application which are alleged by the applicants to total ninety (90) acres actually total more acres, and this constitutes an enlargement in use of the original subject water right which evidence of the SCS survey and the testimony of witnesses.

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SEP 18 1990

b. The fields proposed to be irrigated by Porter Creek water in the water application far exceed the forty-two (42) acres alleged in the water application.

c. Protestant will introduce witnesses who will impeach the testimony of the applicants' witnesses that eleven (11) acres on Lot 1 the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and two (2) acres on the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 7 North, Range 2 East of the Boise Meridian have been irrigated with Porter Creek water within the past five (5) years.

d. Protestant will introduce evidence and testimony proving that the applicants and their predecessor have not irrigated the entire ninety (90) acres with Porter Creek water within the past five (5) years as claimed in their testimony.

e. Potential witnesses include: Herb Klug and/or Russell Manwaring of the SCS; George Dovel; Jim Dovel; Dan Dovel; Forrest Luthy of the Idaho Department of Water Resources; the watermaster for District 65B; David Tuthill, Western Region Office Manager for the Idaho Department of Water Resources; Steve Dobson; and Alfred Wolfgram.

f. Other evidence would include but would not be limited to ASCS aerial photographs, records and watermaster records.

4. Paragraphs 11 and 14 on page 8 of the memorandum decision conflict with paragraphs a and b under the topic of "Newly Discovered Evidence" on page 2 of the order:

a. This proposed project is not viable and will not reduce operating costs.

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b. The cost of distributing water will raise dramatically; therefore, the transfer application and the water application would not be in the local public interest. Idaho Code § 42-203A(5) states in part:

"In all applications whether protested or not protested, where the proposed use is such . . . (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. . . ."

The criterion for evaluation of the local public interest found in Idaho Code § 42-203A(5) is defined by Water Appropriation Rule 5,1,5. to include:

[T]he effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use; and compliance with the application air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

The cost to protestant in producing a crop will substantially increase, and the cost to all water users for delivery of water will increase should the water application and the transfer application be granted permanently. These increases will definitely "conflict with the local public interest" which is contrary to Idaho Code § 42-203A and the

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SEP 18 1990

department failed to fully evaluate the local public interest as set forth in Water Appropriation Rule 5,1,5.

5. Idaho Code § 42-222 provides in part:

"The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right" (emphasis added).

Testimony and evidence will show that approval of the transfer application will change the original subject water right which is contrary to Idaho Code § 42-222.

6. The protestant respectfully requests that the department grant a rehearing in this matter.

SERVICE BY MAIL: The undersigned hereby certifies that a true copy hereof was this day mailed, United States Mail, postage prepaid, to each of the following: STEVE DOBSON, Post Office Box 366, Horseshoe Bend, Idaho 83629; (LEO) TOM OLIVER, 3357 North Osprey Drive, Eagle, Idaho 83616; and JOHN C. (JACK) RIDDLEMOSER, ATTORNEY AT LAW, Post Office Box 373, Meridian, Idaho 83642.

DATED: MAY 17 1990

SIGNED: 
Richard B. Eismann
Counsel for the protestant

MICROFILMED

SEP 18 1990

RICHARD B. EISMANN - ATTORNEY AT LAW

SIGNED: George Dovel
George Dovel, the protestant

MICROFILMED

SEP 18 1990



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

April 21, 1983

RE: Water Right Nos. 02-0068, 63-2754, 63-2975, 63-3104, 63-3490, 63-3492,
63-7561 and 63-7793

Bing/Frost Ranch Co.
515 S. Flower St.
Los Angeles, CA 90071

Gentlemen:

Enclosed are copies of your approved applications for transfer of the above referenced water rights (Transfers Nos. 2730 through 2737). Be sure to note the conditions of approval as listed on the fourth pages of the approved transfers.

Sincerely,

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

DRT:kw
Enclosures



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: 6LS

1. Right number 63-3104 Applicant Bing/Frost Ranch Co.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other additional source (Snake River)
4. Check:
 - (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - (b) ☒ Description of original point of diversion.
 - (c) ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - (a) ☒ All of right.
 - (b) ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - (c) ☒ Check description of point(s) of diversion.
 - (d) ☒ Check description of place of use. No change
 - (e) ☒ Check map (shows p.d. and p.u. after transfer).
 - (f) ☒ Check for correct signature, notarization, and fee.
 - N/A → (g) ☒ Check proof of ownership of right &/or land from which water is transferred.
 - (h) ☒ Check for expansion in use of right. Comments None
 - (i) ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 63-7561, 63-3490
 - (j) ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

- N/A → 1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No 7/1/82 7/8/82 50/22956 Press Tribune
 3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Sec Attached

By DBS
mi 2-11-83

Date 7/22/82

RECEIVED

SEP 10 1982

* All uses within Watermaster Districts require special conditions.

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

August 16, 1982

John H. Brandt, President
West End Project
203 11th Ave. South
Nampa, ID 83651

Re: Applications for Transfer No. 63-2754, 63-2975, 63-63-3104, 63-3490, 63-3492
63-7561, 63-7793 & 02-0068

Dear Mr. Brandt:

I am in receipt of your letter dated August 4, 1982 regarding the above numbered applications for transfer. I am aware that you did call this office prior to the dead line for submitting protests against their approval. At that time, however, I believe you were advised that this Department can accept only written protests and that those written protests must be submitted within the time limit specified by statute. Even though your earlier letter was dated July 7, 1982, which was well within the time limit for submitting protests, it was not postmarked until July 22, 1982 and was not received by our office until July 23, 1982. As I indicated in my previous letter to you the final date for submitting protests against the approval of these transfers was July 19, 1982.

You should also be aware that the granting of a transfer by this Department does not change the provisions of any legally binding contract between the West End Project and its water users. If your contract with the water users places specific conditions upon the water they receive from the project, the granting of a transfer by this agency would not serve to negate that contract.

If I can provide you with any additional information or if you have further questions regarding these applications for transfer, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

BS:jp

Sherl Chapman
Bing/Frost Ranch Co.

RECEIVED
AUG 17 1982

August 4, 1982

Mr. David B. Shaw
Western Regional Supervisor
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

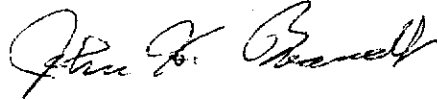
Dear Mr. Shaw:

This is to acknowledge receipt of your letter of August 3, in which you indicate a protest against the use of West End Project water on other lands than those to which the water had been allocated was received after the deadline set. That is true so far as the letter was concerned, but the protest was entered many days before the deadline by telephone.

We control this West End water according to our recorded contract. It is appurtenant to certain lands only and we will not permit its use on other lands.

Very truly yours,

WEST END PROJECT



John H. Brandt, President

JHB/ama

NOTED

RECEIVED

AUG 5 1982

Department of Water Resources
Western Regional Office

July 7, 1982

Dept. of Water Resources
92 South Cole Road
Boise, Idaho 83709

Gentlemen:

The West End Project hereby enters an official protest against the request of Bing/Frost Ranch Company of 515 South Flower Street, Los Angeles, California 90071, for a change of a source of water and a point of diversion of the water as set forth in published notices No. 63-7793, No. 63-3490, No. 63-2754, No. 63-2975, No. 02-0068, No. 63-7561, No. 63-3492, and No. 63-3104 appearing in the Press-Tribune newspaper dated July 1, 1982.

It has been explained to us in a telephone conversation with the Department of Water Resources representative that the purpose of the published request was to co-mingle all waters from wells and Snake River used on this farm. We have no objection to the co-mingling of well water, which could be used on any portion of the farm as far as we are concerned. But the water from the Snake River delivered by the West End Project is appurtenant to certain lands and the point of diversion and lands upon which the water may be used cannot be changed. This was provided by the contractual agreement entered into the 16th day of May, 1963, and recorded in Canyon County, Idaho.

Quoting from said contract: "Each of the parties shall hold and own as appurtenant to the lands owned and to be irrigated by such party the undivided interest above set forth, which shall be freely divisible and transferable as appurtenant to lands divided and transferred." There are 408 acres of the Bing/Frost lands served by West End Project.

We do not intend to permit the use of West End Project water on any other lands than those within the Project.

Very truly yours,

WEST END PROJECT

John H. Brandt

John H. Brandt

RECEIVED

JUL 23 1982

Department of Water Resources
Boise Regional Office

MICROFILMED

BB/ams



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

August 3, 1982

Mr. John H. Brandt
West End Project
203 11th Ave. South
Nampa, ID 83651

Re: Applications for Transfer Numbers 63-2754, 63-2975, 63-3104, 63-3490
63-3492, 63-7561, 63-7793 & 02-0068

Dear Mr. Brandt:

The Department is in receipt of your letter dated July 7, 1982, concerning the above numbered applications for transfer. Your letter, however, was not received by the Department until July 23, 1982. The final date for submitting protests against the above numbered applications for transfer was July 19, 1982, as specified in Section 42-222 of the Idaho Code.

Since your letter was not received within the time limits specified by the statute, the Department cannot consider your letter as a protest against the above referenced transfers.

I am forwarding a copy of your letter along with a copy of this letter to the applicants for their information. If you have any questions, please feel free to contact this office.

Yours truly,

DAVID B. SHAW

Western Regional Supervisor

DBS:jp

cc: Sherl L. Chapman
King/Frost Ranch Company

RECEIVED
AUG 10 1982
WATER RESOURCES
DIVISION

63-3104

Notice is hereby given that Bing/Frost Ranch Co.
CA 90071
515 S. Flower St., Los Angeles, has applied to the Department of Water
for a change of the source of water and point of diversion
of the water in a groundwater source

The right sought to be changed is evidenced by license 63-3104
and is recorded as follows:

Amount 6.8 cfs Priority 3/25/1957

Point(s) of Diversion: SESW and SWNE Sec 22 T2N R3W Canyon Co.

The water is used for Irrigation purposes from 3/15 to
11/15 upon 650 acres within portions of Sec 22, 23, 26, 27 T2N, R3W

TO BE CHANGED AS FOLLOWS:

Source of Water: Groundwater and Snake River

Amount 6.8 cfs

Point(s) of Diversion: SESW, SWNE, SENW, SWSE, SESE Sec 22; SENE,
NENW Sec 23; SENE Sec 26; NENW Sec 27 T2N
R3W and MNW Sec 16 T1N R3W

The water is used for Irrigation purposes from 3/15 to
11/15 upon 650 acres within portions of Sec 22, 23, 26 and 27 T2N R3W

The Department of Water approved the proposed change of source of water and
point of diversion with the Department of Fish and Game, and the
Department of Agriculture on July 19, 1982

MICROFILMED

Press-Tribune

7/1

and 7/8/82

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 63-3104

Notice is hereby given that Bing Frost Ranch Co.
of 515 S. Flower St., Los Angeles CA 90071 has applied to the Department of Water
Resources for a change of the source of water and point of diversion
of the water of a groundwater source
The right sought to be changed is evidenced by License 63-3104
and is recorded as follows:

Amount: 6.8 cfs Priority 3/25/1957
Point(s) of Diversion: SESW and SWNE Sec 22 T2N R3W Canyon Co.
The water is used for Irrigation purposes From 3/15 to 11/15
upon 650 acres within portions of Sec 22, 23,
26, 27 T2N R3W

Source of Water: Groundwater and Snake River TO BE CHANGED AS FOLLOWS

Amount: 6.8
Point(s) of Diversion SESW, SWNE, SENW, SWSE, SESE Sec 22; SENE,
NENW Sec 23; SENE Sec 26; NENW Sec 27 T2N
R3W and NWNW Sec 16 T1N R3W
The water will be used for Irrigation purposes From 3/15 to 11/15
upon 650 acres within portions of Sec 22, 23, 26,
and 27 T2N R3W

Any protest against approval of the proposed change of water right appli-
cation must be filed with the Department of Water Resources, 92 S. Cole Road,
Boise, Idaho 83709 on or before _____.

A. KENNETH DUNN
Director

Published in the _____
on _____ and _____

RECEIVED
MAY 1 1957

IDENT. NO. 63-2104

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

Sept. 18, 1962

Re: Permit No. 20905; G-26823

M. F. Barlow, President
The Barlow Company, Inc.
Box 126, Vale, Oregon

Dear Sir:

Enclosed are Certificate of Completion of Works and
Licenses and Certificate of Water Rights on the above numbered
permits.

Also enclosed is an amendment to the point of diversion
on Permit No. 20905 which has been recorded and Departmental
Receipt No. 31237 in the amount of \$9.00 covering fees on Permit
No. 20905 and departmental receipt No. G-7409 in the amount
of \$39.00 covering fees on Permit No. G-26823.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

B :

(Mrs.) Edna P. Kula
Chief Clerk

EPR:ow

Enc. certificate
licenses (2)
amendment
receipt (2)

26823

August 7, 1961

RE: Permit No. G-26823
20905

M. F. Barlow, President
The Barlow Company, Inc.
Box 126
Vale, Oregon

Dear Mr. Barlow:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26823 shows the wells are capable of conveying 340 miner's inches, or 6.80 c.f.s. of water for the irrigation of 650 acres.

Upon receipt of the statutory fees, totaling \$39.00, we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$34.00, based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of March 25, 1957 to the use of 6.80 second feet of subterranean water with the pointsof diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22 for irrigation of 650 acres in E $\frac{1}{2}$, Sec. 22; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, T. 2 N., R.3 W., B.M.

We refer you to our letter of August 30, 1960 in which we notified you that it would be necessary to amend the point of diversion on Permit No. 20905; also that the License and Certificate of Water Right would be issued upon payment of the statutory fees of \$8.00 plus an additional fee of \$1.00 for recording the amendment.

To date neither the amendment nor the fees have been received in this office. May we hear from you regarding this matter?

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

26823

WRD417

WATER RIGHTS PROOF READING REPORT

07/05/83

PAGE 1

WATER RIGHT NUMBER 63-3104

OWNER LAST NAME - BAILEY

FIRST NAME - R. E.

ORIG OWNER - D

XCL

OWNER LAST NAME - ~~HARBOY CO. INC.~~ *Bing/Frost Ranch Co.*

FIRST NAME -

ORIG OWNER -

ADDRESS LINE 1 - *515 S. Fowler St.*

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - ~~YAMPA~~ *Los Angeles*STATE - ~~ID~~ *CA* ZIP CODE - *90071*

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 03-25-1957 COUNTY - CANYON

TOTAL DIV. RATE - 6.8000 -CFS

TOTAL DIV. VOLUME - *2925* .00 AFA

PRFR/AMEND - 7

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 22 02N 03W LOT

REDIV -

0.0 0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

SWNE 22 02N 03W LOT

REDIV -

0.0 0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

FROM - *3-15* TO - *11-15* USE - IRRIGATION

USE DIV. RATE -

6.8000 CFS

USE DIV. VOLUME - *2925* .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 02N RNG 03W SEC 26

TRACT NWNW LOT

AC 40

USE - IRRIGATION

PLACE OF USE - TWN 02N RNG 03W SEC 23

TRACT SWNW LOT

AC 35

TRACT SENW LOT

AC 35

TRACT NESW LOT

AC 40

TRACT NWSW LOT

AC 40

TRACT SWSW LOT

AC 40

TRACT SESW LOT

AC 40

TRACT NENE LOT

AC 25

TRACT NWNE LOT

AC 35

TRACT SWNE LOT

AC 40

TRACT SENE LOT

AC 40

TRACT NESE LOT

AC 40

TRACT NWSE LOT

AC 40

TRACT SWSE LOT

AC 40

TRACT SESE LOT

AC 40

TRACT NENE LOT

AC 40

TRACT NWNE LOT

AC 40

USE - IRRIGATION

PLACE OF USE - TWN 02N RNG 03W SEC 27

TRACT NENE LOT

AC 40

TOTAL ACRES

610

DEGREE NAME -

DATE -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 26823

PROOF MADE -

FIELD EXAM -

COND. OF APPROVAL - 15

DIVERSION YEARS -

SEE TRANS.

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

Permit No. G-26823

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

1. Name of applicant M. F. Barlow, Pres., The Barlow Company, Inc.,2. Source of water supply: Subterranean3. Location of point of diversion: Is in the SE 1/4 SW 1/4 & SW 1/4 NE 1/4 of Section 22T. 2 N R. 3 W.B.M. County of Canyon4. Describe works as they exist, giving dimensions and capacities of same: SE 1/4 SW 1/4 - 250 HPGE Motor #55J522002, Layne-Bowler Pump #26140 (2000 GPM @ 420' @ 1770 RPM)SW 1/4 NE 1/4 - 200 HP GE Motor #WPI 930013, Layne-Bowler Pump #25241 (1400 GPM @ 460' @ 1750 RPM)5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

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

E 1/2 Sec. 22., S 1/2 NW 1/4, SW 1/4, Sec. 23., N 1/2 NE 1/4, Sec. 27., NW 1/4 NW 1/4 Sec. 26., Twp. 2 N.,
(a total of 680 acres) Rge. 3 W.B.M.

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

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

Remarks: Mr. Max Barlow alongMeasured with Sparling MeterThis examination was made on the 3rd day of August, 19 61

(Signed)

Layne Johnson

Examiner.

26823

AM. 2/3/61
M. F. Barlow, President
The Barlow Company, Inc.,
P. O. Box 126, Vale, Oregon
Permit No. G-26823

Examination for Completion of Works & Beneficial Use

County Canyon

Sec. 22 T.2 N. R. 3 E. B.M.

Quantity: 7.0 c.f.s.

Sources: Wells

SE. SW. } Sec. 22, T.2 N., R. 3 E. B.M.
P.D.: SW. NE. }

Use: Irrigation

Filed: March 25, 1957

Due: March 29, 1962

Extension:

Completion of Works:

Other Rights: See permit 20905

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 4 1961

Department of Reclamation

SE 1/4 Sec

5 Rcr

2 1/2

12 Dec

86°

120

132

3.79

196

= 3.5

Acres

or

18 1/2

inches

R-3W

SW 1/4 NE 1/4

5 Rcr

2 Min

34 Sec

80°

120

156

3.26

197

= 3.15

Acres

or

15 7/2

inches

502

T.
2
N.

PD

PD

35

25

60

22

40

40

35

35

23

150

40

40

40

40

160

40

40

40

40

160

TO NAMPA

40

40

40

120

27

26

650

includes

SW NW

Sec 22

Subdivisions

17

License # 20905

2.24 ch

112 "

SE 1/4 SW 1/4

3.65 ch

= 18 1/2 inches

SW 1/4 NE 1/4

3.15 ch

= 15 7/2 inches

6.80

340.0

9.04

ch.

45 1/2 inches

AREA

650

Acres

Q

6.80

ch

or

340 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26823

~~REPORT ON PROOF OF Completion of Works & Beneficial Use~~

M. F. Barlow, Pres. The Barlow Company, Inc.,
P. O. Box 126, Vale, Oregon

8/4/61

26823

June 16, 1961

Re: Permit No. G-26823

M. F. Barlow, President
The Barlow Company, Inc.
P. O. Box 126
Vale, Oregon

Dear Mr. Barlow:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho Free Press, all submitted in proof of completion of works and beneficial use on Permit No. G-26823.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

26823

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

Boise, Idaho

Re: Permit No. G-26823
The Barlow Co., Inc.,

Date: February 17, 1961

Idaho Free Press,
Nampa, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to March 24, 1961 the date set for proof; the expense of the publication is to be paid by the applicant

The Barlow Co., Inc., of Rt. #4, Nampa, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

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

Encl.

26823

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

February 17, 1961

Re: Permit No. G-26823

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED.

The Barlow Co., Inc.,
Et. Al.,
Nampa, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-26823. The proofs are to be made at 10:00 o'clock A.M., on the 24th day of March, 1961 ~~and then~~ before Thomas F. Gwilliam, Nampa Dr. Bldg., Nampa,, Notary Public.

As of this date we have mailed the Notice to the Idaho Sun Press with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Sale
(Mrs.) Edna P. ~~Smith~~
Chief Clerk

Encl.

EPR: ~~mak~~
cc: Notary

26823

RECEIVED
FEB 16 1961

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1961
(P. O.) The Barlow Co., Inc. Rt. #4, Nampa, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The Idaho Free Press of Nampa, Idaho published in
the county in which the works are situated.

Barlow Co. Inc.
by M. J. Barlow

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

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

Engineer.

26823

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

Notice is hereby given that at 10:00 A. M., on the 24th day of March 19 61, at Nampa, County of Canyon, State of Idaho, before Thomas Y. Owilliam, Notary Public, at (address) Nampa D Building, proof will be submitted of the completion of works for the diversion of 7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26823, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Barlow Co., Inc., Rt. #4, Nampa, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 7 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 7 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Twp. 2 N, Rge. 3 W.B.M.

5. The place where said water is used is E $\frac{1}{2}$ Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, Twp. 2 N, Rge. 3 W.B.M.

6. The date of priority which said user is prepared to establish is March 25, 1957.

Geo. N. Carter

State Reclamation Engineer

26823

RECEIVED
JUN 23 1961STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G 26823Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

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

Ans. M. F. Barlow; Vale, Oregon; Farming; Box 126

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

Ans. The Barlow Company, Inc.; Vale, Oregon; President

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G 26823; March 29, 1957; March 25, 1957

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Ground water; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T2N R3W BM

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Cement divider boxes, and into Cement and open dirt ditches 400 miner inches; 1st 734 ft.; 2nd 448 ft.; 1st 16 in. casing to 465 ft., 12in. casing to 570 ft., 345 ft. to water; 2nd 16 in casing to 365 ft., 14in casing to 430 ft.; 332 ft. to water.; 10 in. discharge and water measured by the amount of flow from discharge pipe

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation; E $\frac{1}{2}$ Sec. 22 S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{2}$ Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T2N R3W BM 540 acres; Cultivated, cleared of brush.

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

Ans. Holloway Grilling company, Ontario, Oregon

26823

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Land was purchased and the permit signed over to the present holder.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. The total amount produced by wells has been used for irrigation of farm and cultivated crops.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans.

(Sign) *W. E. Barlow*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Morongo*, County of *San Bern*, State of Idaho, on this *27th* day of *March*, A. D. 19*61*

My commission expires *1/16/65*

26823

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 10 1931

Department of Reclamation

Permit No. G. 26823

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

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

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

Ans. Adam Bauer; 53; Nampa, Idaho; farm worker; 1008 13th Ave.
So.

Ques. 2. Are you acquainted with The Barlow Company, Inc., the holder of Permit No. G. 26823? How long have you known him and where does he reside?

Ans. Yes; about 3 yrs.; Vale, Oregon

Ques. 3. Have you read or heard read said Permit No. G. 26823, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Ground water; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22 T2N R3W BM; Cement divider boxes, and into Cement and open dirt ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 8.5 CFS; 7.0 CFS

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 7.0 CFS; Amount of flow from discharge pipe.

26823

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation; E $\frac{1}{4}$ Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 23, N $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T2N R3W BM 540 acres; Cultivated, cleared of brush.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Good deversified land; 4 acre feet per acre.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have worked with it off and on for the past three years.

(Signed) Adam Bauer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Maya County of Canyon, State of Idaho, on this 24th day of March, A. D. 1961.

Steve Gunning
Notary Public.

My commission expires 1/15/65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 19 1951
Department of Reclamation

Permit No. G 26823

Proof of Application of Water to Beneficial Use

Deposition of Witness *and Deposition of Works*

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

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

Ans. John Keller, Jr.; 48; Caldwell, Idaho; farm worker; 1515
Blaine.

Ques. 2. Are you acquainted with The Barlow Company, Inc., the holder of Permit No. G 26823? How long have you known him and where does he reside?

Ans. 3 yrs.; Vale, Oregon

Ques. 3. Have you read or heard read said Permit No. G 26823, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Ground water; SE4SW4, SW4NE4 Sec. 22 T2N R3W BM; Cement
divider boxes, and into Cement and open dirt ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 8.5 CFS; 7.0 CFS

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 7.0 CFS; Amount of flow from discharge pipe.

26823

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation; S $\frac{1}{4}$ Sec. 22 S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{2}$ Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T2N R3W BM 540 Acres; Cultivated, cleared of brush.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Good deversified land; 4 acre feet per acre.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have worked with it at all times for the last three years.

(Signed) John Keller Jr.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Blaine County of Blaine, State of Idaho, on this 24th day of March, A. D. 1961.

Shoy Guzman
Notary Public.

My commission expires 1/16/65

26823

RECEIVED
JUN 12 1961

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, COUNTY OF CANYON
PROOF OF COMPLETION OF WORKS
APPLIED FOR WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 11th day of March, 1961, at Nampa, County of Canyon, State of Idaho, before Thomas J. Gwiliam, Notary Public at Nampa, Idaho, proof will be submitted of the completion of works for the diversion of 7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-1124, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Barlow Co., Inc., Rt. No. 1, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water said works are capable of conveying to the place of use is 7 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 7 cubic feet per second.

4. The points of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22; Twp. 2 N.; Rge. 3 W. E.M.

5. The place where said water is used is E $\frac{1}{2}$ Sec. 22; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27; NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 28; Twp. 2 N.; Rge. 3 W. E.M.

6. The date of priority which said user is prepared to establish is March 25, 1957.

GEO. N. CARTER,
State Reclamation Engineer.
Feb. 25; Mar. 4, 11, 18, 1961.

STATE OF IDAHO,)
County of Canyon.) ss.

Lucille Copple
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 25, March 4, 11, 20, 1961

Lucille Copple

Subscribed and sworn to before me this 20

day of March, 1961

Adam D. Turner
Notary Public, Residing at Nampa, Idaho.

26823

February 9, 1960

Re: Permit No. G-26823

Barlow Company, Inc.
Route #4
Nampa, Idaho

Attn: Max Barlow

Dear Mr. Barlow:

We enclose Applications for Amendments to the point of diversion and to the land list on Permit No. G-26823, which have been recorded in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendments (2)

26823

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-26823

Comes now Barlow Company, Inc. _____ and
represent _____ to the State Reclamation Engineer of the State of Idaho;

That he is (are) the owner and holder _____ of Permit to appropriate the Public Waters of the State of Idaho, No. G-26823.

That the point of diversion is described in said permit as being located ;

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, T2N R3W BM

That he now requests that the point of diversion be changed to a point _____

located SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T2N R3W BM

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

error in original application

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

Signed at Boise, Idaho, this 3 day of February, 1960

Barlow Co. Inc.
By M. J. Barlow

Date of receipt at Department of Reclamation February 3, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-26823. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 95 of
Permits, at Page 26823
February 8, 1960

Geo. N. Carter
State Reclamation Engineer

26823

RT

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-26823.

Comes now . . . Barlow Company, Inc., and represents
to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho, No. .G-26823. . . ., and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

. . . E $\frac{1}{2}$ Sec. 22: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26 T2N R3W BM
.
.
.
.
.
.
.
.
.
. making a total of . . . 680 acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at . . . Boise, Idaho this . . . 3rd day of February 1960

Barlow Co. Inc.
By M. J. Barlow

Date of receipt at office of Department of Reclamation . . . February 3, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. .G-26823. . . . This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers, and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

Recorded in Book 95 of
Permits, at Page 26823
February 8, 1960

26823

Geo. N. Carter
State Reclamation Engineer

January 20, 1959

Re: Permits No. 20905, G-22299
G-24655, G-26823

The Barlow Company, Inc.
Vale
Oregon

Gentlemen:

Enclosed are Assignments to Permits No. 20905, G-22299, G-24655
and G-26823 to The Barlow Company, Inc., Vale, Oregon, by R. E.
Bailey, Permit Holder and Lillian Bailey, his wife.

These have been recorded in the Department of Reclamation in con-
junction with the permits to which they refer and should now be
attached to the original permit to which each refers and becomes
title to.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enclosures (4)
cc: R. E. Bailey, Jr.
Route #3
Caldwell, Idaho

See letter in File 20905 re departmental receipt for recording fee

26823

27

January 14, 1959

RE: Permit Nos. 20905, G-24655,
G-26823, G-22299

Mr. R. E. Balley
Route #4
Nampa, Idaho

Dear Mr. Balley:

We refer you to our letter of December 11, 1958, in which we requested the balance of the recording fee (\$1.50) for the four assignments made in connection with the Permits above listed.

Unless this fee is received in this Department at once we will conclude that you are no longer interested in having the assignments recorded and we will return them together with the .50¢ fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

26823

December 11, 1958

RE: Permit Nos. 20905, G-24655,
G-26823, G-22299

Mr. R. E. Balley
Route #4
Nampa, Idaho

Dear Mr. Balley:

This acknowledges receipt of the Assignments made in connection with each of the above mentioned Permits to the Barlow Company, Inc.

The statutory fee for the recording of each Assignment is .50¢. There fore, there is a balance due of \$1.50 for these Assignments.

Upon receipt of the balance of the fee the Assignments will be recorded in this Department and then sent to you for your files.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

26823

April 17, 1957

Re: Permit No. G-26823

Mr. R. E. Balley
Rt. #4
Nampa, Idaho

Dear Mr. Balley:

We enclose Permit No. G-26823 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental receipt No. G-2522 was issued covering the payment in the amount of \$6.50 and is enclosed herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:d
Enclosures

26823

3 7 7 7

[illegible]

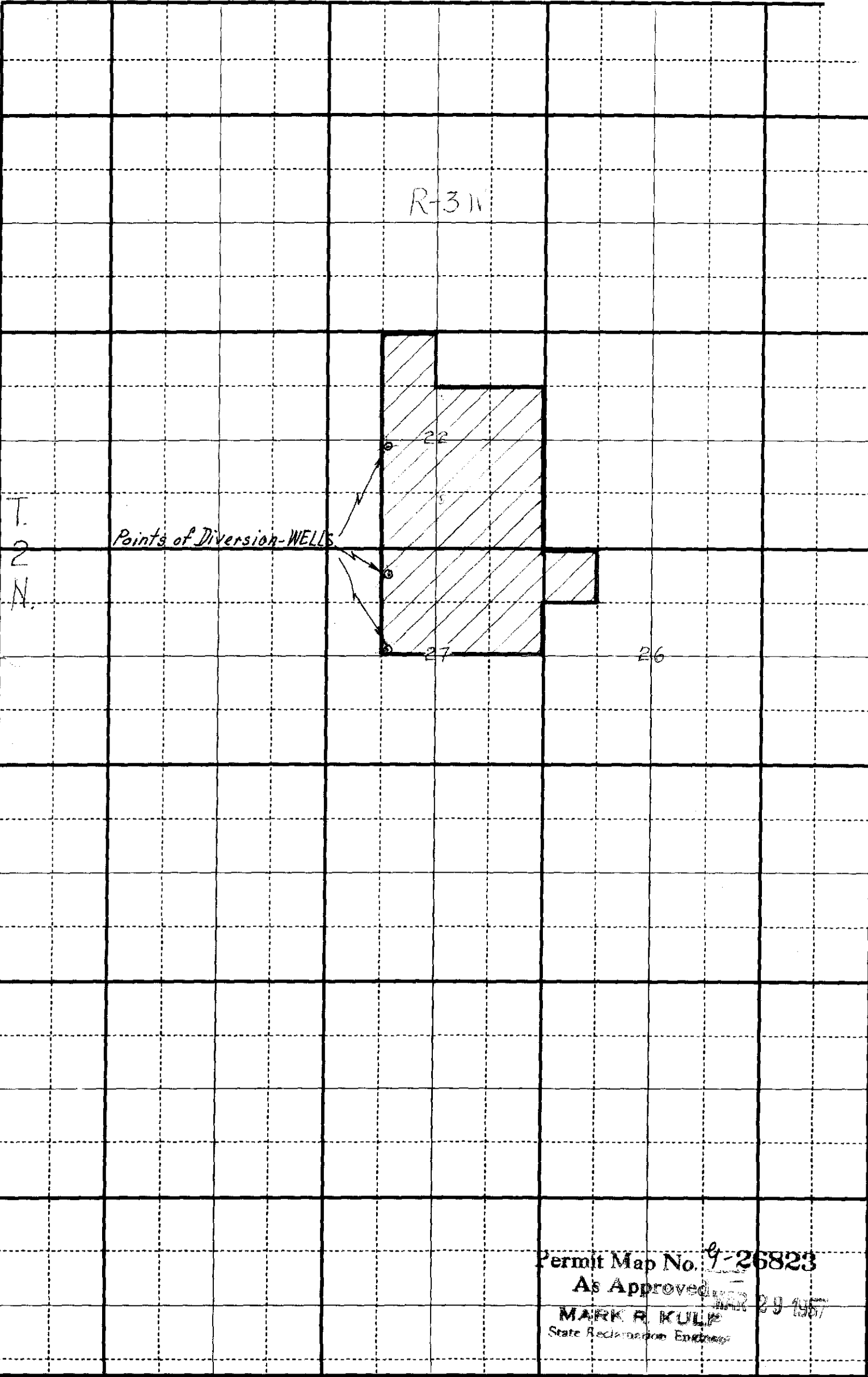
7-26823

NAME OF APPLICANT.

Form No. 0

26 8 2 3

NAME OF APPLICANT R.E. BAILEY



Permit Map No. 9-26823
As Approved MR 29 1987
MARK R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

26823

N. E. P.
COMPLETION OF WORKS
and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 24th day of March, 1961, at Nampa, County of Canyon, State of Idaho, before Thomas Y. Gwilliam, Notary Public, at Nampa D Building, proof will be submitted of the completion of works for the diversion of 7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. Q-26423, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Barlow Co., Inc., Rt. No. 4, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water said works are capable of conveying to the place of use is 7 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 7 cubic feet per second.

4. The points of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22; Twp. 2 N; Rge. 3 W. B.M.

5. The place where said water is used is E $\frac{1}{2}$ Sec. 22; S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27; NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 26; Twp. 2 N.; Rge. 3 W. B.M.

6. The date of priority which said user is prepared to establish is March 25, 1957.

GEO. N. CARTER,

State Reclamation Engineer.

Feb. 25; Mar. 4, 11, 18, 1961.