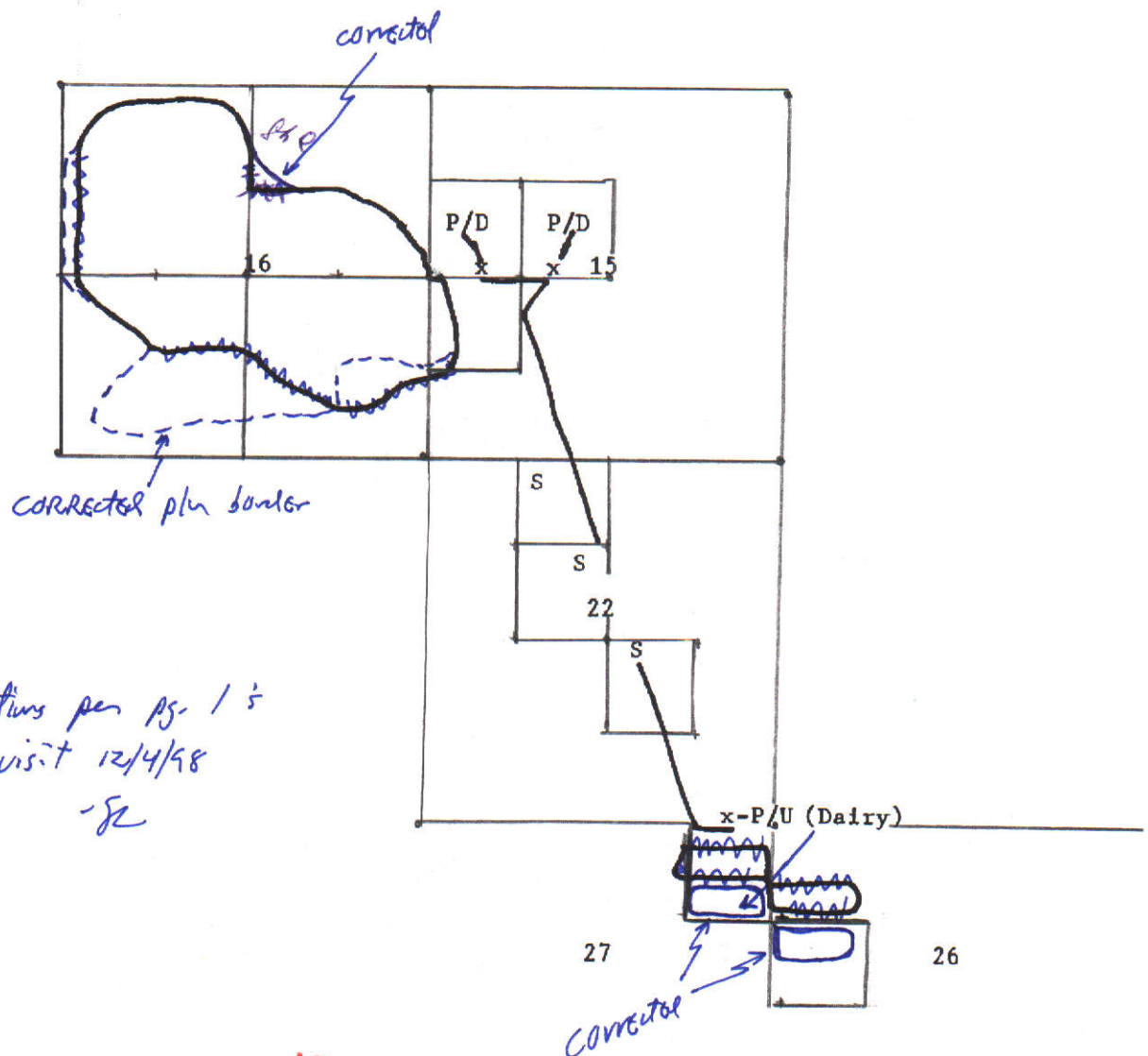


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.

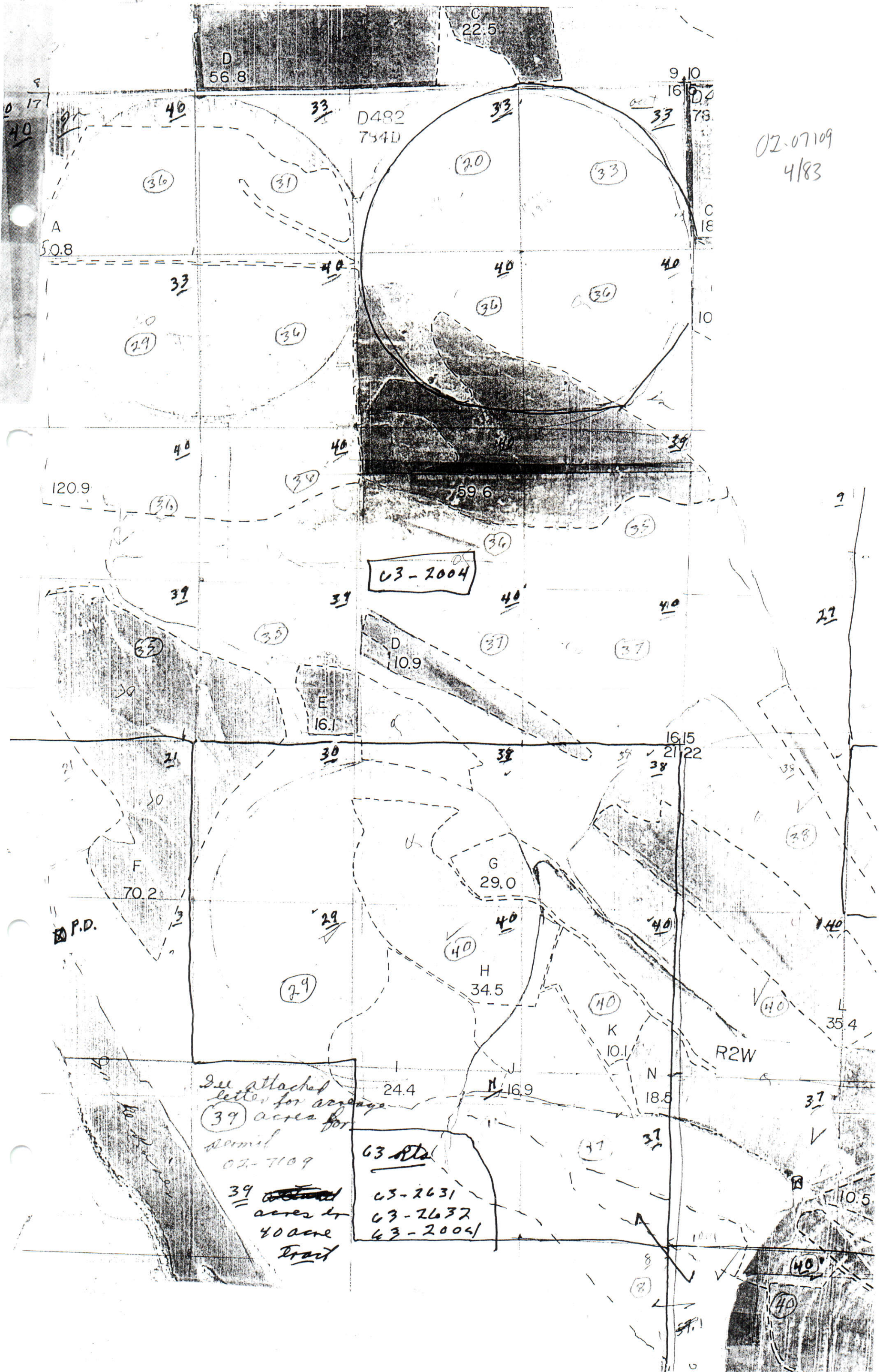
T1S

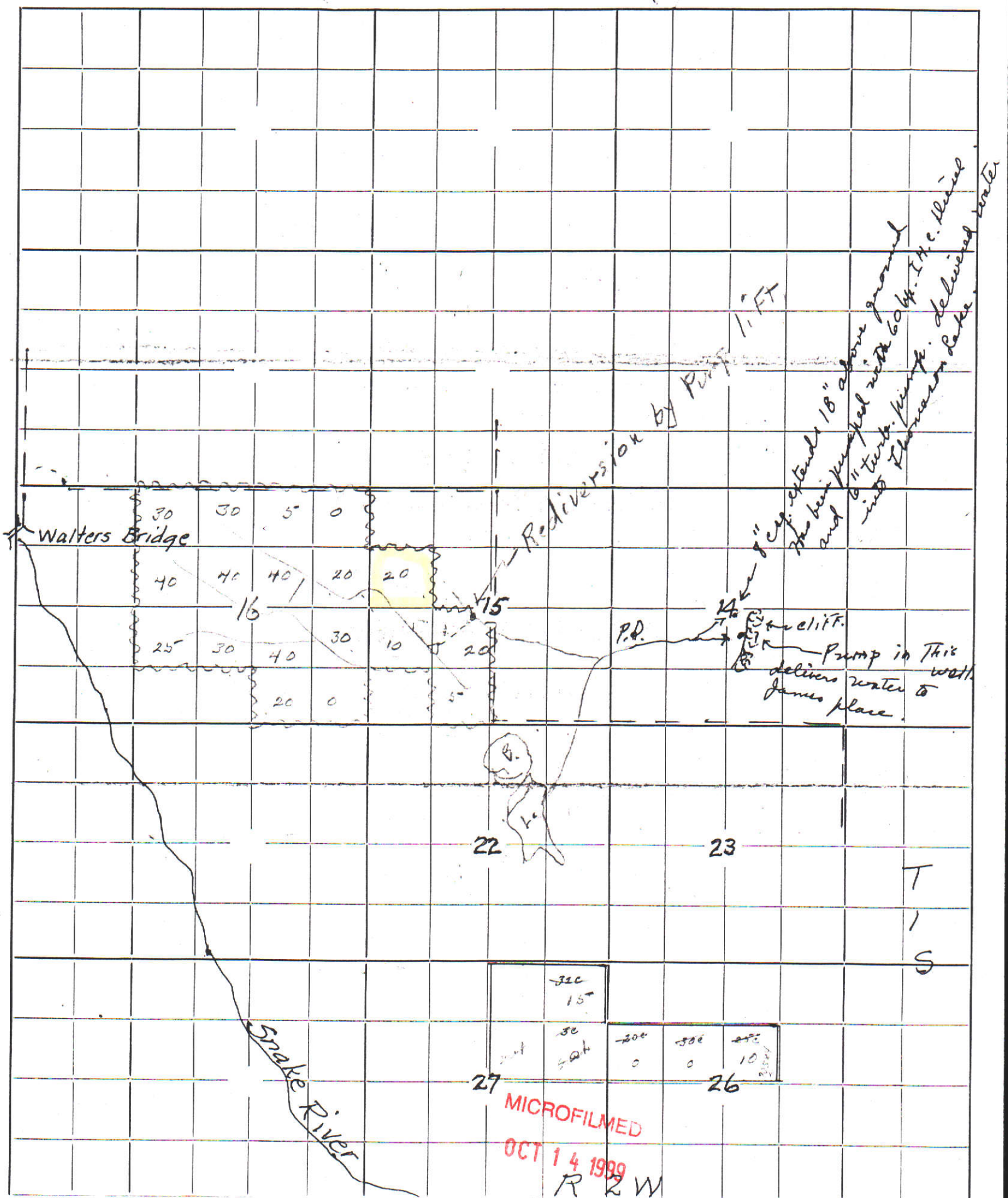
R
2
W

Map corrections per pg. 1's
consultant's visit 12/4/98
-JC

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OCT 14 1999

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





for 300 acres

T 1 S.

R. 2 W. B. M.

— = Thomas Lake

— = Unnamed Drain

/// = Well

Σ = Wells

Q = 196" or 3.92 cfs

Q = 124" or 2.48 cfs

Q = 70" or 1.4 cfs

Q = 145" or 2.9 cfs

Q = 49" or .98 cfs

Q = 100" or 2.0 cfs

Q = 130" or 2.6 cfs

196 acres

220 acres

145 acres

108 acres

130 acres

19773

19774

2054

G-24032

19774

Has full right (assumed) on that is already licensed.

25801 = Elizabeth McDonough

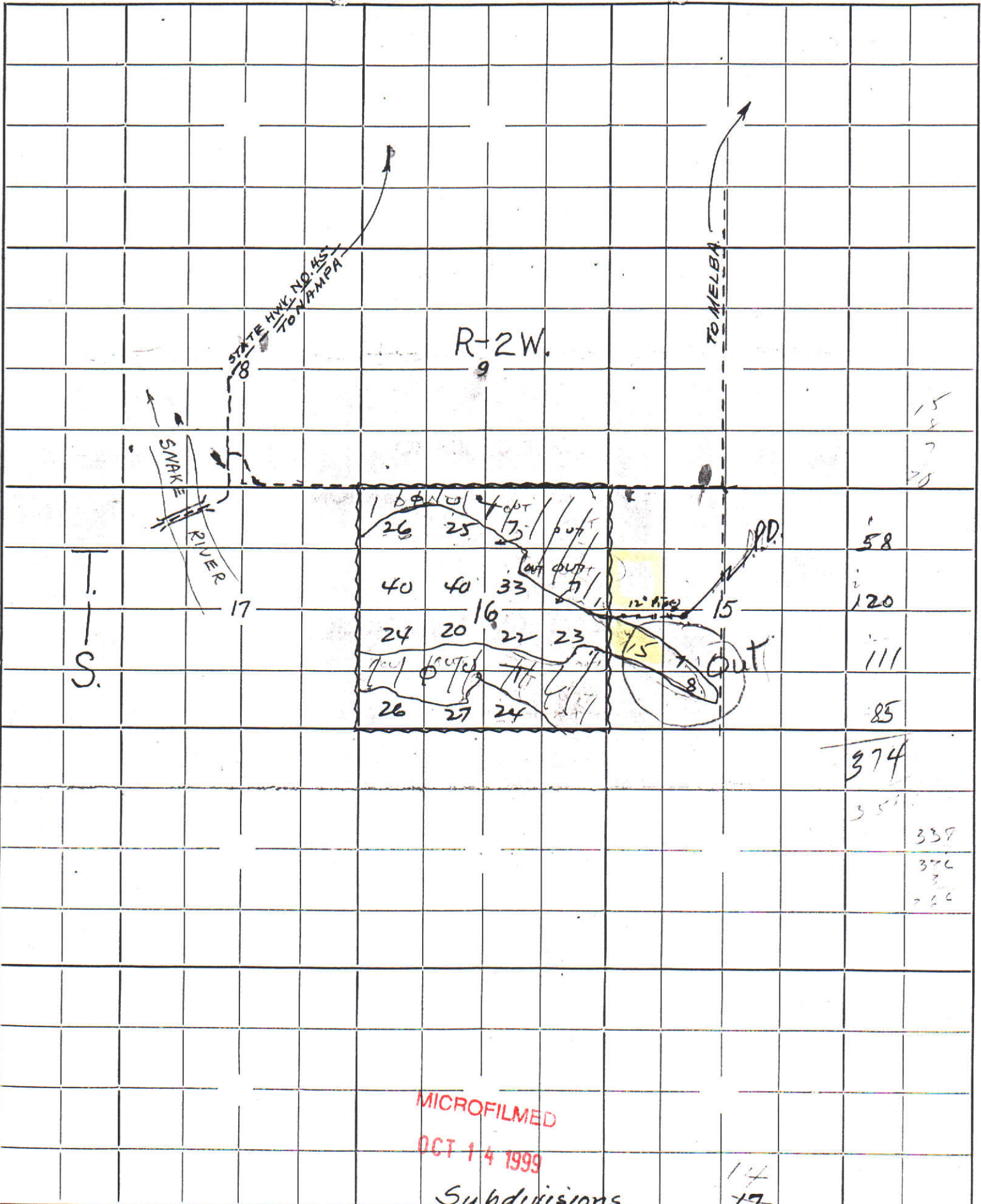
RECORDED

OCT 14 1999

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

63-02955 2/59

S 24421



63-07814 6/77



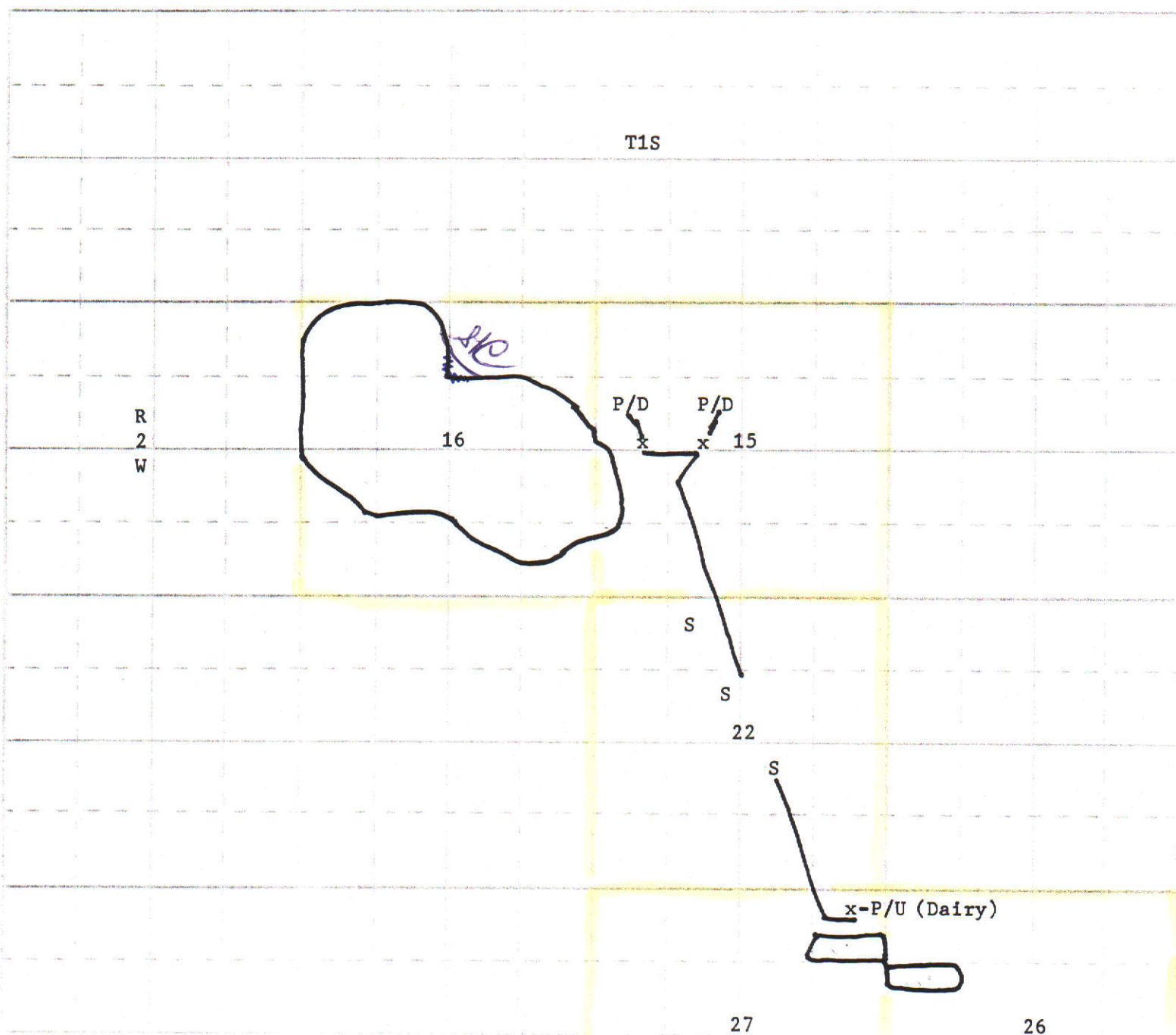
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OCT 14 1999

MICROFILMED

D462

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.



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PHOTOGRAPHER: SUE BOCK

DATE OF PHOTOS

July 27, 1998

FILE NO(S) .



~~purpose~~
Well on Omondson's place.
Photo Facing North.
Omondson house along driveway
to the N.W.



Trench from well goes
over rise, and onto
Kasper's property.
Photo Facing S.W.
Piping was laid on
side of well, not yet
positioned
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OCT 14 1999



PHOTOGRAPHER: SUE BOCK

DATE OF PHOTOS

7/27/98

FILE NO(S).



Trenching for
Pipeline to dairy
Facing West



Kasper Dairy
Photo Facing
S.W.

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BEFORE TRANSFER

SAME ACRES
PER TRACT
FOR
-2712 &
-2955 IN
S. 15 & 16

25 30 40 30 10 20 X

What are these
2 TRACTS?

20

5

#1 Well for
-2955

Entire
plus for
-7814

This well actually in
SE 1/4?

and -3099

Well in
-2712

NOTE
FOR
Sec. 16

Snake River 02-07109
COVERS 544 ACRES AND
Well water 63-03099
COVERS 344 ACRES.

Only Well water
here is -2712

AFTER TRANSFER

30 30

40 40

25 30

? ?

30 30

40 40

40 30

20 10

16

16

15

15

40 20

40 20

10 20

5

15

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NOTE

Stockwater will be in Sec. 22.
Land Application (Commercial)
will be same p/u as irrigation.
What about surface water
Sec. 16 & 26?
What about well water Sec. 16
in -3099?

DAIRY
15

MOVE ACRES

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/// = REDUCED irrigation
/// = INCREASED irrigation

Compressed 1 mile distance
between N. & S. sections for simplicity

BEFORE
TRANSFER →

16

15

14

27

26

AFTER
TRANSFER →

16

15

14

27

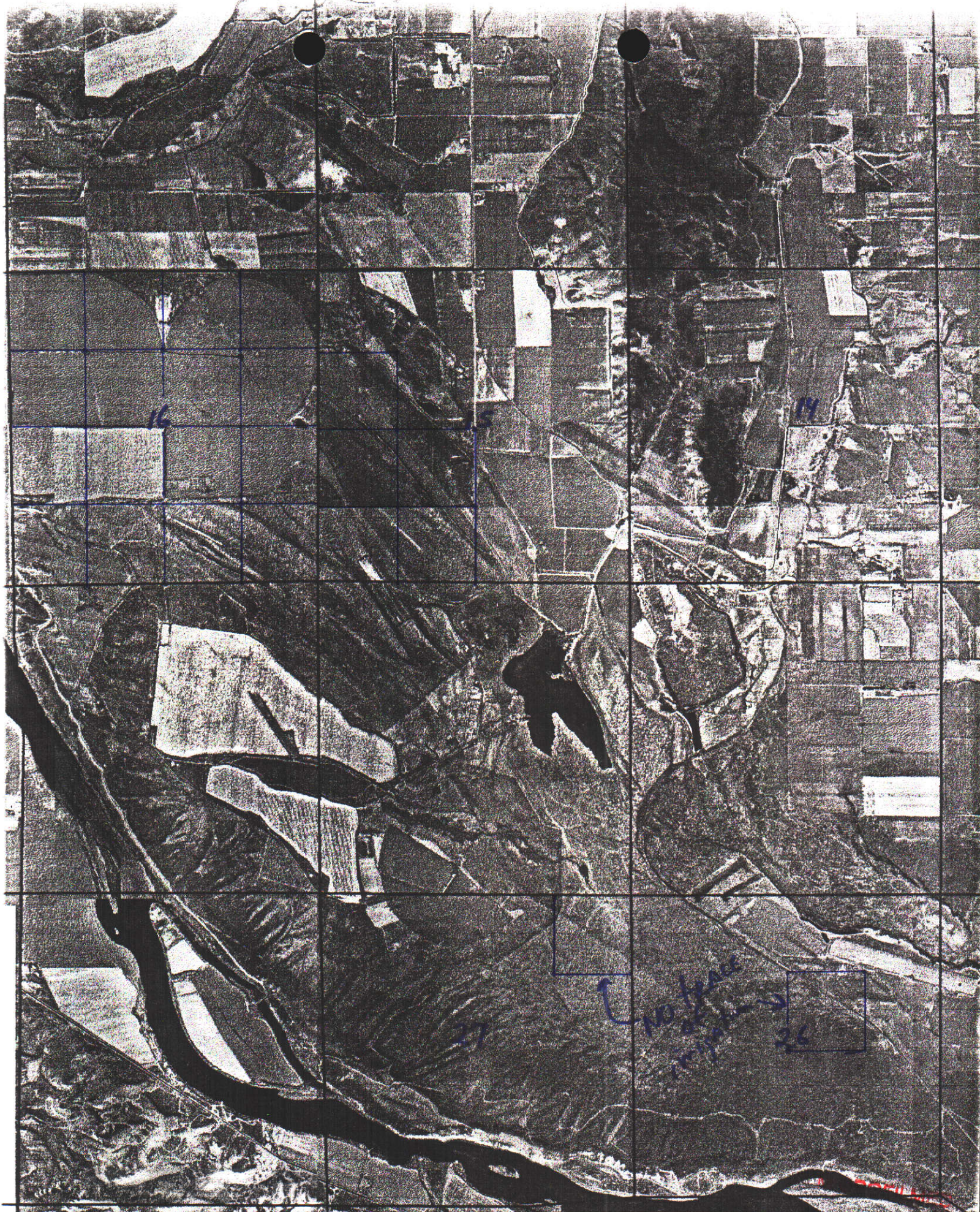
26

MICROFILMED

OCT 14 1999

Compressed 1 mile distance
between N. & S. sections
for simplicity

-2 11/19/98



July 1994 IR photo L-4 T15 R2W 1:24,000 OCT 14 1999

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10:30 a.m. on the 21st day of July, 1958, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the application to beneficial use of 5.60 cubic feet per second of the waters of subterranean source in accordance with the terms and conditions of Permit No. 20585 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Crystal R. Jensen, Melba, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 5.60.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE $\frac{1}{4}$, Section 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 26, Twp. 1 So., Rge. 2 West, B.M. Point of Diversion — No. 1 & 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$, No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, No. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in Twp. 1 So., Rge. 2 West, B.M. 20585

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditch.

The right to take water from such works is based upon Permit No. 20585.

The source of supply from which such water is diverted is Subterranean.

The date of priority which said user is prepared to establish is June 16, 1950.

E. N. Humphrey
Deputy State Reclamation
Engineer

June 28, July 5-12-13, 1958

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

Permit No. 20585 ✓

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Rex S. Jensen - Agent for Chrystal R. Jensen, Permit Holder ✓
2. Source of water supply: Group of wells (Artesian flow) ✓
3. Location of point of diversion: Is in the Nos. 1 & 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14 of Section 22 ^{1172 SW $\frac{1}{4}$} No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$ No. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$
- T. 1 South R. 2 West, B.M. County of Canyon RWJ

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

well 12" d. x 80' ctd 50' two Washington Turbine pump with
a 15 hp U.S. Motor # 668522
In wooden pump house 8' x 8' x 8' concrete base.
h = 10' l = 25' del. thru 6" pipe. Into open ditch. Across
drain thru 22" culvert (tared) pipe - ditch to James sump pump.

5. Water is used for:
- Irrigation and domestic purposes

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

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

NE $\frac{1}{4}$ Section 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, all in Township 1 South, Range 2 West, 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:

Well output = 80" pumped fr. East well.
= 10" has been delivered fr. West well.

check place of use with Rex.
also agreed.

This examination was made on the 11 day of February, 19 59

(Signed)

E. H. Humphrey Examiner.

20585

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.

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MAR 4 1959
Department of Reclamation

7-2318

Ranch

Permit No. 20585

Examination for Beneficial Use Proof

County Canyon

14&22- 15-2W

Q = 5.6

S = Wells

P.D = 2 in NWSE, 1 in NESW,
1 in SESW 14 - 1 in SWNE 22
15-2W

Use - Irr. & Dom

claims 100" for pump
10" artesian

filed 7-29-48

Dec-8-7-53 C/w made 7-29-53
Ext. 9-1-53

B/u due 9/13/56 - delayed proof
78

Rex S. Jensen - Agent
For Chrystal R. Jensen
Melba, Idaho

43 motor 15 hp.

668522

Worthington Turb.

80' x 12" cal 50

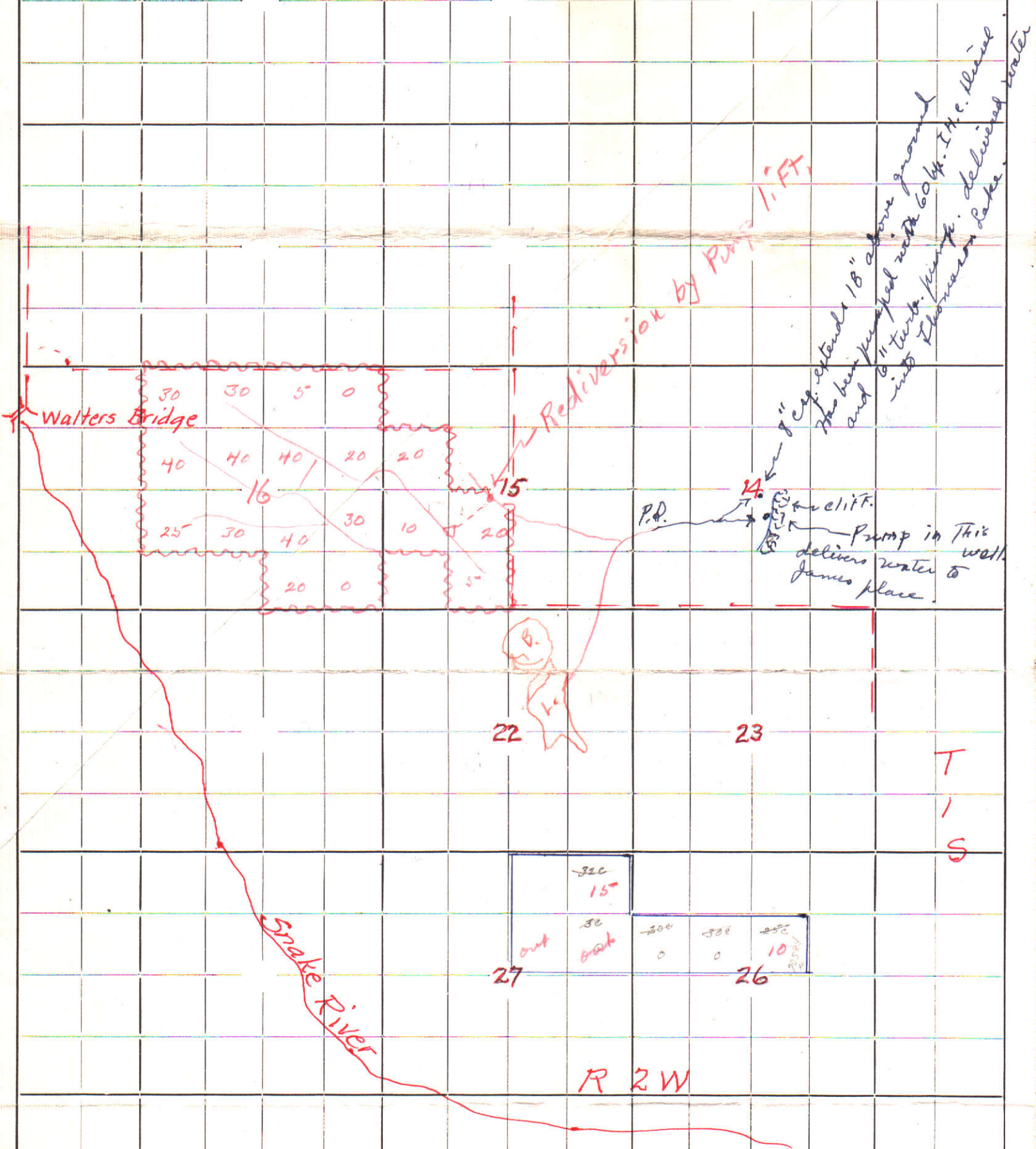
50' x 6" cal.

h = 10' dd to 25'

80" del. thru 6" pipe

Controls in well
house - 8' x 8' x 8' h.

conc. floor



collect on one subdivision B/s
 Subdivisions = 18 ~~760~~ ~~feet~~ collected
 Area = 430 acres under G 24421
 Q = 90 inches and 19713
 1.8 cfs.
 collect on 17 subdivisions OK \$39.00

Affidavit of Publication

RECEIVED
JUL 25 1958

Department of Reclamation

STATE OF IDAHO, }
County of Canyon } ss.

EVONNE FLANERY

, being first duly sworn, deposes and says:

That she is the principal clerk of CALDWELL PUBLISHING CO., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune; a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

Saturday issue of The
News-Tribune for four consecutive weeks
beginning with the issue of June 28,
19 58 and ending with the issue of July

19, 1958

Subscribed and sworn to before me this

day of

19 58

Notary Public for Idaho
Residing at Caldwell, Idaho

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:30 a.m. on the 21st day of July, 1958, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the application to beneficial use of 5.60 cubic feet per second of the waters of subterranean source in accordance with the terms and conditions of Permit No. 20585 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Crystal R. Jensen, Melba, Idaho

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 5.60.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE¹/₄, Section 27; SW¹/₄NE¹/₄, S¹/₂NE¹/₄, Section 26, Twp. 1 So., Rge. 2 West, B.M. Point of Diversion - No. 1 & 2, NW¹/₄SE¹/₄, No. 3, SE¹/₄SW¹/₄, No. 4, SW¹/₄NE¹/₄, all in Twp. 1 So., Rge. 2 West, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditch.

The right to take water from such works is based upon Permit No. 20585.

The source of supply from which such water is diverted is Subterranean.

The date of priority which said user is prepared to establish is June 16, 1950.

E. N. Humphrey
Deputy State Reclamation
Engineer
June 28, July 5-12-13, 1958

20585-1

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

RECEIVED
JUN 1 11 1958
Department of Reclamation

Notice is hereby given that at 10:30 A. M. on the 20 day of July, 1958,
at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
application to beneficial use of 5.60 cubic feet per second of the waters of
subterranean source in accordance with the terms and conditions of Permit No. 20585
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are _____

Crystal R. Jensen, Melba, Idaho

The use to which said water has been applied is irrigation. & Domestic

The amount applied to beneficial use is 5.60

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

NE¹/₄, Section 27; SW¹/₄ NE¹/₄, S¹/₂ NW¹/₄, Section 26, T 1 S - R 2 W., B.M.

Point of Diversion: 1/8², NW¹/₄ SE¹/₄, Sec. 14; 3 SE¹/₄ SW¹/₄, #4 SW¹/₄ NE¹/₄; all in Sec. 22.

T. 1 S. - R. 2 W. B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

private ditch

The right to take water from such works is based upon Permit No. 20585

The source of supply from which such water is diverted is Subterranean

The date of priority which said user is prepared to establish is June 16, 1950

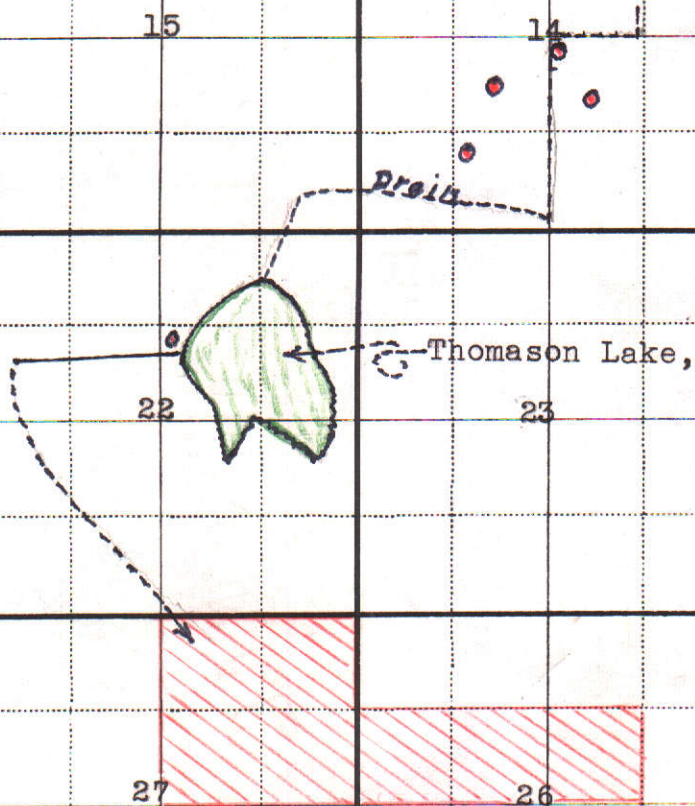
State Reclamation Engineer.

20585

Sketch map to accompany Permit No. 20585 for amendment of points of Diversion, Points of diversion are well locations which are all located on owners property.

Points of diversion shown thus, ●

Twp. 15.N. R. 2.W.

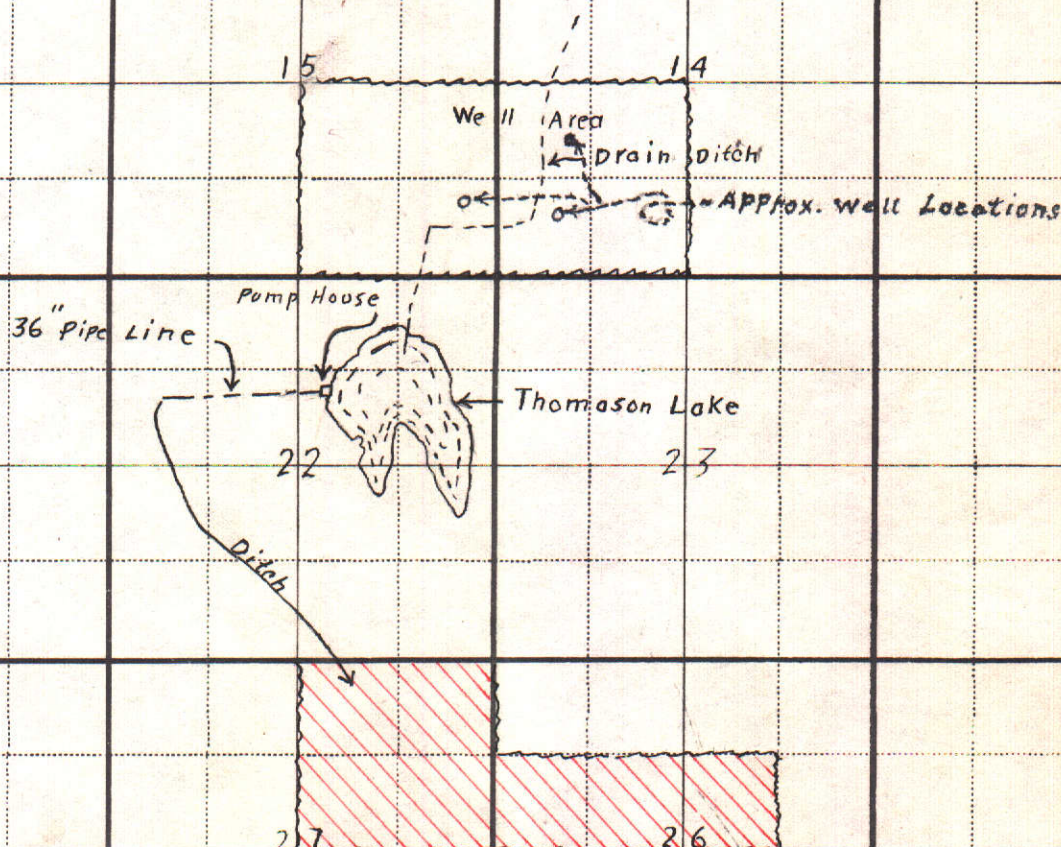


Applicant proposes to drill as many wells, (Artesian Flow) as necessary to produce the amount of water filed on in this application.

Location of proposed wells will be in the in the SE $\frac{1}{4}$ Section 15 and the SW $\frac{1}{4}$ Section 14, Twp. 1.S. R.2.W. See well area below,

Exact location of wells cannot be determined at this time. Water will flow from wells into drain ditch thence into Thomason Lake from which it will be pumped to high land thence by gravity to place of use through constructed ditches.

Twp. 1S. R.2W.



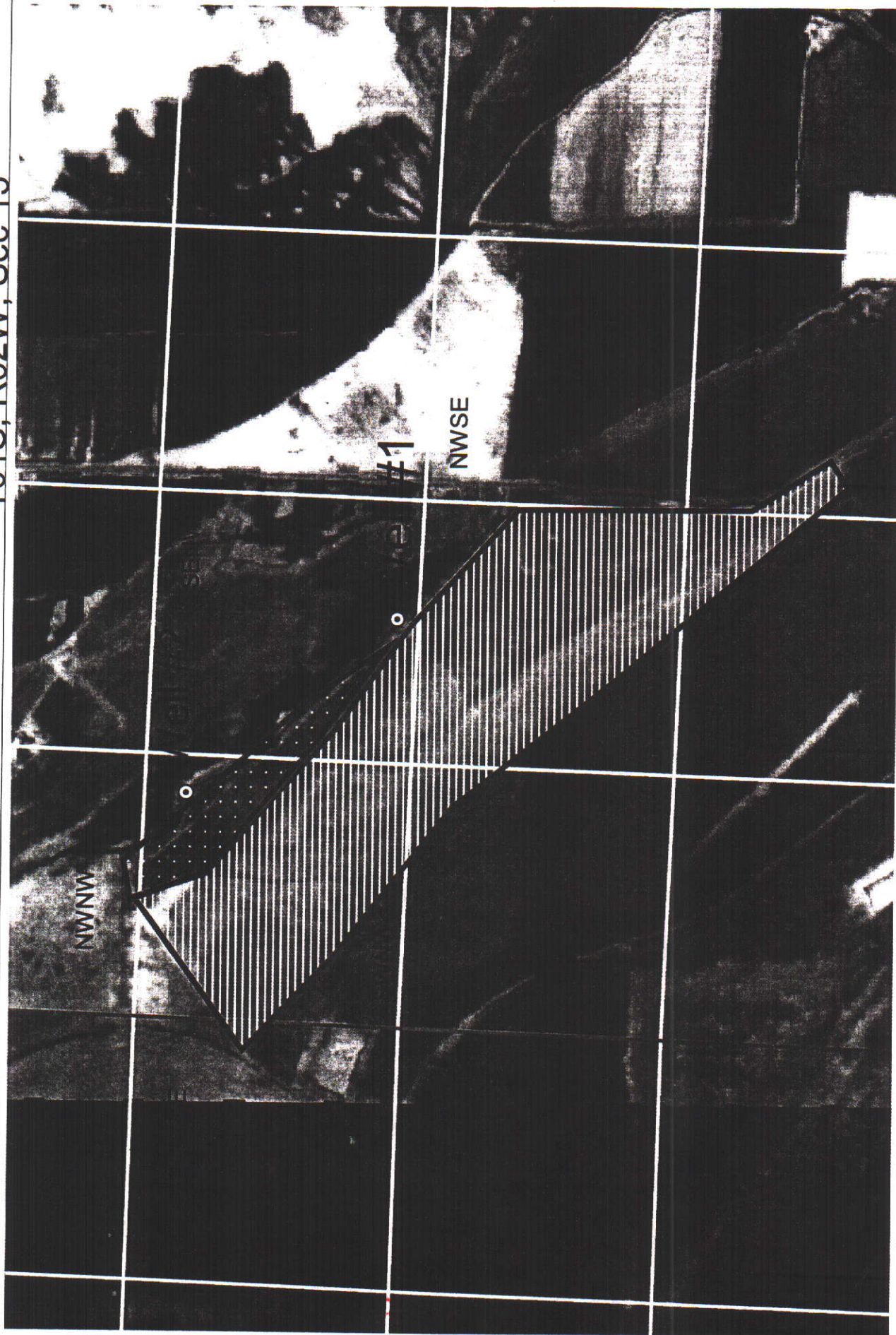
Permit Map No. 20585

As Approved

AUG 7 1948

MARK R. KULP

State Reclamation Engineer



-  Land on hillside W. of Well #2, irr. by well
-  Land irrigated by Snake R. through approx. 11/15/99
-  Well

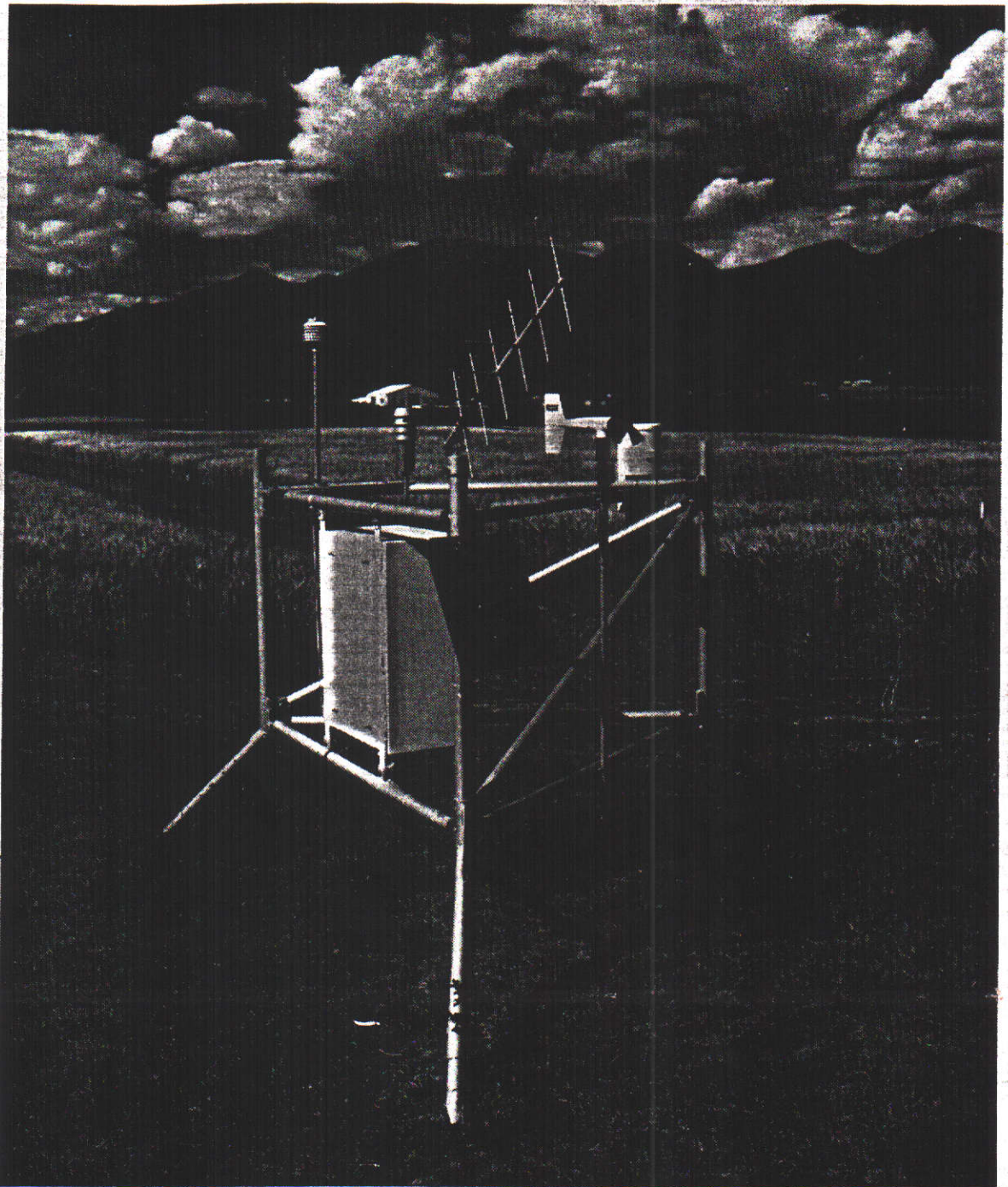
700 0 700 1400 Feet



Created by Sue Bock, Based on field exam 2/3/2000

MAY 24 2000

Agricultural Crop Water Use Summary 1988 - 1994



**Historical Summation of Evapotranspiration (ET) Data From AgriMet - the
Northwest Cooperative Agricultural Weather Network**

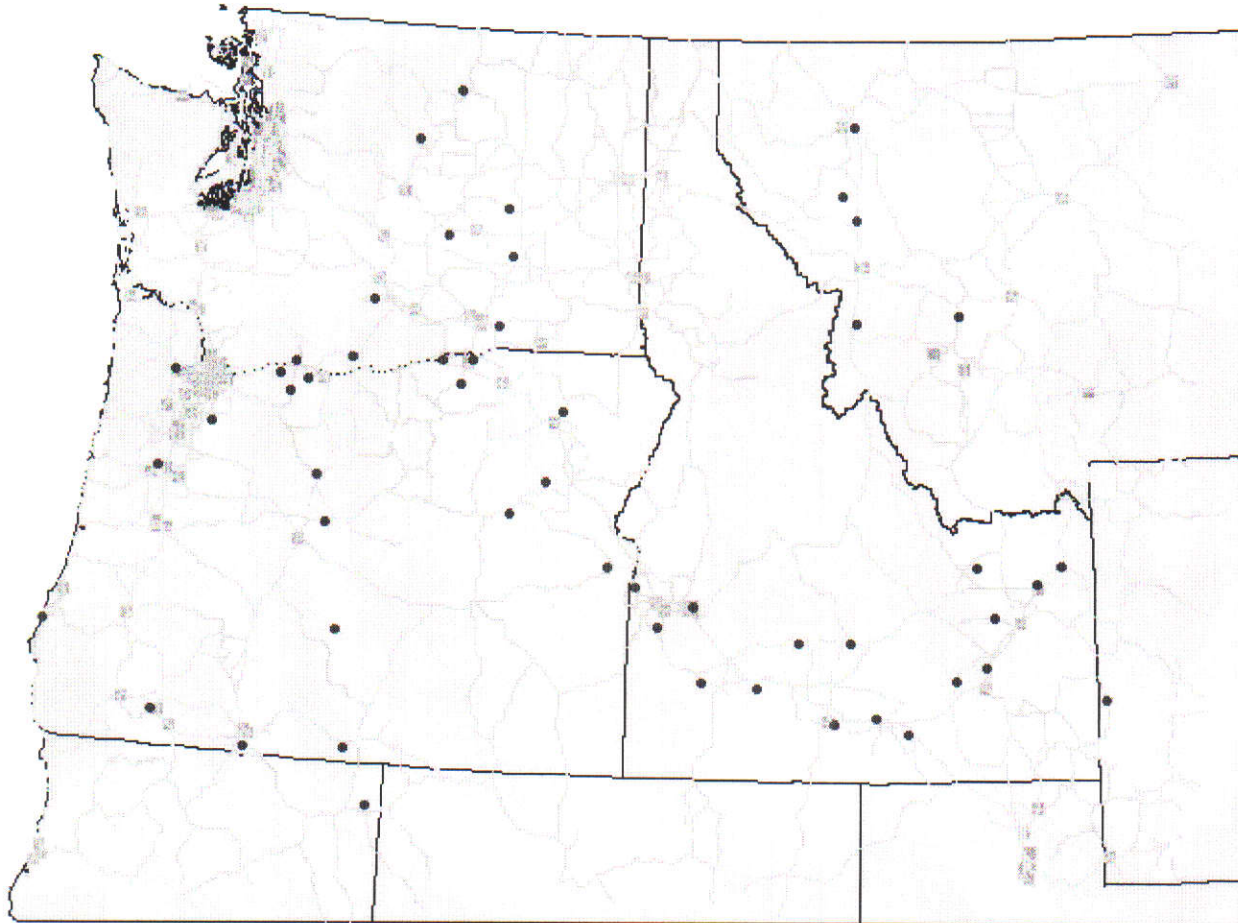
US Bureau of Reclamation
Pacific Northwest Region
February 1995

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Home		AgriMet Bureau of Reclamation Pacific Northwest Region			
Program Info					
Weather Data					
Crop H2O Use					
Graphs	Maps	News	Contact Us	Links	Other Info

The Pacific Northwest Cooperative Agricultural Weather Network



USBR PN Region AgriMet Stations

Click on a red dot for further information on the AgriMet station in that area.

[Home]	[Program Information]	[WeatherData]	[Crop Water Use]		
[Graphs]	[Maps]	[News]	[Contact Us]	[Links]	[Other Information]

For additional information, please call (208) 378-5283
or send email to Peter L. Palmer, AgriMet Program Coordinator.

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A

Protestant Exhibit A

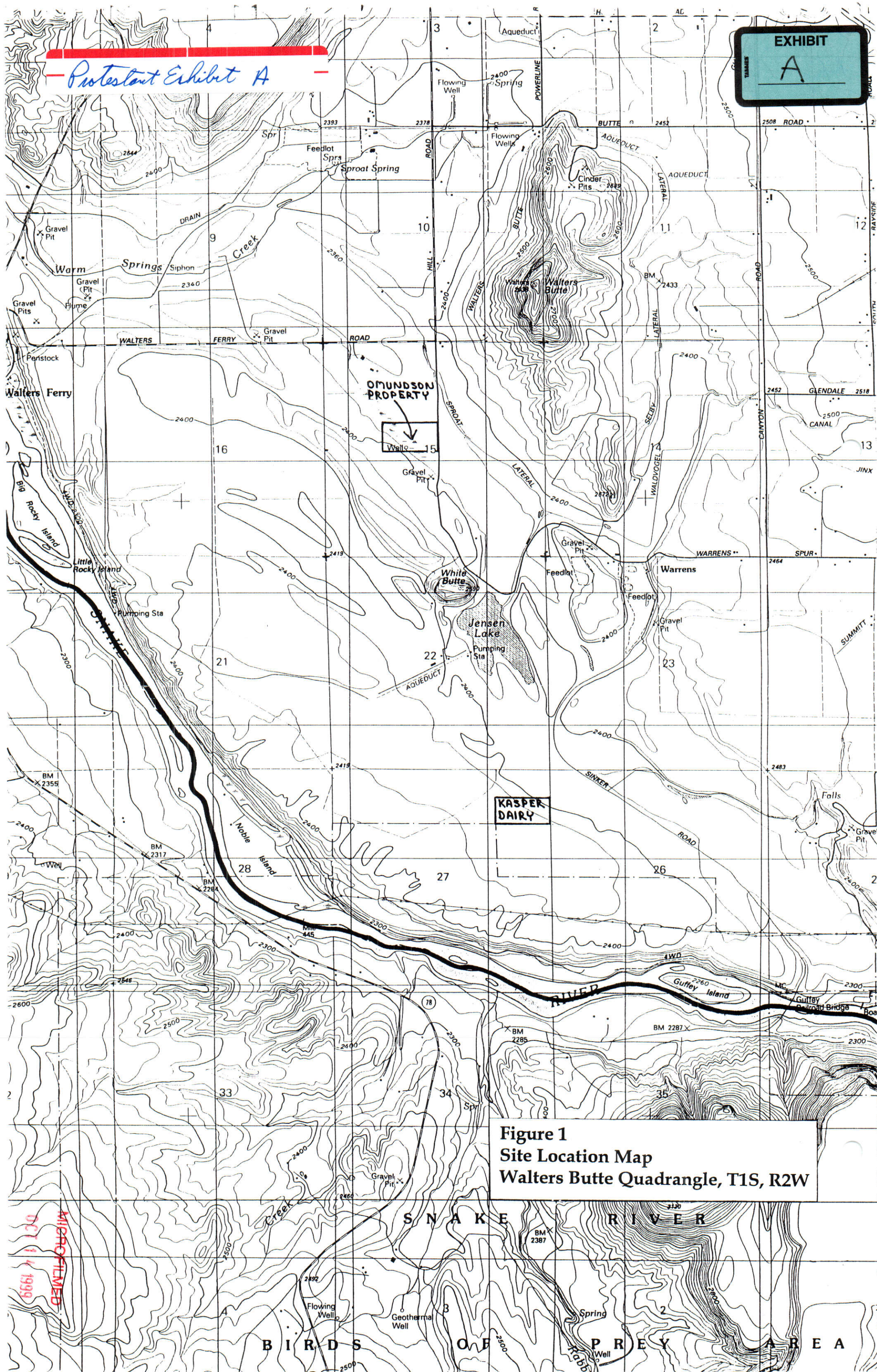


Figure 1
Site Location Map
Walters Butte Quadrangle, T1S, R2W

A topographic map of the study area, showing contour lines and elevation. The map is divided into two main sections: 'BIRDS' on the left and 'PREY' on the right. The 'BIRDS' section includes a scale bar from 0 to 2500 meters. The 'PREY' section includes a scale bar from 0 to 1000 meters. The map shows a river or stream flowing through the center, with various contour lines indicating elevation. The 'BIRDS' section is labeled with 'BIRDS' and 'PREY' in large letters. The 'PREY' section is labeled with 'PREY' in large letters. The map is titled 'BIRDS OF PREY' at the top.

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Protestant's Exhibit B

EXHIBIT
B

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OCT 14 1999

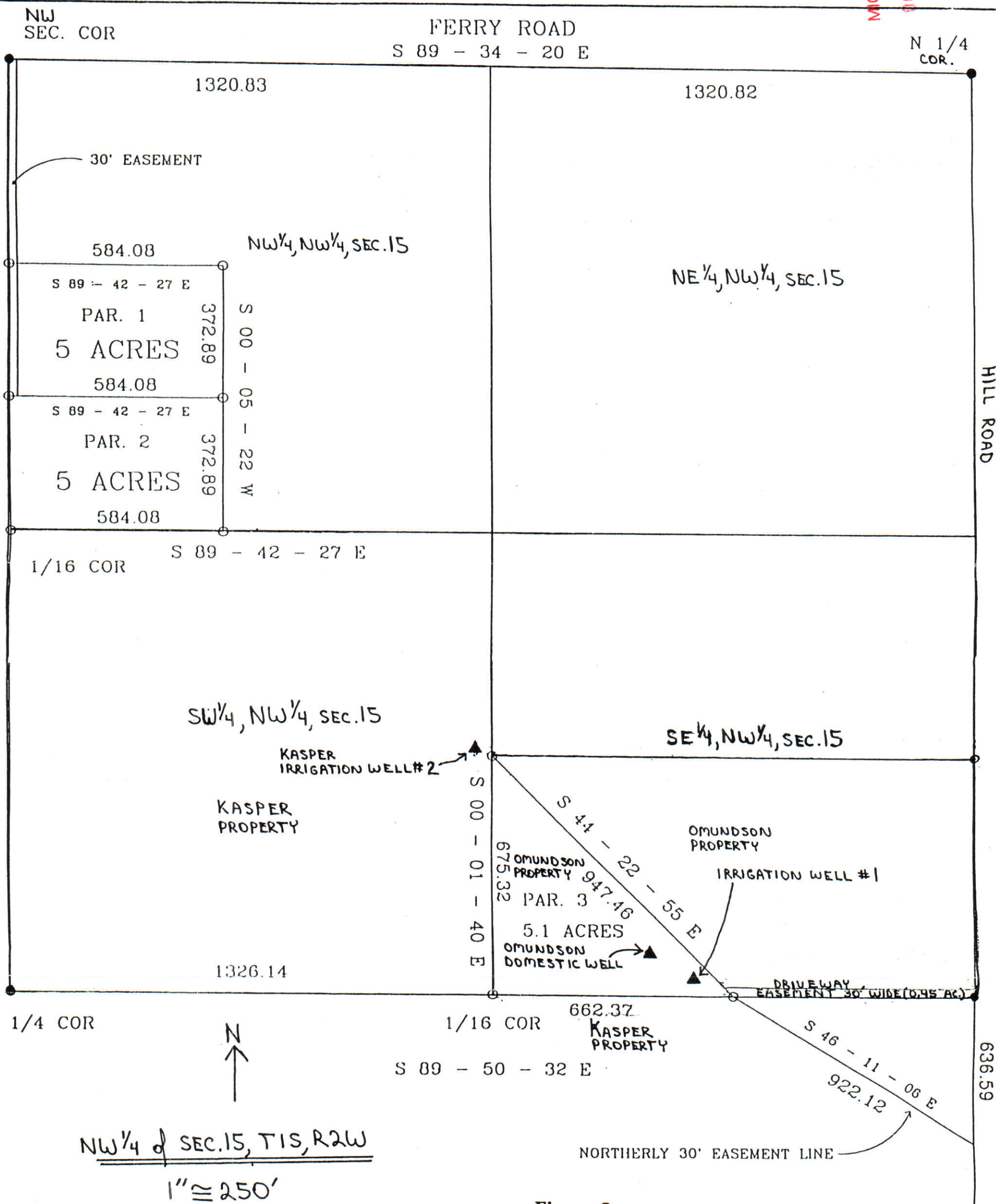


Figure 2
Property Boundary and Well Location Map



Irrigation Well #1- Viewed looking to the northeast



Irrigation Well #2- Viewed looking to the northwest

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Protestants' Exhibit D



Irrigation Well #1- Viewed looking east along the Omundson driveway easement



Irrigation Well #1- Viewed looking south
Irrigation pipe and trench in background

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TAMM'S

EXHIBIT

D

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Irrigation Well #1- Viewed looking west
towards the Omundson residence



Omundson Domestic Well-
Viewed looking to the south

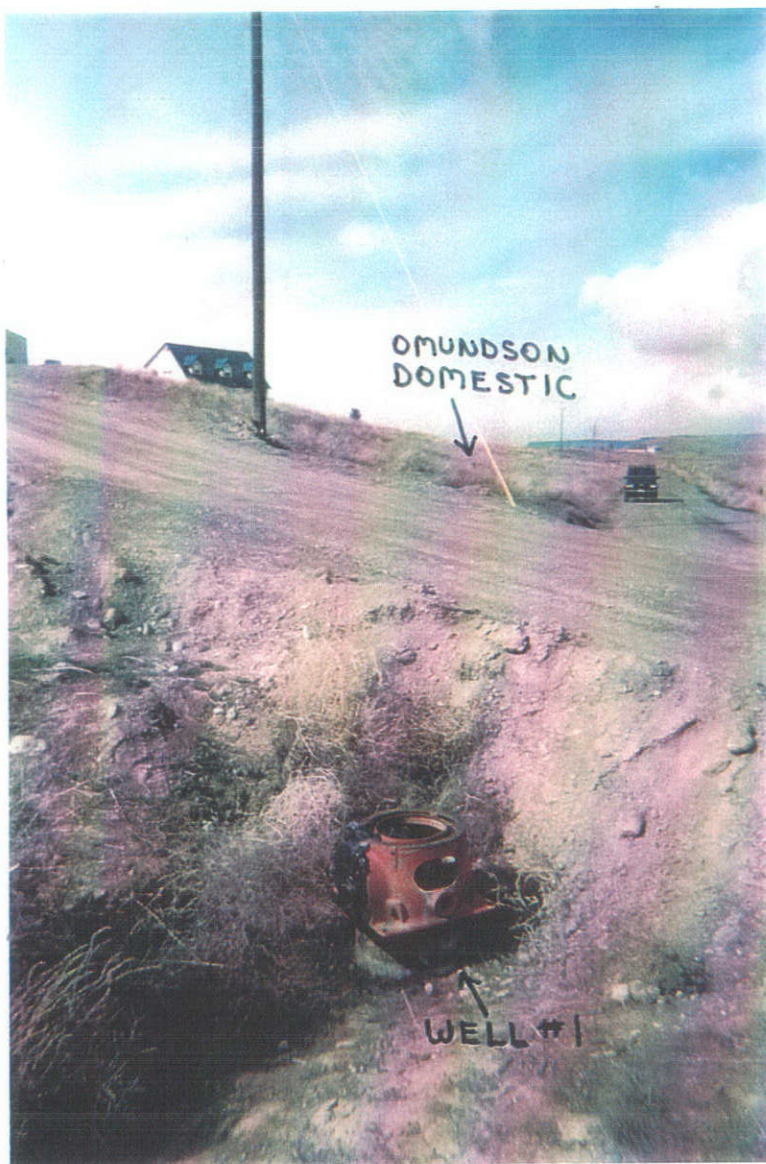
Protestant's Exhibit E

THOMAS

EXHIBIT

E

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OCT 14 1999



Irrigation Well #1 and Omundson Domestic Well
Viewed looking to the northwest



Irrigation Well #2 and Omundson Domestic Well
Viewed looking to the northwest

Protestant's Exhibit F

TABAKS

EXHIBIT
F

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

FARM 230-7
395IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat	Long		
Air	Flowing Artesian		

1. DRILLING PERMIT NO. 63-97-W-0169-200
Other IDWR No. _____2. OWNER: Frank Engle
Name _____
Address 9450 Ferry Rd.
City Melba, State Id. Zip 83641

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>1</u>		North ☐	or	South ☒
E		Rge. <u>2</u>		East ☐	or	West ☒
S		Sec. <u>15</u>		1/4	NW	1/4 NE
W		Gov't Lot _____		County <u>Canyon</u>		1/4
		Lat: _____		Long: _____		

Address of Well Site 2060
City Melba
(Give at least name of road - Distance to Road or Landmark)

L1. _____ Bk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☒ Other Replacement

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Feet or Feet	Feet or Feet	
Bentonite	0	20	400 lbs	Down Annular Sp.	

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 86'Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	1.5	86'	25s	Steel	☒	☐	☒	☐

Length of Headpipe na Length of Tailpipe na9. PERFORATIONS/SCREENS na☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

47 ft. below ground Artesian pressure na lb.
Depth flow encountered 86 ft. Describe access port or
control devices: unbolt well seal cap

11. WELL TESTS:

Yield gal/min	Drawdown	Pumping Level	Time
22	4'	51'	1 hr.

Water Temp. 65° Bottom hole temp. 65°Water Quality test or comments: GOODDepth first Water Encountered 50'

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
8	0	4	Sandy Top Soil		☒
8	4	7	Cracking Black blow sand		☒
8	7	20	Dirty Brown Sand		☒
7 1/2	20	27	Dirty Brown Sand		☒
7 1/2	27	35	Dirty Brown Sandy Clay		☒
7 1/2	35	39	Dirty Brown clay		☒
7 1/2	39	42	clean brown sand		☒
7 1/2	42	45	dirty cemented sand		☒
7 1/2	45	48	Brown dirty sand		☒
7 1/2	48	50	coarse cemented black sand		☒
7 1/2	50	51	clean sand	☒	
7 1/2	51	68	heaving brown sand	☒	
7 1/2	68	69	caked brown sand & gravel	☒	
7 1/2	69	77	coarse brown sand & gravel	☒	
7 1/2	77	85	sand	☒	
7 1/2	85	86	clean sand & all size gravel up to 3" dia.	☒	

RECEIVED	
RECEIVED	APR 30 1997
MAY 07 1997	
WATER RESOURCES WESTERN REGION	
Department of Water Resources	
Completed Depth <u>86'</u>	(Measurable)
Date: Started <u>3-27-97</u>	Completed <u>4-11-97</u>

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name A-Line Firm No. 566Firm Official Russell Johnston Date 4-17-97

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

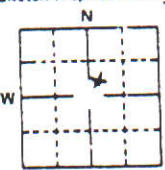
MICROFILMED

OCT 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

USE TYPEWRITER OR
BALLPOINT PEN

1. WELL OWNER Name <u>Frank Engel</u> Address <u>2450 E. 1st St. Idaho 83641</u> Drilling Permit No. <u>45 11-11-011</u> Water Right Permit No. <u>1-5-11-18's</u>	7. WATER LEVEL Static water level <u>38</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow Artesian closed in pressure p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug Temperature <u>95</u> Quality Describe relevant temperature zones below																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement Well diameter increase Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☒ Bailer ☐ Air ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td><u>30</u></td> <td><u>surface for irrigation</u></td> <td></td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>30</u>	<u>surface for irrigation</u>																																																																	
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MICROFILMED

OCT 14 1999

EXHIBIT

K

Form 238-7
7784IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUse Typewriter
or
Ball Point Pen1. DRILLING PERMIT NO. 63-95-W-0802-000
Other (DWR No.) _____2. OWNER: Elliott
Name Kyle Winicki Sheffield Const
Address 8999 Ferry Rd
City Melba State ID Zip 83641

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>1</u> North ☐ or South ☒	
E		Rge. <u>2</u> East ☐ or West ☒	
W		Sec. <u>13</u> 1/4 <u>NW</u> 1/4 <u>SW</u> 1/4	
S		Gov't Lot _____ County <u>Payson</u>	

Address of Well Site 8999 Ferry Rd.
City Melba ID

U. _____ Bk. _____ Sub. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Feet or	Pounds	
<u>benzoin</u>	<u>3</u>	<u>23</u>	<u>750</u>	<u>dry-gravel</u>	

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 101'Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6"</u>	<u>101'</u>	<u>101'</u>	<u>250</u>	<u>steel</u>	☒	☐	☐	☐
<u>5"</u>	<u>106'</u>	<u>110'</u>	<u>258</u>	<u>steel</u>	☐	☒	☐	☐

Length of Headpipe 1'9" Length of Tailpipe 5'

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type 324 stainless Handed

From	To	Slot Size	Number	Open end	Made in	Casing	Liner
<u>101</u>	<u>106</u>	<u>30</u>	<u>5</u>	<u>steel</u>	<u>steel</u>	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

ft. below ground Artesian pressure _____ lb.
Depth flow encountered 68 ft. Describe access port or control devices: Well cap

11. WELL TESTS:

☒ Pump ☐ Baker ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>100</u>	<u>79</u>	<u>84</u>	<u>1 hour</u>

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>6"</u>	<u>0</u>	<u>2</u>	<u>Top soil</u>		☒
<u>6"</u>	<u>2</u>	<u>3</u>	<u>gravel</u>		☒
<u>6"</u>	<u>33</u>	<u>110</u>	<u>gravel</u>		☒

RECEIVED

NOV 17 1995

WATER RESOURCES
WESTERN REGIONCompleted Depth 110 (Measurable)Date: Started 10-22-95 Completed 11-14-95

13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Dee Well Drilling Firm No. 399Firm Official [Signature] Date 11-16-95

and Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

OCT 14 1999



Form 220-7
7/94

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

1. DRILLING PERMIT NO. 63-95-W-0062-000
Other IDWR No. _____

2. OWNER:
Name Curry + Terry Hensley
Address 501 S. Pioneer Rd
City Melba State ID Zip 83641

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

Map grid showing location. Township 1 North ☐ or South ☒ Range 2 East ☐ or West ☒ Section 15 1/4 NW 1/4 NW 1/4 Govt Lot _____ County Carney

Address of Well Site Curry Rd - 1/2 mile west of Hill Rd City Melba ID

U. _____ Bk. _____ Sub. Name _____

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Scale or FEET	
benzocite	0	18	30	dry

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 65
Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8 1/2	65	300	10	iron	☒	☐	☒	☐

Length of Headpipe 3' 5" Length of Tailpipe 11'

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☒ Screens Screen Type 304 stainless

From	To	Shot Size	Number	Diameter	Material	Casing	Liner
66	71	30	5	5	stainless	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
65 ft. below ground Artesian pressure _____ lb.
Depth flow encountered 65 ft. Describe access port or control devices: Access - top of casing

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
45	76.9	80	1-hour

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: 15 grains hardness
no iron

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	1 top soil		☒
10	1	3 lava boulders		☒
10	3	19 gravel - black		☒
8	17	71 gravel - black		☒
8	71	78 brown clay		☒
8	78	82 gravel - large stones		☒

RECEIVED
MAR 03 1995
WATER RESOURCES
WESTERN REGION

RECEIVED
MAR 9 1995
Department of Water Resources

Completed Depth 82' (Measurable)
Date: Started 2-2-95 Completed 2-22-95

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Dave Well Drilling Firm No 399
Firm Official [Signature] Date 3-1-95
and
Supervisor or Operator _____ Date _____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED
OCT 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Van Freeman</u> Address <u>Hayden</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>50</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____																																																										
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6. LOCATION OF WELL Sketch map location must agree with written location. N W S Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Canyon</u>	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Camel Well Drilling</u> Firm No. <u>344</u> Address <u>P.O. Box 325, Hayden, Idaho</u> Date _____ Signed by (Firm Official) <u>Paul J. Williams</u> and (Operator) <u>Paul J. Williams</u>																																																										

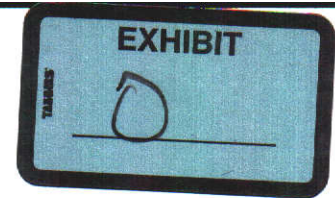
USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

OCT 14 1999

EXHIBIT

M

State of Idaho License and Certificate of Water Right



Water License No. 20585

Amount 1.8 c.f.s.

Water District No.

Priority June 7, 1950

THIS IS TO CERTIFY that CRYSTAL R. JENSEN - Assignee REX S. JENSEN of Melba, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 29, 1948; that Permit No. 20585 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.6 second feet, was issued thereunder on September 1, 1953, showing that said works were completed on the 29 day of July, 1953; and that on the 21 day of July, 1958, CRYSTAL R. JENSEN - Assignee Rex S. Jensen

of Melba, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of wells, a tributary of subterranean flow, for the purpose of irrigation and domestic use, under Use Permit No. 20585 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

11 of Licenses at page 6769, on the 5 day of October, 1959;

The right hereby confirmed dates from June 7, 1950;

The Point of Diversion is located 2 points

in the NW 1/4 SE 1/4, Sec. 14, Tp. 1 S., R. 2 W., B. M. County Canyon

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 1.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	2 W.	15	SW 1/4 NW 1/4	40	20
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	40	10
			SE 1/4 SW 1/4	40	5
		16	NW 1/4 NE 1/4	40	5
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
			NE 1/4 NW 1/4	40	30
			NW 1/4 NW 1/4	40	30
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			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	20
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	25
		26	SW 1/4 NE 1/4	40	10
		27	NE 1/4 NE 1/4	40	15
Total number of acres to be irrigated:				430	

5 day of October, 1959.

MICROFILMED /s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

OCT 14 1999

43-02712

63 2712

By J. D. "CY" PRICE

Governor.

Secretary of State.

Points of diversion will be from drilled wells (artesian flow) located in the SE $\frac{1}{4}$ Section 15, and the SW $\frac{1}{4}$ Section 14, EMARKS: Twp. 1 S., Range 2 W., E.M. Applicant proposes to drill as many wells as will be necessary to produce the amount of water filed on. Exact location of wells have not been determined. Water will flow from wells into drain ditch, thence into Thomason Lake, thence pumped by pumps through a 36 inch pipe line previously installed to high land, thence conveyed through gravity ditches to point of use. Pump and pipe line previously installed under terms of Permits Nos. 19773 and 19774, and constructed at the time to pump 1500 inches of water, which is an adequate supply to irrigate all lands the owner or owner's agent desires to irrigate. Continued below

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 $\frac{1}{4}$	
1 S.	2 W.	27	40	40	40	40									150
		28					40	40							120
REMARKS (Continued)			Total Number of acres to be irrigated - - 280												
			Approximate well locations: No. 1- NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; No. 2- SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; No. 3- SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; Township 1 South, Range 2 West, E. M.												
			APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 20585.												
			Comes now Crystal R. Jensen, 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. 20585; That the point of diversion is described in said Permit as well locations being located NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 1 S. R. 2 W. and conveyed to the place of use through the Drain to Lake thence pumped, as per map filed herewith.												
			That he now request that the point of diversion be changed to a point located Two wells in NW $\frac{1}{4}$ SE $\frac{1}{4}$, one in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and one in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, and one in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, 1 S. 2 W. and conducted to the place of use through the same ditch and works, as per map above referred to.												
			That his reasons for desiring to make such change are as follows: Change was necessary to locate water, all wells are on applicant's own land.												
			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 14 day of June, 1951.												
Date of receipt at Department of Reclamation June 14, 1951.			APPROVAL OF STATE RECLAMATION ENGINEER												
I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing (continued)			Crystal R. Jensen, By REX S. JENSEN												

lication for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 20585. 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, said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

Permit No. 20585
CERTIFICATE OF COMPLETION OF WORKS

ALL WHOM IT MAY CONCERN:

This is to certify that Crystal R. Jensen of Melba, County of Canyon, and State of Idaho, the holder of Permit No. 20585, issued upon application No. 28215 bearing date of priority of July 29, 1948, authorizing the diversion of 5.6 second feet of the waters of artesian flow from a group of wells County of Canyon, State of Idaho, for irrigation and domestic 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 second feet of the waters of said wells; that the points of diversion of said waters or location of the wells is as follows: Section 1 and 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$; No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$; No. 4 SW $\frac{1}{4}$ NE $\frac{1}{4}$; ~~Section 22~~ Section 22; Township 1 South, Range 2 West, B.M. and that the lands used to be irrigated by the use of said water are described as follows, to-wit: Northeast Quarter Section 27; SW NE $\frac{1}{4}$, S $\frac{1}{2}$ Section 26; All in Township 1 South, Range 2 West, B.M.

Witness my hand this 1st day of September, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made July 29, 1953
Certificate of Completion of Works issued September 1, 1953

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20585, to September 13, 1956.

Witness my hand this 8th day of September, 1953.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-20585

Comes now Rex S. Jensen 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-20585, and requests that the list of land to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 1 S., R. 2 W., B. M., making a total of 800 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 26th day of February, 1959

s/ REX S. JENSEN
By

Harley M. McDowell, Agent

Date of Receipt at Department of Reclamation: March 2, 1959

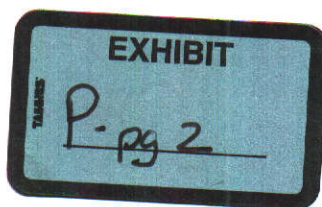
APPROVAL OF STATE RECLAMATION ENGINEER

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 Water of the State of Idaho, No. 20585. 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

APPROVED AND RECORDED: March 10, 1959

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OCT 14 1999



ASSIGNMENT

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-20585 to REX S. JENSEN, of Melba, Idaho

s/ CHRYSTAL J. EVANS
Permit Holder

s/ E. T. EVANS
Husband of Permit Holder

STATE of ILLINOIS)
 ss
County of Macon)

On this 24 day of April, 1959, before me, a Notary Public for the State of Illinois, residing at Decatur, Illinois, personally appeared Chrystal J. and E. T. Evans, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

(SEAL)

s/ ROY J. REDDING
Notary Public, residing at
Decatur, Illinois

My commission expires 1-23-60

Recorded October 5, 1959

See letter in file, being affidavit that Chrystal J. Evans is the same person as Crystal R. Jensen referred to in this permit.

ASSIGNMENT

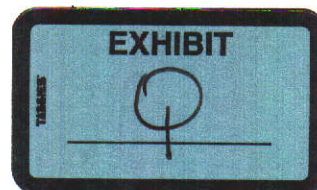
For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Pub Waters of the State of Idaho, No. G-20585 to Rex S. Jensen of Melba, Idaho.

ORDER ISSUED FOR 18 SEC. F

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R-131

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. My name is Rex S. Jensen; I am the agent and father of Chrystal R. Jensen, residence 12½ miles south of Nampa; occupation, farming; postoffice address, Melba, Idaho.

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. None

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

Ans. The number of the permit is 20585; date of permit, 8/7/48
date of priority, 6/16/50. 6-7-50

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

Ans. Subterranean from 2 drilled wells, one is equipped with turbine type pump & motor to pump, the other is artesian and flows. Both are in the NW¼SE¼, Section 14, T 1'S - R 2'W., B.1

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. Well #1 drilled to a depth of 170' pumps with a lift of 30', cased for 80' with 12" steel casing and pumps 100". Equipped with turbine type pump & motor 15 h.p. Well #2 drilled to 50', cased 45' with 8" steel casing flows 10" of water. Distribution ditch has 18" bottom, 2' deep, 3½' wide at top, capable of carrying 250 miner's inches. These were measured by a well driller and by me, both by the orifice method and also by weir (cippoletti), all irrigation is by gravity, no sprinkler system.

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. The purpose of the water is for irrigation of following subdivisions: NE¼NE¼, Sec. 32A irrig.; SE¼NE¼, Sec. 27, 3 acres; SW¼NW¼, Sec. 26, 20 acres; SE¼NW¼, Sec. 26, 30 Acres; SW¼NE¼, Sec. 26, 25 acres irrigable, T 1'S - R 2'W., totalling 110 acres. No natural meadow. All improvements have been made to artificially irrigate this land and an investment of \$15,700 was spent.

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Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. I could use more water on this land than that which is now being provided.

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. Chrystal Jensen was the original person who submitted this application, and I am acting as her agent.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. She started work on this permit immediately when it was allowed and has worked continuously on it and has raised a crop since 1953.

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. There are no other waters appropriated for this land. She does mix this water with her other irrigation system but takes out the same amount of water into the individual diversion ditches onto this property.

Chrystal R. Jensen

By
(Sign)

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 Boise, County of Ada,

State of Idaho, on this 21st day of July, A. D. 1958.

Notary Public for the State of Idaho

My commission expires 10/11/59

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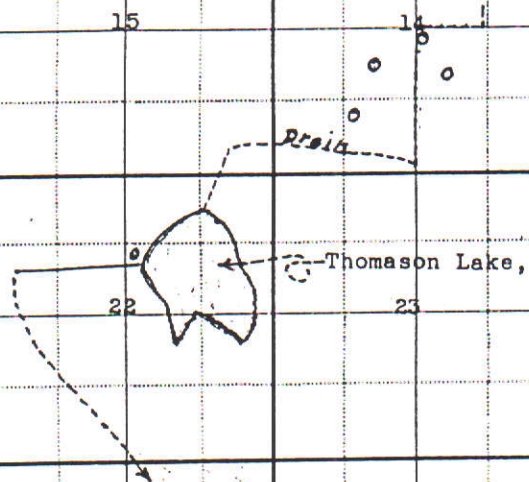
EXHIBIT

R-92

Sketch map to accompany Permit No. 20585 for amendment of points of Diversion, Points of diversion are well locations which are all located on owners property.

Points of diversion shown thus, o

Twp. 15.N. R. 2.W.



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SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

EXHIBIT

R-293

ENCLOSURE

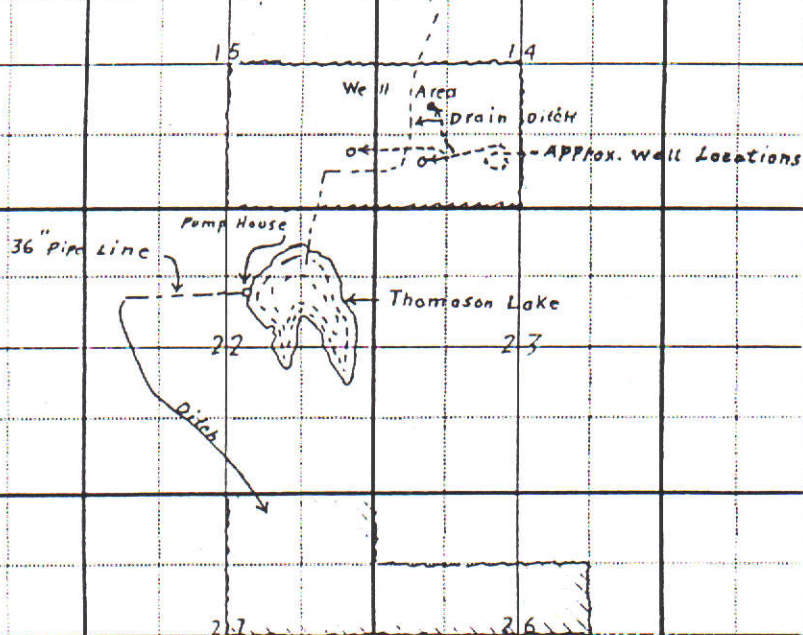
20585

Applicant proposes to drill as many wells, (Artesian Flow) as necessary to produce the amount of water filed on in this application.

Location of proposed wells will be in the in the SE $\frac{1}{4}$ Section 15 and the SW $\frac{1}{4}$ Section 14, Twp. 15. S. R. 2. W. See well area below.

Exact location of wells cannot be determined at this time. Water will flow from wells into drain ditch thence into Thomason Lake from which it will be pumped to high land thence by gravity to place of use through constructed ditches.

Twp. 15. S. R. 2. W.



Permit Map No. 20585

Approved
AUG 7 1948
MARK R. KULP
State Reclamation Engineer

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OCT 14 1999

EXHIBIT

R-95

State of Idaho

License and Certificate of Water Right

63-02955

Water License No. G-24421

Amount 5.0 c.f.s.

Water District No. _____

Priority Aug. 27, 1951

THIS IS TO CERTIFY that DEAN J. JAMES - Assignee - REX S. JENSEN
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 27, 1953; that Permit No. G-24421
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.0 second feet, was issued thereunder on September 11, 1959, showing that said works
were completed on the 23 day of August, 1958; and that on the 23
day of August, 1958,

DEAN J. JAMES - Assignee - REX S. JENSEN

of Melba, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-24421 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
11 of Licenses at page 6755, on the 11 day of September, 1959;
The right hereby confirmed dates from August 27, 1953;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 15, Tp. 1 S., R. 2 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 5.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	2 W.	15	SW 1/4 NW 1/4	35	20
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	35	10
			SE 1/4 SW 1/4	38	5
		16	NW 1/4 NE 1/4	30	5
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
			NE 1/4 NW 1/4	35	30
			NW 1/4 NW 1/4	40	30
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	25
			NE 1/4 SE 1/4	40	30
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	20

Total number of acres to be irrigated: 405

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

11 day of September, 1959.

OCT 14 1999

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)



63-2955

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32219
Permit No. G- 24421
District No.

Assigned to

Ed Jensen
Melba-Idaho

1. Name of Applicant: DEAN J. JAMES
Postoffice address: Melba County: Canyon State: Idaho
2. Quantity of water claimed: 280 Idaho Miner's inches
 - (a) Rate of withdrawal in cubic feet per second. 5.6 or Idaho
Miners' inches or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean well to be drilled and cased
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15
Twp. 1 S., Rge. 2 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: Drilled well, cased and equipped with turbine type pump and motor.
8. Estimated cost of works: \$7,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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OCT 14 1999

(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



This well is applied for to irrigate land included in my allowed desert entry. As noted on the attached plat, Remarks: be in the Northwesterly ex... of the land, will irrigate to the ... and waste into a natruul drainage way in a control reservoir the ... pumped out again onto the south 120 acre ...

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

DEAN J. JAMES *Applicant.*

By Harley M. McDowell *Agent.*

Date of first receipt at Department of Reclamation: 3:30 p.m., August 27, 1953

Returned to applicant for correction:

Corrected application received:



Approval of State Reclamation Engineer

The number of this permit is G-24421

Recorded in Book 87 Page 24421 Approved September 2, 1953

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before November 2, 1953 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before March 2, 1956
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before September
Witness my hand this 2nd day of September, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of September, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)
By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

By Paula L. Fleenor
12. Acting Secretary of State

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
1 S.	2 W.	15 22	30 40	35	40 35 27 38		175 105

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24421

280

Comes now Dean J. James 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-24421. That the point of diversion is described in said permit as being located SW¼NW¼, Section 15, Township 1 South, Range 2 West, B.M. That he now requests that the point of diversion be changed to a point located NE¼SW¼, Section 15, Township 1 South, Range 2 West, B.M. That his reasons for desiring to make such change are as follows: This is a more feasible well site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Melba, Idaho, this 20 day of July, 1958

/s/ Dean J. James
Dean J. James

Date of receipt at Department of Reclamation
July 23, 1958

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OCT 14 1999

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-24421. 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

Approved and recorded:

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
Of the State of Idaho, No. G-24421

Comes now Dean J. James, 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-24421, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SW¹/₄NW¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, Section 15; NE¹/₄, NW¹/₄, SE¹/₄, NE¹/₄SW¹/₄, Section 16, Township 1 South, Range 2 West, B. M., making a total of 720 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 Melba, Idaho, this 20 day of July, 1958

/s/ Dean J. James

Date of Receipt at Office of Department of Reclamation
July 23, 1958

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-24421. 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:
July 23, 1958

ASSIGNMENT

For value received, I hereby assign my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-24421 to REX S. JENSEN, of Melba, Idaho (all rights to be assigned)

s/ DEAN J. JAMES, Permit Holder

s/ MARION LOUISE JAMES, Wife of Permit Holder

STATE OF IDAHO)
County of Canyon) ss

On this 27th day of February, 1959, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared Marion Louise James and Dean J. James known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year in this certificate first above written.

s/ Clyde R. Keithley
Notary Public, Residing at Nampa

Recorded: March 10, 1959

Permit No. G-24421
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

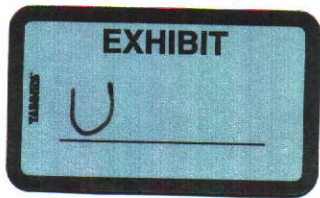
This is to certify that DEAN J. JAMES - Assignee - REX S. JENSEN, of Melba, County of Canyon, and State of Idaho, the holder of Permit No. G-24421, issued upon Application No. G-32219 bearing date of priority of August 27, 1953, authorizing the diversion of 5.6 second feet of the waters of a well, County 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 5.0 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is NE¹/₄SW¹/₄, Sec. 15, T. 1 S., R. 2 W., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

405 acres in the SW¹/₄NW¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, Sec. 15, NE¹/₄, SE¹/₄, NE¹/₄SW¹/₄, Sec. 16, T. 1 S., R. 2 W., B. M.

Witness my hand this 11 day of September, 1959, A. D.

s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: August 23, 1958



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OCT 14 1999

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Page 6755

State of Idaho

License and Certificate of Water Right

63-03099

Water License No. G-26657

Amount 3.70 c.f.s.

Water District No. _____

Priority December 27, 1956

THIS IS TO CERTIFY that CRYSTAL R. EVANS, and EDWARD T. EVANS of Melba, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 27, 1956; that Permit No. G-26657 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.70 second feet, was issued thereunder on June 27, 1962, showing that said works were completed on the 15th day of March, 1962; and that on the 15th day of March, 1962, CRYSTAL R. EVANS, and EDWARD T. EVANS

of Melba, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. G-26657 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 7314, on the 27 day of June, 1962; The right hereby confirmed dates from December 27, 1956;

The Point of Diversion is located in the NE 1/4 SW 1/4 Sec. 15, Tp. 1 S, R. 2 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 3.70 cubic feet per second.

Description and location of use:

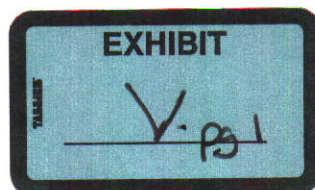
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	2 W	16	NW 1/4 NE 1/4	40	7
			SW 1/4 NE 1/4	40	33
			SE 1/4 NE 1/4	40	7
			NE 1/4 NW 1/4	40	25
			NW 1/4 NW 1/4	40	26
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	40	24
			SW 1/4 SW 1/4	40	26
			SE 1/4 SW 1/4	40	27
			NE 1/4 SE 1/4	40	23
			NW 1/4 SE 1/4	40	22
			SW 1/4 SE 1/4	40	24
Total number of acres to be irrigated:				344	

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 27th day of June, 1962.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)



63-03099

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

CRYSTAL R. EVANS and EDWARD T. EVANS Applicant.

By /s/ Rex S. Jensen Agent.

Date of first receipt at Department of Reclamation: 11:30 A.M. December 27, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26657

Recorded in Book 94 Page 26657 Approved January 9, 1957

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

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

Work to begin on or before

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 9, 1959

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 9,

Witness my hand this 9th day of January, 1957

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of January, 1957.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG

By ROBERT E. SMYLIE

Governor

Secretary of State.

12.

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 $\frac{1}{4}$	
1 S.	2 W.	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Application for Amendment
POINT OF DIVERSION
Permit No. G-26657

Comes now Chrystal R. & Edward T. Evans by Rex S. Jensen and represent to the State Reclamation Engineer of the State of Idaho: That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. G-26657. That the point of diversion is described in said Permit as being located: SE $\frac{1}{4}$ MI, Sec. 15, T1S-R2W., B.M.

That they now request that the point of diversion be changed to a point located: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T1S-R2W., B.M.

That the reason for desiring to make such change is as follows: More feasible well site. 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 15th day of March, 1962.

/s/ Rex S. Jensen

Date of Receipt at Department of Reclamation: March 19, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Carl E. Tappan, Assistant 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-26657. 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: March 20, 1962

/s/ Carl E. Tappan,
Assistant State Reclamation Engineer

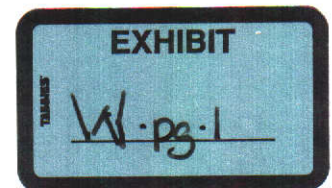


APPLICATION FOR PERMIT
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34583
Permit No. G- 26657
District No.

Rex S. Jensen
Route #1
Melba, Idaho

1. Name of Applicant: CRYSTAL R. EVANS, and EDWARD T. EVANS
Postoffice address: Melba County: Canyon State: Idaho
2. Quantity of water claimed: 12.8 c. f. s.
 - (a) Rate of withdrawal in cubic feet per second. 12.8 or Idaho
Miners' inches 640 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow, well
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15
Twp. 1 S. , Rge. 2 W. , B.M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes
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, and pipe-line
8. Estimated cost of works: \$10,000.00
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 five 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 onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.



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Permit No. G-26657
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CRYSTAL R. EVANS, and EDWARD T. EVANS of Melba, County of Canyon, and State of Idaho, the holders of Permit No. G-26657, issued upon Application No. G-34583 bearing date of priority of December 27, 1956, authorizing the diversion of 12.8 second feet of waters of a well County of Canyon, State of Idaho, for Irrigation and domestic purposes, have 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 3.70 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 1 S., R. 2 W., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 344 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 1 S., R. 2 W., B.M.

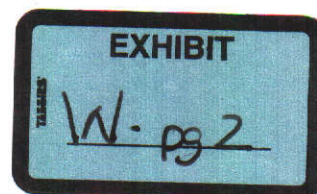
Witness my hand this 27th day of June, A. D. 1962.

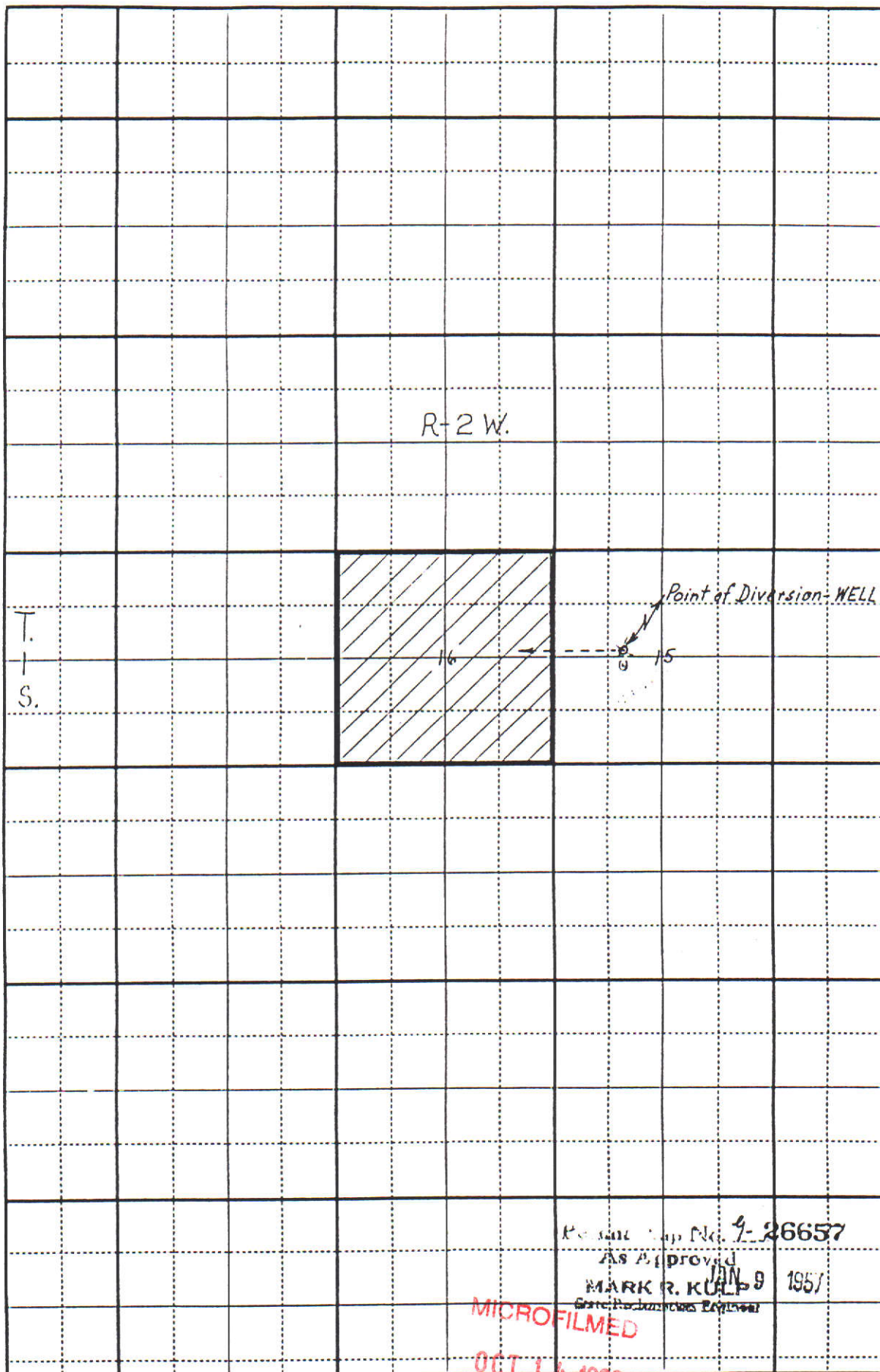
/s/ RALPH W. THOMAS
 Deputy State Reclamation Engineer

Proof of Completion of Works Made: March 15, 1962

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LICENSE ISSUED FOR 3.70 SEC. FL.
 page 7314





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



EXHIBIT

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7814 Priority June 19, 1973 Amount 0.32 cfs

THIS IS TO CERTIFY, that John A. Van Wyck
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 63-7814 issued pursuant to Application for Permit dated June 19, 1973
and has submitted proof to the Department of Water Resources on September 30, 1974
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.41 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.32</u> cfs and	<u>72</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
72 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 1S,
Rge. 2W, B. M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	2W	15							16										16

Total number of acres irrigated 16

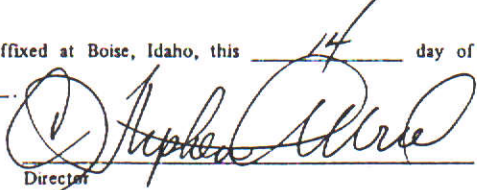
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NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of
February, 19 78


Director

EXHIBIT

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

IN THE MATTER OF PERMIT NO. 63-7814)
in the name of JOHN A. VAN WYCK)

ORDER OF REINSTATEMENT

WHEREAS, on June 19, 1973, John A. Van Wyck applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 4 cubic feet per second of groundwater within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 1S, Rge. 2W, B.M., Canyon County, to be used for irrigation purposes; and,

WHEREAS, on July 19, 1973, the Department approved said application and issued Permit No. 63-7814 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1974; and,

WHEREAS, on May 31, 1974, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 7, 1974, the Department notified the permit holder that Permit No. 63-7814 had lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, on September 30, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-7814 be REINSTATED and the priority advanced to August 18, 1973.

Dated this 5 day of October, 1974.


R. KEITH HIGGINSON
Director

JG

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EXHIBIT
Z
Pg 1

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Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

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

Signed at Salina, Oklahoma, this 37 day of September, 19 74

[Signature]
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Admin., ~~DIRECTOR~~ of the Department of Water Resources

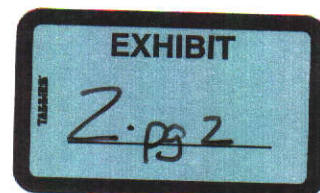
hereby approve the above application for amendment for Permit No. 63-7814.

Witness my hand this 5th day of November, 19 74

[Signature]
Administrator ~~DIRECTOR~~ Operations Division

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Identification No. _____
Application No. 63-7814

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant John A. Van Wyck
post office address Box B, Melba, Idaho 83641
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 1 S.
Range 2 W. B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into consumed at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4 cfs for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well pump 75 HP
gravity

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 12,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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63 7814



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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	2W	15	40	40	40	40	40												200

Total number of acres to be irrigated 200

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

9. a. Who owns the property at the point of diversion John A. Van Wyck - Contract of Purchase

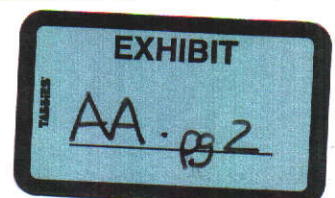
b. Who owns the land to be irrigated or place of use John A. Van Wyck - Contract of Purchase

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

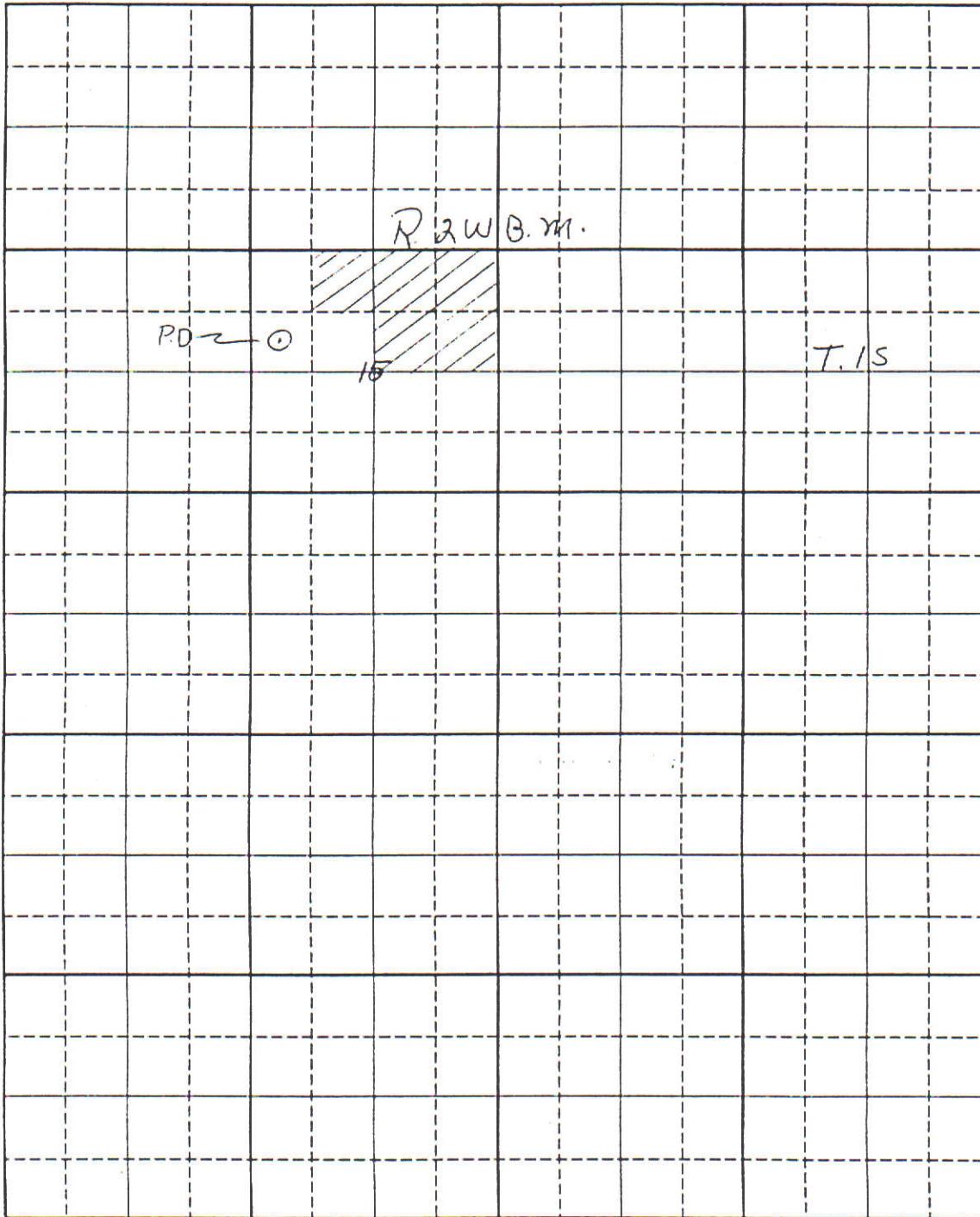
10. Remarks

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



Scale: 2 inches equal 1 mile

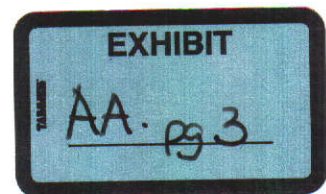
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John A. McHugh
(Applicant)

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OCT 14 1999

CR 7814



Received by PWH Date 6-19-73 Time 1:05 P.M.
 Preliminary check by PWH Fee \$ 55.00
 Receipted by ej Date 6-19-73 Perit # 11094
 Publication prepared by IM Date 6-22-73
 Published in Idaho Free Press, Pampa, Id.
 Publication dates 6-28 & 7-5, 1973
 Publication approved ef Date 7-10-73
 Priority ~~checked for~~ 6-19-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by de JDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7814, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1974.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19th day of July, 1973.

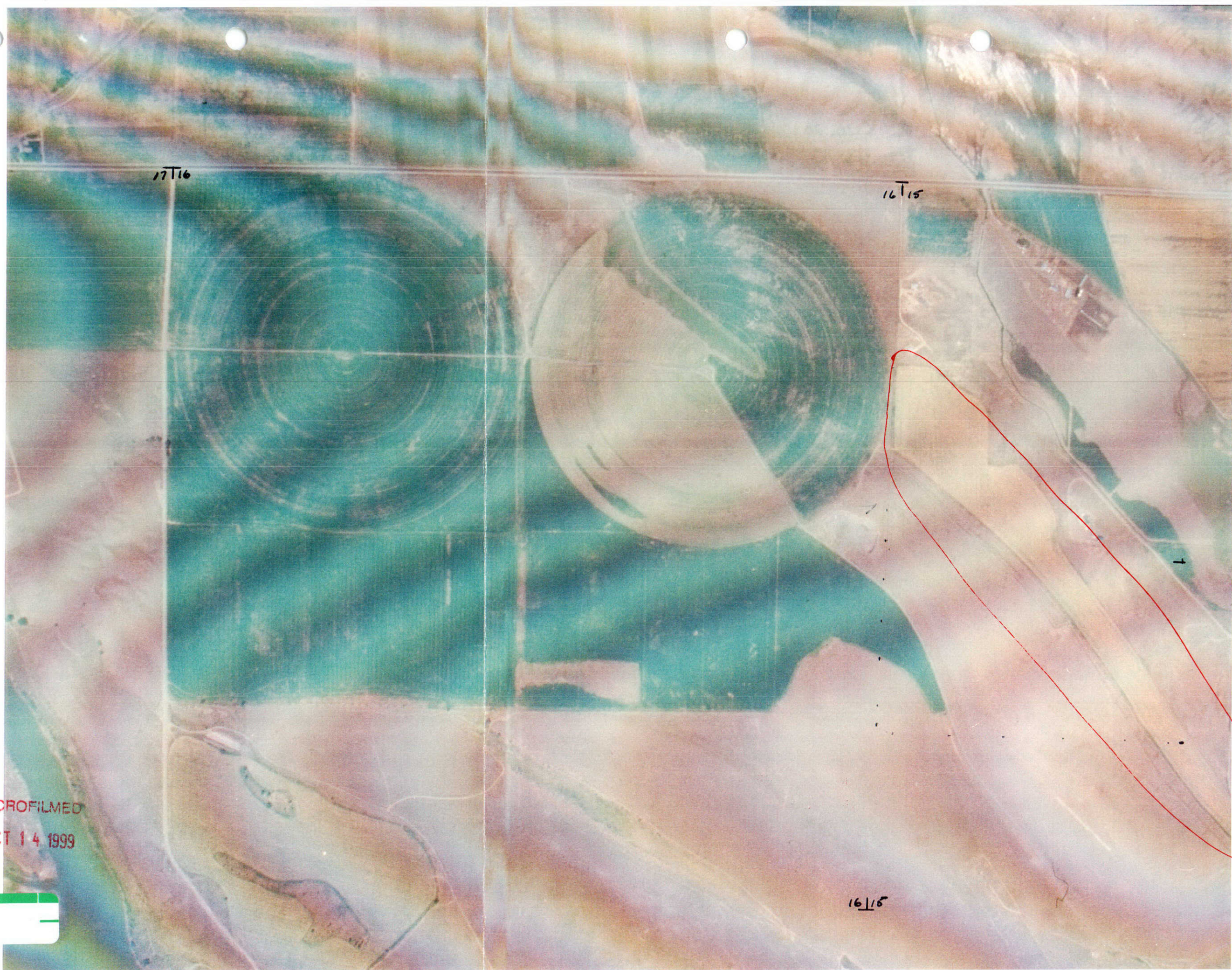
A. Kenneth Quinn
 Deputy Director

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EXHIBIT

AA-834



17T16

16T15

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16J15

Applicant Exhibit 3

PLEASE SEE
FOLDER 2
FOR CONTINUING
CORRESPONDENCE

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

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5356

RECEIVED

DEC 04 1998

WATER RESOURCES
WESTERN REGION
Phone 495-2102

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

NOTE REVISIONS HEREIN APPROVED BY CONSULTANT ON

Name of Applicant Tom KasperPostal address 3349 Hill RoadCity MelbaSt IDZip 83641

A. PURPOSE OF THE 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 reason for the proposed changes: To reduce irrigated acreage to provide water for dairy use and stock water needs.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☒ see Attachment 1A)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>63-02712</u>	<u>6-7-50</u>	<u>1.62</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
	<u>63-02712</u>	<u>6-7-50</u>	<u>.18</u>	<u>Commercial</u>	<u>1/1 to 12/31</u>
	<u>63-02712</u>	<u>6-7-50</u>	<u>.18</u>	<u>Stock Water</u>	<u>1/1 to 12/31</u>
	<u>63-02955</u>	<u>8-27-53</u>	<u>4.44</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>

2. Total diversion rate/volume being transferred: 10.82 cfs and/or _____ ac-ft per annum

3. Source of water: Ground Water, tributary to: N/A (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>1S</u>	<u>2W</u>	<u>15</u>		<u>SE</u>	<u>NW</u>		<u>Canyon</u>	<u>#1</u>
<u>1S</u>	<u>2W</u>	<u>15</u>		<u>SW</u>	<u>NW</u>		<u>Canyon</u>	<u>#2</u>

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>1S</u>	<u>2W</u>	<u>15</u>										<u>5</u>							<u>5</u>
<u>1S</u>	<u>2W</u>	<u>16</u>		<u>12</u>	<u>40</u>	<u>27</u>	<u>30</u>	<u>30</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>30</u>	<u>40</u>	<u>24</u>		<u>421</u>
<u>1S</u>	<u>2W</u>	<u>26</u>			<u>10/C</u>				<u>10/C</u>										<u>10</u>
<u>1S</u>	<u>2W</u>	<u>27</u>	<u>15</u>																<u>15</u>
<u>1S</u>	<u>2W</u>	<u>22</u>					<u>S</u>			<u>S</u>					MICROFILMED				
<u>1S</u>	<u>2W</u>	<u>27</u>	<u>C/S</u>												OCT 14 1999				

Total acres 451

Permissible place of use, actual acreage irrigated not to exceed 451 acres per year.

Also: commercial use for land application of waste water in some tracts where irrigation occurs.

Page 1-A of 20STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. _____

Name of Applicant _____ Phone _____

Postal address _____ City _____ St _____ Zip _____

A. PURPOSE OF THE 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 reason for the proposed changes: _____

_____B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>63-02955</u>	<u>8-27-53</u>	<u>56</u>	<u>Commercial</u>	<u>1/1</u> to <u>12/31</u>
	<u>63-02955</u>	<u>8-27-53</u>	<u>56</u>	<u>Stock Water</u>	<u>1/1</u> to <u>12/31</u>
	<u>63-07814</u>	<u>6-19-73</u>	<u>32</u>	<u>Commercial</u>	<u>1/1</u> to <u>12/31</u>
	<u>63-07814</u>	<u>6-19-73</u>	<u>32</u>	<u>Stock Water</u>	<u>1/1</u> to <u>12/31</u>

2. Total diversion rate/volume being transferred: _____ cfs and/or _____ ac-ft per annum

3. Source of water: _____, tributary to: _____ (or ☐ see Attachment _____)4. Points of diversion (or ☐ see Attachment _____):

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

5. Lands irrigated or place of use (or ☐ see Attachment _____):

T w p	R g e	S e c	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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OCT 14 1993

Total acres _____

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

Page 1-B of 20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. _____

Name of Applicant _____ Phone _____

Postal address _____ City _____ St _____ Zip _____

A. PURPOSE OF THE 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 reason for the proposed changes: _____

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	63-03099	12-27-56	3.70	Irrigation	3/15 to 11/15
					to
					to
					to

2. Total diversion rate/volume being transferred: _____ cfs and/or _____ ac-ft per annum

3. Source of water: _____, tributary to: _____ (or ☐ see Attachment _____)4. Points of diversion (or ☐ see Attachment _____):

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

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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OCT 14 1995

Total acres _____

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

PART 1**6. General Information:**

- a. Description of diversion system Existing 78' drilled well, two 50 HP submersible turbine pumps
with VFD controls. Pipeline to dairy barns and irrigated land
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XXX 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:
The land from which the water is to be transferred is presently irrigated. Upon approval of
this transfer those lands will no longer be subject to irrigation from this source.
- d. Remarks:
The total area of disposal lagoons equals 1.65 acres. The retirement of 50 acres is adequate to
mitigate evaporation impacts as well as the dairy needs. Also see attachments A and B.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

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OCT 14 1999

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. 63-03099 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 _____

3. Source of water Ground Water tributary to _____

4. Date or priority 12/27/56

SEASON undetermined in license
✓ - 82

5. Water is used for the following purpose: *

amount 3.70 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 3.70 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
		NE	SW	15	1S	2W	Canyon	

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	
1S	2W	16		7	33	7	25	26	40	40	20	24	26	27	23	22	24		344

Total acres 344

9. Describe any other water rights used for the same purpose as described above 63-2955; 63-7814; 02-7109

* license includes conditional domestic use, also.

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

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	

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 OCT 14 1999

Total acres _____

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. 63-02712 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 _____

3. Source of water Ground water tributary to _____

4. Date or priority 6/7/1950

season undetined in license
← -80

5. Water is used for the following purpose:

amount 1.80 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 1.80 cubic feet per second and/or 430 *undefined in license*
acre-feet per annum. *license*

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	14	1S	2W	Canyon	

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	
1S	2W	15							20		20	10	8	5					60 55
1S	2W	16		5	40	20	30	30	40	40	30	25			30	40	20	10	358 350
1S	2W	26			10														10
1S	2W	27	15																15

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JUL 14 1999

Total acres 440 430

9. Describe any other water rights used for the same purpose as described above 63-02955; 63-07814; 63-03099

** license includes undetined domestic use, also.*

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

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 _____

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 OCT 14 1999

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. 63-02955 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 _____

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

4. Date or priority 8/27/53

5. Water is used for the following purpose:

amount 5.0 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 5.0 cubic feet per second and/or 1417.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	1S	2W	Canyon	Well #1

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	
1S	2W	15							20		20	10		5					55
1S	2W	16		5	40	20	30	30	40	40	30	25			30	40	20		350

Total acres 405

9. Describe any other water rights used for the same purpose as described above 63-02712; 63-07814; 63-03099

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

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	

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 DEC 14 1993

Total acres _____

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. 63-07814 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 _____

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

4. Date or priority 6/19/73

5. Water is used for the following purpose:

amount .32 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 .32 cubic feet per second and/or ~~56~~ 72 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	NW	15	1S	2W	Canyon	

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	
1S	2W	15							16										16

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Total acres 16

9. Describe any other water rights used for the same purpose as described above 63-02955; 63-02755; 63-02712

63-03099

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

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	

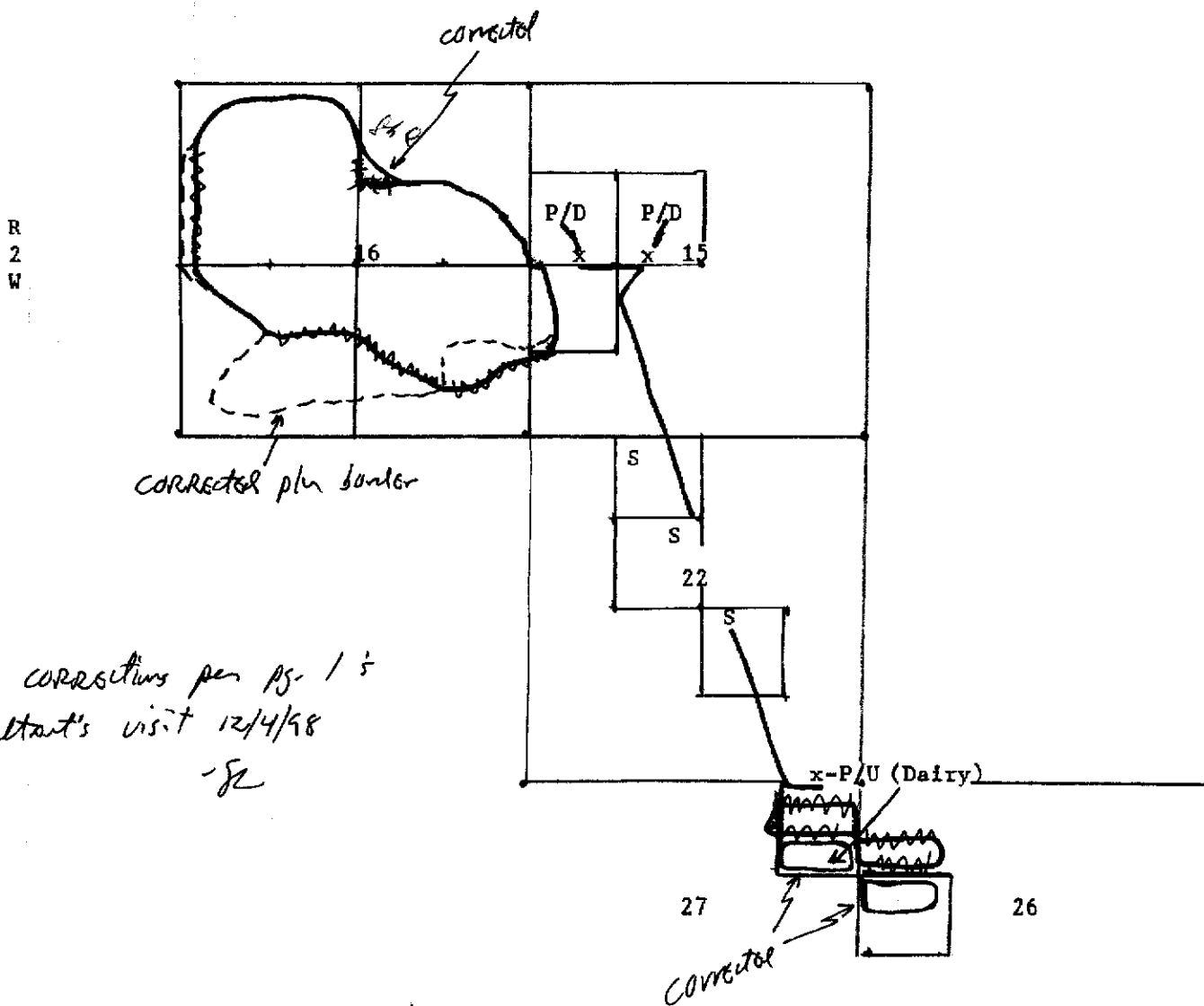
Total acres _____

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 201 4 1993

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.

T1S



MAP CORRECTIONS per pg. 15
 CONSULTANT'S VISIT 12/4/98
 -SZ

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 OCT 14 1999

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

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Commercial		365	1/1 to 12/31
	Stock water		365	1/1 to 12/31

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

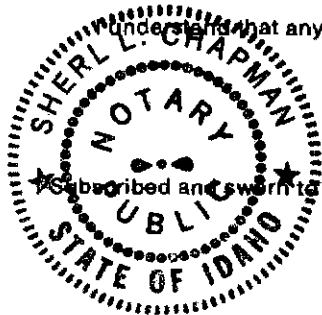
Return flows will be discharged to EPA approved lagoons and ultimately disposed of on existing irrigated land as described in part 1 #5.

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

The diversion rate and/or volume of water withdrawal from the aquifer will not be changed. Therefore there will be no impact on other water rights.

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

4 day of December, 19 98
 (Signature of Applicant)
Sherl L. Chapman
 (Notary Public)

My commission expires 6-14-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by gr Date 12/4/98

Protest filed by _____

Prelim. check by gr Fee \$100

* Received by gr Date 9/8/98 W024371

Published in Press Tribune

Copies of protest forwarded by _____

Pub. dates 12-17+24-98

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED

* From original.
 This Revised version submitted 12/4/98,
 Replaces 9/8/98 original. -gr

ATTACHMENT "A"

The purpose for this transfer is to insure a reliable water supply for the operation of a 2,000 head milking cow dairy, which will also have associated with it up to 1,000 head of replacement stock and 200 beef cattle. The existing dairy is served by a number of small diameter, shallow wells scattered throughout the Kasper property. An additional well was drilled adjacent to the dairy barn but produced limited quantities of poor quality ground water. Because of the unreliability of the existing water supply and its poor quality, the applicant proposes to change the nature of use of a part of his existing irrigation water right which is serviced primarily from the well located in the NE/4 SW/4, Section 15, T1S, R2W. The well presently serves irrigated acreage on the Kasper property and is quite reliable. A pump test was conducted by Caron Pump Company of Boise, Idaho on December 3-4, 1997. The well is 78 feet deep and the static water level was 48 below land surface. The well was operated at 400 gallons per minute for 24 hours without measurable drawdown. On December 4 the well was pumped at 1,200 gallons per minute for a total drawdown of four (4) feet over a 24 hour period. The new pump system that would be installed in order to satisfy both the irrigation requirement and the dairy requirement will be two (2) 50 horsepower pumps each capable of producing 450 gallons per minute at full operation. During the winter months only one pump will be operated and during summer months either one or both pumps will be operated depending upon irrigation demand. Since the total output will not exceed 900 gallons per minute it is anticipated that the drawdown will not exceed three (3) feet at any time. It is anticipated during the non-irrigation season that little, if any, drawdown will occur in the well based upon the pumping test. Therefore, it is anticipated that there will be no impact on other water rights or wells in the area.

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OCT 14 1999

ATTACHMENT "B"
TOM KASPER - DAIRY WORKSHEET
8/18/98

3,000 HEAD - DAIRY STOCK
2,000 - MILKING
1,000 - DRY

WATER DEMAND

Wash pen estimate
gpm discharge - 5.39 gpm
Number of nozzles - 86
Minutes run per day - 122
Gallons/day - 56,552 gpd

MILK HOUSE & PARLOR

Bulk tank - 250
Pipeline - 280
Backflush - 2,200
Cleanup - 2,000
Cow prep - 1,100
Total milk house and parlor - 5,830 gpd
Total fresh water - 62,382

DRINKING WATER

2,000 milking - 70,000
1,000 dry - 12,000
Total drinking water - 82,000 gpd

TOTAL WATER NEEDED

144,382 gpd
161.7 acre feet

IRRIGATED LAND REDUCTION

Remove irrigation from 50 acres of alfalfa hay ground.
Consumptive use - 3.25 acre feet per acre
Total CU - 162.5 acre-feet
Total Water Needed - 161.7 acre feet
Reduction in CU - .8 acre feet

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JUL 14 1998

TRANS TYPE	SI IND.	INF END.	CODE	CODE	CODE	CODE	CODE	CODE	REISSUE AMOUNT
6	7	8	9	10	11	12	13	14	15

**OWNERS
SCHEDULE A**

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
1	2	3	4	5
PN 25512	13 4034 80 001303	December 29, 1992 @ 3:49 p.m.	\$412,500.00	\$1,407.00

1. Name of Insured:
TOM KASPER and JoANNE KASPER
2. The estate or interest in the land which is covered by this policy is **FEE SIMPLE**.
3. The title to the estate or interest in the land is vested in:
TOM KASPER and JoANNE KASPER, husband and wife
4. The land referred to in this policy is described as follows:
See attached Exhibit "A"

MICROFILMED
JUL 1 - 1993

Ord. No. : PN 25512
Policy No. : 13 4034 61 001421

EXHIBIT "A"

TRACT 1:

PARCEL A:

The Southwest Quarter of Section 15, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; and the Southwest Quarter of the Northwest Quarter, and that part of the Southwest Quarter of the Southeast Quarter lying West of the existing County Road in Section 15, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL B:

That portion of the North Half and the Southeast Quarter lying East of the Snake River, and that portion of Lot 2, Section 21, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

BEGINNING at the center of said Section 21, which point is also the Northeast corner of said Lot 2; thence

South along the East boundary line of said Lot 2 a distance of 1,320 feet to the Southeast corner thereof; thence

West a distance of 400 feet to a point on the South boundary thereof; thence

North 27° 56' West a distance of 1,494 feet to a point on the North boundary line of said Lot 2; thence

East a distance of 1,100 feet, more or less, to the POINT OF BEGINNING.

PARCEL C:

The West Half, and that portion of the East Half of said Section 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, lying Westerly of the following-described line:

BEGINNING at the Quarter section corner common to Sections 15 and 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

East a distance of 482 feet to the Westerly right of way line of the oiled County Road, the TRUE POINT OF BEGINNING; thence

South 25° 30' East a distance of 417 feet along the Westerly right of way line of said road to a point; thence

South 54° 40' East a distance of 1,074 feet along the Southwesterly right of way line of said road to a point; thence

South 83° 10' East a distance of 86 feet along the Southwesterly right of way line of said road to a point; thence

North 74° 20' East a distance of 167.6 feet along the Southerly right of way line of said road to a point; thence

South 31° 55' East a distance of 700 feet to the top of the ridge East of Thomason Lake, also known as Jensen Lake; thence

Ord. No. : PN 25512
Policy No. : 13 4034 51 001421

South 17° 30' East a distance of 2,405.3 feet along the ridge top to a point on the Westerly line of the Nampa-Murphy Branch of the Oregon Short Line Railroad right of way, said point being on a curve; thence along the curve on said railroad right of way, said curve being 5° left, having a central angle of 75° 39' and tangent of 889.9 feet, length of curve 1,513 feet to a point on a tangent; thence

South 56° 32' East a distance of 3,968.8 feet to a point on a curve; thence along the curve 2° 00' right, having a central angle of 16° 37', length of 830.8 feet and tangent 418.4 feet; thence

South 36° 54' East a distance of 2,251.4 feet to a point on a curve; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet; thence along 8° 00' curve right, having a central angle of 61° 30', a distance of 770.4 feet; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet to a point; thence

South 30° 00' West a distance of 278.9 feet to the banks of the Snake River.

PARCEL D:

That portion of the West Half of the Southwest Quarter in Section 23, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, lying Westerly of the following-described line:

BEGINNING at the Quarter section corner common to Sections 15 and 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

East a distance of 482 feet to the Westerly right of way line of the olded County Road, the TRUE POINT OF BEGINNING; thence

South 25° 30' East a distance of 417 feet along the Westerly right of way line of said road to a point; thence

South 54° 40' East a distance of 1,074 feet along the Southwesterly right of way line of said road to a point; thence

South 83° 10' East a distance of 86 feet along the Southwesterly right of way line of said road to a point; thence

North 74° 20' East a distance of 167.6 feet along the Southerly right of way line of said road to a point; thence

South 31° 55' East a distance of 700 feet to the top of the ridge East of Thomason Lake, also known as Jensen Lake; thence

South 17° 30' East a distance of 2,405.3 feet along the ridge top to a point on the Westerly line of the Nampa-Murphy Branch of the Oregon Short Line Railroad right of way, said point being on a curve; thence along the curve on said railroad right of way, said curve being 5° left, having a central angle of 75° 39' and tangent of 889.9 feet, length of curve 1,513 feet to a point on a tangent; thence

South 56° 32' East a distance of 3,968.8 feet to a point on a curve; thence along the curve 2° 00' right, having a central angle of 16° 37', length of 830.8 feet and tangent 418.4 feet; thence

South 36° 54' East a distance of 2,251.4 feet to a point on a curve; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet; thence along 8° 00' curve right, having a central angle of 61° 30', a distance of 770.4 feet; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet to a point; thence

South 30° 00' West a distance of 278.9 feet to the banks of the Snake River.

RECORDED
OCT 14 1933

Order No. : PN 25512
Policy No. : 13 4034 61 001421

PARCEL E:

That portion of the North Half of the Northwest Quarter and of the Southeast Quarter of the Northeast Quarter and of the Northeast Quarter of the Southeast Quarter in Section 26, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, lying Westerly of the following-described line, and Lots 3 and 4 in said Section 26:

BEGINNING at the Quarter section corner common to Sections 15 and 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

East a distance of 482 feet to the Westerly right of way line of the oiled County Road, the **TRUE POINT OF BEGINNING**; thence

South 25° 30' East a distance of 417 feet along the Westerly right of way line of said road to a point; thence

South 54° 40' East a distance of 1,074 feet along the Southwesterly right of way line of said road to a point; thence

South 83° 10' East a distance of 86 feet along the Southwesterly right of way line of said road to a point; thence

North 74° 20' East a distance of 167.6 feet along the Southerly right of way line of said road to a point; thence

South 31° 55' East a distance of 700 feet to the top of the ridge East of Thomason Lake, also known as Jensen Lake; thence

South 17° 30' East a distance of 2,405.3 feet along the ridge top to a point on the Westerly line of the Nampa-Murphy Branch of the Oregon Short Line Railroad right of way, said point being on a curve; thence along the curve on said railroad right of way, said curve being 5° left, having a central angle of 75° 39' and tangent of 889.9 feet, length of curve 1,513 feet to a point on a tangent; thence

South 56° 32' East a distance of 3,968.8 feet to a point on a curve; thence along the curve 2° 00' right, having a central angle of 16° 37', length of 830.8 feet and tangent 418.4 feet; thence

South 36° 54' East a distance of 2,251.4 feet to a point on a curve; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet; thence along 8° 00' curve right, having a central angle of 61° 30', a distance of 770.4 feet; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet to a point; thence

South 30° 00' West a distance of 278.9 feet to the banks of the Snake River.

PARCEL F:

The North Half of the Northwest Quarter, the Northwest Quarter of the Northeast Quarter, and Lots 1 and 2 in Section 27, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

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201 1 4 1988

Order No. : PN 25512
Policy No. : 13 4034 61 001421

PARCEL G:

The Northeast Quarter of the Northeast Quarter in Section 28, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

TRACT 2:

PARCEL A:

All of Section 16, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

TRACT 3:

PARCEL A:

The Northeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL B:

That portion of the Southwest Quarter of the Northeast Quarter, and the South Half of the Northwest Quarter of Section 26, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, lying Westerly of the following-described line:

BEGINNING at the Quarter section corner common to Sections 15 and 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

East a distance of 482 feet to the Westerly right of way line of the oiled County Road, the **TRUE POINT OF BEGINNING**; thence

South 25° 30' East a distance of 417 feet along the Westerly right of way line of said road to a point; thence

South 54° 40' East a distance of 1,074 feet along the Southwesterly right of way line of said road to a point; thence

South 83° 10' East a distance of 86 feet along the Southwesterly right of way line of said road to a point; thence

North 74° 20' East a distance of 167.6 feet along the Southerly right of way line of said road to a point; thence

South 31° 55' East a distance of 700 feet to the top of the ridge East of Thomason Lake, also known as Jensen Lake; thence

South 17° 30' East a distance of 2,405.3 feet along the ridge top to a point on the Westerly line of the Nampa-Murphy Branch of the Oregon Short Line Railroad right of way, said point being on a curve; thence along the curve on said railroad right of way, said curve being 5° left, having a central angle of 75° 39' and tangent of 889.9 feet, length of curve 1,513 feet to a point on a tangent; thence

South 56° 32' East a distance of 3,968.8 feet to a point on a curve; thence along the curve 2° 00' right, having a central angle of 16° 37', length of 830.8 feet and tangent 418.4 feet; thence

South 36° 54' East a distance of 2,251.4 feet to a point on a curve; thence along 4° 00' curve right, having a central angle of 48° 00', a distance of 100 feet; thence along 8° 00' curve right, having a central angle of 61° 30', a distance of 770.4 feet; thence along 4° 00' curve

1999

File No: PN 25512

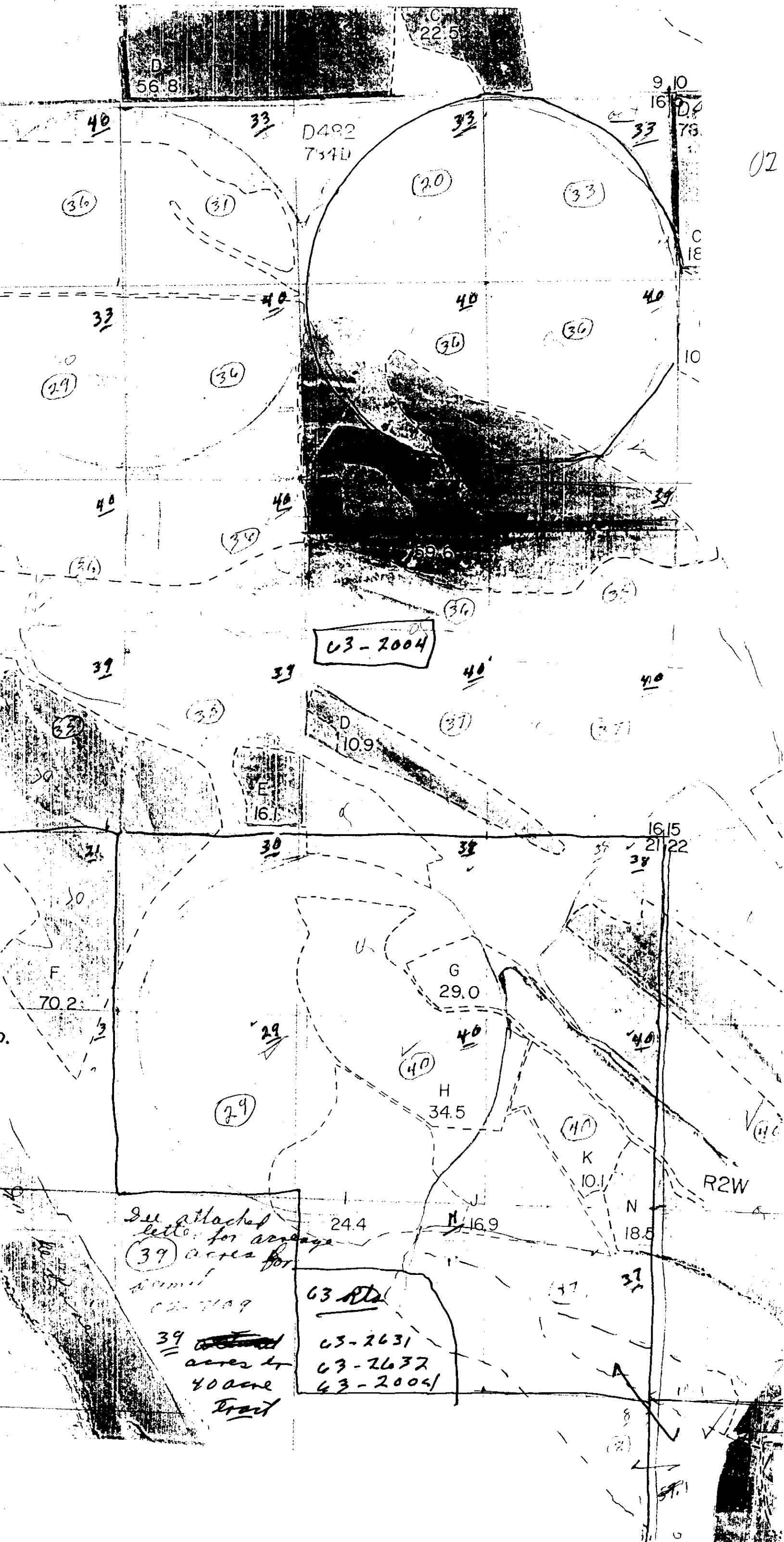
Policy No. : 13 4034 61 001421

**right, having a central angle of $4^{\circ} 00'$, a distance of 100 feet to a point; thence
South $30^{\circ} 00'$ West a distance of 278.9 feet to the banks of the Snake River.**

PARCEL C:

**The East Half of the Northeast Quarter of Section 27, Township 1 South, Range 2 West, Boise
Meridian, Canyon County, Idaho.**

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OCT 14 1989



f/w) p/w amps

02-07107 > 5.4
63-02711

- 2712
- 2955
- 3099
- 7814

} 9.4

Overlap Review for 02-7109

per examiner: 63-2004, 63-2632, 63-2631

per micro-fiche 6/21/84:

p/d → none

p/u → 63-2712

63-2955

63-3099

63-2592

Sec. 16

63-2631A - Sec. 21

63-2631B - ↓ Sec. 22

63-2632B -

63-2632A -

63-2712 - Lic. - gw. - overlapping p/u

63-2955 - Lic. - gw. - overlapping p/u

63-3099 - Lic. - gw. - overlapping p/u

63-2592 - permit - drain ditch - overlapping
p/u

63-2631A - Lic. - Thomason Lake - overlapping
p/u

63-2631B - Lic. - Thomason Lake - overlapping
p/u

63-2632A - Lic. - Thomason Lake - overlapping
p/u

63-2632B - Lic. - Thomason Lake - overlapping
p/u

OVER

All overlapping rights have different sources - Recommend using R16(5.0) as limiting condition and license this permit at capacity of system.

kw

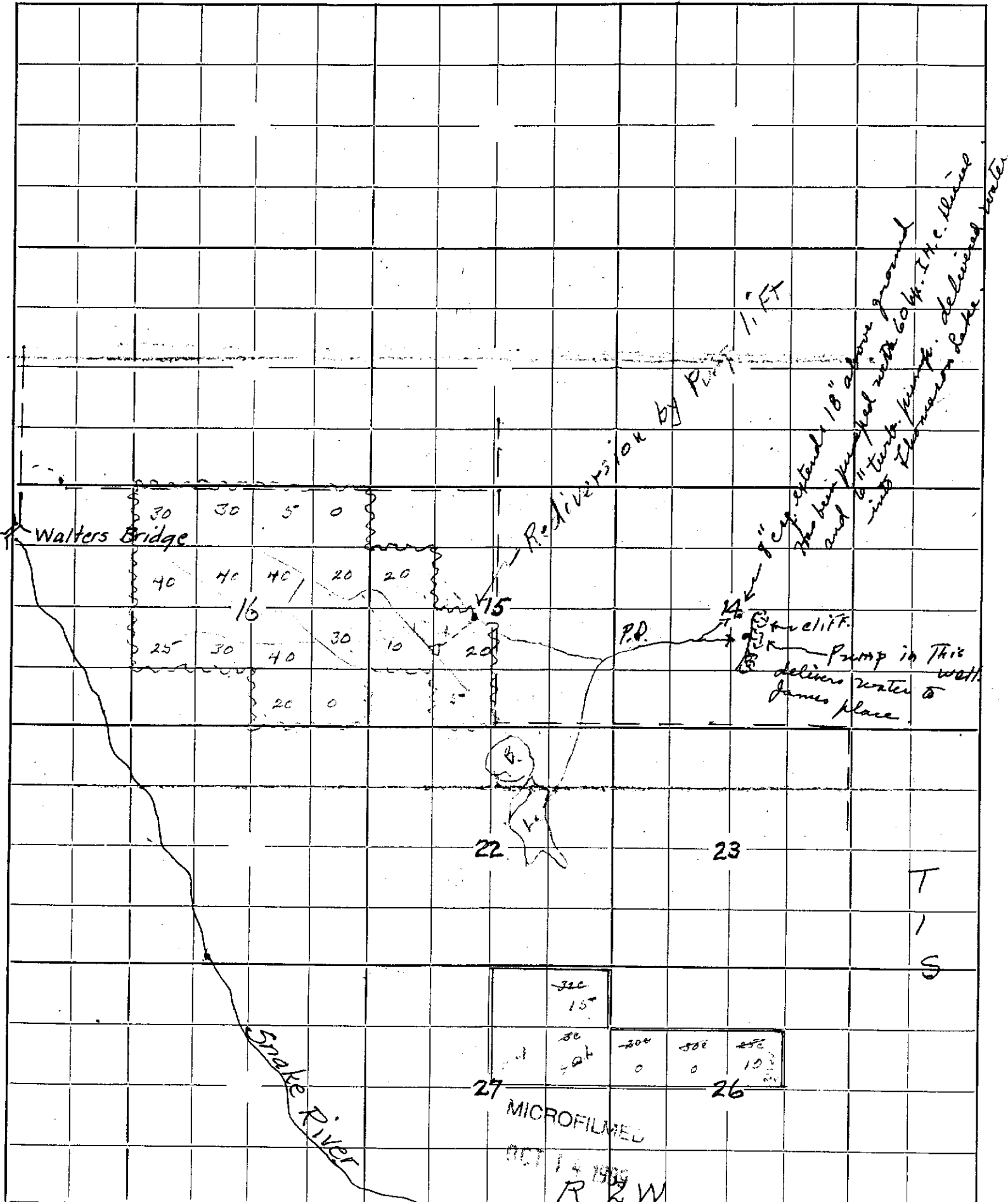
$$V = 1050 \times 5.0 = 5250.0 \text{ AF}$$

$$V = 11.87 \times 1.9835 \times 245 = 5768.3 \text{ AF}$$

63-2004 superseded by 63-0301 -
overlapping plu - Boise River -
use R16(5.0)

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OCT 14 1999



for 303 acres

T 1 S.

R. 2 W. B. M.

— = Thomas and Kate

— = " " "

— = unnamed Drain

/// = Well

S = Wells

Q = 196" or 3.42 cfs

Q = 124" or 2.11 cfs

Q = 70" or 1.4 cfs

Q = 145" or 2.9 cfs

Q = 49" or .98 cfs

Q = 122" or 2.44 cfs

Q = 130" or 2.6 cfs

1976

1977

1977

1977

1977

1977

1977

1977

1977

1977

1977

1977

1977

1977

Has full right (appears) on that is already owned.

25801 = Elizabeth McDonough

COPIED

NOV 14 1995

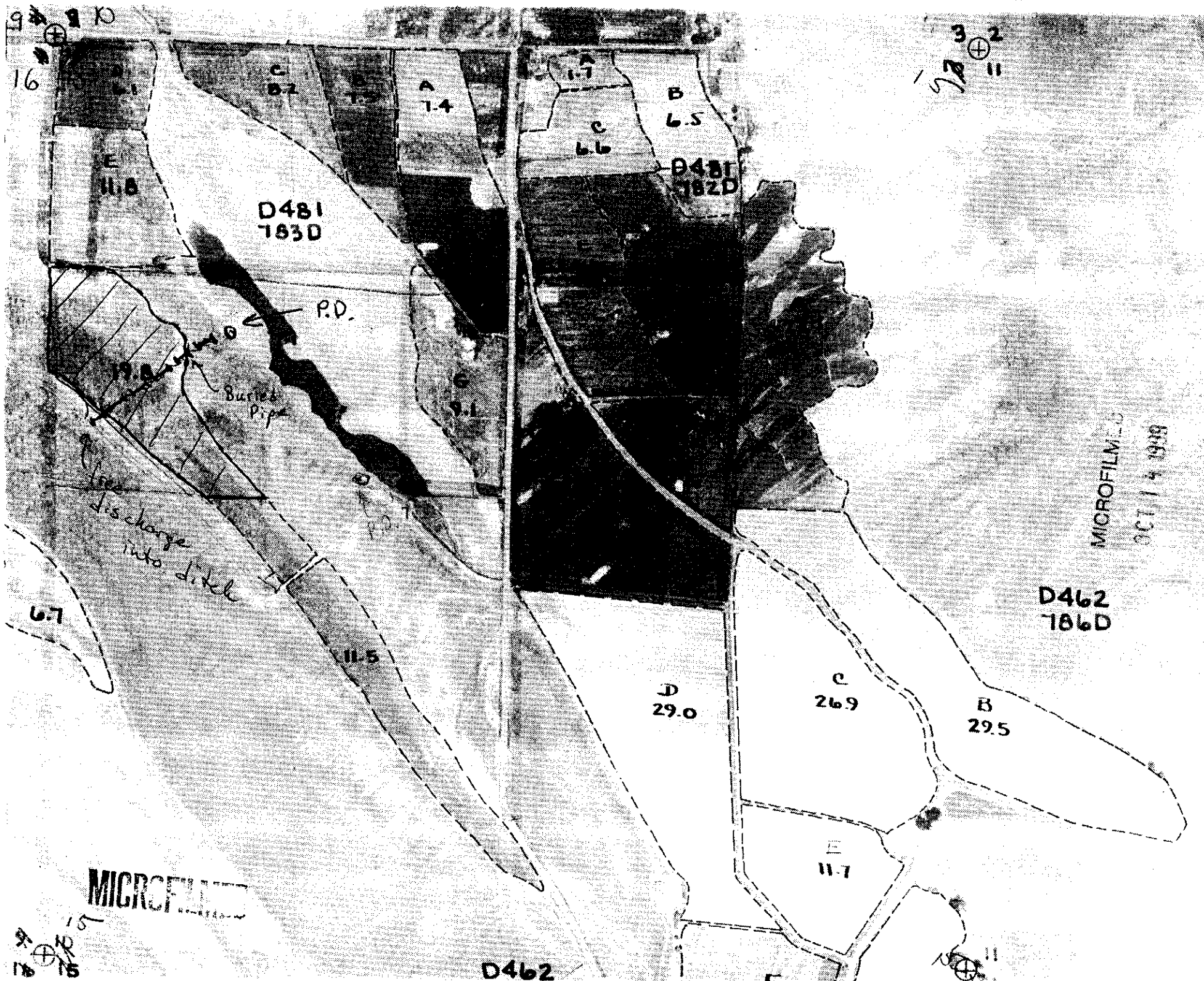
SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

63.02955 2/59

24421



63-07814 6/77



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D462

MICROFILM

OCT 14 1968

RECEIVED

SEP 08 1998

WATER RESOURCES
WESTERN REGION

Form 1-222
12-82

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

SHERL L. CHAPMAN
410 S. Orchard, Suite 200
Boise, ID 83706
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Tom Kasper Phone 495-2102
Post Office address 3349 Hill Road, Melba, ID 83641

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 To reduce irrigation usage and provide water for commercial and stock water needs.

*Met w/ Sherl
11/25, 12/2
12/4 to
201
Revised
version
SL*

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
63-02712	6/7/50	1.62	Irrigation	3/15 to 11/15
63-02712	6/7/50	.18	Commercial	1/1 to 12/31
63-02712	6/7/50	.18	Stockwater	1/1 to 12/31
63-02955	8/27/53	4.86	Irrigation	3/15 to 11/15
63-02955	8/27/53	.56	Commercial	1/1 to 12/31
63-02955	8/27/53	.56	Stockwater	1/1 to 12/31
63-07814	6/19/73	.32	Commercial	1/1 to 12/31
63-07814	6/19/73	.32	Stockwater	1/1 to 12/31

2. Total amount of water being transferred 7.12 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to N/A
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	1S	2W	Canyon	Number 1
		SW	NW	15	1S	2W	Canyon	Number 2

5. 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	
1S	2W	15									10	5						15	
1S	2W	16			40	20	30	30	40	40	30	25		30	40	20	10	355	
1S	2W	26			10													10	
1S	2W	27	15															15	
1S	2W	22					S			S					S				
1S	2W	27	C/S																

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REPLACED w/ 12-4-98 REVISED
VERSION
-82

Total acres 395

PART 1**6. General Information:**

- a. Description of diversion system Existing 78' drilled well, two 50 HP submersible turbine pumps
with VFD controls. Pipeline to dairy barns and irrigated land.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:

SEE Attachment A
The land from which the water is to be transferred is presently irrigated. Upon approval of this transfer those lands will no longer be subject to irrigation from this source.

- d. Remarks:

See attachment A & B = pgs. 11 & 12, respectively.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

Clarifying notes by RL 11/19/98

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DEC 14 1999

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. 63-02712 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 _____

3. Source of water Ground water tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount 1.80 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 1.80 cubic feet per second and/or 430 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	14	1S	2W	Canyon	

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	
1S	2W	15							20		20	10	5	5					60
1S	2W	16			40	20	30	30	40	40	30	25			30	40	20	10	355
1S	2W	26			10														10
1S	2W	27	15																15

Total acres 440

9. Describe any other water rights used for the same purpose as described above: 63-2955; 63-7814

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14 1995

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

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	

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OCT 14 1993

Total acres _____

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

Ken Omundson

C/O Chas F. McDevitt

McDevitt & Miller LLP

PO Box 2564

Boise ID 83701

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

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. 63-02955 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 _____

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

4. Date or priority 8/27/53

5. Water is used for the following purpose:

amount 5.0 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 5.0 cubic feet per second and/or 1417.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	1S	2W	Canyon	Well #1

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	
1S	2W	15							20		20	10		5					55
1S	2W	16		5	40	20	30	30	40	40	30	25			30	40	20		350

Total acres 405

9. Describe any other water rights used for the same purpose as described above 63-02712; 63-07814

MICROFILMED

JUL 15 1983

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

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	

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9-17-14 1999

Total acres _____

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. 63-07814 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 _____

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

4. Date or priority 6/19/73

5. Water is used for the following purpose:

amount .32 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 .32 cubic feet per second and/or 56 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	NW	15	1S	2W	Canyon	

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	
1S	2W	16							16										16

Total acres 16

9. Describe any other water rights used for the same purpose as described above 63-02955; 63-02755; 63-02712

NOT RECORDED
OCT 14 1995

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	

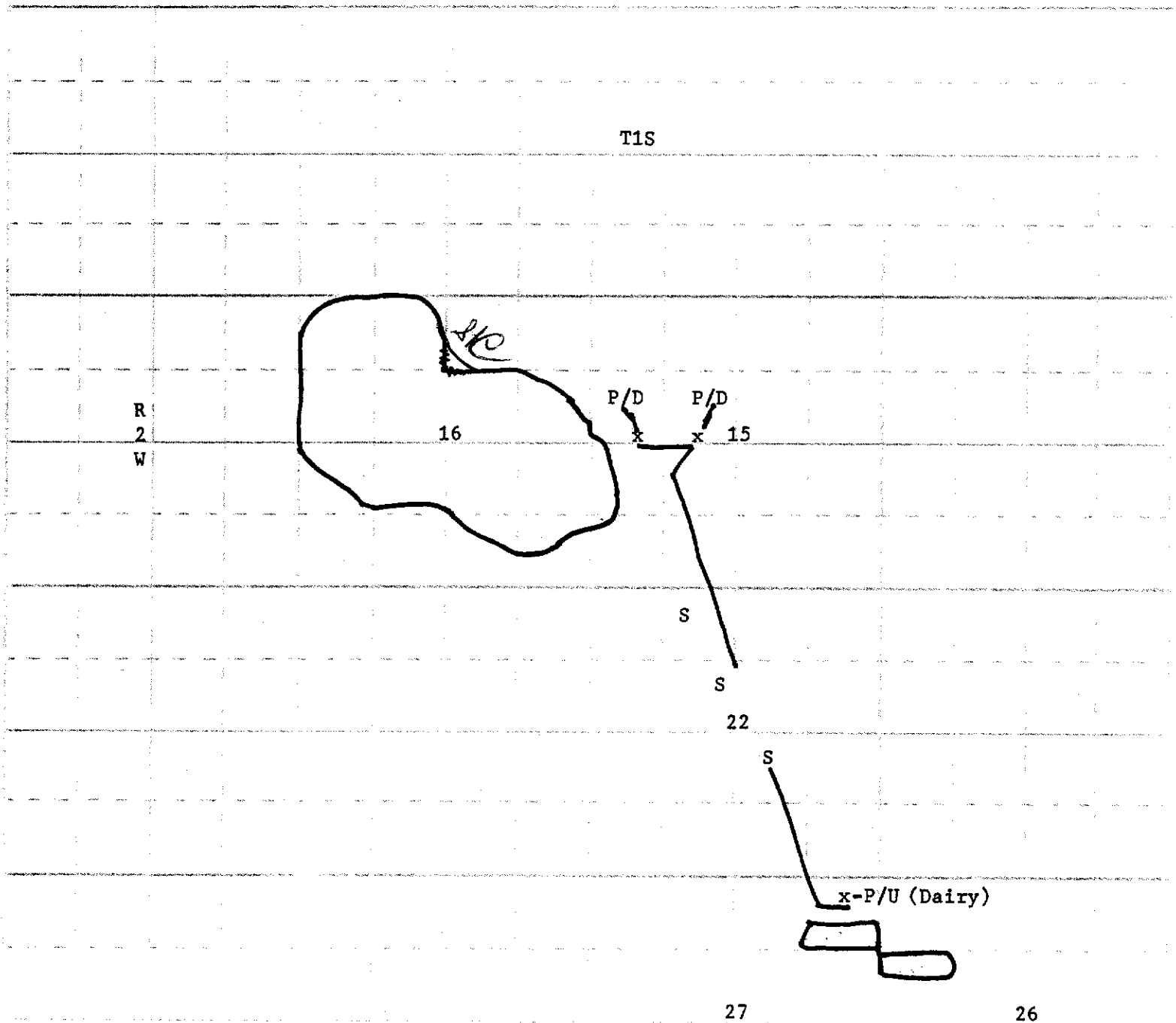
Total acres _____

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OCT 14 1999

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.



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OCT 14 1989

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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Commercial</u>	<u> </u>	<u>365</u>	<u>1/1 to 12/31</u>
	<u>Stock water</u>	<u> </u>	<u>365</u>	<u>1/1 to 12/31</u>

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

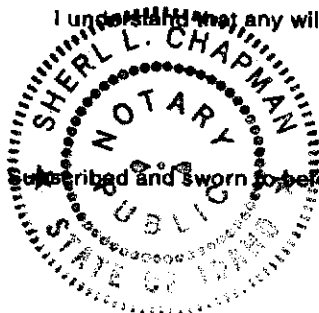
Return flows will be discharged to EPA approved lagoons and ultimately disposed of on existing irrigated land as described in part 1 #5.

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

The diversion rate and/or volume of water withdrawal from the aquifer will not be changed.
Therefore there will be no impact on other water rights.

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

4 day of September, 19 98

(Signature of Applicant)

Sherl L. Chapman

(Notary Public)

My commission expires 6-14-2000

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and attachments

Received by KG Date 9/8/98

Protest filed by

Prelim. check by KG Fee 100.00

Receipted by KG Date 9/8/98

W024371

Published in

Copies of protest forwarded by

Pub. dates

Hearing held by Date

Watermaster recommendation requested on

Recommended for ☐ approval ☐ denial

 rec'd.

by

Copy of transfer sent to lien holder

MICROFILMED

107 1 - 1998

ATTACHMENT "A"

The purpose for this transfer is to insure a reliable water supply for the operation of a 2,000 head milking cow dairy, which will also have associated with it up to 1,000 head of replacement stock and 200 beef cattle. The existing dairy is served by a number of small diameter, shallow wells scattered throughout the Kasper property. An additional well was drilled adjacent to the dairy barn but produced limited quantities of poor quality ground water. Because of the unreliability of the existing water supply and its poor quality, the applicant proposes to change the nature of use of a part of his existing irrigation water right which is serviced primarily from the well located in the NE/4 SW/4, Section 15, T1S, R2W. The well presently serves irrigated acreage on the Kasper property and is quite reliable. A pump test was conducted by Caron Pump Company of Boise, Idaho on December 3-4, 1997. The well is 78 feet deep and the static water level was 48 below land surface. The well was operated at 400 gallons per minute for 24 hours without measurable drawdown. On December 4 the well was pumped at 1,200 gallons per minute for a total drawdown of four (4) feet over a 24 hour period. The new pump system that would be installed in order to satisfy both the irrigation requirement and the dairy requirement will be two (2) 50 horsepower pumps each capable of producing 450 gallons per minute at full operation. During the winter months only one pump will be operated and during summer months either one or both pumps will be operated depending upon irrigation demand. Since the total output will not exceed 900 gallons per minute it is anticipated that the drawdown will not exceed three (3) feet at any time. It is anticipated during the non-irrigation season that little, if any, drawdown will occur in the well based upon the pumping test. Therefore, it is anticipated that there will be no impact on other water rights or wells in the area.

MICROFILMED

OCT 14 1999

ATTACHMENT "B"
TOM KASPER - DAIRY WORKSHEET
8/18/98

3,000 HEAD - DAIRY STOCK
2,000 - MILKING
1,000 - DRY

WATER DEMAND

Wash pen estimate
gpm discharge - 5.39 gpm
Number of nozzles - 86
Minutes run per day - 122
Gallons/day - 56,552 gpd

MILK HOUSE & PARLOR

Bulk tank - 250
Pipeline - 280
Backflush - 2,200
Cleanup - 2,000
Cow prep - 1,100
Total milk house and parlor - 5,830 gpd
Total fresh water - 62,382

DRINKING WATER

2,000 milking - 70,000
1,000 dry - 12,000
Total drinking water - 82,000 gpd

TOTAL WATER NEEDED

144,382 gpd
161.7 acre feet

IRRIGATED LAND REDUCTION

Remove irrigation from 50 acres of alfalfa hay ground.
Consumptive use - 3.25 acre feet per acre
Total CU - 162.5 acre-feet
Total Water Needed - 161.7 acre feet
Reduction in CU - .8 acre feet

MICROFILMED

OCT 14 1999

LAND LIST FOR THE TOM KASPER DAIRY TRANSFER

Rec'd 9/8/98
-80

T1S, R2W, Section 15 - SWNW - 20 acres; NESW - 20 acres; SESW - 10 acres

As lienholder of the subject property, Farm Credit Services has no objection to the transfer of water right as described on the enclosed Application for Transfer of Water Right for Tom Kasper.

NORTHWEST FARM CREDIT SERVICES, ACA

BY

Its Authorized Agent

STATE OF IDAHO)

: ss.

County of Canyon)

On this 14th day of September, 1998, before me personally appeared Dwight O. Comfort, known to me to be an authorized agent of the Northwest Farm Credit Services, ACA, that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.

MICROFILMED

SEP 14 1998

Virginia B. Conger
Notary Public for the State of Idaho
Residing at: Nampa Id
My Commission Expires: 12-31-98

- Lienholder -

Attachment A

CANYON COUNTY

TAX NOTICE FOR CALENDAR YEAR

1997 Real Property

ACCOUNT NO.
7R28306-000- -0

D

KASPER, TOM & JOANN-H/W
5254 BLUE GUM
MODESTO CA 95358

PARCEL NO. 01S02W154800
15-1S-2W SW
SW, SW NW, SW SE W OF OILED ROAD

HILL RD, ME

CODE AREA 093-00
LAND 15,525 QTY 207.50

TOTAL VALUE 15,525

TAXING DISTRICT	RATE	AMOUNT
APPLICABLE VALUE		15,525
GOPHER	.000130570	2.02
AMBULANCE	.000188734	2.94
NA HWY 1	.000992933	15.42
FIRE ME	.000715250	11.10
CEM ME	.000118907	1.84
SCH 136 ME	.005484174	85.14
COUNTY	.004506788	69.96

TOTAL LEVY .012137356

Year	Taxable FCV	Tax Amount
1996	15,525	189.28
1997	15,525	188.42

IMPORTANT

PLEASE READ BOTH FRONT AND BACK

MONTHLY PAYMENTS ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

KEEP TOP PORTION FOR YOUR RECORDS.

TRACIE LLOYD

Please Make Checks Payable To:
CANYON COUNTY TAX COLLECTOR
P.O. BOX 1010
CALDWELL, IDAHO 83606
(208) 454-7354

TOTAL TAX 188.42

TOTAL DUE 188.42

Attachment B
(155)

11/1/97

Proof of
Ownership

CANYON COUNTY

1997 Real Property
TAX NOTICE FOR CALENDAR YEAR

ACCOUNT NO.
7R28306-000- -0

D

PARCEL NO. 01S02W154800
15-1S-2W SW
SW, SW NW, SW SE W OF OILED ROAD

KASPER, TOM & JOANN-H/W
5254 BLUE GUM
MODESTO CA 95358

HILL RD, ME

CODE AREA 093-00
LAND 15,525 QTY 207.50

TOTAL VALUE 15,525

TAXING DISTRICT	RATE	AMOUNT
APPLICABLE VALUE		15,525
GOPHER	.000130570	2.02
AMBULANCE	.000188734	2.94
NA HWY 1	.000992933	15.42
FIRE ME	.000715250	11.10
CEM ME	.000118907	1.84
SCH 136 ME	.005484174	85.14
COUNTY	.004506788	69.96

Year	Taxable FCV	Tax Amount
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TOTAL LEVY .012137356

IMPORTANT

PLEASE READ BOTH FRONT AND BACK

MONTHLY PAYMENTS ACCEPTED

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CANYON COUNTY TAX COLLECTOR
P.O. BOX 1010
CALDWELL, IDAHO 83606
(208) 454-7354

TOTAL TAX 188.42

TOTAL DUE 188.42

MICROFILMED
OCT 14 1998

State of Idaho
License and Certificate of Water Right

Water License No. 20585 Amount 1.8 c.f.s.
Water District No. Priority June 7, 1950

THIS IS TO CERTIFY that CRYSTAL R. JENSEN - Assignee REX S. JENSEN
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 29, 1948; that Permit No. 20585
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.6 second feet, was issued thereunder on September 1, 1953, showing that said works
were completed on the 29 day of July, 1953; and that on the 21
day of July, 1958, CRYSTAL R. JENSEN - Assignee Rex S. Jensen

of Melba, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of wells
, a tributary of subterranean flow, for the purpose of irrigation and domestic use
, under Use Permit No. 20585 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
11 of Licenses at page 6769, on the 5 day of October, 1959;
The right hereby confirmed dates from June 7, 1950;
The Point of Diversion is located 2 points

in the NW 1/4 SE 1/4, Sec. 14, Tp. 1 S., R. 2 W., B. M. County Canyon
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 1.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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
5 day of October, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 27289Amount 1.0 c.f.s.

Water District No. _____

Priority March 24, 1958

THIS IS TO CERTIFY that **EDITH WUTHRICH** of **Montpelier, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **March 20,** **1958**; that Permit No. **27289** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **1.0** second feet, was issued thereunder on **January 28**, **1959**, showing that said works were completed on the **26** day of **January**, **1959**; and that on the **25** day of **March**, **1959**, **EDITH WUTHRICH**

of **Montpelier**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **Yeaman Creek**, a tributary of **Montpelier Creek**, for the purpose of irrigation and domestic use, under Use Permit No. **27289** 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 **11** of Licenses at page **6770**, on the 5th day of **October**, **1959**;

The right hereby confirmed dates from **March 24, 1958**, **19**;

The Point of Diversion is located in the **SW 1/4 SE 1/4, Sec. 15, Tp. 12 S., R. 45 E., B. M.** County **Bear Lake**

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 **1.0** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	45 E.	15	NE 1/4 NE 1/4	13	13
			SE 1/4 NE 1/4	10	10
			NE 1/4 SE 1/4	19	19
			SE 1/4 SE 1/4	8	8
			Total number of acres to be irrigated 50		

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 **5** day of **October**, **1959**.

/s/ **GEO. N. CARTER**

State Reclamation Engineer.

(SEAL)

N^o 20585
63-2712

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28215
PERMIT No. 20585
DISTRICT No.

1. Name of Applicant: CRYSTAL R. JENSEN

Postoffice address: Melba

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(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:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 5.60

cubic feet per second.

3. Source of water supply: Group of wells (artesian flow)

which is a tributary of

4. Location of point of diversion: See Remarks

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ Section 14, and SE $\frac{1}{4}$ Section 15,
of Section , T. 1 S. , R. 2 W. , B.M., County of Canyon

5. Water is to be used for Irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

, T. , R. , B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

{ [distant from the

corner of Section

, T. , R. , B.M., in the

of Section

, T. , R. , B.M.

7. Estimated cost of works: \$5,000.00

8. Kind of works: Wells and ditches and pumping plant

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom 2 $\frac{1}{2}$

feet; width at water line 5

feet; depth of water 1

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

2

miles.

Average grade per mile 5.28

feet.

12. The time required for the completion of such work is Five (5)

years.

13. The time required for the complete application of the water to the proposed use is

None

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

CRYSTAL R. JENSEN

Applicant.

By

Rex S. Jensen

Agent.

Date of first receipt at Department of Reclamation: 5:00 P. M. July 29, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20585

Recorded in Book 74

Page 20585

Approved August 7, 1948

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

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

Work to begin on or before October 7, 1948

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 7, 1951

The whole of said work to be completed on or before August 7, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before August 7, 1953

WITNESS My hand this 7th day of August, 1948

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS

Governor of the State of Idaho,

and J. D. "CY" PRICE

Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th

day of August, 1948

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

By J. D. "CY" PRICE

Governor.

Secretary of State.

REMARKS: Points of diversion will be from drilled wells (artesian flow) located in the SE $\frac{1}{4}$ Section 15, and the SW $\frac{1}{4}$ Section 14, Twp. 1 S., Range 2 W., B.M. Applicant proposes to drill as many wells as will be necessary to produce the amount of water filed on. Exact location of wells have not been determined. Water will flow from wells into drain ditch, thence into Thomason Lake, thence pumped by pumps through a 36 inch pipe line previously installed to high land, thence conveyed through gravity ditches to point of use. Pump and pipe line previously installed under terms of Permits Nos. 19773 and 19774, and constructed at the time to pump 1500 inches of water, which is an adequate supply to irrigate all lands the owner or owners propose to irrigate. (Continued below)

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 $\frac{1}{4}$	
1 S.	2 W.	27	40	40	40	40													160
		26			40				40	40									120

Total Number of acres to be irrigated - - 280

REMARKS (Continued) Approximate well locations: No. 1- NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; No. 2- SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; No. 3- SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; Township 1 South, Range 2 West, B. M.

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 20585.

Comes now Crystal R. Jensen, 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. 20585;

That the point of diversion is described in said Permit as well locations being located NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 1 S. R. 2 W. and conveyed to the place of use through the Drain to Lake thence pumped, as per map filed herewith.

That he now request that the point of diversion be changed to a point located Two wells in NW $\frac{1}{4}$ SW $\frac{1}{4}$, one in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and one in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, and one in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, 1 S. 2 W. and conducted to the place of use through the same ditch and works, as per map above referred to.

That his reasons for desiring to make such change are as follows: Change was necessary to locate water, all wells are on applicant's own land.

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 14 day of June, 1951.

Crystal R. Jensen,
By REX S. JENSEN

Date of receipt at Department of Reclamation June 14, 1951.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing (continued)

application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 20585. 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.

MARK R. KULP
State Reclamation Engineer

Permit No. 20585
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Crystal R. Jensen of Melba, County of Canyon, and State of Idaho, the holder of Permit No. 20585, issued upon application No. 28215 bearing date of priority of July 29, 1948, authorizing the diversion of 5.6 second feet of the waters of artesian flow from a group of wells County of Canyon, State of Idaho, for irrigation and domestic 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 5.6 second feet of the waters of said wells; that the points of diversion of said waters or location of the wells is as follows: Nos. 1 and 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$; No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$; No. 4 SW $\frac{1}{4}$ NE $\frac{1}{4}$; ~~Section 22~~ Section 22; Township 1 South, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast Quarter Section 27; SW NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26; All in Township 1 South, Range 2 West, B.M.

Witness my hand this 1st day of September, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made July 29, 1953
Certificate of Completion of Works issued September 1, 1953

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20585, to September 13, 1956.

Witness my hand this 8th day of September, 1953.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-20585

Comes now Rex S. Jensen 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-20585, and requests that the list of land to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 1 S., R. 2 W., B. M., making a total of 800 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 26th day of February, 1959

s/ REX S. JENSEN
By

Harley M. McDowell, Agent

Date of Receipt at Department of Reclamation: March 2, 1959

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 Water of the State of Idaho, No. 20585. 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

APPROVED AND RECORDED: March 10, 1959

ASSIGNMENT

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-20585 to REX S. JENSEN, of Melba, Idaho

s/ CRYSTAL J. EVANS
Permit Holder

s/ E. T. EVANS
Husband of Permit Holder

STATE of ILLINOIS)
 ss
County of Macon)

On this 24 day of April, 1959, before me, a Notary Public for the State of Illinois, residing at Decatur, Illinois, personally appeared Chrystal J. and E. T. Evans, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

(SEAL)

s/ ROY J. REDDING
Notary Public, Residing at
Decatur, Illinois

My commission expires 1-23-60

Recorded October 5, 1959

See letter in file, being affidavit that Chyrstal J. Evans is the same person as Crystal R. Jensen referred to in this permit.

ASSIGNMENT

LICENSE ISSUED FOR 18 SEC. FT.

Page 6769

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-20585 to Rex S. Jensen of Melba, Idaho.

1 S 2 W.

15

16

26

27

SW $\frac{1}{4}$	NW $\frac{1}{4}$
NE $\frac{1}{4}$	SW $\frac{1}{4}$
NW $\frac{1}{4}$	SW $\frac{1}{4}$
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SW $\frac{1}{4}$	NE $\frac{1}{4}$
NE $\frac{1}{4}$	NE $\frac{1}{4}$

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Total number of acres to be irrigated: 430

PLEASE SEE

FOLDER 2

FOR CONTINUING

CORRESPONDENCE

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

FEB 22 1999

WATER RESOURCES
WESTERN REGION

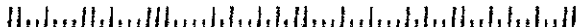
DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83706

MICROFILMED

FEB 22 1999



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

paper

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Kyle Winnicki
8999 Ferry Rd
Melba, ID 83641

MICROFILMED

4a. Article Number

P 414 388 411

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-15-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Kyle Winnicki

UNITED STATES POSTAL SERVICE



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USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

FEB 19 1999

**WATER RESOURCES
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705**

MICROFILMED

FEB 19 1999

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

Kasper

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

4a. Article Number

P 414 388 414

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

UNITED STATES POSTAL SERVICE



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USPS
Permit No. G-10

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FEB 19 1999

**WATER RESOURCES
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83706**

FILED

NOV 19 1998

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Ken Omundson

C/O Chas F. McDevitt

McDevitt & Miller LLP

PO Box 2564

Boise ID 83701

4a. Article Number

P 414 388 413

4b. Service Type

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| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☒ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

FEB 18 1999

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

FEB 19 1999

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED

FEB 19 1999

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Bruce M. Smith
Rosholt, Robertson & Tinsley
PO Box 2139
Boise, ID 83701-2139

4a. Article Number

P 414 388 412

4b. Service Type

- | | |
|--|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☒ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

2-18-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Bruce M. Smith

P 414 388 414

US Postal Service

Receipt for Certified Mail

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

PS Form 3800, April 1995

Postage	MICROFILMED APR 1995
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

P 414 388 413

US Postal Service

Receipt for Certified Mail

Ken Omundson

C/O Chas F. McDevitt

McDevitt & Miller LLP

PO Box 2564

Boise ID 83701

PS Form 3800, April 1995

Postage	MICROFILMED
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
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6. Save this receipt and present it if you make an inquiry.

P 414 388 412

US Postal Service

Receipt for Certified Mail

Bruce M. Smith

Rosholt, Robertson & Tucker

PO Box 2139

Boise, ID 83701-2139

PS Form 3800, April 1995

Postage	MICROFILMED
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
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TOTAL Postage & Fees	\$ 2.98
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

P 414 388 411

US Postal Service

Receipt for Certified Mail

Kyle Winnicki
8999 Ferry Rd
Melba, ID 83641

PS Form 3800, April 1995

Postage		MICROFILMED
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$ 2-98	
Postmark or Date		

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6. Save this receipt and present it if you make an inquiry.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KEN OMUNDSON
C/O CHAS F MCDEVITT
MCDEVITT & MILLER LLP
PO BOX 2564
BOISE ID 83701

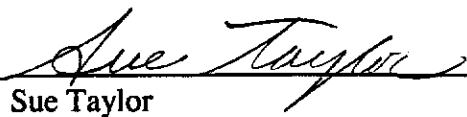
CURT &/OR JERRY HENSLEY
8971 FERRY RD
MELBA ID 83641

TOM KASPER
3349 HILL RD
MELBA ID 83641

Re: Application for Transfer of Water Right in the Name of Tom Kasper

Dear Parties:

This letter is confirmation that the hearing in the above-referenced matter is still set for Tuesday and Wednesday, April 27 and 28, 1999, at 9:00 a.m., at the Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83705.


Sue Taylor

MICROFILMED

007 14 1999

McDevitt & Miller LLP

Lawyers

537 W. Bannock, Suite 215

P.O. Box 2564-83701

Boise, Idaho 83702

(208) 343-7500
(208) 336-6912 (Fax)

Chas. F. McDevitt
Dean J. (Joe) Miller

April 21, 1999

RECEIVED

APR 22 1999

WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman
State of Idaho, Dept. of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5082

Re: Application for Transfer of Water Rights – Tom Kasper
Transfer No. 5358

Dear Mr. Spackman:

Enclosed are exhibits for Mr. Omundson.

I apologize for being a day late but our office was not operative yesterday.

Very truly yours,

McDevitt & Miller LLP



Chas. F. McDevitt

CFM/kyn

Enclosures

CC: Bruce Smith Esq.
Curt Hensley

MICROFILMED

APR 22 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KYLE WINNICKI
8999 FERRY RD
MELBA ID 83641

Re: Application for Transfer No. 5356 in the Name of Tom Kasper

Dear Mr. Winnicki:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for transfer of water right.

There are still protests remaining on this application, therefore the application will be held in our protest drawer until the protests can be resolved.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: Applicant
Protestants

MICROFILMED

2001 1 - 1999

GARY SPACKMAN
IDAHO DEPT. OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

04-12-99

RECEIVED

APR 15 1999

WATER RESOURCES
WESTERN REGION

DEAR SIR,

I HAVE TALKED WITH TOM KASPER
AND HAVE DECIDED TO WITHDRAW MY
PROTEST. THIS IS IN REFERENCE TO
TRANSFER # 5358.

SINCERELY,

Kyle Winnicki

KYLE WINNICKI
8999 FERRY ROAD
MELBA, IDAHO 83641

PHONE # 495-2310

MICROFILMED

OCT 14 1999

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN *†
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

MONA DOBARAN MACK
Of Counsel

*Also Admitted in Oregon
† Also Admitted in Washington

April 19, 1999

RECEIVED

APR 20 1999

WATER RESOURCES
WESTERN REGION

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701

Curt Hensley
8971 Ferry Rd.
Melba, ID 83641

Re: Kasper Application for Transfer of Water Right

Dear Sirs:

Pursuant to the Department's 3/16/99 Order, attached are the exhibits we intend to introduce for the record in the hearing on Mr. Kasper's transfer:

1. Photo of farm land;
2. Invoice from Caron Pump Company; and
3. Page from transfer application.

Other documents from the IDWR file which are already part of the record may be used as well as documents that are for illustrative purposes only or for rebuttal.

Sincerely,



Bruce M. Smith

BMS:jtb

Enclosures

cc: Gary Spackman w/copy enc. ✓
Client

MICROFILMED

OCT 14 1999





CARON PUMP COMPANY
11026 CULDESAC WAY
BOISE, ID 83703
(208) 939-9198

Invoice

DATE

INVOICE

BILL TO:

KASPER DAIRY
MR. TOM KASPER
3349 HILL RD, SOUTH
MELBA, ID 83641

P.O. NUMBER	TERMS.	PROJECT
PER TOM	DUE ON REC	

QUANTITY	DESCRIPTION	RATE	AMOUNT
	TEST PUMPING WELL: WE RAN 75 HP., LINE SHAFT TURBINE AFTER LIFTING IT UP AND TURNING IT 180 DEGREES TO INSTALL FLOW METER AND DISCHARGE LINE. FIRST DAY; WE RAN PUMP AT 400 GPM AND WATER LEVEL STAYED AT 48'. THE SAME AS STATIC FOR 24 HOURS. SECOND DAY; WE INSTALLED A LARGER DISCHARGE LINE AND RAN PUMP AT 1200 GPM AND WATER LEVEL WENT FROM 48' STATIC TO 52' PUMPING LEVEL. WE ONLY HAD A 4' DRAW DOWN AT 1200 GPM! For 24 Hrs. WELL STATS: 19" I.D., 20" O.D., WELL CASING, 48' STATIC WATER LEVEL AND 78' DEEP. THE OLD TURBINE WAS SET 76'. LABOR - 12/03/97 - TWO MEN W/CRANE 5.5 HOURS - \$ 550.00 LABOR - 12/04/97 - ONE MAN 2.0 HOURS - \$ 80.00 TOTAL COST OF TEST PUMPING WELL \$630.00		
THANK YOU FOR THE OPPORTUNITY TO BE OF SERVICE AND APPRECIATE YOUR BUSINESS			TOTAL

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

PART 2
(Attach one copy for each right)

RECEIVED

APR 20 1999

WATER RESOURCES
WESTERN REGION**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. 63-02955 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 _____3. Source of water Ground water tributary to N/A4. Date or priority 8/27/53

5. Water is used for the following purpose:

amount 5.0 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 5.0 cubic feet per second and/or 1417.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	1S	2W	Canyon	Well #1

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	
1S	2W	15							20		20	10		5					55
1S	2W	16		5	40	20	30	30	40	40	30	25			30	40	20		350

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Total acres 4059. Describe any other water rights used for the same purpose as described above 63-02712; 63-07814; 63-03099

OCT 1 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

Attorneys for Protestants
Ken Omundson and Terri Omundson

RECEIVED
APR 14 1999
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT) NOTICE OF WITNESSES
NOS. 63-02712, 63-02955, 63-03099)
AND 63-07814 IN THE NAME OF)
TOM KASPER, (TRANSFER NO. 5358))
_____)

Pursuant to the order of the hearing officer in this matter, you are informed that the following individuals are witnesses whom the Protestants Ken and Terri Omundson, intend to call as witnesses at the hearing of this matter scheduled for April 27th and 28th, 1999:

1. Mr. Ken Omundson
2. Mr. Ed Squires
3. Mr. Garrett Brown
4. Mr. Curt Hensley
5. Mr. Tom Kasper
6. If records are not provided by Mr. Kasper pursuant to the request for production of documents served by the Protestant upon Mr. Kasper's counsel, Protestant would call the record custodian of Idaho Power Company.

ORIGINAL

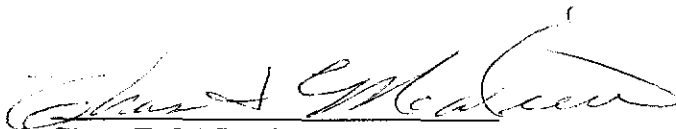
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OCT 14 1999

7. The individual employee of Caron Pump Company, who reputedly ran pump tests on that well described as Well No. 1 in Applicant's application.
8. Such rebuttal witnesses as may be required.
9. As of the preparation of this document, the witnesses to be called by Applicant are not known to this Protestant.

DATED this 12th day of April, 1999.

McDEVITT & MILLER LLP

A handwritten signature in cursive script, appearing to read "Chas. F. McDevitt", is written over a horizontal line.

Chas. F. McDevitt
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of April, 1999, a true and correct copy of the foregoing **NOTICE OF WITNESSES** was served upon the following

By facsimile transmission to:

Gary Spackman
Idaho Department of Water Resources
Western Region
Fax No. 334-2348

Bruce M. Smith, Esq.
MOORE & McFADDEN, CHTD.
999 Main Street, Ste. 910
Boise ID 83701
Fax No. 331-1202

By US Mail, postage prepaid to:

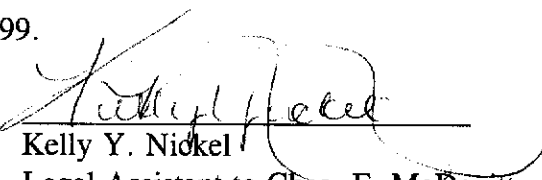
Gary Spackman
Hearing Officer
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705-5082

Bruce M. Smith, Esq.
MOORE & McFADDEN, CHTD.
999 Main Street, Ste. 910
Boise ID 83701

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 12TH day of April, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

MICROFILMED

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN *†
MICHAEL C. MOORE †
BRUCE M. SMITH
PAUL A. TURCKE

*Also Admitted in Oregon
† Also Admitted in Washington

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APR 14 1999

WATER RESOURCES
WESTERN REGION

MONA DOBARAN MACK
Of Counsel

April 12, 1999

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701

Re: Kasper - Omundson

Dear Mr. McDevitt:

Pursuant to our agreement to identify witnesses for the Kasper transfer hearing, the following witnesses may be called to testify:

- Tom Kasper
- Sherl Chapman
- Frank Engel
- Ken and Terry Omundson
- Curt Hensley

I may also call one additional witness to testify as to the use and value of water in the agricultural industry. I have not been able to contact the witness yet but I will let you know as soon as possible

Sincerely,



Bruce M. Smith

BMS:jtb

cc: Client
Gary Spackman ✓
Curt Hensley

MICROFILMED

OCT 14 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
MOORE & MCFADDEN CHARTERED
999 MAIN ST STE 910
BOISE ID 83702

Re: Hearing for Tom Kasper Application for Transfer and Hearing for Jacqueline
Charters Application for Water Right

Dear Bruce:

After discussing possible hearing dates for the Tom Kasper application for transfer, we scheduled the hearing for April 27 and 28, 1999. At the time of scheduling the hearing, we discussed the overlapping and conflicting hearing scheduled for application for new water right no. 65-13655 filed by Jacqueline Charters. The Jacqueline Charters hearing was scheduled before the Tom Kasper hearing was scheduled. As you recall, we have encountered difficulty in settling the Charters dispute. At the time of scheduling the Tom Kasper hearing, you represented to me that the Charters matter would be settled and would not conflict with the Kasper hearing. I have heard nothing else regarding the Charters dispute.

I need to adequately notify parties if I must vacate one of the hearings. Because the Charters matter was scheduled first, and is an older filing, I intend to conduct the Charters hearing. If I have not received documents showing that the Charters matter has settled by April 21, 1999, I will vacate the Kasper hearing and will reschedule the Kasper hearing at a later date.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: Jacqueline Charters
Dan Hardy, Attorney at Law
Parties in Kasper Matter

MICROFILMED

001 14 1999

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN *†
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

*Also Admitted in Oregon
‡ Also Admitted in Washington

MONA DOBARAN MACK
Of Counsel

RECEIVED

APR 07 1999

WATER RESOURCES
WESTERN REGION

April 6, 1999

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

Re: Application for Transfer of Water Rights for Tom Kasper
Nos. 63-02712, 63-02955, and 63-07814

Dear Mr. Spackman:

Enclosed for filing in the above-referenced matter are the following *original* documents:

- NOTICE OF DEPOSITION OF CURT HENSLEY;
- NOTICE OF DEPOSITION OF KYLE WINNICKI; and
- NOTICE OF CHANGE OF ADDRESS.

If you should have any questions, please do not hesitate to contact our office. Thank you for your assistance.

Sincerely,



Julie T. Backe
Legal Assistant to Bruce M. Smith

Enclosures

client/1609

MICROFILMED

OCT 14 1999

Bruce M. Smith
MOORE & McFADDEN, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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APR 07 1999
WATER RESOURCES
WESTERN REGION

Attorneys for Applicant Tom Kasper

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

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER OF WATER RIGHT	)	
NOS. 63-02712, 63-02955, 63-03099, AND	)	NOTICE OF DEPOSITION
63-07814 IN THE NAME OF TOM KASPER.	)	OF CURT HENSLEY
(Transfer No. 5358)	)	
_____	)	

YOU WILL PLEASE TAKE NOTICE that the Applicant Tom Kasper, by and through his attorney of record, Bruce M. Smith, will take the testimony upon oral examination of CURT HENSLEY, before a qualified Court Reporter, on the 9th day of April, 1999, at the hour of 1:30 o'clock p.m. at the law offices of Moore and McFadden, 999 Main Street, Suite 910, Boise, Idaho, pursuant to Rule 30(a) of the Idaho Rules of Civil Procedure..

Said deponent is required to bring with him the following documents:

1. Copy of your water right;
2. Well drilling permit;
3. Well log;

MICROFILMED

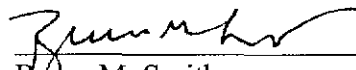
APR 14 1999

4. Repair and maintenance records for your well;
5. Pump tests for your well;
6. Any documents you intend to introduce as evidence, refer to, or otherwise use as part of your objection to the proposed transfer or on which you base your objection to the proposed transfer;
7. Any documents upon which you rely to show that your water right or any other interest would be affected by the proposed transfer.

Oral examination will be taken for testimony to be submitted into evidence at the hearing of this action.

DATED this 2nd day of April, 1999.

MOORE & McFADDEN, CHARTERED



Bruce M. Smith
Attorney for Applicant

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OCT 14 1999

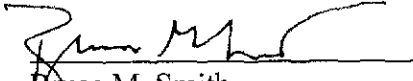
CERTIFICATE OF SERVICE

I hereby certify that on this 2 day of April, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641


Bruce M. Smith

MICROFILMED

Bruce M. Smith
MOORE & McFADDEN, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Applicant Tom Kasper

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APR 07 1999

WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NOS. 63-02712, 63-02955, 63-03099, AND)
63-07814 IN THE NAME OF TOM KASPER.)
(Transfer No. 5358))
_____)

**NOTICE OF DEPOSITION
OF KYLE WINNICKI**

YOU WILL PLEASE TAKE NOTICE that the Applicant Tom Kasper, by and through his attorney of record, Bruce M. Smith, will take the testimony upon oral examination of KYLE WINNICKI, before a qualified Court Reporter, on the 9th day of April, 1999, at the hour of 3:00 o'clock p.m. at the law offices of Moore and McFadden, 999 Main Street, Suite 910, Boise, Idaho, pursuant to Rule 30(a) of the Idaho Rules of Civil Procedure.

Said deponent is required to bring with him the following documents:

1. Copy of your water right;
2. Well drilling permit;
3. Well log;

MICROFILMED

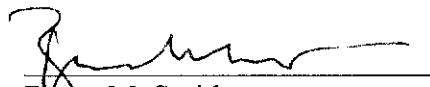
OCT 14 1999

4. Repair and maintenance records for your well;
5. Pump tests for your well;
6. Any documents you intend to introduce as evidence, refer to, or otherwise use as part of your objection to the proposed transfer or on which you base your objection to the proposed transfer;
7. Any documents upon which you rely to show that your water right or any other interest would be affected by the proposed transfer.

Oral examination will be taken for testimony to be submitted into evidence at the hearing of this action.

DATED this 2nd day of April, 1999.

MOORE & McFADDEN, CHARTERED



Bruce M. Smith
Attorney for Applicant

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APR 14 1999

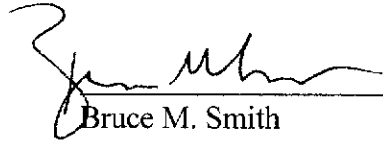
CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641



Bruce M. Smith

MICROFILMED

APR 14 1999

Bruce M. Smith
MOORE & McFADDEN, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Applicant Tom Kasper

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APR 07 1999

WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER OF WATER RIGHT	)	
NOS. 63-02712, 63-02955, 63-03099, AND	)	NOTICE OF CHANGE OF
63-07814 IN THE NAME OF TOM KASPER.	)	ADDRESS
(Transfer No. 5358)	)	
_____	)	

Notice is hereby given that the address for Applicant Tom Kasper's attorney of record
Bruce M. Smith has been changed to the following:

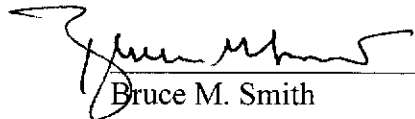
Bruce M. Smith
MOORE & McFADDEN, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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OCT 14 1999

DATED this 5th day of April, 1999.

MOORE & McFADDEN, CHARTERED



Bruce M. Smith
Attorney for Applicant

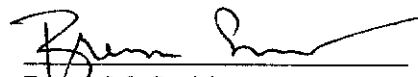
CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of April, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641



Bruce M. Smith

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OCT 10 1999

McDevitt & Miller LLP

Lawyers

537 W. Bannock, Suite 215

P.O. Box 2564-83701

Boise, Idaho 83702

(208) 343-7500
(208) 336-6912 (Fax)

Chas. F. McDevitt
Dean J. (Joe) Miller

April 6, 1999

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APR 08 1999

WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman
State of Idaho, Dept. of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5082

Re: Application for Transfer of Water Rights – Tom Kasper
Transfer No. 5358

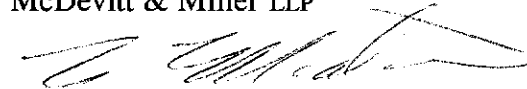
Dear Mr. Spackman:

Enclosed for filing in the above matter, please find the **REQUEST FOR PRODUCTION**.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

McDevitt & Miller LLP



Chas. F. McDevitt

CFM/kyn

Enclosure

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APR 08 1999
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please provide the records from the Idaho Power Company for the years 1993, 1994, 1995, 1996, 1997 and 1998, for Well No. 1 as specified in the foregoing Application for Transfer. (That is the well located on the property of Mr. Ken Omundson.)

ORIGINAL OCT 14 1994

REQUEST FOR PRODUCTION NO. 2: If those prior records are not available immediately to you, please provide a release to the Idaho Power Company giving access to those records.

REQUEST FOR PRODUCTION NO. 3: Any data on "pump curve" for Well No. 1 for the same years as specified in Request for Production No. 1 hereinabove.

REQUEST FOR PRODUCTION NO. 4: All Idaho Power records showing power consumption on irrigation Well No. 2 as specified in the captioned application for the years specified in Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 5: If these records are not available to you immediately, release authorizing the Idaho Power Company to immediately release to us the power records for the years requested in Request for Production No. 1.

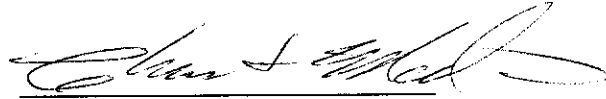
REQUEST FOR PRODUCTION NO. 6: A complete copy of all actual pump test data recorded by Karen Pump Company conducted on Well No. 1 as specified in the captioned application for transfer and as summarized in Attachment A, of the application for transfer.

REQUEST FOR PRODUCTION NO. 7: A summary of the crops raised for each year commencing in 1994 through 1998 on the parcels irrigated by Wells Nos. 1 and 2, as specified in the transfer application.

REQUEST FOR PRODUCTION NO. 8: Any reports or data collected or issued by Sheryl Chapman concerning Well No. 1 and or wells of Ken Omundson, and/or Curt Hensley and/or Kyle Winnicki.

DATED this 6th day of April, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Protestant
Ken Omundson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of April, 1999, a true and correct copy of the foregoing **REQUEST FOR PRODUCTION** was served upon the following:

By Facsimile Transmission

Bruce M. Smith, Esq.
MOORE & McFADDEN, CHTD.
999 Main Street, Ste. 910
Boise ID 83701
Fax: 331-1202

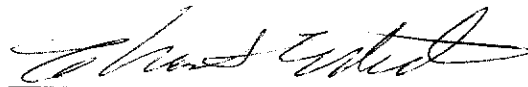
By US Mail, Postage Prepaid

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 6th day of April, 1999.



Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

MICROFILMED

OCT 14 1999

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN **
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

*Also Admitted in Oregon
‡ Also Admitted in Washington

MONA DOBARAN MACK
Of Counsel

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APR 12 1999

WATER RESOURCES
WESTERN REGION

April 9, 1999

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

Re: Application for Transfer of Water Rights for Tom Kasper
Nos. 63-02712, 63-02955, and 63-07814

Dear Mr. Spackman:

Enclosed for filing in the above-referenced matter are the following *original* documents:

- AMENDED NOTICE OF DEPOSITION OF CURT HENSLEY; and
- NOTICE OF DEPOSITION OF KEN OMUNDSON.

If you should have any questions, please do not hesitate to contact our office. Thank you for your assistance.

Sincerely,



Julie T. Backe
Legal Assistant to Bruce M. Smith

Enclosures

client/1609

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APR 14 1999

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APR 12 1999

WATER RESOURCES
WESTERN REGION

Bruce M. Smith
MOORE & McFADDEN, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Applicant Tom Kasper

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

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER OF WATER RIGHT	)	
NOS. 63-02712, 63-02955, 63-03099, AND	)	
63-07814 IN THE NAME OF TOM KASPER.	)	AMENDED NOTICE OF
(Transfer No. 5358)	)	DEPOSITION OF
	)	CURT HENSLEY

YOU WILL PLEASE TAKE NOTICE that the Applicant Tom Kasper, by and through his attorney of record, Bruce M. Smith, will take the testimony upon oral examination of CURT HENSLEY, before a qualified Court Reporter, on the 14th day of April, 1999, at the hour of 4:30 o'clock p.m. at the law offices of Moore and McFadden, 999 Main Street, Suite 910, Boise, Idaho, pursuant to Rule 30(a) of the Idaho Rules of Civil Procedure..

Said deponent is required to bring with him the following documents:

1. Copy of your water right;
2. Well drilling permit;
3. Well log;

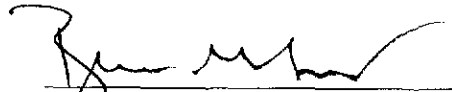
MICROFILMED
OCT 14 1999

4. Repair and maintenance records for your well;
5. Pump tests for your well;
6. Any documents you intend to introduce as evidence, refer to, or otherwise use as part of your objection to the proposed transfer or on which you base your objection to the proposed transfer;
7. Any documents upon which you rely to show that your water right or any other interest would be affected by the proposed transfer.

Oral examination will be taken for testimony to be submitted into evidence at the hearing of this action.

DATED this 9th day of April, 1999.

MOORE & McFADDEN, CHARTERED



Bruce M. Smith
Attorney for Applicant

1999

OCT 14 1999

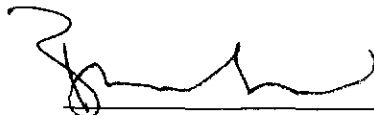
CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of April, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641



Bruce M. Smith

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OCT 14 1999

RECEIVED

APR 12 1999

WATER RESOURCES
WESTERN REGION

Bruce M. Smith
MOORE & McFADDEN, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Applicant Tom Kasper

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NOS. 63-02712, 63-02955, 63-03099, AND)
63-07814 IN THE NAME OF TOM KASPER.)
(Transfer No. 5358))
_____)

**NOTICE OF DEPOSITION
OF KEN OMUNDSON**

YOU WILL PLEASE TAKE NOTICE that the Applicant Tom Kasper, by and through his attorney of record, Bruce M. Smith, will take the testimony upon oral examination of KEN OMUNDSON, before a qualified Court Reporter, on the 15th day of April, 1999, at the hour of 9:30 o'clock a.m. at the law offices of Moore and McFadden, 999 Main Street, Suite 910, Boise, Idaho, pursuant to Rule 30(a) of the Idaho Rules of Civil Procedure.

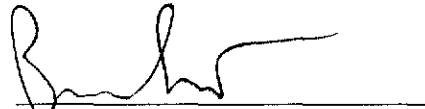
Oral examination will be taken for testimony to be submitted into evidence at the hearing of this action.

MICROFILMED

OCT 14 1999

DATED this 9 day of April, 1999.

MOORE & McFADDEN, CHARTERED


Bruce M. Smith
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641


Bruce M. Smith

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OCT 14 1999

ROSHOLT, ROBERTSON & TUCKER

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADRIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Chartered
ATTORNEYS AT LAW

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034
E-mail bms@micron.net

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

FACSIMILE COVER SHEET

DATE: 1/26/99 Recipient's Fax: 334-2348 / 336-6912
RE: Kasper Transfer Client: _____
TO: Gary Spackman/Chuck McDevitt
FROM: Bruce M. Smith

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 1

- ☒ Original will not be sent.
☐ Original will be sent by first class mail.
☐ Original will be sent by Federal Express.

ADDITIONAL COMMENTS:

We all are available next Thursday (Feb 4th) for a call to discuss a procedure for handling this transfer. I will call each of you at 11:00 and we can decide the best way to go about this. Let me know if you will not be at your office number. Thanks. BMS

CONFIDENTIALITY NOTICE - THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL (208) 336-0700, AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

cc: Tom Kasper
file # 495-2703

MICROFILMED

JAN 27 1999

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

NAME _____

ADDRESS

Tom : JOANN KASPER
3349 HILL RD MELBA, ID 83641

Bruce Smith 999 Main St. Boise, Id 83702
Suite 910

CURT HENSLEY 8971 FERRY RD. MELBA, IDAHO 83641

C McDuffie 537 W Bonnock Boise Id 83702
Suite 215

MICROFILMED

00114 1993

McDEVITT & MILLER LLP

Lawyers

(208) 343-7500 (voice)

(208) 336-6912 (fax)

FACSIMILE COVER SHEET

Date: April 12, 1999

Number of Pages: 4

From: Chas. F. McDevitt

Please Deliver Immediately to the Person(s) Listed Below:

Name: Gary Spackman
Idaho Department of Water Resources
Western Region
Fax #: 334-2348

COMMENT:

Application of Tom Kasper – Transfer No. 5358

Notice of Witnesses

* * * *

The material attached hereto may be privileged or confidential. If you have received this transmission in error or are not the intended recipient, please call (208) 343-7500 immediately.

MICROFILMED
001 1 4 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

Attorneys for Protestants
Ken Omundson and Terri Omundson

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

IN MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT) **NOTICE OF WITNESSES**
NOS. 63-02712, 63-02955, 63-03099)
AND 63-07814 IN THE NAME OF)
TOM KASPER, (TRANSFER NO. 5358))
_____)

Pursuant to the order of the hearing officer in this matter, you are informed that the following individuals are witnesses whom the Protestants Ken and Terri Omundson, intend to call as witnesses at the hearing of this matter scheduled for April 27th and 28th, 1999:

1. Mr. Ken Omundson
2. Mr. Ed Squires
3. Mr. Garrett Brown
4. Mr. Curt Hensley
5. Mr. Tom Kasper
6. If records are not provided by Mr. Kasper pursuant to the request for production of documents served by the Protestant upon Mr. Kasper's counsel, Protestant would call the record custodian of Idaho Power Company.

MICROFILMED

7. The individual employee of Caron Pump Company, who reputedly ran pump tests on that well described as Well No. 1 in Applicant's application.
8. Such rebuttal witnesses as may be required.
9. As of the preparation of this document, the witnesses to be called by Applicant are not known to this Protestant.

DATED this 12th day of April, 1999.

MCDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Protestants

MICROFILMED

OCT 14 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of April, 1999, a true and correct copy of the foregoing **NOTICE OF WITNESSES** was served upon the following

By facsimile transmission to:

Gary Spackman
Idaho Department of Water Resources
Western Region
Fax No. 334-2348

Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139
Fax No. 331-1202

By US Mail, postage prepaid to:

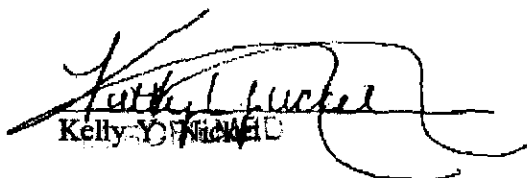
Gary Spackman
Hearing Officer
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705-5082

Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 12TH day of April, 1999.


Kelly Y. Miller

NOTICE OF WITNESSES - 3

114 1999

MCDEVITT & MILLER LLP
Lawyers

(208) 343-7500 (voice)
(208) 336-6912 (fax)

FACSIMILE COVER SHEET

Date: April 12, 1999

Number of Pages: 4

From: Chas. F. McDevitt

Please Deliver Immediately to the Person(s) Listed Below:

Name: Gary Spackman
Idaho Department of Water Resources
Western Region
Fax #: 334-2348

COMMENT:

Application of Tom Kasper - Transfer No. 5358

Notice of Witnesses

* * * *

The material attached hereto may be privileged or confidential. If you have received this transmission in error or are not the intended recipient, please call (208) 343-7500 immediately.

Please replace with pg 3 previously
faxed. MICHAEL MEE
Thanks!
APR 14 1999

CERTIFICATE OF SERVICE

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By facsimile transmission to:

Gary Spackman
Idaho Department of Water Resources
Western Region
Fax No. 334-2348

Bruce M. Smith, Esq.
MOORE & McFADDEN, CHTD.
999 Main Street, Ste. 910
Boise ID 83701
Fax No. 331-1202

By US Mail, postage prepaid to:

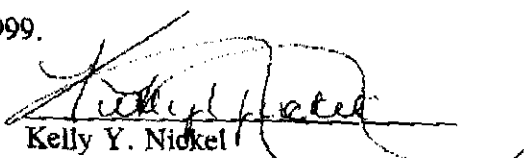
Gary Spackman
Hearing Officer
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705-5082

Bruce M. Smith, Esq.
MOORE & McFADDEN, CHTD.
999 Main Street, Ste. 910
Boise ID 83701

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 12TH day of April, 1999.


Kelly Y. Nickel
MICROFILM Legal Assistant to Chas. F. McDevitt

NOTICE OF WITNESSES - 3

APR 14 1999

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT) **PREHEARING ORDER**
NOS. 63-02712, 63-02955, 63-03099, AND)
63-07814 IN THE NAME OF TOM)
KASPER. (TRANSFER NO. 5358))**

A prehearing conference was conducted on March 2, 1999. After discussing the issues for hearing, the parties agreed as follows:

ORDER

IT IS HEREBY ORDERED that the witness list should be exchanged by the parties with a copy sent to the hearing officer on or before April 12, 1999.

IT IS FURTHER ORDERED that exhibits for the hearing shall be exchanged on or before April 19, 1999.

Dated this 6th day of March, 1999.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on this 8th day of March, 1999, I mailed a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, addressed to the following:

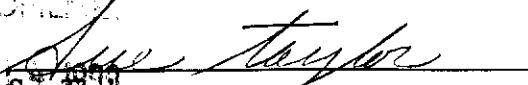
Bruce M. Smith
Rosholt, Robertson & Tucker
PO Box 2139
Boise, ID 83701-2139

Ken Omundson
C/O Chas F. McDevitt
McDevitt & Miller LLP
PO Box 2564
Boise ID 83701

Kyle Winnicki
8999 Ferry Rd
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

MACROFILM



Sue Taylor
Senior Secretary

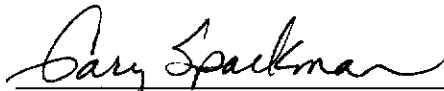
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NOS. 63-02712, 63-02955, AND 63-07814)
IN THE NAME OF TOM KASPER)
(TRANSFER NO. 5358) _____)**

ORDER AUTHORIZING DISCOVERY

The applicant, Tom Kasper, by his attorney, Bruce M. Smith, and the protestants, Ken Omundson, Kyle Winnicki and Curt &/or Jerry Hensley, by their attorney, Charles F. McDevitt, filed a Motion Authorizing Discovery with the Idaho Department of Water Resources (IDWR). IT IS ORDERED THAT the parties may undertake discovery pursuant to the Idaho Rules of Civil Procedure.

Dated this 17th day of February, 1999.



Gary Spackman
Idaho Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on this 17th day of February, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, addressed to the following:

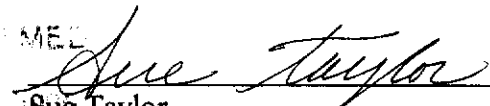
Bruce M. Smith
Rosholt, Robertson & Tucker
PO Box 2139
Boise, ID 83701-2139

Kyle Winnicki
8999 Ferry Rd
Melba, ID 83641

Ken Omundson
C/O Chas F. McDevitt
McDevitt & Miller LLP
PO Box 2564
Boise ID 83701

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

MICROFILMED



Sue Taylor
Senior Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NOS. 63-02712, 63-02955, 63-03099 AND)
63-07814 IN THE NAME OF TOM)
KASPER.)
_____)

NOTICE OF PREHEARING
CONFERENCE AND
NOTICE OF HEARING

On September 8, 1998, Tom Kasper filed with the Idaho Department of Water Resources (IDWR) application for transfer of water right nos.63-02712, 63-02955, 63-03099 and 63-07814. The application was protested by Ken Omundson, Kyle Winnicki, and Curt &/or Jerry Hensley.

PREHEARING CONFERENCE

IDWR has scheduled a **prehearing conference** for Tuesday, **March 2, 1999**, at 10:00 a.m. in conference room C, Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706.

HEARING

IDWR has also scheduled a **hearing** to be held on Tuesday and Wednesday, **April 27 and 28, 1999**, at 9:00 a.m. at the Department of Water Resources, conference rooms A & B, 1301 N. Orchard, Boise, ID 83706.

The prehearing conference and hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The prehearing conference and hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

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OCT 14 1999

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 17th day of February, 1999.


GARY SPACKMAN

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of February 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

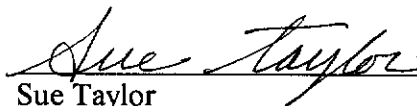
CERTIFIED MAIL

Bruce M. Smith
Rosholt, Robertson & Tucker
PO Box 2139
Boise, ID 83701-2139

Kyle Winnicki
8999 Ferry Rd
Melba, ID 83641

Ken Omundson
C/O Chas F. McDevitt
McDevitt & Miller LLP
PO Box 2564
Boise ID 83701

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641


Sue Taylor
Senior Secretary

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed appropriation injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate

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OCT 14 1989

and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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OCT 14 1995

McDevitt & Miller LLP
Lawyers

537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, Idaho 83702

(208) 343-7500
(208) 336-6912 (Fax)

Chas. F. McDevitt
Dean J. (Joe) Miller

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JAN 22 1999

WATER RESOURCES
WESTERN REGION

January 21, 1999

Mr. Gary Spackman
State of Idaho, Dept. of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5082

Re: Application for Transfer of Water Rights - Tom Kasper
Transfer No. 5358

Dear Mr. Spackman:

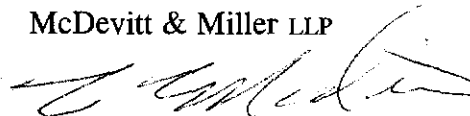
Enclosed for filing in the above matter, please find the following documents:

1. Objection to Order Compelling Discovery;
2. Motion for Expedited Hearing;
3. Motion for Order Compelling Discovery; and
4. Order Compelling Discovery;

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

McDevitt & Miller LLP



Chas. F. McDevitt

CFM/kyn

Enclosures

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2001-1-24

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

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JAN 22 1999

WATER RESOURCES
WESTERN REGION

Attorneys for Protestant - Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	Transfer No. 5358
Nos. 63-02955, and 63-07814	)	
TOM KASPER, Applicant	)	
	)	
	)	

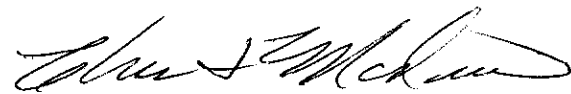
OBJECTION TO ORDER COMPELLING DISCOVERY

COMES NOW, Ken Omundson, by and through his attorney of record, Chas. F. McDevitt, of the firm of McDevitt & Miller LLP and objects to the Order being sought by Tom Kasper for the compelling of discovery.

Chas. F. McDevitt, the attorney for Mr. Omundson, will be out of the United States on the dates of the February 15 through February 28, 1999, but would be available to hear such motion on March 1, 2, 3, 4 or 5, 1999.

Respectfully submitted this 21st day of January, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Respondent

MICROFILMED
JAN 14 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of January, 1999, a true and correct copy of the foregoing **OBJECTION TO ORDER COMPELLING DISCOVERY** was served upon the following, by US Mail, postage prepaid:

Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5-82

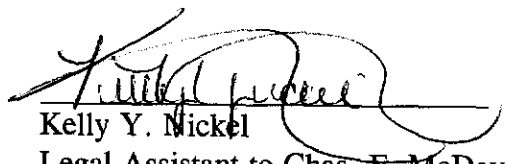
Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

And by facsimile transmission to:

Gary Spackman
Idaho Department of Water Resources
Western Region
Fax No. 334-2348

DATED this 21st day of January, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

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JAN 14 1999

OBJECTION TO ORDER COMPELLING DISCOVERY - 2

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

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JAN 22 1999

WATER RESOURCES
WESTERN REGION

Attorneys for Protestant - Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	Transfer No. 5358
Nos. 63-02955, and 63-07814	)	
TOM KASPER, Applicant	)	
	)	
	)	

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Respectfully submitted this 21st day of January, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Respondent

COPY

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JAN 19 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of January, 1999, a true and correct copy of the foregoing **OBJECTION TO ORDER COMPELLING DISCOVERY** was served upon the following, by US Mail, postage prepaid:

Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5-82

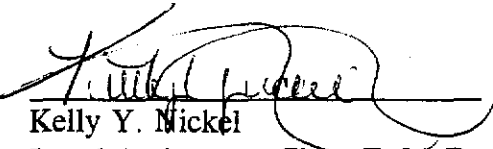
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Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

And by facsimile transmission to:

Gary Spackman
Idaho Department of Water Resources
Western Region
Fax No. 334-2348

DATED this 21st day of January, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

C:\DATA\MCDEVITT\omundson-ojb.doc

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OCT 14 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

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JAN 22 1999
WATER RESOURCES
WESTERN REGION

Attorneys for Protestant – Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	
Nos. 63-02955, and 63-07814	)	Transfer No. 5358
TOM KASPER, Applicant	)	
_____	)	

MOTION FOR EXPEDITED HEARING

COMES NOW Respondent Ken Omundson and moves the Department to set an expedited hearing in the above-entitled matter. The reason for the expedited hearing is that it may be heard concurrently with the motion of Mr. Kasper.

Respectfully submitted this 21st day of January, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Respondent

MICROFILMED
JAN 14 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of January, 1999, a true and correct copy of the foregoing **MOTION FOR EXPEDITED HEARING** was served upon the following, by US Mail, postage prepaid:

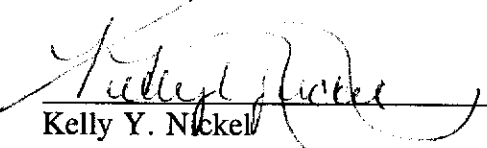
Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5-82

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 21st day of January, 1999.



Kelly Y. Nickel

Legal Assistant to Chas. E. McDevitt

C:\DATA\MCDEVITT\omundson-MTN-HRG.doc

MICROFILMED

OCT 14 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

RECEIVED

JAN 22 1999

WATER RESOURCES
WESTERN REGION

Attorneys for Protestant - Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

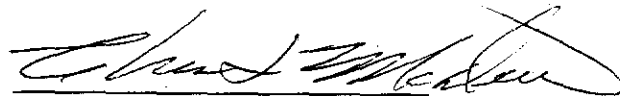
In Re Application for Transfer of Water Rights	)	
Nos. 63-02955, and 63-07814	)	Transfer No. 5358
TOM KASPER, Applicant	)	
_____	)	

MOTION FOR EXPEDITED HEARING

COMES NOW Respondent Ken Omundson and moves the Department to set an expedited hearing in the above-entitled matter. The reason for the expedited hearing is that it may be heard concurrently with the motion of Mr. Kasper.

Respectfully submitted this 21st day of January, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Respondent

COPY

MICROFILMED

SEP 14 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of January, 1999, a true and correct copy of the foregoing **MOTION FOR EXPEDITED HEARING** was served upon the following, by US Mail, postage prepaid:

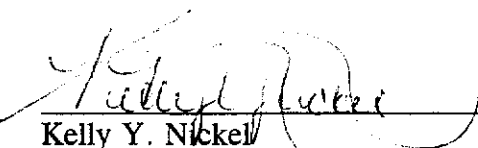
Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5-82

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 21st day of January, 1999.



Kelly Y. Nickel

Legal Assistant to Chas. F. McDevitt

C:\DATA\MCDEVITT\omundson-MTN-HRG.doc

MICROFILMED

JAN 14 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

RECEIVED
JAN 22 1999
WATER RESOURCES
WESTERN REGION

Attorneys for Protestant – Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

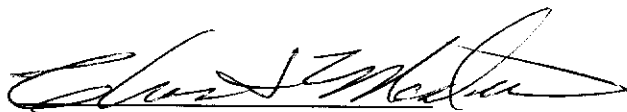
In Re Application for Transfer of Water Rights	)	
Nos. 63-02955, and 63-07814	)	Transfer No. 5358
TOM KASPER, Applicant	)	
_____	)	

MOTION FOR ORDER COMPELLING DISCOVERY

COMES NOW Ken Omundson, by and through his attorney of record, Chas. F. McDevitt, of the law firm of McDevitt & Miller LLP, pursuant to IDWR Rules 260 and 520, and moves the Department of Water Resources for an order compelling discovery. The specific forms of discovery sought include depositions and issuance of subpoenas. Respondent requests that the requested discovery be consistent with the Idaho Rules of Civil Procedure.

Respectfully submitted this 21st day of January, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt

Attorney for Respondent

JAN 14 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of January, 1999, a true and correct copy of the foregoing **MOTION FOR ORDER COMPELLING DISCOVERY** was served upon the following, by US Mail, postage prepaid:

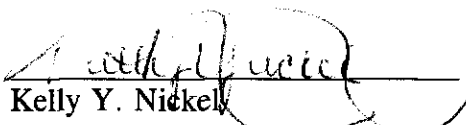
Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5-82

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 21st day of January, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

C:\DATA\MCDEVITT\omundson-mtn-disc.doc

MICROFILMED

OCT 14 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

RECEIVED

JAN 22 1999

WATER RESOURCES
WESTERN REGION

Attorneys for Protestant - Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	
Nos. 63-02955, and 63-07814	)	Transfer No. 5358
TOM KASPER, Applicant	)	
_____	)	

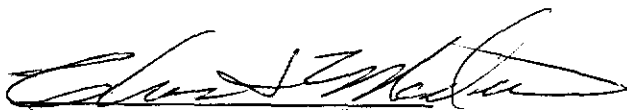
MOTION FOR ORDER COMPELLING DISCOVERY

COMES NOW Ken Omundson, by and through his attorney of record, Chas. F. McDevitt, of the law firm of McDevitt & Miller LLP, pursuant to IDWR Rules 260 and 520, and moves the Department of Water Resources for an order compelling discovery. The specific forms of discovery sought include depositions and issuance of subpoenas. Respondent requests that the requested discovery be consistent with the Idaho Rules of Civil Procedure.

Respectfully submitted this 21st day of January, 1999.

McDEVITT & MILLER LLP

COPY


Chas. F. McDevitt
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of January, 1999, a true and correct copy of the foregoing **MOTION FOR ORDER COMPELLING DISCOVERY** was served upon the following, by US Mail, postage prepaid:

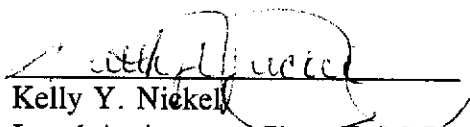
Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5-82

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 21st day of January, 1999.


Kelly Y. Nickell
Legal Assistant to Chas. F. McDevitt

C:\DATA\MCDDEVITT\omundson-mn-disc.doc

MICROFILMED

OCT 14 1999

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

RECEIVED
JAN 22 1999
WATER RESOURCES
WESTERN REGION

Attorneys for Protestant – Ken Omundson

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	
Nos. 63-02955, and 63-07814	)	Transfer No. 5358
TOM KASPER, Applicant	)	
	)	
_____	)	

ORDER COMPELLING DISCOVERY

The Department of Water Resources, having considered the Motion for Order Compelling Discovery filed by Respondent Ken Omundson, finds that the discovery requested by Mr. Omundson is appropriate in this matter and THEREFORE IT IS ORDERED THAT Respondent Ken Omundson may undertake discovery as requested.

Dated this ____ day of _____, 1999.

Gary Spackman
Idaho Department of Water Resources

MICROFILMED

OCT 14 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 1999, a true and correct copy of the foregoing **ORDER COMPELLING DISCOVERY** was served upon the following, by US Mail, postage prepaid:

Chas. F. McDevitt
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702

Bruce M. Smith, Esq.
ROSHOLT ROBERTSON & TUCKER
PO Box 2139
Boise ID 83701-2139

Kyle Winnicki
8999 Ferry Road
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Road
Melba, ID 83641

DATED this 21st day of January, 1999.

C:\DATA\McDEVITT\omundson-ord-disc.doc

Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
1221 W. Idaho, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Applicant Tom Kasper

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	Transfer No. 5358
Nos. 63-02712, 63-02955, and 63-07814	)	
TOM KASPER, Applicant	)	ORDER COMPELLING
	)	DISCOVERY
	)	

The Department of Water Resources, having considered the Motion for Order Compelling Discovery filed by Applicant Tom Kasper, finds that the discovery requested by Mr. Kasper is appropriate in this matter and THEREFORE IT IS HEREBY ORDERED THAT Applicant Tom Kasper may undertake discovery as requested.

Dated this _____ day of _____, 1999.

Gary Spackman
Idaho Department of Water Resources

MICROFILMED
OCT 19 1999

I hereby certify that on this ____ day of January, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 2139
Boise, ID 83701-2139
Attorney for Applicant Tom Kasper

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

MICROFILMED
OCT 14 1999

Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
1221 W. Idaho, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

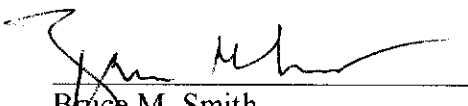
Attorneys for Applicant Tom Kasper

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	Transfer No. 5358
Nos. 63-02712, 63-02955, and 63-07814	)	
TOM KASPER, Applicant	)	MOTION FOR EXPEDITED
	)	HEARING
	)	

COMES NOW Applicant Tom Kasper and moves the Department to set an expedited hearing in the above-entitled matter. The reason for the expedited hearing is that the intended use of the water is for disease control in his dairy herd. Delay in the processing of the transfer imposes irreparable harm on Mr. Kasper since he will not be able to effectively control disease without the ability to exercise his water rights pursuant to the transfer.

Respectfully submitted this 8th day of January, 1999.



Bruce M. Smith
Rosholt, Robertson & Tucker
Attorney for Applicant

MICROFILMED

JAN 14 1999

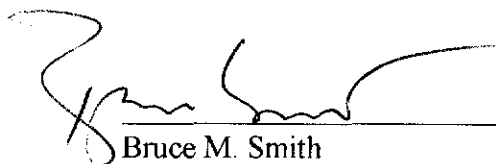
CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of January, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641



Bruce M. Smith

MICROFILMED

01/14/1999

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Boise Office
1221 W. IDAHO, SUITE 600
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

January 18, 1999

RECEIVED

JAN 20 1999

**WATER RESOURCES
WESTERN REGION**

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5-82

Re: Application for Transfer of Water Rights for Tom Kasper
Nos. 63-02712, 63-02955, and 63-07814

Dear Gary:

Enclosed is a motion for an order compelling discovery and order in this matter. I would like to begin discovery immediately, so I would appreciate your consideration of this as soon as possible.

Also, I am enclosing a motion for expedited hearing on this matter. Because of Mr. Kasper's intended use of the water for disease control in his dairy herd, delay in processing of this application causes significant damages to him. Therefore, we would like to have a hearing as soon as possible. I would suggest a hearing February 15, 16, 18, or 19. Thanks.

Sincerely,



Bruce M. Smith

BMS:jtb

cc: Tom Kasper
Protestants

MICROFILMED

OCT 14 1999

Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
1221 W. Idaho, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED
JAN 20 1999
WATER RESOURCES
WESTERN REGION

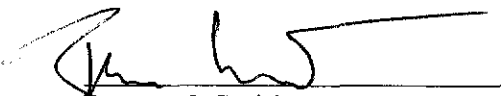
Attorneys for Applicant Tom Kasper

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In Re Application for Transfer of Water Rights	)	Transfer No. 5358
Nos. 63-02712, 63-02955, and 63-07814	)	
TOM KASPER, Applicant	)	MOTION FOR ORDER
	)	COMPELLING DISCOVERY
_____	)	

COMES NOW Tom Kasper, by and through his attorney of record Bruce M. Smith, pursuant to IDWR Rules 260 and 520, and moves the Department of Water Resources for an order compelling discovery. The specific forms of discovery sought includes depositions and issuance of subpoenas. Applicant requests that the requested discovery be consistent with the Idaho Rules of Civil Procedure.

Respectfully submitted this 13th day of January, 1999.


Bruce M. Smith
Rosholt, Robertson & Tucker
Attorney for Applicant **MICROFILMED**

OCT 14 1999

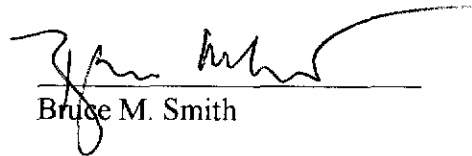
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Kyle Winnicki
8999 Ferry Rd.
Melba, ID 83641

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641



Bruce M. Smith

MICROFILMED

OCT 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 6, 1999

~~PAUL L. BARR~~
DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER
DIRECTOR

TOM KASPER
3349 HILL RD
MELBA ID 83641

Re: Application for Transfer of Water Right Nos. 63-02712, 63-02955, and 63-07814

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for transfer. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

Enclosure

MICROFILMED

807 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

January 6, 1999

FAX (208) 334-2348

KEN OMUNDSON
C/O CHAS F MCDEVITT
MCDEVITT & MILLER LLP
PO BOX 2564
BOISE ID 83701

~~PERMITS & EAB/WR~~
DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER
DIRECTOR

KYLE WINNICKI
8999 FERRY RD
MELBA ID 83641

CURT &/OR JERRY HENSLEY
8971 FERRY RD
MELBA ID 83641

Re: Application for Transfer of Water Right Nos. 63-02712, 63-02955, and 63-07814

Dear Protestants:

This office acknowledges receipt of your protest opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

MICROFILMED

OCT 14 1999

Receipt #
C 044230

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

DEC 31 1998

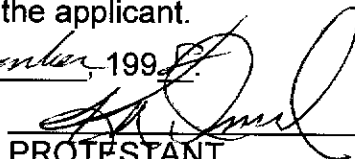
Department of Water Resources

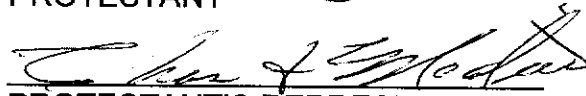
This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224.

1. Matter being protested: Kasper application for transfer of water right 63-02955.
2. Name of protestant: Ken Omundson
3. Protestant's representative for service (if different than protestant):
Chas. F. McDevitt, McDevitt & Miller LLP
4. Service mailing address: PO Box 2564, Boise ID 83701.
5. Service telephone no. 208-343-7500
6. Basis of protest (including statement of facts and law upon which the protest is based:
 - (1) Applicant Kasper does not have well with two 50 hp submersible pumps – right to house said pumps being contested by Protestant – this proposed use exceeds Applicant's right of use.
 - (2) Under Idaho Code §42-203A(5)(a) Applicant's year round use of water right which now is only for use 3/15 to 11/15 would reduce quantity of water under existing water rights; 5(e) conflict with local public interest; 5(f) be contrary to conservation of water resources within the state of Idaho.
 - (3) Applicant does not have right to year round use of pipeline to well #1 (63-02955).
7. What would resolve your protest? Denial of Application!

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 30th day of December, 1998.


PROTESTANT


PROTESTANT'S REPRESENTATIVE

RECEIVED

JAN 04 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

11/4/98 K6
W024688
RECEIVED

JAN 04 1999

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224.

1. Matter being protested: Application for transfer of water right 63-02955 by Mr. and Mrs. Kasper.
2. Name of protestant: KYLE WINNICKI
3. Protestant's representative for service (if different than protestant):

4. Service mailing address: 8999 FERRY ROAD MELBA
5. Service telephone no. 495-2310
6. Basis of protest (including statement of facts and law upon which the protest is based:
 - (1) Year round pumping from shallow aquifer without opportunity to recharge will reduce quantity of water under existing water rights (I.C.42-203A(5)(a)). This would conflict with local public interest and be contrary to conservation of water resources (I.C.42-203A(5)(e) & (f)).
7. What would resolve your protest? Not permitting year round pumping.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 31st day of DECEMBER 1998.

Kyle Winnicki
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

OCT 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

1/4/99 Kh
RECEIVED 0024689

JAN 04 1999

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224.

1. Matter being protested: Application for transfer of water right 63-02955 by Mr. and Mrs. Kasper.
2. Name of protestant: CURT & JERRY HENSLEY
3. Protestant's representative for service (if different than protestant):

4. Service mailing address: 8971 FERRY RD. MELBO To.
5. Service telephone no. (208) 495-1214
6. Basis of protest (including statement of facts and law upon which the protest is based:
 - (1) Year round pumping from shallow aquifer without opportunity to recharge will reduce quantity of water under existing water rights (I.C.42-203A(5)(a)). This would conflict with local public interest and be contrary to conservation of water resources (I.C.42-203A(5)(e) & (f)).
7. What would resolve your protest? Not permitting year round pumping.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 31 day of DEC. 1998.

Jerry Hensley
PROTESTANT

Jerry Hensley
PROTESTANT'S REPRESENTATIVE

MICROFILMED

DEC 14 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
 County of Canyon)

Karol Stoltey

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 5356

Notice is given that TOM KASPER of 3349 Hill Rd., Melba ID 83641 has applied to the Department of Water Resources to change the Point of Diversion, Nature, Period and Place of Use pursuant to I.C. §42-222 for irrigation rights recorded as follows in Canyon County:
 All rights are ground water licenses with existing and proposed locations in T1S R2W. Priority dates range from 6-7-1950 to 6-19-1973.

RIGHT#	PRIORITY	AMOUNT (CFS)	DIVERSION POINT	PLACE OF USE
63-02712	1950	1.80	NWSE S14	430 ac. in S15, 16, 26 & 27
63-02955	1953	5.00	NESW S15	405 ac. in s15 & 16
63-03099	1956	3.70	NESW S15	344 ac. in s16
63-07814	1973	.32	SWNW S15	16 ac. in s15

The amount is 10.82 cfs. many of the same acres are covered by multiple rights. Rights 63-02712 & 63-03099 also include undefined domestic use.

PROPOSED CHANGE FOR ALL RIGHTS

All rights will be combined in a permissible place of use to irrigate 451 acres within portions of S15, 16, 26 & 27. Retire 50 acres of irrigation from W1/2 S15 and use that irrigation water all year to serve an existing dairy in NENE S27. Dairy includes 2000 milking and 1000 replacement cows. Dairy waste water will be land applied on irrigated acres. Stockwater use will also occur all year at the dairy plus in portions of S22 (between the well sites and the dairy). All uses will occur from 2 existing wells in SWNW & SENW (corrected from NESW) S15. Total amount of water to be changed from irrigation to year around commercial and stockwater uses for dairy operation will not exceed 1.06 cfs.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before January 4, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
 December 17, 24, 1998

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 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

Twice

— 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:

December 17 and 24, 1998

Karol Stoltey

STATE OF IDAHO)
)
 COUNTY OF CANYON)

On this 24th day of December in the year of 1998, before me, a Notary Public, personally appeared Karol Stoltey, 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.

RECEIVED

DEC 31 1998

WATER RESOURCES
 WESTERN REGION

Janne Lund
 Notary Public for Idaho
 Residing at Nampa

MY COMMISSION EXPIRES
 JUNE 21st, 1997

MEMORANDUM

TO: FILE 63-02955

FROM: PAM SKAGGS

RE: TRANSFER # 5356

DATE: 12-17-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 63-02712.

MICROFILMED
OCT 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 17, 1998

KEN &/OR TERRI OMUNDSON
23 CARRIE REX BOX 204
MELBA ID 83641

Re: Application for Transfer No. 5356 in the Name of the Tom Kasper

Dear Interested Party:

Enclosed is a copy of the above-referenced application for transfer of water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before January 4, 1999. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gary Spackman'.

Gary Spackman

GS:st

Encl.

MICROFILMED

JAN 7 4 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 17, 1998

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Transfer of Permits Nos. 63-02712, 63-02955, 63-7814 and 63-03099 in
the Name of Tom Kasper

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of
interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period
and is required to take final action shortly thereafter, however, if your agency desires to file a
formal protest against the approval of this application(s), your written protest along with the
\$25.00 protest fee must be received in this office by January 4, 1999.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".
Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 14 1998

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. <ADD_NO.> 5356**

Notice is given that TOM KASPER of 3349 Hill Rd., Melba ID 83641 has applied to the Department of Water Resources to change the Point of Diversion, Nature, Period and Place of Use pursuant to I.C. § 42-222 for irrigation rights recorded as follows in Canyon County:

All rights are ground water licenses with existing and proposed locations in T1S R2W. Priority dates range from 6-7-1950 to 6-19-1973.

<u>RIGHT #</u>	<u>PRIORITY</u>	<u>AMOUNT (CFS)</u>	<u>DIVERSION POINT</u>	<u>PLACE OF USE</u>
63-02712	1950	1.80	NWSE S14	430 ac. in S15, 16, 26 & 27
63-02955	1953	5.00	NESW S15	405 ac. in S15 & 16
63-03099	1956	3.70	NESW S15	344 ac. in S16
63-07814	1973	.32	SWNW S15	16 ac. in S15

Total amount is 10.82 cfs. Many of the same acres are covered by multiple rights. Rights 63-02712 & 63-03099 also include undefined domestic use.

PROPOSED CHANGE FOR ALL RIGHTS

All rights will be combined in a permissible place of use to irrigate 451 acres within portions of S15, 16, 26 & 27. Retire 50 acres of irrigation from W 1/2 S15 and use that irrigation water all year to serve an existing dairy in NENE S27. Dairy includes 2000 milking and 1000 replacement cows. Dairy waste water will be land applied on irrigated acres. Stockwater use will also occur all year at the dairy plus in portions of S22 (between the well sites and the dairy). All uses will occur from 2 existing wells in SWNW & SENW (corrected from NESW) S15. Total amount of water to be changed from irrigation to year around commercial and stockwater uses for dairy operation will not exceed 1.06 cfs.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before <DEADLINE DATE>. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the <NEWSPAPER_NAME> on <DATE> and <DATE>.

Not statewide
=

*10.82 cfs total but
only 1.06 cfs being
~~changed~~ changed*

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OCT 14 1993

52



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11/20/98

TO: Sheri Chapman

FROM: Steve Lester

fax 344-2744

DOCUMENT DESCRIPTION: Notes e Kasper Transfer-
maybe best bet is to meet to go over this
i other info I have so can get to
advertising asap. Let me know how you want to
proceed.

TOTAL PAGES SENT: 10 + COVER SHEET

CONTACT: _____

MICROFILMED

OCT 14 1999

• Notes

• diagram

• profile reports → 63-02772
-02955
-07814

63-03099

02-07109

63-02711

• p/u comparison
Report

now in transfer ↑

should add? ↑

what e ↑

this
surface H2O?

CONVERSATION MEMORANDUM

DATE 10/23/98
FILE KASPER Transfer
63-02712
etc.

NAME OF PARTY
EMPLOYEE JK

RE: Processing Prep -

① 10/21/98 office visit w/
LG: request to be
notified c legal notice
(comment letter) -
may file a protest →

T. K. OIL, INC.

Lube Oil & Fuel Delivery
Home Heating Oil
(208) 495-2208 • FAX (208) 495-2174

✓ KEN & TERRI OMUNDSON
23 Carrie Rex, Box 204
Melba, Idaho 83641



② Discuss w/ Sue B. - she made onsite visit
per GPS request. May have located
well site per GPS (?)

MICROFILMED

11/10/98

JK & Chapman

OCT 14 1999

would like to advertise asap. Needs new
connection from existing well drilled under different
approval (permit, he said) to alleviate health problem
is doing hard. Told him I'd try to do for
11/12 but doubtful given other demands & priorities.
Should be able to get in paper by 1st 2 wks.
of December if can't complete by 11/12 the
last 2 wks. of November



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

Bruce Smith
Attorney at Law
1221 West Idaho
Boise, Idaho 83702

Re: Diversion of Water by Tom Kasper

Dear Bruce:

Sheryl Chapman requested this letter by telephone on October 21, 1998, stating that the letter might provide information for a meeting scheduled in your office the morning of October 22, 1998.

I reviewed a complaint written by Ken & Terri Omundson about construction of a pipeline by Tom Kasper. I reviewed the letter I sent to Tom Kasper after a field visit by Susan Bock, an IDWR employee. I've enclosed a copy of the letter for your review. Finally, I reviewed an application for transfer, filed by Tom Kasper, that proposes to change the place of use, nature of use, and period use for water right nos. 63-02712, 63-02955, and 63-07814. I've enclosed profile reports for three water right numbers.

My letter of July 31, 1998 identifies a well located in the SWSENW of Section 15, T1S, R2W that is not described by any water right as a point of diversion. Water right nos. 63-02955 and 63-07814 describe points of diversion in the NESW and the SWNW (respectively) of Section 15. The application for transfer does not seek a change in the point of diversion. I can think of three reason for the descriptions that don't match:

1. The location of the point of diversion was not correct in the complaint letter, and IDWR did not accurately locate the point of diversion in the field at the time of the examination.
2. The licenses issued for water right nos. 63-02955 and 63-07814 do not properly locate one or both of the points of diversion.
3. All of the points of diversion are accurately described by the complaint letter, IDWR's exam, and the water rights. There would have to be three wells for this last alternative.

PROFILMED
OCT 24 1998

Letter to Bruce Smith
October 21, 1998
Page 2

I cannot reconcile this question without consulting with the examiner, the water right files, and perhaps with the parties. Because of the lateness of the request for this letter, I am unable to provide any more information.

A note written by Steve Lester, and attached to the application for transfer states that he told Sheryl Chapman notice of the application for transfer would be published in November, 1998.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is fluid and extends to the right with a long, sweeping tail.

Gary Spackman

MICROFILMED

OCT 14 1999

WR5809NP
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	06/07/1950	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.800 CFS	
TOTAL DIVERSION:					1.800 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S14

NWSE

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
01S	02W	15	:					:			20		:	20	10		05	:						:	55.0
01S	02W	16	:			05	40	20	:	30	30	40	40	:	30	25			:	30	40	20		:	350.0
01S	02W	26	:				10		:					:					:					:	10.0
01S	02W	27	:	15					:					:					:					:	15.0
																							TOTAL ACRES	430.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates:	App. Received:	Priority Date:	06/07/1950
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/28/1979	
Misc:	Water District Number:	Field Exam Fee:	
Audit:	06/03/85	05/01/88 CONVERT	

MICROFILMED
007 1 + 100

AJ5809NP
No. A63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	06/07/1950	IRRIGATION	03-15 11-15	1.80 CFS	
TOTAL DIVERSION:					1.80 CFS	
CONSUMPTIVE USE:						1505.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S14

NWSE

CANYON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
01S	02W 15							20		20	10		05					55.0	
01S	02W 16			05	40	20		30	30	40	40		30	25		30	40	20	350.0
01S	02W 26				10														10.0
01S	02W 27		15																15.0
TOTAL ACRES																		430.0	

POU County: CANYON

Other Rights: 63-2955, 63-7814, 63-3099, 02-7109

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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OCT 14 1999

WR5809NP
No. 63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	08/27/1953	IRRIGATION	00/00 00/00	5.000 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S15

NESW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
01S	02W	15	:									20		20	10			05		:	55.0	
01S	02W	16	:			05	40	20		30	30	40	40		30	25			30	40	20	350.0
																			TOTAL ACRES		405.0	

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03099

Other Water Rights Listing Overlapping Place(s) of use:
02-07109 63-02712 63-03099 63-07814

Dates:	App. Received:	Priority Date:	08/27/1953
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/28/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

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OCT 14 1998

WR5809NP
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/21/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYCK	06/19/1973	IRRIGATION	03/15 11/15	0.320 CFS	72.00 AFA
TOTAL DIVERSION:					0.320 CFS	72.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S15

SWNW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
-----																					-----			
01S 02W 15 :								16																16.0
																					TOTAL ACRES	16.0		

Pou County: CANYON

Other Water Rights Listing Overlapping Place(s) of use:
63-02712 63-02955

Dates:	App. Received:	Priority Date:	06/19/1973
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	09/13/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

MICROFILMED

NOV 1 1998

AJ5809NP
No. A63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/21/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	08/27/1953	IRRIGATION	03-15 11-15	5.00 CFS	
TOTAL DIVERSION:					5.00 CFS	
CONSUMPTIVE USE:						1417.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW

CANYON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	02W	15	:								20			20	10		05		55.0
01S	02W	16	:		05	40	20	:	30	30	40	40	:	30	25		30	40	350.0
TOTAL ACRES																		405.0	

POU County: CANYON

Other Rights: 63-2712, 63-7814, 63-3099, 02-7109

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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OCT 14 1998

AJ5809NP
No. A63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/21/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	06/19/1973	IRRIGATION	03-15 11-15	0.32 CFS	
TOTAL DIVERSION:					0.32 CFS	
CONSUMPTIVE USE:						56.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 SWNW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
01S	02W	15	:					:					:					:							:	16.0
																							TOTAL ACRES	16.0		

POU County: CANYON

Other Rights: 63-2712, 63-2955

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
001 1 1 1998

CONVERSATION MEMORANDUM

DATE 9/25/98

FILE _____

NAME OF PARTY

Shel Chapman 344-6690

EMPLOYEE

R

RE:

Kaspar } separate transfer
Hayden/Smith } Appls.

NEED to proceed with processing both
transfer apps.

Kaspar - current supply warehouse, pipeline
construction occurring, need to fix the
warehouse situation asap.

Hayden/Smith - need to clarify due to
several owners w/ splits so each owner
knows what have

Call Shel once transfer # generated
so he can add it to his records.

Projected Advertising period → told him
will try for Nov. 1998

MICROFILMED
OCT 14 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 31, 1998

Kasper Dairy
Tom Kasper
3349 Hill Road South
Melba, Idaho 83641

Re: Unauthorized Use of Groundwater

Dear Mr. Kasper:

The Department of Water Resources (IDWR) recently received a complaint regarding the proposed diversion of groundwater from a well located in T1S, R2W, Sec 15, SWSENE. IDWR personnel visited the well site on July 27, 1998. The IDWR field agent found a groundwater well, a newly dug trench, and piping which had not yet been placed in the trench. This office found no water rights describing this well as a point of diversion.

While searching for water rights in this area, IDWR personnel found that the water rights listed in your name and the water rights appurtenant to the land you own do not authorize use of water for a dairy. Canyon County Planning and Zoning confirmed its approval of a 2,000 milking cow dairy on December 7, 1995. IDWR understands the dairy has been operating for at least 1 ½ years.

The following issues have been identified by IDWR and need to be addressed by August 21, 1998:

Our records indicate that you have five water rights claims filed under your name (63-18001, 63-18002, 63-18003, 63-18015, and 63-18025). These rights are for domestic and/or stockwater use only and do not pertain to dairy cattle. We have your current address for these rights listed as 5254 Blue Gum, Modesto, CA 95351. If your new mailing address is in Melba, Idaho, you will need to submit a change of ownership form.

The following water rights are appurtenant to your land: 63-02631C, 63-02632A, 63-02632C, 63-03099, 63-07814, 63-17988, 63-02631A, 63-02712, 63-02955, 63-17988, and 02-07109. These rights for irrigation and domestic use are in the name of Eastern Western Corporation. If these rights were not excluded in the property sale, you need to submit a change of ownership form. Additionally you may want to file a transfer to change irrigated acreage to dairy use.

MICROFILMED

OCT 14 1998

Kasper Dairy
July 31, 1998
Page 2

The well located in the SWSENE of Section 15, T1S, R2W, does not appear to have a water right associated with it; however, it is possible the point of diversion was incorrectly claimed on water right 63-02955 and/or 63-03099. If this is the case, you need to submit affidavit attesting to the use of the well and the date the point of diversion was changed.

The purpose of this letter is to allow you to respond to the findings of IDWR. Diversion of water from a well not described as a point of diversion by a water right, or use of water for a purpose not authorized by a water right are violations of Idaho Code § 42-351. Continued illegal use of water may result in a notice of violation and assessment of monetary penalties.

Respectfully,

A handwritten signature in cursive script, reading "Gary Spackman".

Gary Spackman

Enclosed: Change of Ownership form, Transfer Application, and Evidence of Priority pamphlet.

CC: Ken and Terri Omundson

MICROFILMED

OCT 14 1998

July 7, 1998

To: Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

From: Ken & Terri Omundson
Box 252
Melba, Idaho 83641

Reference our meeting and discussion on May 13, 1998, regarding irrigation well located on our property in SE 1/4 NW 1/4 of Section 15, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

As per our discussion the well in question, water right A63-02955 & or A63-3099 is (1.) showing the improper location, (2.) showing the improper owners name & address, (3.) authorized for irrigation use.

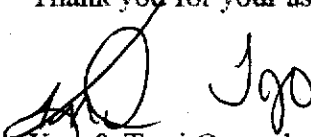
It has been brought to our attention that Tom Kasper, the current owner, built a new dairy and drilled a well for the purpose of suppling water for the dairy, however this well is inadequate and his intent is to use the well located on our property to supply water year around to the dairy as well as to irrigate crops. The well is question is approximately (1) one mile from the dairy and we were informed by Tom Kasper, he removed the pump from this well and intends on installing (2) two larger submersible pumps and a pipeline to the dairy.

We are extremely concerned about this situation due the increased volumes of water this arrangement would require may very well jeopardize our domestic well located within 100 feet of the well in question.

Current status is that excavation for a ditch is under way and (2) two sets of pipe, (1) one (6) six inch and (1) one (10) ten inch are being laid in this ditch. Tom obviously has some other use intended for the second line, besides the dairy barn.

It is our request the Idaho Department of Water Resources investigate & stop any further activity with this project.

Thank you for your assistance in this matter.


Ken & Terri Omundson

MICROFILMED

OCT 14 1999

AJ5809NP
No. A63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/08/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	12/27/1956	IRRIGATION	03-15 11-15	3.70 CFS	
TOTAL DIVERSION:					3.70 CFS	
CONSUMPTIVE USE:						1204.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
01S	02W	16	:			07	33	07	:	25	26	40	40	:	20	24	26	27	:	23	22	24	:	344.0
																				TOTAL ACRES	:	344.0		

POU County: CANYON

Other Rights: 63-2712, 63-2955, 02-7109

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02955

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

MICROFILMED
JUL 14 1998

AJ5809NP
No. A63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/08/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	08/27/1953	IRRIGATION	03-15 11-15	5.00 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					5.00 CFS	1417.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW

CANYON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
01S	02W	15	:								:			20			20	10	:						:	55.0
01S	02W	16	:			05		40		20	:	30		30		40		40	:	30			40	20	:	350.0
TOTAL ACRES																							:	405.0		

POU County: CANYON

Other Rights: 63-2712, 63-7814, 63-3099, 02-7109

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03099

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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OCT 14 1998



PHOTOGRAPHER: SUE BOCK

DATE OF PHOTOS

July 27, 1998

FILE NO(S).

~~perspective~~

Well on Omondson's place.

Photo Facing North.

Omondson house along driveway
to the N.W.



Trench from well goes
over rise, and onto
Kasper's property.

Photo Facing S.W.

Piping was laid on
Side of well, not yet
positioned ~~MICROFILMED~~

OCT 14 1999



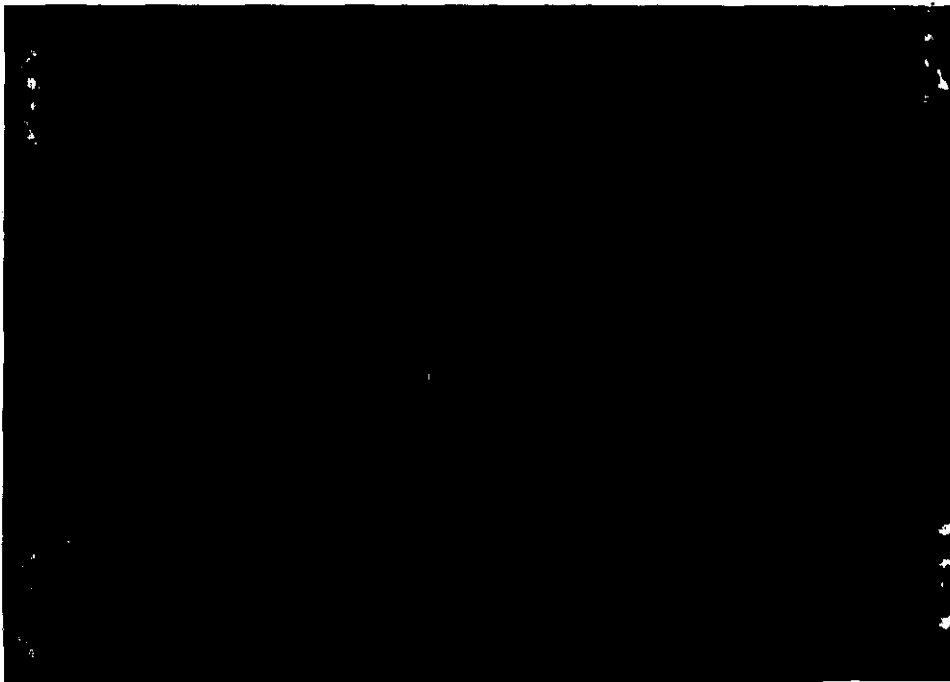
PHOTOGRAPHER: SUE BOCK

DATE OF PHOTOS 7/27/98

FILE NO(S). _____



Trenching for
Pipeline to dairy
Facing West



Kasper Dairy
photo Facing
S.W.

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OCT 14 1999

KASPER TRANSFER - REVIEW NOTES

STEVE LESTER - NOVEMBER 19, 1998

Before legal notice can be prepared, need to clarify following points. Have tried to capture some of these thoughts in attached "before & after" diagram.

1. Well #1 in SE or NESW S.15?

2. Pg. 1 of appl. suggests PPOU for irrigation via 2 combined wells. Looks like 63-03099, which shares P/D with 63-02955 and irrigates 344 acres in S.16 along with 63-2712 and 63-02955, should be added to transfer if PPOU.

3. If step 2 occurs, what about SWSW & SESW S.16 which is part of P/U of 63-03099? Does Kasper own acres in those 2 tracts or will this right be split in transfer? If does own, what will be fate of irrigated acres in those 2 tracts?

4. Appears some surface water involved with some of current P/U. Specifically, is Snake R. water (02-07109) used on the 5 acres in NWNE S.16 that are to be retired from ground water use? Are those 5 acres in 63-02712 & 63-02955 same or different than 7 acres in that tract for 63-03099? Again, is river water used for same acres in NWNE covered in 63-03099? Also, is drain water used on the 10 acres in SWNE S.26 (drain = 63-02711 now in Vastine name per SRBA) covered by 63-02712?

Normally, all of rights irrigating a given acre must be retired in order to move the water from that acre -- so that acres eligible for transfer are actually dried up. Otherwise, an expansion will occur. The possible complications introduced by other ground water (63-03099) and surface water (02-07109 & 63-02711) should be addressed.

5. Rights 63-02712 & 63-02955 appear to cover identical land in S.15 & 16, implying 20 acres total in SWNW S.15 for both rights. Also in SWNW, right 63-07814 (which appears to be well #2) lists 16 acres. What is the total irrigated under the 3 rights in SWNW S.15 (minimum 20, maximum 36)?

6. Lagoons - what is the total surface area of dairy lagoons and the total estimated volume capacity of these? Are the lagoons aerobic or anaerobic (latter being crusted over compared to the former)? If total surface area of lagoons exceeds 1/2 acre and if lagoons are aerobic, must factor evaporative loss from lagoons into dairy transfers (treat lagoon surface area as irrigated area for analysis purposes).

7. For land application, should list as commercial use where irrigation P/U is listed (can fix in item 9 below).

8. Proof of ownership incomplete - submitted for SWNW and SWSW S.15 but not for anything else. Should provide for current P/U and proposed P/U for all rights involved in transfer - so will cover (in addition to ownership information already provided) NWSW & SESW S.15, all of S.16 except NENE (and except SWSW & SESW if somehow not involved), SWNE & SWNW S.26, and NENE S.27. Proper ownership information will be used to update SRBA claims via the transfer process.

9. Transfer application can be revised for applicant's approval based on additional information provided. Then IDWR can prepare & send legal notice.

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50 added
3099, Retire
50 in S.15,
create ppm.

REVIEWOR'S info -
to complete the
analysis

-JC 12/7/18

BEFORE
TRANSFER →

7 Acres
here under
63-03099, separate
from 5 shown

FOR SWNW 5.15 -
total is 20 or 36
acres w/ 3 rights?

SAME ACRES
per tract
for
-2712 &
-2955 in
5.15 & 16

30 30 5
40 40 40 20 20 X
25 30 40 30 10 20 X

#2
Well for
-7814

Extra
P/A for
-7814

this well actually in
SEW?

What's there
2 tracts?

#1
Well for
-2955

and -3099

Well for
-2712

NOTE
FOR
Sec. 16

Snake River 02-07109
covers 544 acres and
well water 63-03099
covers 344 acres.

only well water
here is -2712

AFTER
TRANSFER →

30 30
40 40 40 20
25 30 40 30 10
? ? 20 10 5

Well #2

Well #1

NOTE

Stockwater will be in Sec. 22.
Land Application (Commercial)
will be same P/A as irrigation.
What about surface water
Sec. 16 & 26?
What about well water Sec. 16
in -3099?

DAIRY
15

MOVE ACRES

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Compressed 1 mile distance
between N. & S. sections for simplicity

/// = REDUCED irrigation

/// = INCREASED irrigation

WR5809NP
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/20/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	06/07/1950	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.800 CFS	
TOTAL DIVERSION:					1.800 CFS	

Delete in transfer?

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S14 NWSE CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01S	02W	15	:							20		20	10		05					55.0	
01S	02W	16	:			05	40	20		30	30	40	40		30	25		30	40	20	350.0
01S	02W	26	:				10														10.0
01S	02W	27	:	15																	15.0
																			TOTAL ACRES	430.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pour County: CANYON

Dates: App. Received: Priority Date: 06/07/1950
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

PER ACRE

.004186 cfs
2.043 Af diversion volume

Licensed at
Rate $\frac{1.8 \text{ cfs}}{430 \text{ AC}} = .004186 \text{ cfs/AC}$

Div. Volume $V_{\text{diverted}} = 1.8 \times 246 \times 1.9835 = 878.3 \text{ AFA}$ provided by right
cfs days conv. factor

$V_{\text{required}} = 430 \times 4.5 = 1935.0 \text{ AFA}$ needed by land
Ac AFA/AC

lesser is Authorized $V_D < V_R$

$\frac{878.3 \text{ Af}}{430 \text{ AC}} = 2.043 \text{ Af/AC}$

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OCT 14 1999

WR5809NP
No. 63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/20/98
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	08/27/1953	IRRIGATION	00/00 00/00	5.000 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S15

NESW

CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	02W	15	:							20		20	10		05					55.0
01S	02W	16	:		05	40	20		30	30	40	40		30	25		30	40	20	350.0
																			TOTAL ACRES	405.0

Pou County: CANYON

Dates: App. Received: Priority Date: 08/27/1953
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

Per Aue
.01235 cfs
4.5 AFA

5Xms 405 Ac. Aue id 63-02712

Licenses at

Rate $\frac{5}{405} = .01235 \text{ cfs/Ac}$

Div. V_D $5 \times 246 \times 1.9835 = 2439.7$
Vol. V_R $405 \times 405 = 1822.5$

$V_R < V_D$ so allow V_R

Right provides full volume/acre

Rights 63-02712 + 02955, when combined, should not
exceed 4.5 AFA/ac div. MICROFILMED

OCT 14 1999

WR5809NP
No. 63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/20/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CRYSTAL R. EVANS	12/27/1956	IRRIGATION	00/00 00/00	3.700 CFS	
C	EDWARD T. EVANS		DOMESTIC	00/00 00/00		
TOTAL DIVERSION:					3.700 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM			
01S	02W	16	:	07	33	07	:	25	26	40	40	:	20	24	26	27	:	23	22	24	:	344.0
																			TOTAL ACRES	344.0		

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates: App. Received: Priority Date: 12/27/1956
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

PER Ave
.01076 cfs
4.5 rfa

mostly same Ave as 63-02712 ÷ -02955

License at

$$\frac{3.7}{344} = .01076 \text{ cfs/acre}$$

$$V_D \quad 3.7 \times 246 \times 1.9835 = 1805.4$$

$$V_R \quad 344 \times 4.5 = 1548$$

$V_R < V_D$ so allow V_R

full volume/acre applied

can't exceed 4.5 rfa/acre compared with other rights

NOV 14 1998

WR5809NP
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/20/98
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYCK	06/19/1973	IRRIGATION	03/15 11/15	0.320 CFS	72.00 AFA
TOTAL DIVERSION:					0.320 CFS	72.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 SWNW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
01S	02W	15	:				:				:				:	16.0
TOTAL ACRES																16.0

Pou County: CANYON

Dates: App. Received: Priority Date: 06/19/1973
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/13/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

*Are these 16 acres in addition to 20 is
63-02712 & 63-02955?*

Per acre

*.02 cfs
4.5 AFA*

*NO
per 12/4/98
mts.*

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1995

WR5809NP
No. 02-07109

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYK	03/03/1973	IRRIGATION	03/15 11/15	11.870 CFS	5250.00 AFA
			STOCKWATER	01/01 12/31	0.230 CFS	14.00 AFA
TOTAL DIVERSION:					11.870 CFS	5264.00 AFA

Water Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S21 Lot 03(SWNW)

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01S	02W	16	:	33	20	36	36	:	31	36	29	36	:	36	36	35	35	:	35	36	37	37	:	544.0									
01S	02W	21	:			40	40	:				29	:					:	37	11		08	:	165.0									
01S	02W	22	:					:	08	38	40	31	:	36	37	40	40	:		30	39	02	:	341.0									
																												TOTAL ACRES	1050.0				

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CANYON

Conditions of Approval:

- R33 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 5.0 afa per acre for the
- lands above.

Remarks: GEN REINSTATED/ 3-3-1973.

Dates: App. Received: Priority Date: 03/03/1973
Proof Due Date: 06/01/1983 Proof Made Date: 01/01/1900
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/19/1985

Misc: Water District Number: Field Exam Fee:

Audit: 09/11/85 04/30/88 CONVERT

* overlaps with ground water rights in this section
to considerable degree

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OCT 14 1999

WR5809NP
No. 63-02711

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/20/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	07/29/1948	IRRIGATION	00/00 00/00	3.790 CFS	
TOTAL DIVERSION:					3.790 CFS	

= Vastine is STUBA

Water Source: UNNAMED DRAIN

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S25

NENW

CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	02W	23	:											30	25				03	58.0
01S	02W	25	:							35		10	05							50.0
01S	02W	26	:	20		25	10	35		30						10				130.0
TOTAL ACRES																			238.0	

Pou County: CANYON

Dates: App. Received: Priority Date: 07/29/1948
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

* Same 10 Acres as 63-02712?

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OCT 14 1999

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6302712	T01S R02W S15 GROUNDWATER																	
	:									20		20	10		05			55
6302388	BOISE RIVE :																	
A6302388	BOISE RIVE :																	
A6302712	GROUNDWATE :									20		20	10		05			55
6302955	GROUNDWATE :									20		20	10		05			55
A6302955	GROUNDWATE :									20		20	10		05			55
6307814	GROUNDWATE :									16								16
A6307814	GROUNDWATE :									16								16
6311485	GROUNDWATE :		01															1
A6321456	WASTEWATER :						24											24
--86 MAP--	C27Q-Y 56 :	32	40	39	31	40	33	15	24	32	12	26	11	41	38	30	37	481
--86 MAP--	C73Q-Y 56 :	35	40	39	34	39	37	33	32	40	21	27	21	42	40	39	39	558
6302712	T01S R02W S16 GROUNDWATER																	
	:		05	40	20	30	30	40	40	30	25			30	40	20		350
0207109	SNAKE RIVE :	33	20	36	36	31	36	29	36	36	36	35	35	35	36	37	37	544
A0207109	SNAKE RIVE :	33	20	36	36	31	36	29	36	36	36	35	35	35	36	37	37	544
A6302712	GROUNDWATE :		05	40	20	30	30	40	40	30	25			30	40	20		350
6302955	GROUNDWATE :		05	40	20	30	30	40	40	30	25			30	40	20		350
A6302955	GROUNDWATE :		05	40	20	30	30	40	40	30	25			30	40	20		350
6303099	GROUNDWATE :		07	33	07	25	26	40	40	20	24	26	27	23	22	24		344
A6303099	GROUNDWATE :		07	33	07	25	26	40	40	20	24	26	27	23	22	24		344
--86 MAP--	C27Q-Y 56 :	37	40	39	35	37	41	39	38	37	40	35	38	37	39	26	25	583
--86 MAP--	C73Q-Y 56 :	39	41	40	36	38	39	39	39	40	40	41	37	36	39	35	37	616
6302712	T01S R02W S26 GROUNDWATER																	
	:			10														10
A0200082	SNAKE RIVE :										04-03							3
6302256	ROCK CREEK :	20	40		40													100
A6302256	ROCK CREEK :	20	40		40													100
6302631B	THOMASON L :		15			30												45
6302632B	THOMASON L :		15			30												45
6302711	UNNAMED DR :	20	25	10	35	30								10				130
A6302711	UNNAMED DR :	20	25	10	35	30								10				130
A6302712	GROUNDWATE :			10														10
6302938	GROUNDWATE :	15	15		20									10				60
A6302938	GROUNDWATE :	15	15		17									10				57
A6328282	SPRING :		07			18												25
--86 MAP--	C73Q-Y 56 :	37	38	16	32	39	36	36	25	39	36	36	25					262
NO QTRS	MAPPING Lot04-04																	
--86 MAP--	COQ-Y 56 :	33	31		22	39	37	07	03									172

Water Right & SRBA overlap in Askenut sections

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

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM									
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE																			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																		
6302712	T01S R02W S27	GROUNDWATER																																									
	:	15																							:		:		:		:		:		:		:		:		15		
A0200012	SNAKE RIVE :																							:		:		:		:	05-21	06-06	:		:		:		:		:	27	
A0200082	SNAKE RIVE :																							:		:		:		:		:		:		:		:	01-11	:		11	
0202114	SNAKE RIVE :																							:		:		:		:	05-30		:		:		:		:		:	30	
A0202114	SNAKE RIVE :																							:		:		:		:	05-20		:		:		:		:		:	20	
0207026	SNAKE RIVE :																							:		:		:		:	05-05		:		:		:		:		:	5	
A0207026	SNAKE RIVE :																							:		:		:		:	05-05		:		:		:		:		:	5	
5700194	GROUNDWATE :																							:		:		:		:	I	I	:		:		:		:		:		
*5710005	RABBIT CRE :																							:		:		:		:		06-06	:		:		:		:		:	6	
6302631B	THOMASON L :																							:	07	15			:		:		:		:		:		:		:		22
A6302631C	JENSEN LAK :																							:	07	15			:		:		:		:		:		:		:		22
6302632B	THOMASON L :																							:	07	15			:		:		:		:		:		:		:		22
A6302632C	JENSEN LAK :																							:	07	15			:		:		:		:		:		:		:		22
A6302712	GROUNDWATE :	15																							:		:		:		:		:		:		:		:		15		
--86 MAP--	C73Q-Y 56 :	40	40	15	32	:	37	36			06	:			:		:		:		:		:		206																		
NO QTRS	MAPPING	Lot01-12 Lot05-23 Lot06-07																																									
--86 MAP--	COQ-Y 56 :	38	36			09	:	39	25			03	:			:		:		:		:		:	150																		
NO QTRS	MAPPING	Lot05-20 Lot06-01																																									

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Kasper After

~~Free~~ ~~coll~~ ~~Shul~~ ~~off~~ ~~in~~ ~~up~~ ~~the~~ ~~#~~
once generated

- 1) Reset using S.C. 12/4 office visit
approved S's on line (he has ok to do that)
- 2) G.W. over by S. 16 separate sum when same
(same, diff. corners & points ie River Ave)
- 3) OK if need ↓ # over a 1.4H
- 4) Comment letter *
- 5) any land cap?
- 6) Over reduced

<u>QR</u>	<u>AC</u>	<u>Ref</u>
SESW	20	2712
	20	2955
	16	7814
NE5W	20	2712
	20	2955
NW5W	5	2712
	5	2955
SE5W	5	2712
		2955

-50

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To complete xfer -

Ken's xfer #
when generated

done see
cc file
maps obtained
after sent notes
to Shal

1. Ken's response to my 11/19 note forwarded 11/20
2. Revised xfer map for approval by applicant.
3. Doing worksheet note/wt. chart filled in.
4. Verify plan area 1994 IR -
how interpret "gray" areas?

5. Analyze note/wt per area retained -
1st determine total # acres to retain to
free up wt for clearing.
2nd determine which acres/which right where:
Shift 1st ac to area 1st ph
" " " " clearing

Keep in mind
diff. note/wt
per acre per
right as
examined

6. Revised map.

Map = pg 1

Prop OK

land regl = Comm = 1st plan approved

7. Show acres -
Area +
Acres not Δ

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8. Follow-up - prepare WTRC for Shal father to
complete for future xfers. Include all features

Dairy worksheet to complete

-JE 11/19/58

where

 H_2O

cleaning etc.



Drinking

42

milk product

13

pounds

e 100% cons. re 1and apply

C.U. = # miles to .0058 of per

$G_v = C_v$ value per sec from chart

↓ if Surf. area $\geq \frac{1}{2}$ ac. $\div$ chart aerobic ponds

CF5

Div. vol.

cons. vol.

Stuckwater

Commercial

cleaning

milk product.

panel;

assume 100%

Ne
Land
rock

9550000 100%

#m/kg x .0058 of

assume c.m. per
surf. area of patch from
chart

assume pond capacity

TOTAL =

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007 1 1949

Acres to
Retire

vs - total div vol $\div$ div vol per acre total
 - total cons. " $\div$ cons. " " " "
 → use whichever yields more acres

Dairy Worksheet

2000 milker,

1000 dry

(200 Beef cattle → cover of T. 4634 D/S rights)

5 Trac

9 PD

Div ul

Cons We

$$\left. \begin{array}{l} 2000 \times 35 \\ 1000 \times 12 \end{array} \right\} 82,000$$

$$\frac{82000 \times 365}{725850} = 91.9 \text{ A}$$

91.9 ← Shouldn't this be 0?

Comm

cleaning

62382

$$\frac{62382 \times 365}{725850} = 69.9$$

69.9

Milk produce

—

—

$$\frac{2000 \times .0058}{.0058} = 11.6$$

Panels

—

Surface area
x depth =

$$\text{Surface area} \times 3.5 =$$

TOTAL

Div ul ÷ 4.5 = _____ Ac

Cons ul ÷ 3.5 = _____ Ac

max # acres used per
company - 50
retire _____ Ac

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BEFORE
TRANSFER →

16

15

14

27

26

AFTER
TRANSFER →

16

15

14

27

26

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Compressed 1 mile distance
between N. & S. sections
for simplicity

-92 11/19/98

3 w's 2 x'ter
other w's 1/2
plus parts of 3
w's

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM				
		NE		NW		SW		SE		NE		NW		SW		SE						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
6302712	T01S R02W S15 GROUNDWATER																					
	:							20				20	10			05		55				
6302388	BOISE RIVE :																					
A6302388	BOISE RIVE :																					
A6302712	GROUNDWATE :							20				20	10			05		55				
6302955	GROUNDWATE :							20				20	10			05		55				
A6302955	GROUNDWATE :							20				20	10			05		55				
6307814	GROUNDWATE :							16										16				
A6307814	GROUNDWATE :							16										16				
6311485	GROUNDWATE :			01														1				
A6321456	WASTEWATER :							24										24				
Proposed Plan for Q&A's for Trivis. near																						

6302712	T01S R02W S16 GROUNDWATER																					
	:			05	40	20		30	30	40	40		30	25			30	40	20	350		
0207100	SNAKE RIVE :	33	20	36	36			31	36	29	36		36	36	35	35		35	36	37	37	544
A0207100	SNAKE RIVE :	33	20	36	36			31	36	29	36		36	36	35	35		35	36	37	37	544
A6302712	GROUNDWATE :			05	40	20		30	30	40	40		30	25			30	40	20		350	
6302955	GROUNDWATE :			05	40	20		30	30	40	40		30	25			30	40	20		350	
A6302955	GROUNDWATE :			05	40	20		30	30	40	40		30	25			30	40	20		350	
6303099	GROUNDWATE :			07	33	07		25	26	40	40		20	24	26	27		23	22	24		344
A6303099	GROUNDWATE :			07	33	07		25	26	40	40		20	24	26	27		23	22	24		344

6302712	T01S R02W S26 GROUNDWATER																					
	:			10																	10	
A0200082	SNAKE RIVE :													04-03							3	
6302256	ROCK CREEK :	20	40		40																100	
A6302256	ROCK CREEK :	20	40		40																100	
6302631B	THOMASON L :		15					30													45	
6302632B	THOMASON L :		15					30													45	
6302712	UNNAMED DR :	20	25	10	35			30									10				130	
A6302712	UNNAMED DR :	20	25	10	35			30									10				130	
A6302712	GROUNDWATE :			10																	10	
6302938	GROUNDWATE :	15	15		20												10				60	
A6302938	GROUNDWATE :	15	15		17												10				57	
A6328282	SPRING :		07					18													25	

6302712	T01S R02W S27 GROUNDWATER																					
	:		15																		15	
A0200012	SNAKE RIVE :													05-21	06-06						27	
A0200082	SNAKE RIVE :																		01-11		11	
0202114	SNAKE RIVE :													05-30							30	
A0202114	SNAKE RIVE :													05-20							20	

Proposed Plan for
Q.Q.'s
Irrig. water

? to be
added?
per 3099 (ppw)

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OCT 14 1993

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

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE				NW				SW				SE				NE				NW				SW				SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
0207026	SNAKE RIVE :																														5			
A0207026	SNAKE RIVE :																														5			
5700194	GROUNDWATE :																																	
*5710005	RABBIT CRE :																														6			
6302631B	THOMASON L :									07	15																				22			
A6302631C	JENSEN LAK :									07	15																				22			
6302632B	THOMASON L :									07	15																				22			
A6302632C	JENSEN LAK :									07	15																				22			
A6302632D	GROUNDWATE :																														15			

111

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2007 1 4 1999

WR5809NP
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	06/07/1950	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.800 CFS	
TOTAL DIVERSION:						1.800 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S14 NWSE CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01S	02W	15	:							20		20	10	05						55.0	
01S	02W	16	:			05	40	20		30	30	40	40		30	25		30	40	20	350.0
01S	02W	26	:																		10.0
01S	02W	27	:			15															15.0
																			TOTAL ACRES	430.0	

no irrig found last 5 yrs (1993-1997 seasons)

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates: App. Received: Priority Date: 06/07/1950
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

*define domestic
/ home?
where?*

include or delete w/ xfer?

① 1994 in area = all in S. 15+16 = 405
none in S. 26+27
② total = $\frac{1.80 \text{ cfs}}{430 \text{ ac}} = .004186 \text{ cfs/ac}$
③ 405 acres include
 $405 \times .004186 = 1.70 \text{ cfs}$
 $\times 2.043 = 827.4 \text{ Afa}$
MICROFILMED
1994
 $1.8 \text{ cfs} \times 246 \text{ days} \times 1.9835 = 878.3 \text{ Afa VR}$
 $430 \times 4.5 = 1935 \text{ Afa VR}$
 $\text{inc. include } 878.3/430 = 2.043 \text{ Afa/ac}$

CAN transfer

63-02712
-02955
-07814
-03099

*e same as SRBA claims except
domestic not claimed in AG-02712.
DON'T need authentic claims in legal notice*

WR5809NP
No. 63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	08/27/1953	IRRIGATION	00/00 00/00	5.000 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
01S	02W	15	:								20		20	10		05				55.0
01S	02W	16	:		05	40	20		30	30	40	40		30	25		30	40	20	350.0
TOTAL ACRES																			405.0	

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03099

Dates: App. Received: Priority Date: 08/27/1953
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

?
Same well
for 344 ac. 5.16?

Lic. Acres are same as 63-02712 for 5.15 + 16
Credit all 405 ac. as in 63-02712. = 5.00 cfs

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$5 \times 246 \times 1.4835 = 2439.7$ afa V_D
 $405 \times 4.5 = 1822.5$ afa V_R - full volume allowed

can transfer

405 acres
5.00 cfs
1822.5 afa

but 405 ac. needs 1822.5 afa full vol.
for both rights (2712+2955) combined
limited to 4.5 afa/ac div. volume

WR5809NP
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYCK	06/19/1973	IRRIGATION	03/15 11/15	0.320 CFS	72.00 AFA
TOTAL DIVERSION:					0.320 CFS	72.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 SWNW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
01S	02W	15	:	:	:	:	:	:	:	:	:	:	:	:	:	16.0
TOTAL ACRES															16.0	

Pou County: CANYON

Dates: App. Received: Priority Date: 06/19/1973
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/13/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

*assuming these are 16 add'l H acres beyond
63.02712 : 63.02855*

can transfer entire right over, rate & volume @ full duty

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Verify Use 1993-1997 SEASONS

Use 7/94 IR 24 photo/mag

found 421 ac. 63.02712 } 405 acres
 -02955 } (complete plus
 -07814 16 acres



405 ac.
 1.21 + 2 full A/B/T
 8.10 ch
 1822.5 A/A

where	ac.	ch	Div wt	
2712	} 405	1.70	827.4	} combined = 1822.5
2955		5.00	1822.5	
7814	16	.32	72.0	
TOTAL	421	7.02	1894.5	

to be signed
 if add 12
 -3099

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Double ✓ e Marginal areas -
 not sure how best interpret





July 1994 IR photo L-4 T15 R2W 1:24,000 14 1994

Found many per lic.

QQ except

526 June * 0

527 none 0

So $446 - 15 - 10 = 421$ ←
Add 59 in 5.16 is 3099 joins ←

* If shall be sum per error
in line - still find 0

Credit = 421 in area
total

Some
Q's marginal
but ok

WR5809NP
No. 63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY		USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
		DATE	WATER USE			
C	CRYSTAL R. EVANS	12/27/1956	IRRIGATION	00/00 00/00	3.700 CFS	
C	EDWARD T. EVANS		DOMESTIC	00/00 00/00		
TOTAL DIVERSION:					3.700 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

NE								NW				SW				SE				SUM
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
01S	02W	16	:																	
			:																	
			:																	
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2 add 'H' rows here than in -2712 ÷ 2955

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-02955

Dates: App. Received: Priority Date: 12/27/1956
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

57 add 'H' rows here
than in -2712 ÷ 2955

Will refer to
add any note on
we. to overlap
mon. go by PLO →
overlap & d.o.p.

for 5.16 -3099 list 59 unique rows not listed
in -2712 ÷ -2955.

1994 IR photo → can add +2 NWNB

+26 SWSW

+27 SESW

+4 SWSE

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DEC 14 1999

Here 2 aq's
harder to tell on
photo but looks
± favorable so ok.

CAN transfer

$$\frac{3.7 \text{ cfs}}{344 \text{ ac}} = .01076 \text{ cfs/ac}$$

$$3.7 \times 246 \times 1.4835 = 1805.4 \text{ AFA}$$

$$344 \times 4.5 = 1548 \text{ AFA}$$

$$59 \text{ ac} =$$

$$\times .01076 = .63 \text{ cfs}$$

$$\times 4.5 = 265.5 \text{ AFA}$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF A CLAIM TO A WATER RIGHT

TRANSFER NO. 4634
CLAIM NOS. A63-18001/A63-18002/A63-18003
A63-18015/A63-18025

This is to certify that: **TOM KASPER**
5254 BLUE GUM
MODESTO CA 95351

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-18001 :			
Priority: 04/01/1979			
STOCKWATER	01/01 to 12/31	0.14 CFS	8.0 AF
SUBTOTAL:		0.14 CFS	8.0 AF
Right No. 63-18002 :			
Priority: 07/24/1979			
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
SUBTOTAL:		0.09 CFS	3.9 AF
Right No. 63-18003 :			
Priority: 04/01/1957			
STOCKWATER	01/01 to 12/31	0.23 CFS	13.4 AF
SUBTOTAL:		0.23 CFS	13.4 AF
Right No. 63-18015 :			
Priority: 07/08/1947			
STOCKWATER	01/01 to 12/31	0.23 CFS	12.7 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
SUBTOTAL:		0.27 CFS	13.9 AF
Right No. 63-18025 :			
Priority: 04/01/1968			
STOCKWATER	01/01 to 12/31	0.02 CFS	0.7 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
SUBTOTAL:		0.06 CFS	1.9 AF
TOTAL:		* 0.75 CFS	41.1 AF

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NOV 14 1995

- O/S Rights -

TRANSFER NO. 4634
CLAIM NOS. A63-18001/A63-18002/A63-18003
A63-18015/A63-18025

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 16, Township 01S, Range 02W
SWSW , Sec. 16, Township 01S, Range 02W
SWNE , Sec. 22, Township 01S, Range 02W
SENE , Sec. 22, Township 01S, Range 02W
NENE , Sec. 27, Township 01S, Range 02W
CANYON County

PLACE OF USE: STOCKWATERTWN RGE SEC

01S 02W 15	NESW	NWSW	SWSW
	SESW		
16	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
21	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SENE	NESE	
22	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
26	NWNW	SWNW	
27	NENE	NWNE	SWNE
	SENE	NENW	NWNW

PLACE OF USE: DOMESTICTWN RGE SEC

01S 02W 16	SWSW
22	SWNE
27	NENE

MICROFILMED
OCT 14 1998

TRANSFER NO. 4634
CLAIM NOS. A63-18001/A63-18002/A63-18003
A63-18015/A63-18025

CONDITIONS/REMARKS:

1. Approval of this transfer in no way confirms the right(s) claimed.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4634 shall not exceed 0.75 cfs, nor total combined annual diversion volume of 41.1 af.
9. Combined Claim Nos. A63-18001, A63-18002, A63-18003, A63-18015 and A63-18025 are limited to stockwater use for 2,800 cattle and domestic use for 3 homes.
10. Claim No. A63-18001 stockwater use is for 600 cattle.
11. Claim No. A63-18002 stockwater use is for 200 cattle and domestic use is for 1 home.
12. Claim No. A63-18003 stockwater use is for 1,000 cattle.
13. Claim No. A63-18015 stockwater use is for 950 cattle and domestic use is for 1 home.
14. Claim No. A63-18025 stockwater use is for 50 cattle and domestic use is for 1 home.

Dated this 31st day of

July

95

A. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED
OCT 14 1999

AJ5809NP
No. A63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	06/07/1950	IRRIGATION	03-15 11-15	1.80 CFS	
TOTAL DIVERSION:					1.80 CFS	
CONSUMPTIVE USE:						1505.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S14

NWSE

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
01S	02W	15	:											20						20	10		05							55.0		
01S	02W	16	:			05	40	20				30	30	40	40					30	25				30	40	20			350.0		
01S	02W	26	:				10																							10.0		
01S	02W	27	:	15																										15.0		
																												TOTAL ACRES	430.0			

POU County: CANYON

Other Rights: 63-2955, 63-7814, 63-3099, 02-7109

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A63-21297 R63-21297

*different well & area for
different owner (JAMES) so N/A*

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Domestic not claimed

MICROFILMED
JUL 14 1999

AJ5809NP
No. A63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/19/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	08/27/1953	IRRIGATION	03-15 11-15	5.00 CFS	
TOTAL DIVERSION:					5.00 CFS	
CONSUMPTIVE USE:						1417.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	02W	15	:							20		20	10	05				:	55.0
01S	02W	16	:			05	40	20	:	30	30	40	40	:	30	25		:	350.0
																		TOTAL ACRES	405.0

POU County: CANYON

Other Rights: 63-2712, 63-7814, 63-3099, 02-7109

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A63-03099

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Same well
for 344 ac. 5.16?

MICROFILMED
OCT 14 1999

AJ5809NP
No. A63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	12/27/1956	IRRIGATION	03-15 11-15	3.70 CFS	
TOTAL DIVERSION:					3.70 CFS	
CONSUMPTIVE USE:						1204.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																					
MENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
01S	02W	16			07		33		07		25		26		40		40		20		24		26		27		23		22		24		344.0
TOTAL ACRES																												344.0					

POU County: CANYON

Other Rights: 63-2712, 63-2955, 02-7109

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02955

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED
OCT 14 1999

Overlap of 5.16 Acres,
Same Well
?

AJ5809NP
No. A63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/19/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	06/19/1973	IRRIGATION	03-15 11-15	0.32 CFS	
TOTAL DIVERSION:					0.32 CFS	
CONSUMPTIVE USE:						56.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 SWNW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	02W	15	:															16.0
TOTAL ACRES																	16.0	

POU County: CANYON

Other Rights: 63-2712, 63-2955

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

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OCT 14 1999

WR5809NP
No. 02-07109

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYK	03/03/1973	IRRIGATION STOCKWATER	03/15 11/15 01/01 12/31	11.870 CFS 0.230 CFS	5250.00 AFA 14.00 AFA
TOTAL DIVERSION:					11.870 CFS	5264.00 AFA

Water Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S21 Lot 03(SWNW)

CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	02W	16	:	33		20	36	36	:	31	36	29	36	:	36	36	35	35	:	544.0
01S	02W	21	:			40	40	:			29	:				37	11		08	165.0
01S	02W	22	:					:	08	38	40	31	:	36	37	40	40	:	30	341.0
																			TOTAL ACRES	1050.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CANYON

Conditions of Approval:

- R33 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 5.0 afa per acre for the
- lands above.

Remarks: GEN REINSTATED/ 3-3-1973.

Dates: App. Received: Priority Date: 03/03/1973
Proof Due Date: 06/01/1983 Proof Made Date: 01/01/1900
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/19/1985

Misc: Water District Number: Field Exam Fee:

Audit: 09/11/85 04/30/88 CONVERT

*Does this include
acres per wells
in 63-02712 } 5 ac.
- 02955
- 03099 7 ac.?*

Other Rights / claims

MICROFILMED
OCT 14 1993

AJ5809NP
No. A02-07109

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	03/03/1973	IRRIGATION	03-15 11-15	11.87 CFS	
			STOCKWATER	01-01 12-31	0.23 CFS	
TOTAL DIVERSION:					11.87 CFS	
CONSUMPTIVE USE:						3675.00 AFA

Water Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S21 Lot03(SWNW)

CANYON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	02W 16 :	33	20	36	36	31	36	29	36	36	36	35	35	35	36	37	37	544.0
01S	02W 21 :			40	40				29					37	11		08	165.0
01S	02W 22 :					08	38	40	31	36	37	40	40		30	39	02	341.0
TOTAL ACRES																	1050.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CANYON

Non-Irrigation Uses: S/100 RANGE.

Other Rights: 63-2712, 63-2955, 63-3099, 63-2631A&C, 63-2632A&C.

Remarks: GEN POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/19/98. (DB)

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 02 Field Inspection Flag:
Presumption Flag:

MICROFILMED
OCT 14 1999

WR5809NP
No. 63-02711

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	07/29/1948	IRRIGATION	00/00 00/00	3.790 CFS	
TOTAL DIVERSION:					3.790 CFS	

Water Source: UNNAMED DRAIN

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S25 NENW CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SENW	: NESW				NWSW	SWSW	SESW	: NESE				NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	SUM
01S	02W	23	:									:							:							:					:	58.0
01S	02W	25	:									:							:							:					:	50.0
01S	02W	26	:	20		25		10		35		:	30						:							:	10				:	130.0
																												TOTAL ACRES	238.0			

Pou County: CANYON

Dates: App. Received: Priority Date: 07/29/1948
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

MICROFILMED
OCT 14 1999

AJ5809NP
No. A63-02711

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/19/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID VASTINE	07/29/1948	IRRIGATION	03-15 11-15	3.79 CFS	1071.00 AFA
TOTAL DIVERSION:					3.79 CFS	1071.00 AFA
CONSUMPTIVE USE:						833.00 AFA

Water Source: UNNAMED DRAIN

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S25 NENW CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	02W	23	:					:						:			30	25	:				03	:	58.0	
01S	02W	25	:					:			35			:	10	05			:					:	50.0	
01S	02W	26	:	20		25		10		35	:	30		:					:		10			:	130.0	
																						TOTAL ACRES		238.0		

POU County: CANYON

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

MICROFILMED
OCT 14 1999

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 5356**

Notice is given that **TOM KASPER** of 3349 Hill Rd., Melba ID 83641 has applied to the Department of Water Resources to change the Point of Diversion, Nature, Period and Place of Use pursuant to I.C. § 42-222 for irrigation rights recorded as follows in Canyon County:

All rights are ground water licenses with existing and proposed locations in T1S R2W. Priority dates range from 6-7-1950 to 6-19-1973.

<u>RIGHT #</u>	<u>PRIORITY</u>	<u>AMOUNT (CFS)</u>	<u>DIVERSION POINT</u>	<u>PLACE OF USE</u>
63-02712	1950	1.80	NWSE S14	430 ac. in S15, 16, 26 & 27
63-02955	1953	5.00	NESW S15	405 ac. in S15 & 16
63-03099	1956	3.70	NESW S15	344 ac. in S16
63-07814	1973	.32	SWNW S15	16 ac. in S15

Total amount is 10.82 cfs. Many of the same acres are covered by multiple rights. Rights 63-02712 & 63-03099 also include undefined domestic use.

PROPOSED CHANGE FOR ALL RIGHTS

All rights will be combined in a permissible place of use to irrigate 451 acres within portions of S15, 16, 26 & 27. Retire 50 acres of irrigation from W 1/2 S15 and use that irrigation water all year to serve an existing dairy in NENE S27. Dairy includes 2000 milking and 1000 replacement cows. Dairy waste water will be land applied on irrigated acres. Stockwater use will also occur all year at the dairy plus in portions of S22 (between the well sites and the dairy). All uses will occur from 2 existing wells in SWNW & SENW (corrected from NESW) S15. Total amount of water to be changed from irrigation to year around commercial and stockwater uses for dairy operation will not exceed 1.06 cfs.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before January 4, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Press Tribune on December 17 and 24, 1998.

MICROFILMED

OCT 14 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W024689**

Date: **1 / 4 / 1999**
Time: **13:48:01**

Received
From: **HENSLEY, JERRY**

Type of Payment	Program A cct	Amount
PROTEST - 63-02955. KASPER	62103	229 21 1155
		25.00
CHECK	5850	
		Total \$ 25.00

Region: **WESTERN**

Signature: _____

MICROFILMED
OCT 14 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W024688**

Date:
Time: **1 / 4 / 1999**
13:46:00

Received
From: **WINNICKI, KYLE**

Type of Payment	Program A cct	Amount
PROTEST 63-02955. KASPTER	62103	229 21 1155
		25.00
CHECK	2885	
		25.00

Total \$ **25.00**

Region: **WESTERN**

Signature: _____

MICROFILMED
OCT 14 1999

October 5, 1959

Re: Permit No. 20585

Mr. Rex S. Jensen
Melba, Idaho

Dear Mr. Jensen:

We enclose License and Certificate of water right issued on Permit No. 20585 and the assignment to you from Chrystal J. Evans which has been recorded.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Enc. license
assignment

cc: Harley M. McDowell

Enc. Receipt No. G-4001
50¢ assignment fee paid by Mr. McDowell

20585

1

1

RECEIVED
SEP 25 1959
Department of Reclamation

Permit 20585

September 18, 1959

Mr. George N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Re: Chrystal R. Jensen

Dear Sir:

As per your letter of April 28th, this is to certify
that I, Chrystal J. Evans am the same person referred to in
former communications as Crystal R. Jensen.

Very truly yours,

Chrystal J. Evans
Chrystal J. Evans
Melba, Idaho

20585

April 28, 1959

Re: Permit G-20585
Crystal R. Jensen

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We are retaining the assignment of
Permit No. G-20585 to Rex S. Jensen signed by Chrystal
J. Evans and husband.

The assignment cannot be recorded until
we have an affidavit that Crystal R. Jensen and Chrystal
J. Evans are the same person.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:
RT:ew

20585

RT

Harley M. McDowell

-2-

March 13, 1959

Upon receipt of the statutory fees in the amount of \$8.00 (\$10.00 paid, receipt enclosed) we will issue the License and Certificate of Water Right - based on \$2.00 for each 40-acre subdivision (3 of which have been paid under Permit No. 24032) confirming the right with priority of July 29, 1948 to the use of 3.79 second feet of water with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, for irrigation of 238 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 26; SW $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 1 South, Range 2 West, B. M.

Permit No. 20585 - We have our engineer's report on this permit for Beneficial Use under the terms of Permit 20585 showing the group of wells being capable of conveying 90 miner's inches (1.8 c.f.s.) to 430 acres, as amended.

Upon receipt of the statutory fees in the total amount of \$34.00 based at \$2.00 for each 40-acre subdivision (part of which has been paid) we will issue the License and Certificate of Water Right confirming the right with priority of June 7, 1950, to the use of 1.8 second feet of flow from artesian wells with two points of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, for 430 acres in the SW $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, SW $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26, Township 1 South, Range 2 West, B. M.

We must have a 50¢ assignment fee for the recording of an assignment of G-24421 from Dean J. James, Permit Holder, to Rex S. Jensen.

We enclose Amendments to the land list on Permit No. 20584 and Permit No. 20585, and assignment duly recorded to Rex S. Jensen of Permit No. G-24421.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

CWC:RT:ew

20585

March 13, 1959

Re: Permit No. G-24032-G-24421
20584 and 20585

Mr. Harkey M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We have our engineer's report on the following Permits:

Permit No. G-24032 We have our engineer's report of Completion of Works and Beneficial Use under the terms of Permit No. G-24032 showing the well is capable of conveying 49 miner's inches (.98 cfs) of water for irrigation of 108 acres.

Upon receipt of the statutory fees in the amount of \$19.00 we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (\$14.00 - based at the rate of \$2.00 for each 40-acre subdivision) confirming the right with priority of April 24, 1953 to the use of .98 second feet of subterranean water, with the point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, Twp. 1 S., Rge. 2 W. for irrigation of 108 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, Twp. 1 S., Rge. 2 W.

Permit No. G-24421 We have our engineer's report of Completion of Works and Beneficial Use under the terms of Permit No. G-24421 showing the well is capable of 250 miner's inches (5.0 CFS) of water for irrigation of 405 acres.

Upon receipt of the statutory fees in the total amount of \$5.00 we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee paid) confirming the right with priority of August 27, 1953 to the use of 5 second feet of subterranean water, with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, for the irrigation of 405 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 16, Twp. 1 S., Rge. 2 W.

Permit No. 20584 We have our engineer's report on this permit for Beneficial Use showing the work capable of conveying 189 $\frac{1}{2}$ miner's inches (3.79 CFS) of water for irrigation of 238 acres as amended.

20585

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10:30 a.m. on the 21st day of July, 1958, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the application to beneficial use of 5.60 cubic feet per second of the waters of subterranean source in accordance with the terms and conditions of Permit No. 20585 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Crystal R. Jensen, Melba, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 5.60.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE $\frac{1}{4}$, Section 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Twp. 1 So., Rge. 2 West, B.M. Point of Diversion -- No. 1 & 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$, No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, No. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in Twp. 1 So., Rge. 2 West, B.M. 125

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditch.

The right to take water from such works is based upon Permit No. 20585.

The source of supply from which such water is diverted is Subterranean.

The date of priority which said user is prepared to establish is June 16, 1950.

E. N. Humphrey

Deputy State Reclamation
Engineer

June 29 July 5 12-13 1958

Department of Reclamation

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. G-20585

Comes now Rex S. Jensen, 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-20585, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

T 1 S - R 2 W., B.M.

Section 16, N₂, N₂S₂, S₂SE₄

Section 15, SW₁NE₄, N₂SW₄, SE₄SW₄

Section 27, NE₁NE₄

Section 26, SW₁NE₄

....., making a total of 800 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 26 day of February, 19 59.

Rex S. Jensen

By Harley M. McDowell
Harley M. McDowell, Agent

Date of receipt at office of Department of Reclamation March 2, 1959

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. 20585. 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.

G. N. Carter

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

Permit No. 20585This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Rex S. Jensen - Agent for Chrystal R. Jensen, Permit Holder
2. Source of water supply: Group of wells (Artesian flow)
3. Location of point of diversion: Is in the Nos. 1 & 2, NE 1/4, Sec. 14, T. 1 South, R. 2 West, B.M. Canyon
- 1172 well
No. 3, SE 1/4, No. 4, SW 1/4, NE 1/4
22-
- RWJ

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

well 12" d. x 80' ctd 50' Washington Turbine pump with
a 15 hp U.S. Motor # 668522
In wooden pump house 8' x 8' x 8' concrete base,
h=10' l=25' del. thru 6" pipe into open ditch across
drain thru 22" culvert (tanned) pipe - ditch to James sump pump

5. Water is used for: Irrigation and domestic purposes

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

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

NE 1/4 Section 27, SW 1/4, SE 1/4, NW 1/4 Section 26, all in Township 1 South, Range 2 West, 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:

Well output = 80" pumped fr. East well.
= 10" has been delivered fr. West well.

check phase of case with Dept.

This examination was made on the 11 day of February, 1959

(Signed) E. H. Humphrey Examiner.

20585

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
MAR 4 1959
Department of Reclamation

M 7-2318
Ranch. Permit No. 20585
Rex S. Jensen - Agent
For Chrystal R. Jensen
Malba, Idaho

Examination for Beneficial Use Proof

County Canyon

14-22-15-2W

Q = 5.6

S = Wells

P.D. = 2 in NWSE, 1 in NESW,
1 in SESW 14 - 1 in SWNE 22
15-2W

Use - Irr. & Dom

claims 100" for pump
10" artesian

Filed 7-29-48

Dec-8-7-53 Quoted 7-29-53
EX. 9-1-53

B/u due 9/13/56 - delayed proof

U.S. motor 15 hp.

668522

Worthington Pump

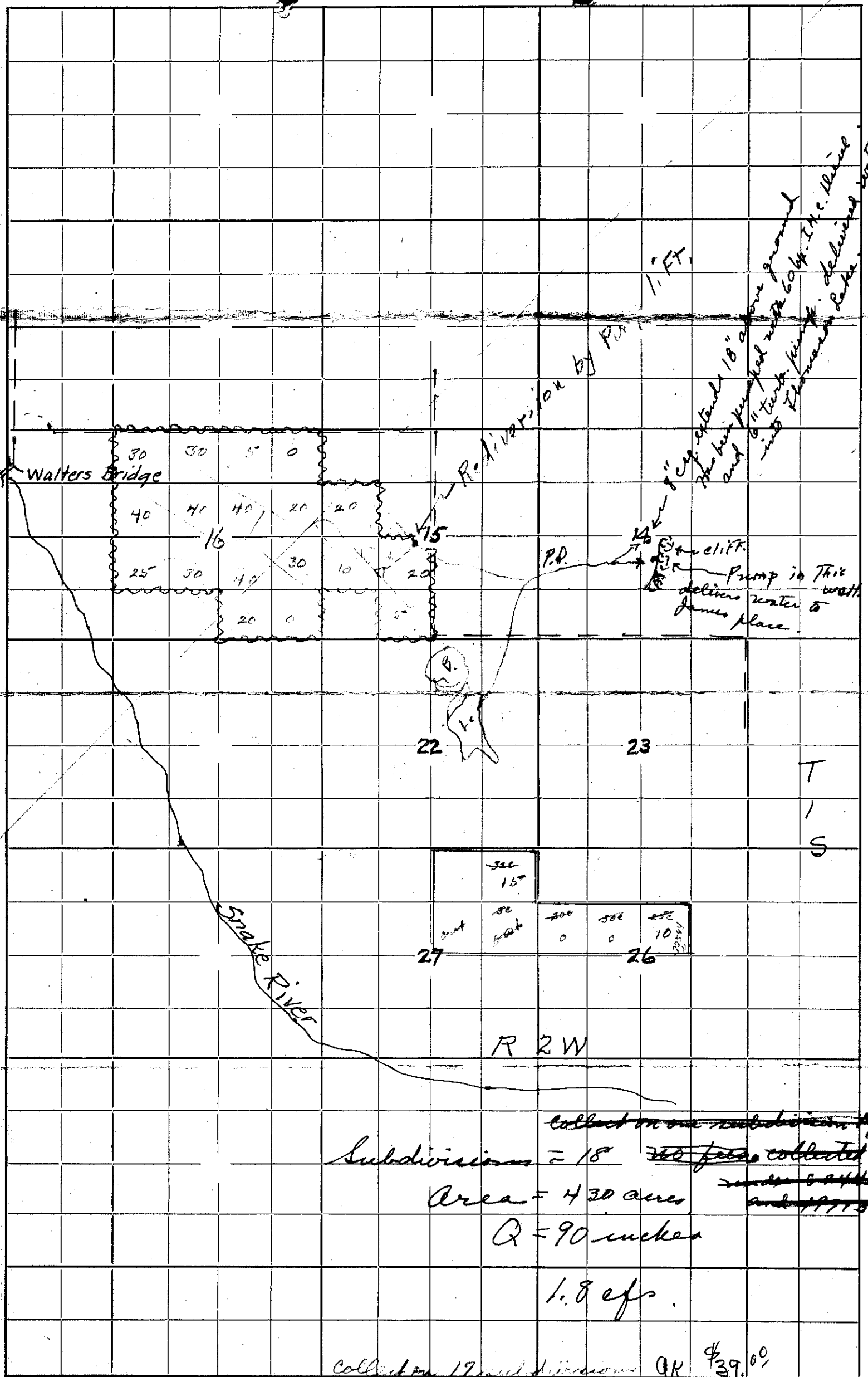
80' x 12" col 50

50' x 6" col.

h = 10' dd to 25'

80" del. thru 6" pipe

Controls in well
house - 8' x 8' x 8' h.
conc. floor



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20585

MC

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20585 ✓

REPORT ON PROOF OF Beneficial Use

Rex S. Jensen, Agent
For Chrystal R. Jensen, Permit holder ✓
Melba, Idaho

June 23, 1958

Re: Permit No. 20585
Crystal R. Jensen

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use, under Permit No. 20585, in the name of Crystal R. Jensen. Final proof is to be made before you, as Notary, on the 20th day of July, 1958, at 10:30 A. M.

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

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

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

Very truly yours,

E. N. HUMPHREY
Deputy State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPH:lw
Encls. (3)
cc: Crystal R. Jensen

20585

XXXXXXXXXX

Jul 29, 1958

Re: Permit No. 20585
Chrystal R. Jensen

Mr. Rex S. Jensen
Helba, Idaho

Dear Mr. Jensen:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the News-Tribune, all submitted in Proof of Application of Water to Beneficial Use, on Permit No. 20585, in the name of Chrystal R. Jensen.

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. Rutledge
Chief Clerk

EPR:lw
cc: Harley M. McDowell

20585

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 25 1958
Department of Reclamation

Permit No. 20585

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. My name is Rex S. Jensen; I am the agent and father of Chrystal R. Jensen, residence, 12½ miles south of Nampa; occupation, farming; postoffice address, Melba, Idaho.

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. None

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

Ans. The number of the permit is 20585; date of permit, 8/7/48
date of priority, 6/16/50. 6-7-50

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

Ans. Subterranean from 2 drilled wells, one is equipped with turbine type pump & motor to pump, the other is artesian and flows. Both are in the NW¼SE¼, Section 14, T 1 S - R 2 W., B.M.

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. Well #1 drilled to a depth of 170', pumps with a lift of 30', cased for 80' with 12" steel casing and pumps 100". Equipped with turbine type pump & motor 15 h.p. Well #2 drilled to 50', cased 45' with 8" steel casing, flows 10" of water. Distribution ditch has 18" bottom, 2' deep, 3½' wide at top, capable of carrying 250 miner's inches. These were measured by a well driller and by me, both by the orifice method and also by weir (cippoletti), all irrigation is by gravity, no sprinkler system.

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. The purpose of the water is for irrigation of following subdivisions: NE¼NE¼, Sec. 27, 32A irrig.; SE¼NE¼, Sec. 27, 3 acres; SW¼NW¼, Sec. 26, 20 acres; SE¼NW¼, Sec. 26, 30 Acres; SW¼NE¼, Sec. 26, 25 acres irrigable, T 1 S - R 2 W., totalling 110 acres. No natural meadow. All improvements have been made to artificially irrigate this land and an investment of \$15,700 was spent.

20585

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. I could use more water on this land than that which is now being provided.

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. Chrystal Jensen was the original person who submitted this application, and I am acting as her agent.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. She started work on this permit immediately when it was allowed and has worked continuously on it and has raised a crop since 1953.

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. There are no other waters appropriated for this land. She does mix this water with her other irrigation system but takes out the same amount of water into the individual diversion ditches onto this property.

Chrystal R. Jensen

By
(Sign)

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 Boise, County of Ada,

State of Idaho, on this 21st day of July, A. D. 1958.

Notary Public for the State of Idaho

My commission expires 10/11/59

20585

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 2 1958
Department of Reclamation

Permit No. 20585

Proof of Application of Water to Beneficial Use

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. Name, Dean J. James; age, 40; residence 12 1/4 miles south of Nampa, Idaho; occupation, farming; postoffice address, Melba, Idaho.

Ques. 2. Are you acquainted with Chrystal R. Jensen, the holder of Permit No. 20585? How long have you known him and where does he reside?

Ans. I have known her over 15 years and know that she resides at Melba, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20585, 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. Source of water, 2 drilled wells in NW 1/4 Sec. 14, T. 1 S. - R. 2 W., B.M. Works consist of Well #1 drilled to 170', pumping 30' with a 12" casing for 80'. Pumps 100'; Well #2 is artesian flow drilled to 50' and cased with 8" steel casing for 45'. Flows 10" of water. System of distribution is by an 18" ditch, 2' deep and 3 1/2' wide at top which is capable of carrying 250" of water.

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. I have seen 110" of water conveyed and believe it to be capable of conveying 250".

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. I have seen the pump deliver 100" of water and it was measured by orifice method and the artesian flow I have estimated from my past experience in irrigating.

20585

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. Water is used for irrigation of the following: Section 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, 3 acres; NE $\frac{1}{4}$ NE $\frac{1}{4}$, 32 acres; Section 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 Acres; T 1 S - R 2 W., B.M. This is all cultivated and all improvements are made as a direct result of said use.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

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. This is a good sandy loam soil, very productive when irrigated. Excellent row crop lands. The land could use more water than what is being produced.

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 interest.

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 seen this once or twice a month since first started as I have land in the same vicinity. Development was started in 1953.

(Signed)

Dean James

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 Boise, County of Ada, State of Idaho, on this 21 day of July, A. D. 1958.

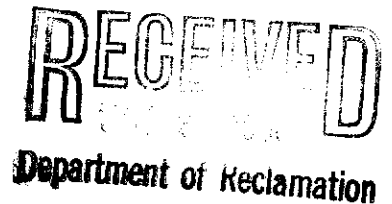
Harley H. C. Dwyer

Notary Public.

My commission expires 10/11/59

20585

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 20585

Proof of Application of Water to Beneficial Use
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. Name, Marion L. James; age, 42; residence, 12 1/2 miles south of Nampa, Idaho; occupation, housewife; postoffice address, Melba, Idaho.

Ques. 2. Are you acquainted with Chrystal R. Jensen, the holder of Permit No. 20585? How long have you known him and where does he reside?

Ans. I have known her all my life and know that she resides at Melba, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20585, 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. Source, 2 drilled wells; place of diversion, NW 1/4 Sec. 14, T1S-R2W; works consist of one well 170' deep, 12" casing, pumps 30'. Amount 100". Second well drilled to 50', cased with 8" steel casing for 45', artesian flow 10". Private ditch with 18" bottom, 2' deep, 3 1/2' wide at top. Capable of carrying 250" of water.

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. I believe the works capable of conducting 250" of water. I have seen 110" so conveyed.

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. I have seen this pump deliver 100" of water and the artesian well 10" of water. This was estimated from my past experience in seeing the development of water and land.

20585

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. Water is used for irrigation. The following lands are irrigated: Section 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 32 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 3 acres; Section 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres, T-1-S-R-2-W. All cultivated. All improvements made as direct result of said use.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

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. Land is sandy loam, and requires at least as much water as is now being put on for profitable irrigation.

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 seen the development of this water since 1953. My husband and I have a farm not far from this land and have had occasion to watch it constantly.

(Signed)

Marion L. James

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 Boise, County of Ada, State of Idaho, on this 21 day of July, A. D. 1958.

Harley H. S. Howell

Notary Public.

My commission expires 10/11/59

20585

Affidavit of Publication

RECEIVED
JUL 25 1958

STATE OF IDAHO, }
County of Canyon } ss.

Department of Reclamation

EVONNE FLANERY

, being first duly sworn, deposes and says;

That she is the principal clerk of CALDWELL PUBLISHING CO., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune; a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

Saturday issue of The

News-Tribune for four consecutive weeks

beginning with the issue of June 28,

19 58 and ending with the issue of July

19, 1958.

Evonne Flanery
Subscribed and sworn to before me this 19th

day of July, 19 58.

C. Robert Bull
Notary Public for Idaho
Residing at Caldwell, Idaho

205-851
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE
Notice is hereby given that at 10:00 a.m. on the 21st day of July, 1958, at Boise, County of Ada, State of Idaho, before Harley M. Johnson, proof will be submitted of the application to beneficial use of 1,500 cubic feet per second of the waters of subterranean source in accordance with the terms and conditions of Permit No. 20585 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.
The name and postoffice address of the person or corporation holding said permit is Crystal R. Johnson, Boise, Idaho.
The place to which said water has been applied is irrigation.
The amount applied to beneficial use is 1,500 cfs.
The place where said water is used (for irrigation, give full and accurate description of the lands irrigated) NE 1/4, Section 2, Twp. 1 N., R. 2 W., B.M. Point of Diversion - No. 1 & 2, NW 1/4 SE 1/4, No. 1 SW 1/4, No. 1 SW 1/4 NE 1/4, all in Twp. 1 S., R. 2 W., B.M.
The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditch.
The right to take water from such works is based upon Permit No. 20585.
The source of supply from which such water is diverted is Subterranean.
The date of priority which said user is prepared to establish is June 16, 1950.

H. N. Humphrey
Deputy State Reclamation
Engineer

June 24, 1958

Re: Permit No. 20585
Crystal R. Jensen

The Caldwell News Tribune
Caldwell, Idaho

Gentlemen:

Please correct date appearing in first line of Notice of Proof
Application of Water To Beneficial Use to read - 21st day of
July, 1958, instead of 20th day. This notice is for Crystal R.
Jensen and was sent to you with our June 23, 1958 letter.

Very truly yours,

E. N. HUMPHREY, Deputy
and Acting State Reclamation Engineer
By

Chief Clerk

EPR:nls

20585

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: June 23, 1958

Re: Permit No. 20585
Crystal R. Jensen

The Caldwell News Tribune
Gentlemen: Caldwell, Idaho

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 20, 1958 the date set for proof; the expense of the publication is to be paid by the applicant's Agent, Harley M. McDowell of P. O. Box 2161 Boise, 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 of the first publication.

Very truly yours,

E. N. Humphrey
Deputy State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls.

20585

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:30 A. M. on the 21st day of July, 1958,
at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
application to beneficial use of 5.60 cubic feet per second of the waters of
subterranean source in accordance with the terms and conditions of Permit No. 20585
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Crystal R. Jensen, Melba, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 5.60

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

NE $\frac{1}{4}$, Section 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, Twp. 1 S1., Rge 2 West, B.M.

Point of Diversion - No. 1 & 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$, No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, No. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in

Twp. 1 So., Rge 2 West, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Private Ditch

The right to take water from such works is based upon Permit No. 20585

The source of supply from which such water is diverted is Subterranean

The date of priority which said user is prepared to establish is June 16, 1950

E. N. HUMPHREY

Deputy State Reclamation Engineer.

20585

NOTICE FOR PUBLICATION
**NOTICE OF PROOF APPLICATION OF WATER
 TO BENEFICIAL USE**

Notice is hereby given that at 10:30 A. M. on the 20th day of July, 1958,
 at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
 application to beneficial use of 5.60 cubic feet per second of the waters of
subterranean source in accordance with the terms and conditions of Permit No. 20585
 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Crystal R. Jensen, Melba, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 5.60

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

NE $\frac{1}{4}$ Section 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, Twp. 1 So., Rge. 2 West, B. M.

Point of Diversion - No. 1 & 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$, No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, No. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in

Twp. 1 So., Rge. 2 West, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Private Ditch

The right to take water from such works is based upon Permit No. 20585

The source of supply from which such water is diverted is Subterranean

The date of priority which said user is prepared to establish is June 16, 1950

E. N. Humphrey
 Deputy State Reclamation Engineer.

20585

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

RECEIVED
JUN 1 11 1958
Department of Reclamation

Notice is hereby given that at 10:30 A. M. on the 20 day of July, 1958,
at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
application to beneficial use of 5.60 cubic feet per second of the waters of
subterranean source in accordance with the terms and conditions of Permit No. 20585
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Crystal R. Jensen, Malba, Idaho

The use to which said water has been applied is irrigation *S Domestic*

The amount applied to beneficial use is 5.60

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

NE¹/₄ Section 27, SW¹/₄ NE¹/₄ Section 26, T 1 S - R 2 W., B.M.

Point of Diversion: 1/2 NW¹/₄ SE¹/₄ Sec. 14, 3 SE¹/₄ SW¹/₄, 4 SW¹/₄ NE¹/₄, all in Sec. 22,

T. 1 S. - R. 2 W. B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

private ditch

The right to take water from such works is based upon Permit No. 20585

The source of supply from which such water is diverted is Subterranean

The date of priority which said user is prepared to establish is June 16, 1950

State Reclamation Engineer.

20585

NOTICE FOR PUBLICATION
**NOTICE OF PROOF APPLICATION OF WATER
 TO BENEFICIAL USE**

Notice is hereby given that at 10:30 ~~80~~ A. M. on the 20 day of July, 1958,
 at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
 application to beneficial use of 5.60 cubic feet per second of the waters of subterranean source
 in accordance with the terms and conditions of Permit No. 20585
 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Crystal R. Jensen, Melba, Idaho

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 5.60.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

NE $\frac{1}{4}$, Section 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 26, T. 1 S., R. 2 W., B. M.

Point of Diversion - No. 1 & 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$; No. 3 SE $\frac{1}{4}$ SW $\frac{1}{4}$, No. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in

Section 22, Twp. 1 S., Rge. 2 West, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

private ditch

The right to take water from such works is based upon Permit No. 20585.

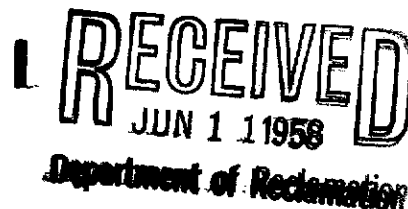
The source of supply from which such water is diverted is Subterranean.

The date of priority which said user is prepared to establish is June 16, 1950

E. N. Humphrey

Deputy State Reclamation Engineer.

20585



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 7, 1958

(P. O.) Melba, 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 Caldwell News Tribune of Caldwell, Idaho published in
the county in which the works are situated.

Canyon Co.

By

Crystal R. Jensen

A large, stylized handwritten signature in dark ink, appearing to read "Crystal R. Jensen".

(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.

20585

June 25, 1958

20585
Dear Sir:

This is to acknowledge receipt of your legal notice to appear in The News-Tribune, for Crystal R. Jensen, Permit No. 20585.

This will be published June 28, July 5, 12, 19, 1958.

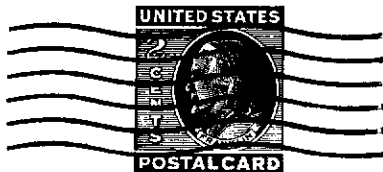
THE NEWS-TRIBUNE

Evonne Flanery

THE NEWS-TRIBUNE
P. O. Box 491
Caldwell, Idaho



THIS SIDE OF CARD IS FOR ADDRESS



RECEIVED
JUN 26 1958

Department of Reclamation

E. N. Humphrey
State Reclamation Engineer
State House
Boise, Idaho

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

June 27, 1956

Mr. Crystal R. Jensen
Melba
Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 20585. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than September 13, 1956, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

20585

November 9, 1953

RE: Permit No. 20585

Mr. Harley M. McDowell
Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We return Certificate of Completion of Works issued on Permit No. 20585 in the name of Crystal R. Jensen.

This has been corrected and also our record has been corrected to show location of Wells 1 and 2 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, and Wells 3 and 4 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, respectively.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20585

✓
November 6, 1953

RE: Permit No. 20585

Mr. Harley M. McDowell
Idaho Building
Boise, Idaho

Dear Mr. McDowell:

In checking our record of Certificate of Completion of Works issued on Permit No. 20585 in the name of Crystal R. Jensen, we find what appears to be an error in that the wells are described as all being located in Section 22, Township 1 South, Range 2 West, B.M., whereas only one is in that section and the others in Section 14.

If you have this Certificate, will you please return it to this department for correction.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20585

✓
September 3, 1953

RE: Permit No. 20585

Mr. Harley M. McDowell
Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We enclose Certificate of Completion of Works issued on Permit No. 20585 in the name of Crystal R. Jensen, for the diversion of 5.6 second feet of water from a group of wells in Section 22, Township 1 South, Range 2 West B.M., for irrigation and domestic use on the NE $\frac{1}{4}$ Section 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, Township 1 South, Range 2 West, B.M.

We also enclose departmental receipt No. 26161 for the \$5.00 fee in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20585

Permit No. 20585

STATE OF IDAHO
Department of Reclamation

RECEIVED
AUG 27 1953
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada ss.

That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 20585, and that his postoffice address is Melba, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is subterranean wells (4 wells).

Third: That the point of diversion of said water is 1 & 2, NW 1/4 SE 1/4, Sec. 14; #3, SE 1/4 SW 1/4, Sec. 14; #4, SW 1/4 NE 1/4, Sec. 22, all in T1S - R2W.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 7, 1953.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (complete) fully completed and consisted of the following:

- I. Kind of works: 4 drilled wells, #s 2, 3, 4 equipped with pump. #1, 8" casing - 50' deep; #2, 16" casing - 180' deep; #3, 8" (Reservoir, dam, ditch, flume, pipe or otherwise) casing, 80' deep; #4, 8" casing, 200' deep.

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line (State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 5.6 second feet of water.

Eighth: That water appropriated under said permit is available for 280 acres of land described as follows: T1S-R2W, Sec. 27, NE 1/4; Sec. 26, SW 1/4 NE 1/4, S 1/4 NW 1/4. #1 well flows 15 miner's inches developed at a cost of \$500. #2 flows 230 Miner's inches, pump and well cost \$1,100; #3 pumps 15 Miner's inches, well and pump cost \$1,400; #4 pumps 20 Miner's inches, well and pump cost \$2,100.

Ninth: Remarks: That all 4 wells have been constructed for the irrigation of the land designated and the production works are completed along with the diversion works to the land. They flow into a common drainage and by gravity to the land of beneficial use.

By

Crystal R. Jensen
Agent for (Sign Here) Crystal R. Jensen

Subscribed and sworn to before me this 22 day of July, 1953

My commission expires 10/11/55

Notary Public.

20585

September 9, 1953

RE: Permit No. 20585

Mr. Harley M. McDowell
Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We enclose approval of the State Reclamation Engineer of Crystal R. Jensen's application for extension of time for making proof of beneficial use to September 13, 1956.

This should be attached to the original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.

20585

STATE OF IDAHO
Department of Reclamation

Permit No. 20585

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Ada } SS

Rex S. Jensen Agent of / Crystal R. Jensen
of Melba,

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 20585

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by August 7, 1953

That he has heretofore put to beneficial use 1.2 second feet of water and has irrigated 60 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: that the lands included in this permit were in a desert land application before the Bureau of Land Management. Allowance was not given until September 13, 1950 and therefore the 6 years ordinarily allowed for beneficial use was not available to the applicant, wherefore, we ask that said permit be extended to September 13, 1956.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to September 13, 1956

By Crystal R. Jensen
Rex S. Jensen, agent

Subscribed and sworn to before me this 29 day of July, 1953

Harley M. McDaniel

Notary Public.

My commission expires 10/11/55

Date of receipt at office of Department of Reclamation Sept. 5 - 1953

STATE RECLAMATION ENGINEER
APPROVAL OF COMMISSIONER OF RECLAMATION
State Reclamation Engineer

I, Mark R. Kulp

Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20585, to

September 13, 1956

Witness my hand this 8th day of September, 1953

Mark R. Kulp

State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Crystal R. Jensen
Melba
Idaho

BOISE

June 1, 1953

Dear Sir:

Under the terms of your permit No. 20585 you are required to complete your diversion works and make proof of beneficial use on or before August 7, 1953.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is August 7, 1953, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

20585

✓
June 19, 1951

Re: Permit No. 20585

Mr. Rex S. Jensen
Melba, Idaho

Dear Mr. Jensen:

We enclose Application for Amendment to points of diversion in Permit No. 20585 in the name of Crystal R. Jensen, which has been approved by the State Reclamation Engineer and duly recorded.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

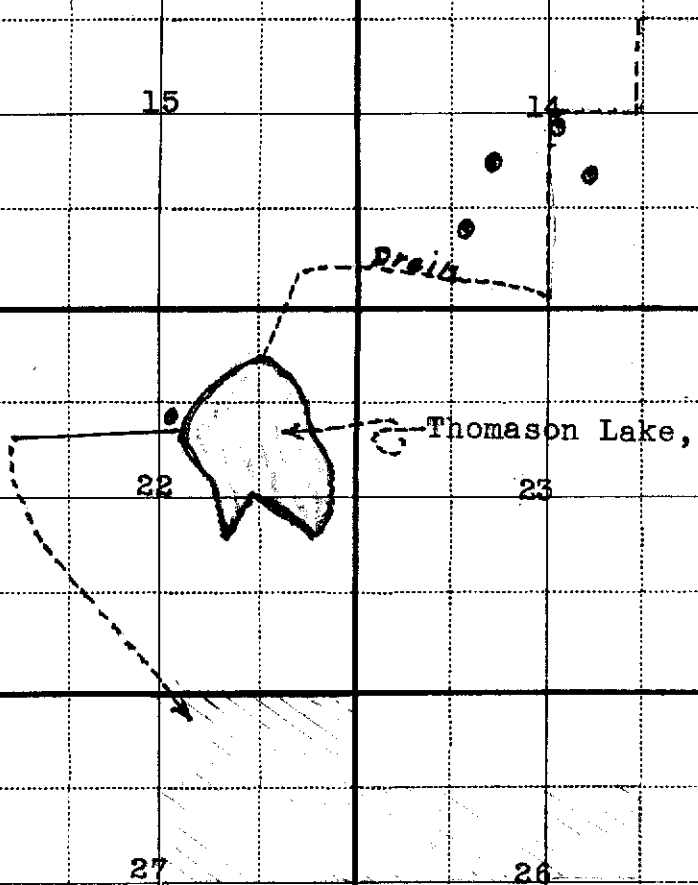
A:bh
Enc.

20585

Sketch map to accompany Permit No. 20585 for amendment of points of Diversion, Points of diversion are well locations which are all located on owners property.

Points of diversion shown thus, ●

Twp. 15.N. R. 2.W.



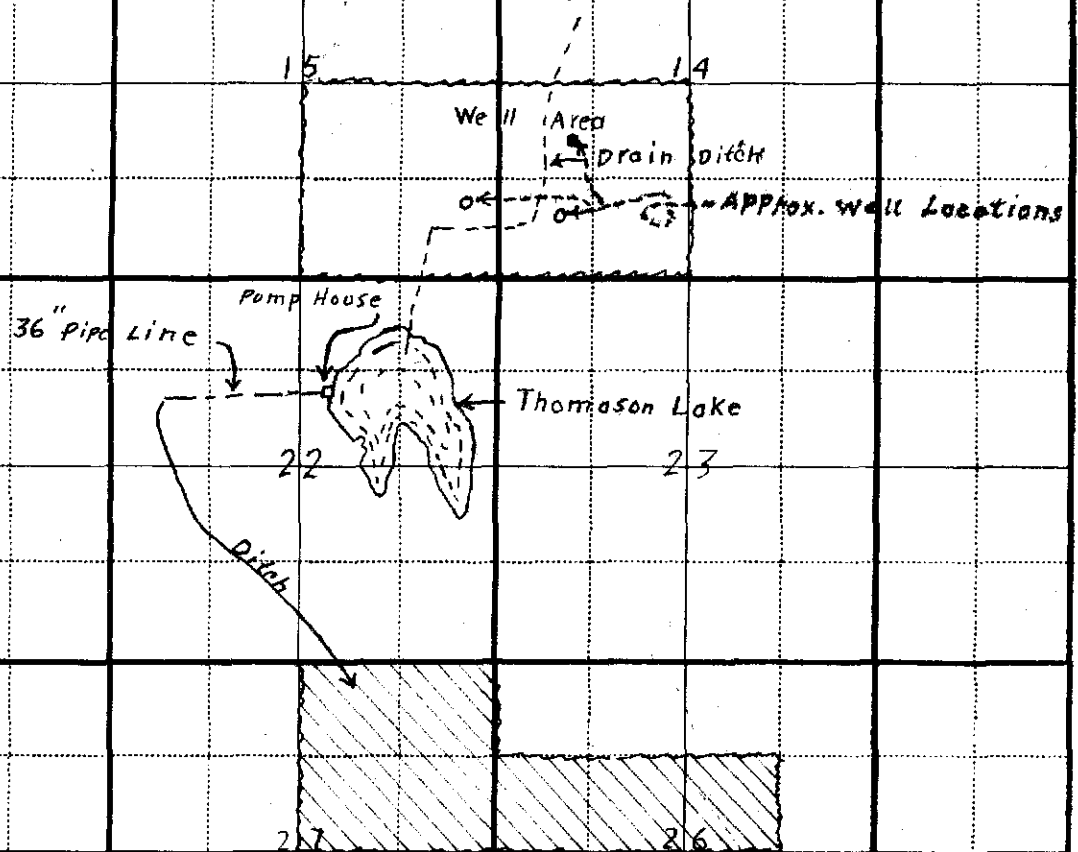
20585

Applicant proposes to drill as many wells, (Artesian Flow) as necessary to produce the amount of water filed on in this application.

Location of proposed wells will be in the in the SE $\frac{1}{4}$ Section 15 and the SW $\frac{1}{4}$ Section 14, Twp. 1.S. R.2.W. See well area below,

Exact location of wells cannot be determined at this time. Water will flow from wells into drain ditch thence into Thomason Lake from which it will be pumped to high land thence by gravity to place of use through constructed ditches.

Twp. 1S. R.2W.



Permit Map No. 20585
As Approved
AUG 7 1948
MARK R. KULP
State Reclamation Engineer

August 10, 1948

Mr. T. B. Chapman
1607 North 7th Street
Boise, Idaho

Dear Mr. Chapman:

At the request of Mr. Rex S. Jensen we enclose two copies each of the following permits, one of which is certified.

Permit No. 20585 - Crystal R. Jensen

Permit No. 20598 - Roxy Elizabeth Jensen

These copies are to be used in connection with homestead filings made in the name of these two permit holders.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

Enc. 4

CC: Mr. Rex S. Jensen

20585

August 10, 1948

Re: Permits Nos. 20584, 20585, & 20598

Mr. Rex S. Jensen
Malba, Idaho

Dear Mr. Jensen:

We enclose herewith the following Permits and direct your attention to the limitations and conditions of same as given on the fourth page under Approval of State Reclamation Engineer.

Permit No. 20584 - Rex S. Jensen

Permit No. 20585 - Crystal R. Jensen

Permit No. 20598 - Roxy Elizebeth Jensen

We are also enclosing Departmental Receipts Nos. 20789 and 20800 covering the filing fees on these three permits and the fee for making two copies of Permits Nos. 20585 and 20598.

As per your request the copies of these two permits are being sent today to Mr. T. B. Chapman for use in connection with homestead entries.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

Enc. 5

20585

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5356
WATER RIGHT NO(S). 63-02712/63-02955/63-03099/63-07814

This is to certify that: **TOM KASPER**
3349 HILL RD
MELBA ID 83641

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-02712 :			
Priority: 06/07/1950			
IRRIGATION	03/15 to 11/15	1.62 CFS	790.5 AF
STOCKWATER	01/01 to 12/31	0.18 CFS	87.8 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	87.8 AF
SUBTOTAL:		1.80 CFS	878.3 AF
Right No. 63-02955 :			
Priority: 08/27/1953			
IRRIGATION	03/15 to 11/15	4.44 CFS	1597.5 AF
STOCKWATER	01/01 to 12/31	0.56 CFS	134.0 AF
COMMERCIAL	01/01 to 12/31	0.56 CFS	134.0 AF
SUBTOTAL:		5.00 CFS	1731.5 AF
Right No. 63-03099 :			
Priority: 12/27/1956			
IRRIGATION	03/15 to 11/15	3.70 CFS	1548.0 AF
Right No. 63-07814 :			
Priority: 06/19/1973			
STOCKWATER	01/01 to 12/31	0.32 CFS	42.9 AF
COMMERCIAL	01/01 to 12/31	0.32 CFS	42.9 AF
SUBTOTAL:		0.32 CFS	42.9 AF
IRRIGATION TOTAL:		9.76 CFS	2029.5 AF
STOCKWATER & COMMERCIAL TOTAL:		1.06 CFS	134.0 AF
TRANSFER TOTAL:		10.82 CFS	2163.5 AF

NOT RECORDED

TRANSFER NO. 5356
WATER RIGHT NO(S). 63-02712/63-02955/63-03099/63-07814

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01S, Range 02W
 SENW , Sec. 15, Township 01S, Range 02W
 CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	02W	15	NWSW 5			5
		16	NWNE 12	SWNE 40	SENE 27	
			NENW 30	NWNW 30	SWNW 40	
			SENW 40	NESW 30	NWSW 25	
			SWSW 26	SESW 27	NESE 30	
			NWSE 40	SWSE 24		421
	26		SWNW 10			10
	27		NENE 15			15
Total number of acres irrigated:						451

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
01S	02W	22	NENW	SENW	NWSE
		27	NENE		

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
01S	02W	15	NWSW		
		16	NWNE	SWNE	SENE
			NENW	NWNW	SWNW
			SENW	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	
	26		SWNW		
	27		NENE		

CONDITIONS OF APPROVAL AND REMARKS

Rights 63-02712, 63-02955, 63-03099 and 63-07814 are subject to the conditions of the Final Order in the matter of Application for Transfer 5356.

Dated this 15th day ofJuly, 1999

[Signature]

Chief, Water Allocation Bureau

MICROFILMED

2001-1-4-2001

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

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NO. 5356 (WATER RIGHT NOS.)	PRELIMINARY ORDER
63-02712, 63-02955, 63-03099, & 63-07814))	
IN THE NAME OF TOM KASPER)	
_____)	

Tom Kasper filed application for transfer no. 5356 with the Idaho Department of Water Resources (IDWR). The application was protested by Ken Omundson, Kyle Winnicki, and Curt &/or Jerry Hensley. A hearing was conducted on April 27, 1998. Kyle Winnicki withdrew his protest prior to the hearing. Tom Kasper appeared at the hearing and was represented by Bruce M. Smith. Ken Omundson appeared and was represented by Chas. F. McDevitt. Curt & Jerry Hensley appeared representing themselves.

After reviewing data referred to in Tom Kasper's presentation of evidence, the hearing officer notified the parties he would consider data from AGRIMET stations located at Parma, Grand View, and Nampa. The hearing officer also notified the parties he would consider consumptive use data developed by Allen and Brockway. The hearing officer granted the parties until June 25, 1999, to submit additional information and granted until July 7, 1999, to request a hearing to augment the record. Bruce Smith, Tom Kasper's attorney, and Sherl Chapman, a consultant hired by Tom Kasper, submitted additional information. A hearing to augment the record was not requested.

IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Tom Kasper (Kasper) filed application for transfer no. 5356 with IDWR, seeking to change the point of diversion, place of use, nature of use, and period of use for water right license nos. 63-02712, 63-02955, 63-03099, and 63-07814. Summaries of the water rights are attached to this decision as Attachment A.

2. The application for transfer proposes to retire 50 acres from irrigation to compensate for delivery of water to a dairy owned by Kasper. The land proposed to be retired from irrigation is located in the SWNW¹ (20 acres); NESW (20 acres); NWSW (5 acres); and SESW (5 acres); all

¹ Absence of the quadrant fraction implies the fraction "1/4."

MICROFILMED
OCT 14 1999

located in Section 15, T01S, R02W, B.M.² Only water right nos. 63-02712, 63-02955, and 63-07814 describe these lands as a place of use. The application for transfer proposes a change from irrigation to stockwater and commercial water uses for the dairy from these three water rights. The transfer does not propose a change in the irrigation use of water right no. 63-03099.

3. In 1996, Kasper built a dairy in the NENE of Section 27, T01S, R02W. The dairy was approved by Canyon County without objection. The nearest subdivision is over three miles away. Kasper employs ten people and buys local feed and other products. Kasper testified his dairy is approved as a Grade A dairy.

4. At the present time, Kasper milks approximately 600 cows. Kasper intends to increase the number of dairy cows to 2,000 milking stock, 1,000 replacement stock, and 200 beef cattle.

5. The existing 600 cow dairy is presently served by wells on the Kasper property near the dairy. Several domestic and stockwater claims, now in the name of Kasper, were filed claiming a beneficial use of water from wells located near the Kasper dairy. Kasper has been unable to increase his dairy herd because the existing wells will not produce sufficient quantity or quality of water. As a result, Kasper seeks to divert water from a well located in the SENW of Section 15, T01S, R02W. The proposed point of diversion is located 1½ to 2 miles north of the dairy facility. This well is referred to in the testimony and the application for transfer as well no. one. Well no. one is located on property owned by Ken Omundson (Omundson). Kasper has built and constructed a pipeline from his dairy to the property boundary with Omundson. Kasper has not connected the pipeline to the well.

6. The application for transfer proposes that all four water rights describe two points of diversion, well no. one and another well located in the SWNW, Section 15, T01S, R02W (well no. two). Sherl Chapman (Chapman), an expert witness hired by the applicant, testified that license no. 63-02955 authorized diversion from well no. one, and license nos. 63-03099 & 63-07814 authorized diversion from well no. two. The licenses do not describe the points of diversion in the same locations as the locations of well nos. one and two described by the application for transfer, however. License no. 63-02712 described a different well than well nos. one and two.

7. A 75 horsepower pump and motor diverted water from well no. one at the time Kasper acquired the property in 1992. The pumping capacity of the 75 horsepower pump was tested in December 1998 by Caron Pump Company. Applicant's Exhibit no. 1, an invoice from Caron Pump Company, contains information gathered during the test. The well was pumped for the first 24 hours at a rate of 400 gpm (0.89 cfs), and the pumping water level in the well did not change from the initial static water level. The pumping rate was increased to 1200 gpm (2.67 cfs) for an additional 24 hours, and the water level in the well declined four feet. Based on the information

² The abbreviation "B.M." stands for "Boise Meridian" and should be implied in subsequent public land survey descriptions.

MICROFILMED
OCT 14 1993

written on the invoice, water levels were only measured twice, once at the end of each 24 hour period. Water levels in other wells were not measured during the pump test.

8. Chapman used the pumping rate and drawdown to estimate the characteristics of the aquifer. Chapman stated, however, that the test was not conducted as a standard pump test.

9. Ed Squires, Omundson's expert witness, testified that the data gathering by Caron Pump Company did not follow standard methods for conducting a pump test. He stated that the water producing zone, known as the "Mellin Formation," is highly variable, and that the zone is probably discontinuous. He testified that long term testing would be required to determine the characteristics of the aquifer. This testimony was not disputed in the record.

10. The testimony established that the test did not adhere to standard pump test procedures to determine characteristics of the aquifer, or to show that the effect of the well's drawdown had been fully established. Nonetheless, the test was sufficient to estimate the short term pumping capacity of the well.

11. Water from well number one has been the sole source of water to irrigate 55 acres located in Section 15, T01S, R02W, including the 50 acres proposed to be dried up by this application for transfer.

12. The cumulative acres listed for irrigation by the four water rights is 501 acres. All of the lands except the 55 acres located in Section 15, T01S, R02W, have been irrigated with surface water diverted from the Snake River.

13. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 was only delivered to lands in Sections 16, 26, & 27, T01S, R02W when surface water was not available. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 supplements surface water for all lands other than those in Section 15, T01S, R02W.

14. Omundson owns a domestic well located approximately 130 to 140 feet west of well number one. Omundson drilled his domestic well in 1995. The priority date of his domestic water right is later than the priority date of the licenses sought to be transferred by Kasper.

15. If this application for transfer is approved, Kasper will install two 50 horsepower pumps in well no. one. The combined design capacity for the two pumps will be 900 gallons per minute (2.00 cfs).

16. Chapman computed the water needs for a dairy of 2,000 milking stock and 1,000 dry stock. His computations are printed on a worksheet attached to the application for transfer. He did not include the 200 beef cattle in his computation. Using numbers consistent with IDWR guidelines, Chapman determined the dairy would consume 162 acre feet annually.

17. The additional information submitted after the hearing by Kasper's attorney and Chapman stated that the 200 beef cattle referred to in the application were not included in the computation because water is provided for the beef cattle from other water rights, and the beef cattle were included in the application for transfer "to provide for flexibility" for Kasper's "operation." Nonetheless, some water for the beef cattle would have to be retired from the irrigation portion of the right for the beef cattle to be included in the transfer.

18. The computation sheet attached to the application (Attachment B) states that the 50 acres were alfalfa ground, and that 3.25 acre feet/acre is the consumptive use that should be applied to determine the number of acres to be retired.

19. At the hearing, Chapman testified that the historical cropping pattern was 50% alfalfa and 50% grain. Chapman testified that 1996 evapotranspiration data from an AGRIMET station at Nampa were used to calculate an historical consumptive use of 3.25 acre feet/acre for the 50 acres proposed to be dried up.

20. In additional information submitted following the hearing, Chapman stated that he used the peak alfalfa consumption for 1996 rather than the mean value for 1996. Chapman also stated he included evaporation and delivery losses in determining consumptive use.

21. Peak alfalfa evapotranspiration reflects full consumption for mature alfalfa and does not take into account reductions attributable to cutting and harvest during the growing season. The mean values from the AGRIMET station more closely represent the historical consumptive use.

22. Chapman also discussed irrigation efficiencies in the additional information submitted. When water is applied inefficiently, water is lost to percolation and evaporation. Percolation losses are not part of consumptive use. Evaporation losses are a component of the AGRIMET evapotranspiration and should not be added in.

23. The mean evapotranspiration does not account for precipitation. If the computation was further refined, precipitation would be subtracted from evapotranspiration to determine consumptive irrigation requirement. In computing consumptive use for this transfer, the assumption will be made that all water consumed is diverted from ground water.

24. The mean alfalfa and spring grain evapotranspiration values were averaged (50% alfalfa, 50% spring grain) for each year of the period of record. The average evapotranspiration during the period of record (1996-1998) for the Nampa station is 2.68 acre feet/acre annually. Dividing the annual consumptive use of 162 acre feet by 2.68 acre feet/acre results in 60 acres, which is the number of acres that would need to be retired for the computed annual consumptive use.

25. The applicant only proposes to retire 50 acres from irrigation. IDWR should not expand the number of acres sought to be retired or try to guess which acres the applicant might want to retire. Assuming only 50 acres will be retired, recognition of 2.68 acre feet/acre for each of the 50 acres results in 134 acre feet annually that can be diverted for the dairy.

26. The maximum annual diversion volume allowed by IDWR for irrigation of Kasper's property is 4.5 acre feet per acre.

27. Fifty of the 55 acres will no longer be irrigated, and the water transferred to the dairy will be fully consumed. This is the 134 acre feet referred to above. Kasper should be able to divert additional volume of water from well no. one for the remaining five acres at a rate of 4.50 acre feet per acre annually. This additional volume of water is 22.5 acre feet annually. After rounding up to the next whole number, the total annual volume diverted from well no. one should be limited to 157 acre feet annually.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 provides, in pertinent 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, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code; . . .

2. The applicant bears the burden of proof regarding all of the criteria contained in Idaho Code § 42-222.

3. Injury to Omundson can be prevented by limiting the flow rate and annual volume to the traditional quantities diverted/consumed from well no. one. The testimony shows that the 55 acres in Section 15, T01S, R02W were irrigated solely by well no. one.

4. There is sufficient water for the purposes sought if diversion is limited to historic quantities.

5. The application is not filed for purposes of speculation and delay. The dairy is already constructed, and the delivery pipeline is also constructed.

6. The applicant has sufficient financial resources to complete the project.

7. In determining whether an application is in the local public interest, IDWR must consider the effect the project will have on the local economy, recreation, fish & wildlife resources, compliance with environmental laws and standards, compliance with zoning ordinances, and any other factors IDWR finds are appropriate to consider.

8. The application is in the local public interest because of approval by Canyon County, contributions to employment in the area, and economic benefits derived from other businesses in the area.

9. The use of water proposed is within IDWR guidelines for dairy use of water. The application is consistent with principals of conservation of the water of the state of Idaho.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 5356 is APPROVED. Water right nos. 63-02712, 63-02955, 63-03099, and 63-07814 are subject to the following conditions:

1. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works, including, if determined necessary by the Department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.

2. The right holder shall annually report diversions of water under this right to the Department.

3. The issuance of this right does not grant any right-of-way or easement across the land of another.

4. Diversion from the well located in the SENW, Section 15, T01S, R02W, is limited to 2.00 cfs (900 gallons per minute) and 157 acre feet annually.

5. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres located in the NWSW of Section 15, T01S, R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.

6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 acre-feet per acre at the field headgate for irrigation of the lands above.

8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

11. Rights 63-02712, 63-02955, and 63-07814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and or a combined total annual volume for both stockwater and commercial use of 134.0 acre-feet. Because the annual volume for commercial and stockwater use was reduced from the quantities sought by the application for transfer, the permit holder must determine the division of the 134 acre feet into the stockwater and commercial components.

12. Commercial use of the water is for a dairy located in the SWNW, S26 and NENE, S27, T01S, R02W.

13. The water used for commercial purposes under this approval may be applied to and irrigate land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.

14. Right 63-02712 is limited to the irrigation of 380.0 acres in the place of use described above in a single irrigation season.

15. Right 63-02955 is limited to the irrigation of 355.0 acres in the place of use described above in a single irrigation season.

16. Right 63-03099 is limited to the irrigation of 344.0 acres in the place of use described above in a single irrigation season.

17. Rights 63-02712, 63-02955, and 63-03099 when combined for irrigation purposes shall not exceed a total diversion rate of 9.76 cfs, a total annual maximum diversion volume of 2029.5 acre-feet at the field headgate, and the irrigation of 451.0 acres.

18. Rights 63-02712, 63-02955 and 63-03099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

DATED this 15th day of July, 1999.


GARY SPACKMAN
Hearing Officer

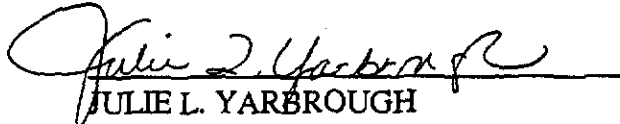
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, I mailed a true and correct copy of the foregoing document to the persons listed below:

Bruce M. Smith
Moore & McFadden, Chartered
999 Main Street, Suite 910
Boise, ID 83702

Curt &/or Jerry Hensley
8971 Ferry Rd
Melba, ID 83641

Charles McDevitt
McDevitt & Miller
537 W. Bannock, Suite 215
P.O. Box 2564
Boise, ID 83701


JULIE L. YARBROUGH
Administrative Asst., Water Allocations

ATTACHMENT A

WR5809NP
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	06/07/1950	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.800 CFS	
TOTAL DIVERSION:					1.800 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S14

NWSE

CANYON County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE					
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S	02W	15																					
01S	02W	16			05	40	20		30	30	40	40		20	10		05		30	40	20		
01S	02W	26				10																	
01S	02W	27	15																				
																					TOTAL ACRES	430.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 08/28/1979

Priority Date: 06/07/1950
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:

Field Exam Fee:

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WR5809NP
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/25/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYCK	06/19/1973	IRRIGATION	03/15 11/15	0.320 CFS	72.00 AFA
TOTAL DIVERSION:					0.320 CFS	72.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T01S R02W S15 SWNW CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	02W	15	:																	:	16.0
																				TOTAL ACRES	16.0

Pou County: CANYON

Dates:	App. Received:	Priority Date:	06/19/1973
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		09/13/1979

Misc: Water District Number: Field Exam Fee:

MICROFILMED
MAY 14 1999

WR5809NP
No. 63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	08/27/1953	IRRIGATION	00/00 00/00	5.000 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE							
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
01S	02W 15	:								:		20				:	20	10			: 55.0
01S	02W 16	:		05	40	20				:	30	30	40	40		:	30	25			: 350.0
																			TOTAL ACRES	405.0	

Pou County: CANYON

Dates:	App. Received:	Priority Date:	08/27/1953
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/28/1979	

Misc:	Water District Number:	Field Exam Fee:
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WR5809NP
No. 63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CRYSTAL R. EVANS	12/27/1956	IRRIGATION	00/00 00/00	3.700 CFS	
C	EDWARD T. EVANS		DOMESTIC	00/00 00/00		
TOTAL DIVERSION:					3.700 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 NESW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
01S	02W	16	:			07	33	07	:	25	26	40	40	:	20	24	26	27	:	23	22	24	344.0
																				TOTAL ACRES	344.0		

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates:	App. Received:	Priority Date:	12/27/1956
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		08/28/1979

Misc:	Water District Number:	Field Exam Fee:
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MICROFILMED
JUL 1 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
ATTORNEY AT LAW
225 N 9TH ST STE 420
BOISE ID 83702

RECEIVED

MAY 3 - 2000

Department of Water Resources

CHAS. MCDEVITT
ATTORNEY AT LAW
PO BOX 2564
BOISE ID 83701-2564

Re: Tom Kasper Contested Case

Gentlemen:

I received a letter from Bruce Smith, dated March 27, 2000, asking for an opinion about what Kasper should do and implicitly questioning the value of a formal contested case. I notice that the letter was not carbon copied to Mr. McDevitt, and I am forwarding a copy for his review.

On April 4, 2000, I received a motion to vacate the prehearing conference from Chas. McDevitt.

This letter vacates the prehearing conference scheduled for May 10, 2000.

Because I conducted the hearing for the original application for transfer filed by Tom Kasper, I have been reluctant to interpret the preliminary order that ultimately became the final decision of the department. Nonetheless, at Bruce Smith's suggestion, and particularly following the field examination by Sue Bock, I will informally state my expectations as the regional manager of this office. If the present contested case must ultimately be heard by the department, I will not be the hearing officer.

I agree with the interpretation and recommendation of Sue Bock, dated February 18, 2000. I want to point out some specifics related to her recommendations, however.

Condition no. one of the order reads:

1. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works, including, if determined necessary by the Department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.

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MAY 2 2000

Bruce Smith & Chas. McDevitt
April 27, 2000
Page -2-

Strictly interpreted, the order requires measuring devices and locking mechanisms for both wells. I do not recall any issue about diversion of water from well no. two, however. As a result, I believe it would be senseless to require the installation of a measuring device or controlling works for well no. two at this time.

A control mechanism that can be locked by the Idaho Department of Water Resources (IDWR) must be installed on the delivery pipes or associated mechanisms on well no. one. Furthermore, a measuring device "acceptable to IDWR shall be permanently installed and maintained" The condition also states that "a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy" must be installed as determined necessary by IDWR. The condition contemplates the submittal of measuring device specifications and installation procedures to IDWR. Kasper should submit to IDWR specifications for measuring devices to be installed. The measuring devices should be accessible to IDWR personnel to determine whether the meter is operating and to read the meter. IDWR personnel should not be required to excavate to access the meter. Furthermore, if water is delivered from well no. one to irrigate five acres, a measuring device must also be proposed for the line delivering water to the five acres as well as a measuring device for the pipe delivering water to the dairy. These plans should be approved by IDWR.

The other information in Sue Bock's letter related to use of water on lands owned by Kasper is correct with the following clarification. Well no. two may deliver water for irrigation but not irrigation of the SWNW and the SENW of Sec. 15, T01S, R02W.

If my suggestions are acceptable to the parties, I am willing to dismiss the contested case upon agreement. Please respond to this proposal within fourteen (14) days. If I have not heard from you I will schedule another prehearing conference.

Sincerely,


Gary Spackman

GS:st
CC: Sue Bock

RECEIVED

APR 04 2000

WATER RESOURCES
WESTERN REGION

Chas. F. McDevitt
Idaho State Bar No. 835
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

RECEIVED

MAY 3 - 2000

Department of Water Resources

Attorneys for Omundsons

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

IN THE MATTER OF APPLICATION
FOR TRANSFER OF NO. 5356
(WATER RIGHTS NOS. 63-02712, 63-
02955 AND 63-07814 IN THE NAME
OF TOM KASPER.

**MOTION TO VACATE
PREHEARING CONFERENCE**

COMES NOW Ken Omundson (Omundson), protestant against Application for Transfer No. 5356 by and through his attorney of record, Chas. F. McDevitt, and moves to vacate the prehearing conference set in the captioned matter on May 10, 2000 at 10:00 a.m.

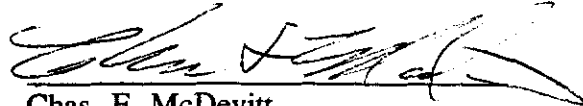
This Motion is based upon the fact that Chas. F. McDevitt has a long scheduled adversary proceeding in the United States District Court for the Eastern District of Virginia for the week of May 8, 2000 and will not return to Boise until May 16, 2000.

Counsel respectfully requests that this matter be rescheduled at a subsequent time.

ORIGINAL
MICROFILMED
MAY 24 2000

DATED this 3rd day of April, 2000.

McDEVITT & MILLER LLP



Chas. F. McDevitt

Attorney for Omundsons

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of April, 2000, a true and correct copy of the foregoing **MOTION TO VACATE PREHEARING CONFERENCE** was served upon the following, by U.S. Mail:

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705

Bruce M. Smith, Esq.
9th & Idaho Center, Ste. 420
225 N 9th Street
Boise ID 83702

DATED this 3RD day of April, 2000.



Kelly Y. Nickel

MICROFILMED
MAY 24 2000

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

9TH & IDAHO CENTER, SUITE 420
225 NORTH 9TH STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOSEPH D. MALLET
JOHN J. MCFADDEN *‡
MICHAEL C. MOORE
BRUCE M. SMITH
PAUL A. TURCKE

*Also Admitted in Oregon
‡ Also Admitted in Washington

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MAR 27 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 3 - 2000

Department of Water Resources

March 24, 2000

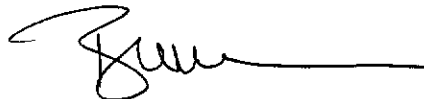
Gary Spackman
Manager, Western Region
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Tom Kasper - Water Right Transfer No. 5356

Dear Gary:

This is a letter regarding Tom Kasper's approved transfer and the final order issued by the IDWR. The approved transfer included certain requirements. Mr. Kasper has complied with the transfer as he understands its requirements. Although Mr. Omundson has filed a petition with the IDWR regarding what he thinks the order required, I am in the position of trying to understand what, if anything, the IDWR thinks may be required that Mr. Kasper is not doing or has not done. Notwithstanding anything in Mr. Omundson's petition, which this letter is not addressing or related to, please let me know if you think there is something Mr. Kasper or I should be aware of or that the IDWR would have Mr. Kasper do. Thanks.

Sincerely,



Bruce M. Smith

MICROFILMED

MAR 24 2000

BMS/av

cc: Tom Kasper

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

MAR 22 2000

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5356 (WATER)
RIGHT NOS. 63-02712, 63-02955)
AND 63-07814 IN THE NAME OF)
TOM KASPER.)**

Department of Water Resources

**NOTICE OF PREHEARING
CONFERENCE**

Ken Omundson (Omundson), protestant against application for transfer no. 5356, petitioned the Idaho Department of Water Resources (IDWR) for an order directing Tom Kasper and Kasper Dairy (Kasper) to cease and desist alleged violations of a preliminary order of IDWR dated July 15, 1999, approving the application for transfer. Kasper answered the petition for order to cease and desist. The answer disagreed with some of the facts alleged in the petition for order to cease and desist.

IDWR characterized the petition and answer as a contested case. On February 3, 2000, Sue Bock, an employee of IDWR, met with Kasper and Omundson at the location of the alleged violation. She prepared a letter, dated February 18, 2000, summarizing her observations and sent the summary to the attorneys representing the parties. The letter asked that the attorneys file any response to her report and recommendations on or before March 14, 2000. The attorney for Kasper objected to some of Ms. Bock's observations and recommendations.

While there may not be significant disagreement between the parties, a contested case is still pending before IDWR. A conference is scheduled for this contested case on **Wednesday, May 10, 2000, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735, Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and the adopted Rules of Procedure of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend,

participate in or understand the conference, please advise the IDWR within ten (10) days prior to the conference.

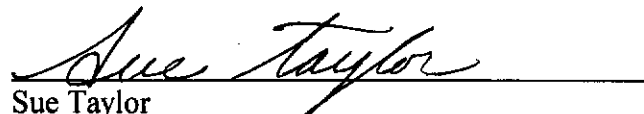
The parties are encouraged to discuss their differences before the conference. Perhaps a negotiated agreement between the parties based on Ms. Bock's field examination and recommendations.

Dated this 20th day of March 2000.


Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of March, 2000, I mailed a true and correct copy, postage prepaid, of this Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

BRUCE SMITH
MOORE SMITH BUXTON & TURCKE,
CHARTERED
9TH & IDAHO CENTER STE 420
225 N 9TH ST
BOISE ID 83702

CHAS F MCDEVITT
537 W BANNOCK STE 215
PO BOX 2564
BOISE ID 83701-2564

KEN OMUNDSON
2851 HILL RD SOUTH
MELBA ID 83641

TOM KASPER
KASPER DAIRY
3349 HILL RD
MELBA ID 83641

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

9TH & IDAHO CENTER, SUITE 420
225 NORTH 9TH STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOSEPH D. MALLET
JOHN J. MCFADDEN ‡
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

*Also Admitted in Oregon
‡ Also Admitted in Washington

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MAR 14 2000

WATER RESOURCES
WESTERN REGION

COPY

March 13, 2000

Sue Bock
Sr. Water Resource Agent
IDWR - Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

MAY 3 - 2000

Department of Water Resources

Re: Tom Kasper - Petition for Order to Cease and Desist

Dear Ms. Bock:

This is the response to the observations and recommendations in your letter of February 18, 2000, based on your field inspection at Kasper Dairy on February 3, 2000. Your inspection was done at the request of Mr. Gary Spackman based on the Petition for a Cease and Desist Order filed by Mr. Ken Omundson.

We will respond to the points in your letter in the order you used:

Observations:

Under Well #1, you indicate there are "no locking devices present on either pump." Both pumps on Well No. 1 are submersible pumps that would not allow installation of a lock on the pumps themselves. Moreover, the IDWR order did not require that. Rather a "lockable controlling works" as part of the "diverting works" is what was required on Well #1. Such a system is in place on the valves which were evident the day of the inspection. There was no lock on the valve, but if the IDWR wants a lock, Mr. Kasper will install one.

The second point made is that you did not "witness" a measuring device because the device was covered by dirt. The dirt was there to protect the meter from freezing. Mr. Kasper, in fact, had a shovel there to show that the meter was, and has been, in place, but you did not ask to see the meter. If protection of the meter by dirt is not acceptable to the IDWR, Mr. Kasper will install a protective box on the meter.

Under Well #2, you indicate that the well did not have a locking device or measuring device. Later, under Interpretation and Recommendation, you state that Well #2 is subject to

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Sue Bock
March 13, 2000
Page 2

the requirement of a measuring and locking device. Mr. Kasper has never understood the order to require that a measuring device and lockable device was required for Well #2. At the protest hearing, Mr. Omundson objected only to diversions from Well #1, and this is what the order applies to. If that is not correct, Mr. Kasper will correct the situation.

You also note that Mr. Kasper acknowledged that some lands (10 acres in the SWNW & SENW) had been irrigated from Well #2 and that certain lands totaling 50 acres in SWNW (20 acres); NESW (20 acres); NWSW (5 acres); SESW (5 acres) in T01S, R02W, Sec. 15 had been irrigated with Snake River water. Irrigation of these lands, except for the 5 acres in the NWSW, was a mistake. That has been corrected. However, the irrigation of 5 acres in the NWSW of Section 15 under transfer 5856 is correct.

Interpretation and Recommendation:

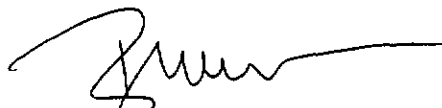
The issue of a measuring device and lockable controlling works on Well #2 has been addressed above.

Under paragraph 2, the irrigation of lands in the SENW and SWNW has ceased. However, Mr. Kasper does not understand that the order requires a measuring and lockable controlling works on Well #2.

Under paragraph 3, you are correct that no irrigation water should be applied except dairy wastewater.

This should clarify use of the water pursuant to the transfer. If the IDWR has other questions or comments, please contact me.

Sincerely,



Bruce M. Smith

BMS/av

cc: Client
Sherl Chapman
Gary Spackman
Chas F. McDevitt

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MAY 24 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 2000

Bruce M. Smith
Moore Smith Buxton & Turcke, Chartered
225 N. 9th St., Ste 420
Boise, Idaho 83702

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MAY 3 - 2000

Department of Water Resources

Chas F. McDevitt
537 W. Bannock, Ste 215
P.O. Box 2564
Boise, Idaho 83701-2564

Re: Tom Kasper – Petition for Order to Cease and Desist

Gentlemen:

Gary Spackman's letter of January 18, 2000, requested that I conduct a field inspection and prepare a report. The following are my observations, interpretation of the order, and subsequent recommendations.

Observations

On February 3, 2000, I met with Mr. and Mrs. Kasper and Mr. Omundson. The purpose of my visit was to inspect the components of the water delivery system constructed by Kasper that are of issue in Omundson's Affidavit In Support Of Petition For Cease and Desist Order.

Well #1 is located in T01S, R02W, Sec 15, SENW, approximately 300 yards south of the Omundson home. There are two 50 horsepower pumps on the well and a buried pipe that traverses in a southwesterly direction towards the Kasper Dairy. There were no locking devices present on either pump. Approximately 300 yards southwest of Well #1 is a 3-foot standpipe and what Mr. Kasper said was a measuring device. I did not witness a measuring device as the area was covered over by a mound of dirt. Mr. Kasper stated the dirt mound serves to protect the McCrometer flow meter from freezing.

Well #2 is located in T01S, R02W, Sec 15, SWNW. This well had neither a locking nor a measuring device. Approximately 10 acres of land located west of the well, (SWNW and SENW) had hand lines in place and had been irrigated from the well through approximately November 12, 1999, according to Mr. Kasper.

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Also viewed were the 50 acres of land to be retired from irrigation as stated in Transfer 5356: SWNW (20 acres), NESW (20 acres), NWSW (5 acres), SESW (5 acres), all in T01S, R02W, Sec 15. Hand lines were distributed throughout this acreage. There were no pipes from Well #2 connected to any of these lines. Mr. Kasper stated that he had irrigated this land through approximately November 15, 1999, with a pipe delivering Snake River water. The main pipe delivering Snake River water terminated in Section 16 SENE.

Mr. Kasper stated that no dairy wastewater has been applied to the above mentioned 50 acres, and that the system is not set-up to deliver wastewater to these acres

At the conclusion of the field exam both parties were asked if there were any other items they wanted to me look at, or if they had any questions as to the nature of the field exam, there were none.

Interpretation and Recommendation

Paragraph 1 of the order states, "Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works, including, if determined necessary by the Department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy."

Wells number 1 and 2 are both part of the diversion works and therefore are subject to measuring and locking devices.

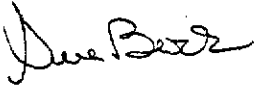
1. Well No. 1 needs to have a locking mechanism in place and the measuring device needs to be visually accessible. Paragraph 4 of the order limits the annual diversion to 157 acre feet; this includes irrigation of the 5 acre parcel referred to in paragraph 5. Well No. 1 was not irrigating the 5 acre parcel and is therefore limited to the 134 acre feet defined in paragraph 11 for stockwater and commercial use.
2. Well No. 2 - Mr. Kasper stated that he had been irrigating the hillside in the SWNW and SENW with water from this well. There are no water rights covering this area. If Mr. Kasper plans to continue this irrigation, he should file a transfer; otherwise irrigation from this well should cease. Provided no irrigation is occurring and water from this well is not delivered to the dairy, neither a locking nor measuring device would be needed.
3. The 50 acres of land to be retired from irrigation as stated in transfer 5356, had been irrigated through November, 1999. Mr. Kasper stated that he had been applying Snake River water to this land. There should be no water applied to this land other than dairy wastewater.

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MAY 24 2000

Response to this report and recommendation should be filed on or before March 14, 2000. If an agreement can not be reached, a conference will be scheduled.

Sincerely,



Sue Bock
Sr. Water Resource Agent

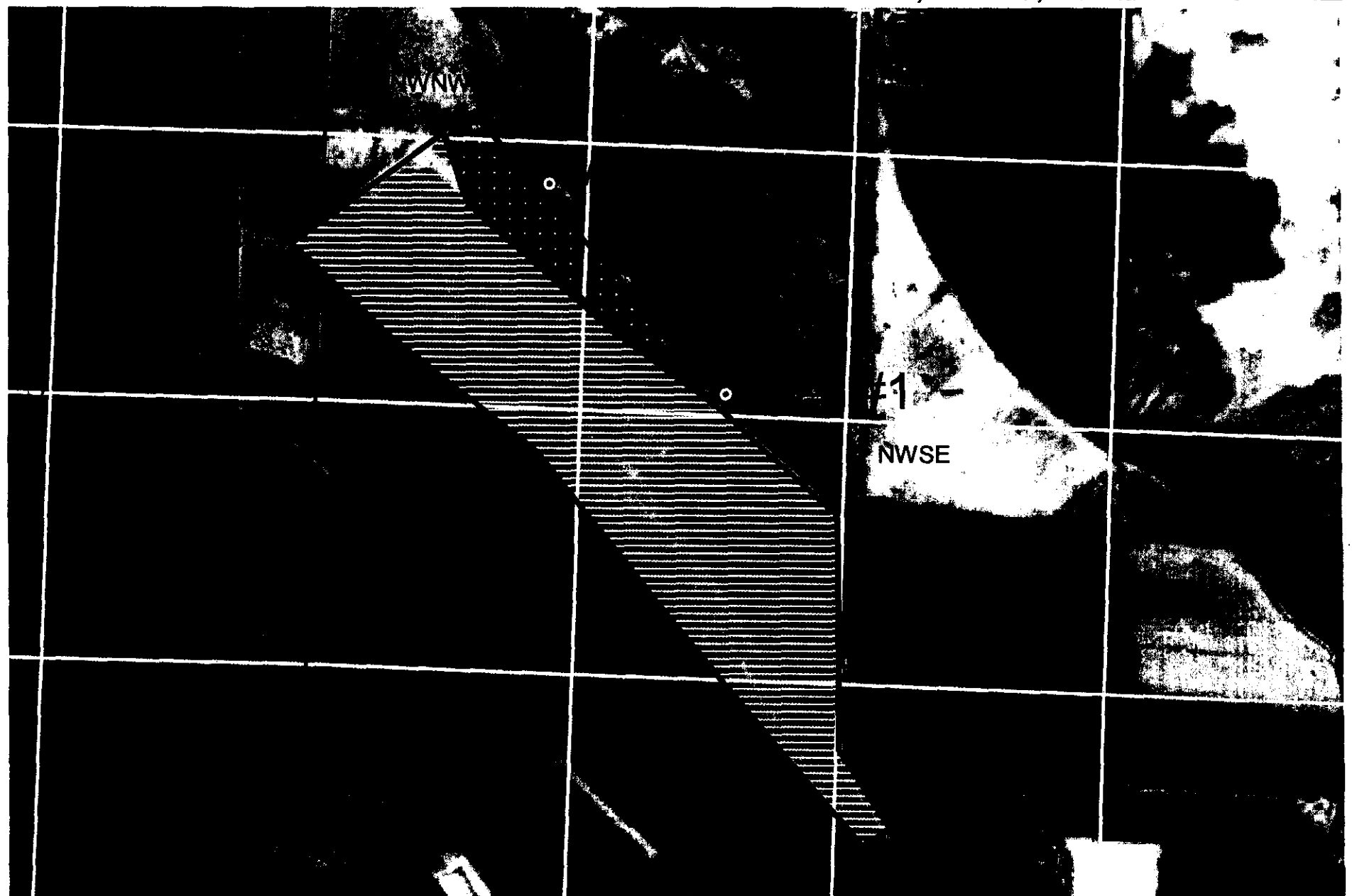
Enclosure: GIS map

CC: Tom Kasper
Ken Omundson
Gary Spackman

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MAR 22 2000

T01S, R02W, Sec 15



-  Land on hillside W. of Well #2, irr. by well
-  Land irrigated by Snake R. through approx. 11/15/99
-  Well

700 0 700 1400 Feet

Created by Sue Bock, Based on field exam 2/3/2000



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MAY 3 - 2000

MOORE SMITH BUXTON & TURCKE, CHARTERED Department of Water Resources

ATTORNEYS AT LAW

9TH & IDAHO CENTER, SUITE 420
225 NORTH 9TH STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOSEPH D. MALLET
JOHN J. MCFADDEN *†
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

MONA DOBARAN MACK
of counsel

M. JEROME MAPP
Land Use Consultant

*Also Admitted in Oregon
‡ Also Admitted in Washington

January 27, 2000

RECEIVED

JAN 28 2000

WATER RESOURCES
WESTERN REGION

Gary Spackman
Manager, Western Region
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Tom Kasper - Petition for Order to Cease and Desist

Dear Gary:

Responding to your proposal to have Sue Bock do a field trip, Mr. Kasper believes that would be helpful. The scope of the analysis is somewhat unclear. Mr. Omundson questioned the existence of the lockable devise and the location and existence of the metering device. Mr. Kasper has no problem demonstrating to the Department that he has complied with the Department's order. However, Mr. Omundson has filed suit against Mr. Kasper and, due to that situation, Mr. Omundson is not going to be allowed on the Kasper property. However, it is reasonable for Mr. Omundson to be present to talk to Ms. Bock. Thanks.

Sincerely,



Bruce M. Smith

BMS/av

cc: Tom Kasper

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MAY 2 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

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MAY 3 - 2000

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 18, 2000

Bruce M. Smith
Moore Smith Buxton & Turcke, Chartered
225 N. 9th St., Ste 420
Boise, Idaho 83702

Chas. F. McDevitt
537 W. Bannock, Ste 215
P.O. Box 2564
Boise, Idaho 83701-2564

Re: Tom Kasper - Petition for Order to Cease and Desist

Gentlemen:

On November 30, 1999, I sent a letter to both of you stating that a complaint had been filed by Kenneth Omundson, that the complaint created a contested case before IDWR, and that an answer to the complaint was due from Tom Kasper by December 17, 1999. Kasper filed an answer accompanied by affidavits. I also stated in my letter that, should an answer be filed contesting alleged facts, I would schedule a conference and ultimately a hearing.

After reading the allegations of the parties, and reflecting on the investigatory duties of IDWR, I propose assigning a person in this office to analyze the physical system constructed by Kasper. I request that both parties attend and participate when IDWR personnel visit the site. I am assigning the field visit to Sue Bock.

Following the field visit, Sue Bock will prepare a report. The report will be distributed to both parties, and the parties will be granted a period of time to reconcile any disputed facts following the investigation. If the contested case is not resolved at that time, I will schedule a prehearing conference.

Sue Bock will contact the attorneys to schedule the field visit unless the attorneys wish to have her contact Kasper and Omundson directly. The attorneys are welcome to attend the field visit.

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MAY 24 2000

Bruce M. Smith
Chas F. McDevitt
January 18, 2000
Page 2

I welcome any other suggestions you may have to expedite resolution of this dispute.

Respectfully,



Gary Spackman
Manager, Western Region

GS/dde

cc: Ken Omundson
Tom Kasper
Sue Bock
Norm Young
Glen Saxton

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MAY 3 - 2000

Department of Water Resources

Bruce M. Smith, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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DEC 23 1999

WATER RESOURCES
WESTERN REGION

Attorney for Tom Kasper

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

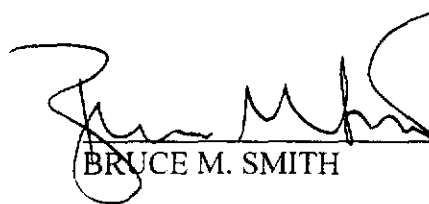
IN THE MATTER OF WATER RIGHT)	NOTICE OF CHANGE OF
NOS. 63-02712, 63-02955, 63-03099 AND)	ADDRESS
63-07814 IN THE NAME OF TOM)	
KASPER, (TRANSFER NO. 5358))	
<u>6</u>)	

Notice is hereby given, pursuant to Local Rule 83.4(i), that the address for Tom Kasper's counsel Bruce M. Smith has been changed to the following:

Bruce M. Smith
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

DATED this 22 day of December, 1999.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH

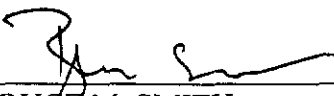
MICROFILMED
MAY 24 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of December, 1999, true and accurate copy of the foregoing NOTICE OF CHANGE OF ADDRESS was served upon the following by the method indicated below:

Chas. F. McDevitt
McDevitt & Miller, LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701

 via U.S. MAIL
 via HAND DELIVERY
 via OVERNIGHT MAIL
 via FACSIMILE



BRUCE M. SMITH

MICROFILMED
MAY 24 2006

RECEIVED

MAY 3 - 2000

Department of Water Resources

Bruce M. Smith, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Tom Kasper

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DEC 17 1999

Department of Water Resources

RECEIVED

DEC 22 1999

WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF WATER RIGHT)	DECLARATION OF
NOS. 63-02712, 63-02955, 63-03099 AND)	TOM KASPER
63-07814 IN THE NAME OF TOM)	
KASPER, (TRANSFER NO. 5358))	
_____)	

I Tom Kasper under penalty of perjury and based on my own personal knowledge declare as follows:

1. My family and I own and operate Kasper Dairy.
2. I filed an application for Transfer No. 5358 to transfer certain of my water rights. On or about July 15, 1999, the Idaho Department of Water Resources approved the transfer with certain conditions.
3. On November 15, 1999, one of the protesters to the transfer, Ken Omundson, filed an affidavit in support of a petition for a cease and desist order which basically alleges that: (1) I have not installed measuring equipment or a lockable controlling work on the diversion works; and (2) that I am irrigating certain lands with my Well No. 2.

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MAY 24 2000

4. In response to the allegations that I have not installed measuring equipment and a lockable controlling work, that is simply incorrect. The attached Declaration of Quinn Vickers of Agri-Lines Irrigation Inc. provides additional information, but there is in fact a lockable controlling work and a properly functioning measuring device in place. The lockable controlling work is actually located at the well on my land which is only two feet away from the drive Mr. Omundson uses to access his house. Therefore, it is inconceivable that he could claim there is no lockable facility installed.

As to the measuring device, the design, engineering, and installation of the device was done by Agri-Lines Irrigation, Inc. The device is being operated and maintained consistent with the Department's Order.

5. As to irrigation of my farm ground, I am irrigating the land consistent with my water rights including those approved as part of the transfer for proceeding. Mr. Omundson indicates that on or about October 28, 1999, Well No. 2 was used to irrigate 50 acres of ground. This is incorrect. Well No. 2 was used to irrigate farm ground that is consistent with my water rights.

6. As for the statement that there is a coupling in the field to connect water lines to Well No. 2, this is true. However, there is a control valve that is closed when Well No. 2 is not being used. There also seems to be confusion or simply misinformation by Mr. Omundson about the irrigation of my land. The 50 acres he refers to is not being irrigated with ground water from either Well No. 1 or Well No. 2, but rather with surface water from my other water rights.

MICROFILMED
MAY 24 2000

12/16/99 12:06 FAX 1 208 4952703

KASPER / KLC

07

DEC. -14' 99 (TUE) 11:18 MO. WITH BUXTON

TEL. 331 1202

P. 004

7. Since the time the transfer was approved, I have operated my system consistent with the Department's order.

Further your declarant saith not.

DATED this 16 day of December, 1999.


TOM KASPER

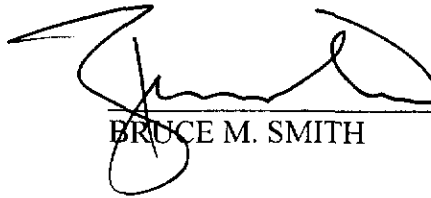
MICROFILMED

MAY 24 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 1999, I caused a true and accurate copy of the foregoing document by depositing the same in the United States mail, postage prepaid, properly addressed to the following:

Chas. F. McDevitt
McDevitt & Miller, LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701



BRUCE M. SMITH

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MAY 3 - 2000

Department of Water Resources
RECEIVED

DEC 17 1999

Department of Water Resources

RECEIVED

DEC 22 1999

WATER RESOURCES
WESTERN REGION

Bruce M. Smith, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Tom Kasper

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

IN THE MATTER OF WATER RIGHT)	ANSWER TO PETITION FOR
NOS. 63-02712, 63-03099 AND 63-07814)	ORDER TO CEASE AND
IN THE NAME OF TOM KASPER,)	DESIST
(TRANSFER NO. 5358))	
_____)	

COMES NOW Tom Kasper d/b/a Kasper Dairy and answers Omundson's Petition
as follows:

1. Any allegation not specifically admitted is denied.
2. In response to Allegation No. 1, Kasper denies the same. Kasper further responds that paragraph 1 of the Order of the Department did not require a "locked measurement device on the diversion system." Kasper has installed per the Order "a measuring device and lockable controlling works...as part of the diverting works..." and is maintaining the same.
3. In response to Allegation No. 2, Kasper denies the same. Kasper further responds that the Order does not identify "the 50 acres" referred to in the Petition, nor does the Petition identify what areas petitioner is referring to.
4. In response to Allegation No. 4, Kasper denies the same.

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MAY 24 2000

5. Kasper further responds that well No. 2 is being used consistently with Kasper's water rights and is not being used to irrigate "the 50 acres" Kasper believes petitioner is complaining about.

6. In response to petitioner's prayer, Kasper prays the Department issue an order denying the same in that Kasper is in full compliance with the Department's Order for the transfer. Kasper further requests the order award Kasper his fees and costs for defending against this matter pursuant to I.C.67-5201 et. seq., I.C. 12-120, and I.C. 12-121.

FIRST AFFIRMATIVE DEFENSE

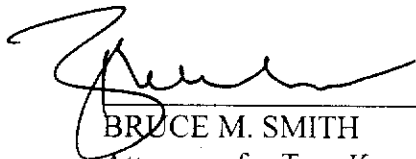
1. In response to the affidavit of Kenneth Omundson, please see the attached Declarations of Tom Kasper and Quinn Vickers.

SECOND AFFIRMATIVE DEFENSE

Omundson does not have standing to seek a cease and desist order since his water rights are not affected by operation of Kasper's diversion.

DATED this 15th day of December, 1999.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



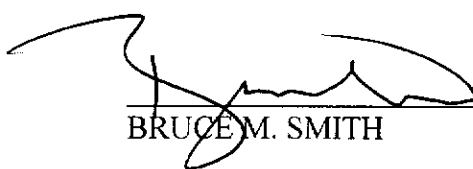
BRUCE M. SMITH
Attorneys for Tom Kasper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 1999, I caused to be served a true and correct copy of the foregoing ANSWER TO PETITION FOR ORDER TO CEASE AND DESIST upon the following by the method indicated below:

Chas. F. McDevitt
McDevitt & Miller, LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE



BRUCE M. SMITH

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MAY 3 - 2000

Department of Water Resources

Bruce M. Smith, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
999 Main Street, Suite 910
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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DEC 17 1999

Department of Water Resources

Attorneys for Tom Kasper

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DEC 22 1999

WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF WATER RIGHT)	DECLARATION OF
NOS. 63-02712, 63-02955, 63-03099 AND)	QUINN VICKERS
63-07814 IN THE NAME OF TOM)	
KASPER, (TRANSFER NO. 5358))	
<u>6</u>)	

I Quinn Vickers under penalty of perjury and based on my own personal knowledge declare as follows:

1. I am an employee of Agri-Lines Irrigation, Inc. which is a business that deals in engineering, development, and maintenance of irrigation systems for the agricultural community.

2. In March, 1998, Mr. Tom Kasper hired Agri-Lines to work on a well project at his dairy with regards to various components of the well system. I personally was involved and oversaw the work on this project and have since followed up on the work to see that the installation was correctly done and that the measuring and diversion components are working properly.

3. I understand that Ken Omundson has objected to the components and work that was done, specifically alleging that the controlling works are not lockable and that

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MAY 24 2000

DEC. -14' 99(TUE) 11:18 MOO. SMITH BUXTON

TEL: 31 1202

P. 007

the measuring device is incorrectly located. This is wrong. There is a mechanism installed at the well that allows the system to be locked; in other words, it is "lockable." As for the measuring device, a McCrometer flow meter was installed on the system to measure the amount of water diverted from the well. The meter was installed in a manner and location per the instructions from the manufacturer in order to operate correctly.

Further your declarant saith not.

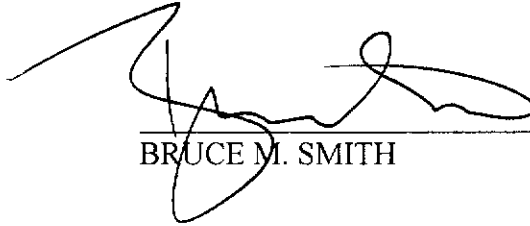
DATED this 16 day of December, 1999.


QUINN VICKERS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 1999, I caused a true and accurate copy of the foregoing document by depositing the same in the United States mail, postage prepaid, properly addressed to the following:

Chas. F. McDevitt
McDevitt & Miller, LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701

A handwritten signature in black ink, appearing to read "Bruce M. Smith", is written over a horizontal line.

BRUCE M. SMITH

MICROFILMED
MAY 24 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

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MAY 3 - 2000

November 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE M SMITH
ATTORNEY AT LAW
ONE CAPITOL CENTER
999 MAIN ST STE 910
BOISE ID 83702

CHAS F MCDEVITT
537 W BANNOCK STE 215
PO BOX 2564-83701
BOISE ID 83702

Re: Tom Kasper: Petition for Order to Cease and Desist

Gentlemen:

On November 18, 1999, the Idaho Department of Water Resources (IDWR) received a petition for order to cease and desist from Chas. F. McDevitt, attorney for Kenneth Omundson, asking IDWR to issue an order directing Tom Kasper and Kasper Dairy to cease and desist violations of water law alleged in the petition. The alleged violations are related to transfer no. 5358~~7~~ filed by Tom Kasper. The petition was accompanied by an affidavit, signed by Ken Omundson, and a copy of a preliminary order that has become the final order for transfer no. 5358~~6~~.

According to Rule 240 of IDWR's, Rules of Procedure the petition is a complaint. Rule 270 of the Rules of Procedure states:

Answers to . . . complaints . . . must be filed and served on all parties of record within twenty-one (21) days after service of the pleadings being answered, unless order or notice modifies the time in which answers may be made, or a motion to dismiss is made within twenty-one (21) days. When an answer is not timely filed under this rule the presiding officer may issue a notice of default against the respondent pursuant to rule 700.

Additional requirements are set forth in rule 270.

Because the complaint is accompanied by an affidavit, there is evidence in the files of IDWR to justify issuance of a notice of default. The purpose of this letter is to notify the parties that an answer to the complaint should be filed on or before December 17, 1999. If an answer is

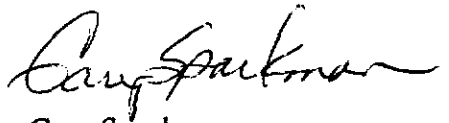
MICROFILMED
MAY 24 2000

Bruce M. Smith
Chas. F. McDevitt
11-30-99
Page -2-

not received, IDWR will issue a notice of default, and will issue whatever orders may be necessary to enforce the law and the conditions of approval of the transfer according to the facts asserted in the affidavit of Ken Omundson.

If an answer is filed disputing allegations of fact or disputing the law, IDWR will set the contested case for a conference and subsequent hearing.

Sincerely,



Gary Spackman

GS:st

CC: Tom Kasper
Ken Omundson

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MAY 24 2000

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MAY 3 - 2000
Department of Water Resources

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NOV 17 1999
Department of Water Resources

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

IN MATTER OF WATER RIGHT) **AFFIDAVIT IN SUPPORT OF**
NOS. 63-02712, 63-02955, 63-03099) **PETITION FOR CEASE AND**
AND 63-07814 IN THE NAME OF) **DESIST ORDER**
TOM KASPER, (TRANSFER NO. 5358))
 G)

STATE OF IDAHO)
) ss
County of Canyon)

COMES NOW, Ken Omundson, being first duly sworn on oath, deposes and states as follows:

1. He makes this affidavit of his own personal knowledge.
2. An Order of the Department of Water Resources concerning transfer of water rights in application No. 5356 of Tom Kasper was directed to place on the well which was described as Well No. 1, a measuring device and lockable controlling works as part of the diversion works prior to the use of said well in accordance with the

**AFFIDAVIT IN SUPPORT OF PETITION
FOR CEASE AND DESIST ORDER - 1**

MICROFILMED ORIGINAL
MAY 24 2000

approved transfer of water rights. A copy of said order is appended hereto marked "Exhibit A" and made a part hereof as if set forth at length herein.

3. That the Tom Kasper has never installed such measuring equipment or lockable controlling works as part of the diversion works, but has installed a measuring device some 200 yards remote in a field which measures gallons of water going through the pipeline connected to Well No. 1.

4. That Well No. 1 has been running continuously since the 28th day of July, 1999 and the measuring device in the field remote from the well shows in excess of 12,500,000 gallons having been conveyed through the pipeline from Well No. 1.

5. That on or about the 28th day of October, 1999, the said Tom Kasper turned on Well No. 2 as described in the application for transfer of water rights which was connected to a line leading away from said well and said Well No. 2 was used to irrigate the 50 acres ordered "dried up."

6. That on or about the 28th day of October, 1999, the said Tom Kasper laid hand-lines in the field which was acreage to be withdrawn from production pursuant to the order of the Department of Water Resources dated the 15th day of July, 1999, watered said field continuously for a period of in excess of twelve (12) hours and thereafter seeded that field.

7. That there is a coupling in the field which was to be withdrawn from irrigated production leading to the pipeline connected to Well No. 2 for the purpose of connecting water lines to the pipeline.

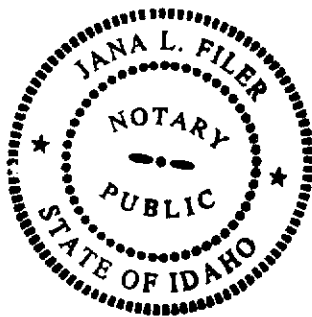
8. On November 8, 1999, Kasper was irrigating that property which was to be withdrawn from production and which he had planted several days earlier with water from Well No. 2.

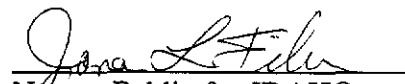
9. On November 10, 1999, the Well No. 2, was no longer watering the retired acres but those acres were being watered via hand-lines from some other source.

10. Further your affiant sayeth naught.


Ken Omundson

SUBSCRIBED AND SWORN TO before me this 15th day of November, 1999.




Notary Public for IDAHO
My Commission Exp.: 11-7-2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of November, 1999, a true and correct copy of the foregoing **AFFIDAVIT** was served upon the following, by US Mail, postage prepaid:

Bruce M. Smith, Esq.
MOORE SMITH BUXTON & TURCKE Chtd.
One Capital Center
999 Main Street, Ste. 910
Boise ID 83702

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705

Tom Kasper
Kasper Dairy
3349 Hill Road
Melba, ID 83641

DATED this 17th day of November, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

*AFFIDAVIT IN SUPPORT OF PETITION
FOR CEASE AND DESIST ORDER - 4*

MICROFILMED
MAY 24 2000

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

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 5356 (WATER RIGHT NOS.)
63-02712, 63-02955, 63-03099, & 63-07814))
IN THE NAME OF TOM KASPER)
_____)

PRELIMINARY ORDER

Tom Kasper filed application for transfer no. 5356 with the Idaho Department of Water Resources (IDWR). The application was protested by Ken Omundson, Kyle Winnicki, and Curt &/or Jerry Hensley. A hearing was conducted on April 27, 1998. Kyle Winnicki withdrew his protest prior to the hearing. Tom Kasper appeared at the hearing and was represented by Bruce M. Smith. Ken Omundson appeared and was represented by Chas. F. McDevitt. Curt & Jerry Hensley appeared representing themselves.

After reviewing data referred to in Tom Kasper's presentation of evidence, the hearing officer notified the parties he would consider data from AGRIMET stations located at Parma, Grand View, and Nampa. The hearing officer also notified the parties he would consider consumptive use data developed by Allen and Brockway. The hearing officer granted the parties until June 25, 1999, to submit additional information and granted until July 7, 1999, to request a hearing to augment the record. Bruce Smith, Tom Kasper's attorney, and Sherl Chapman, a consultant hired by Tom Kasper, submitted additional information. A hearing to augment the record was not requested.

IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Tom Kasper (Kasper) filed application for transfer no. 5356 with IDWR, seeking to change the point of diversion, place of use, nature of use, and period of use for water right license nos. 63-02712, 63-02955, 63-03099, and 63-07814. Summaries of the water rights are attached to this decision as Attachment A.

2. The application for transfer proposes to retire 50 acres from irrigation to compensate for delivery of water to a dairy owned by Kasper. The land proposed to be retired from irrigation is located in the SWNW¹ (20 acres); NESW (20 acres); NWSW (5 acres); and SESW (5 acres); all

¹ Absence of the quadrant fraction implies the fraction "1/4."

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MAY 24 2000

located in Section 15, T01S, R02W, B.M.² Only water right nos. 63-02712, 63-02955, and 63-07814 describe these lands as a place of use. The application for transfer proposes a change from irrigation to stockwater and commercial water uses for the dairy from these three water rights. The transfer does not propose a change in the irrigation use of water right no. 63-03099.

3. In 1996, Kasper built a dairy in the NENE of Section 27, T01S, R02W. The dairy was approved by Canyon County without objection. The nearest subdivision is over three miles away. Kasper employs ten people and buys local feed and other products. Kasper testified his dairy is approved as a Grade A dairy.

4. At the present time, Kasper milks approximately 600 cows. Kasper intends to increase the number of dairy cows to 2,000 milking stock, 1,000 replacement stock, and 200 beef cattle.

5. The existing 600 cow dairy is presently served by wells on the Kasper property near the dairy. Several domestic and stockwater claims, now in the name of Kasper, were filed claiming a beneficial use of water from wells located near the Kasper dairy. Kasper has been unable to increase his dairy herd because the existing wells will not produce sufficient quantity or quality of water. As a result, Kasper seeks to divert water from a well located in the SENW of Section 15, T01S, R02W. The proposed point of diversion is located 1½ to 2 miles north of the dairy facility. This well is referred to in the testimony and the application for transfer as well no. one. Well no. one is located on property owned by Ken Omundson (Omundson). Kasper has built and constructed a pipeline from his dairy to the property boundary with Omundson. Kasper has not connected the pipeline to the well.

6. The application for transfer proposes that all four water rights describe two points of diversion, well no. one and another well located in the SWNW, Section 15, T01S, R02W (well no. two). Sherl Chapman (Chapman), an expert witness hired by the applicant, testified that license no. 63-02955 authorized diversion from well no. one, and license nos. 63-03099 & 63-07814 authorized diversion from well no. two. The licenses do not describe the points of diversion in the same locations as the locations of well nos. one and two described by the application for transfer, however. License no. 63-02712 described a different well than well nos. one and two.

7. A 75 horsepower pump and motor diverted water from well no. one at the time Kasper acquired the property in 1992. The pumping capacity of the 75 horsepower pump was tested in December 1998 by Caron Pump Company. Applicant's Exhibit no. 1, an invoice from Caron Pump Company, contains information gathered during the test. The well was pumped for the first 24 hours at a rate of 400 gpm (0.89 cfs), and the pumping water level in the well did not change from the initial static water level. The pumping rate was increased to 1200 gpm (2.67 cfs) for an additional 24 hours, and the water level in the well declined four feet. Based on the information

² The abbreviation "B.M." stands for "Boise Meridian" and should be implied in subsequent public land survey descriptions.

written on the invoice, water levels were only measured twice, once at the end of each 24 hour period. Water levels in other wells were not measured during the pump test.

8. Chapman used the pumping rate and drawdown to estimate the characteristics of the aquifer. Chapman stated, however, that the test was not conducted as a standard pump test.

9. Ed Squires, Omundson's expert witness, testified that the data gathering by Caron Pump Company did not follow standard methods for conducting a pump test. He stated that the water producing zone, known as the "Mellin Formation," is highly variable, and that the zone is probably discontinuous. He testified that long term testing would be required to determine the characteristics of the aquifer. This testimony was not disputed in the record.

10. The testimony established that the test did not adhere to standard pump test procedures to determine characteristics of the aquifer, or to show that the effect of the well's drawdown had been fully established. Nonetheless, the test was sufficient to estimate the short term pumping capacity of the well.

11. Water from well number one has been the sole source of water to irrigate 55 acres located in Section 15, T01S, R02W, including the 50 acres proposed to be dried up by this application for transfer.

12. The cumulative acres listed for irrigation by the four water rights is 501 acres. All of the lands except the 55 acres located in Section 15, T01S, R02W, have been irrigated with surface water diverted from the Snake River.

13. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 was only delivered to lands in Sections 16, 26, & 27, T01S, R02W when surface water was not available. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 supplements surface water for all lands other than those in Section 15, T01S, R02W.

14. Omundson owns a domestic well located approximately 130 to 140 feet west of well number one. Omundson drilled his domestic well in 1995. The priority date of his domestic water right is later than the priority date of the licenses sought to be transferred by Kasper.

15. If this application for transfer is approved, Kasper will install two 50 horsepower pumps in well no. one. The combined design capacity for the two pumps will be 900 gallons per minute (2.00 cfs).

16. Chapman computed the water needs for a dairy of 2,000 milking stock and 1,000 dry stock. His computations are printed on a worksheet attached to the application for transfer. He did not include the 200 beef cattle in his computation. Using numbers consistent with IDWR guidelines, Chapman determined the dairy would consume 162 acre feet annually.

17. The additional information submitted after the hearing by Kasper's attorney and Chapman stated that the 200 beef cattle referred to in the application were not included in the computation because water is provided for the beef cattle from other water rights, and the beef cattle were included in the application for transfer "to provide for flexibility" for Kasper's "operation." Nonetheless, some water for the beef cattle would have to be retired from the irrigation portion of the right for the beef cattle to be included in the transfer.

18. The computation sheet attached to the application (Attachment B) states that the 50 acres were alfalfa ground, and that 3.25 acre feet/acre is the consumptive use that should be applied to determine the number of acres to be retired.

19. At the hearing, Chapman testified that the historical cropping pattern was 50% alfalfa and 50% grain. Chapman testified that 1996 evapotranspiration data from an AGRIMET station at Nampa were used to calculate an historical consumptive use of 3.25 acre feet/acre for the 50 acres proposed to be dried up.

20. In additional information submitted following the hearing, Chapman stated that he used the peak alfalfa consumption for 1996 rather than the mean value for 1996. Chapman also stated he included evaporation and delivery losses in determining consumptive use.

21. Peak alfalfa evapotranspiration reflects full consumption for mature alfalfa and does not take into account reductions attributable to cutting and harvest during the growing season. The mean values from the AGRIMET station more closely represent the historical consumptive use.

22. Chapman also discussed irrigation efficiencies in the additional information submitted. When water is applied inefficiently, water is lost to percolation and evaporation. Percolation losses are not part of consumptive use. Evaporation losses are a component of the AGRIMET evapotranspiration and should not be added in.

23. The mean evapotranspiration does not account for precipitation. If the computation was further refined, precipitation would be subtracted from evapotranspiration to determine consumptive irrigation requirement. In computing consumptive use for this transfer, the assumption will be made that all water consumed is diverted from ground water.

24. The mean alfalfa and spring grain evapotranspiration values were averaged (50% alfalfa, 50% spring grain) for each year of the period of record. The average evapotranspiration during the period of record (1996-1998) for the Nampa station is 2.68 acre feet/acre annually. Dividing the annual consumptive use of 162 acre feet by 2.68 acre feet/acre results in 60 acres, which is the number of acres that would need to be retired for the computed annual consumptive use.

25. The applicant only proposes to retire 50 acres from irrigation. IDWR should not expand the number of acres sought to be retired or try to guess which acres the applicant might want to retire. Assuming only 50 acres will be retired, recognition of 2.68 acre feet/acre for each of the 50 acres results in 134 acre feet annually that can be diverted for the dairy.

PRELIMINARY ORDER, MGR

MAY 24 1998

26. The maximum annual diversion volume allowed by IDWR for irrigation of Kasper's property is 4.5 acre feet per acre.

27. Fifty of the 55 acres will no longer be irrigated, and the water transferred to the dairy will be fully consumed. This is the 134 acre feet referred to above. Kasper should be able to divert additional volume of water from well no. one for the remaining five acres at a rate of 4.50 acre feet per acre annually. This additional volume of water is 22.5 acre feet annually. After rounding up to the next whole number, the total annual volume diverted from well no. one should be limited to 157 acre feet annually.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 provides, in pertinent 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, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code; . . .

2. The applicant bears the burden of proof regarding all of the criteria contained in Idaho Code § 42-222.

3. Injury to Omundson can be prevented by limiting the flow rate and annual volume to the traditional quantities diverted/consumed from well no. one. The testimony shows that the 55 acres in Section 15, T01S, R02W were irrigated solely by well no. one.

4. There is sufficient water for the purposes sought if diversion is limited to historic quantities.

5. The application is not filed for purposes of speculation and delay. The dairy is already constructed, and the delivery pipeline is also constructed.

6. The applicant has sufficient financial resources to complete the project.

7. In determining whether an application is in the local public interest, IDWR must consider the effect the project will have on the local economy, recreation, fish & wildlife resources, compliance with environmental laws and standards, compliance with zoning ordinances, and any other factors IDWR finds are appropriate to consider.

8. The application is in the local public interest because of approval by Canyon County, contributions to employment in the area, and economic benefits derived from other businesses in the area.

9. The use of water proposed is within IDWR guidelines for dairy use of water. The application is consistent with principals of conservation of the water of the state of Idaho.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 5356 is APPROVED. Water right nos. 63-02712, 63-02955, 63-03099, and 63-07814 are subject to the following conditions:

1. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works, including, if determined necessary by the Department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.
2. The right holder shall annually report diversions of water under this right to the Department.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Diversion from the well located in the SENW, Section 15, T01S, R02W, is limited to 2.00 cfs (900 gallons per minute) and 157 acre feet annually.
5. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres located in the NWSW of Section 15, T01S, R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 acre-feet per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

11. Rights 63-02712, 63-02955, and 63-07814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and or a combined total annual volume for both stockwater and commercial use of 134.0 acre-feet. Because the annual volume for commercial and stockwater use was reduced from the quantities sought by the application for transfer, the permit holder must determine the division of the 134 acre feet into the stockwater and commercial components.

12. Commercial use of the water is for a dairy located in the SWNW, S26 and NENE, S27, T01S, R02W.

13. The water used for commercial purposes under this approval may be applied to and irrigate land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.

14. Right 63-02712 is limited to the irrigation of 380.0 acres in the place of use described above in a single irrigation season.

15. Right 63-02955 is limited to the irrigation of 355.0 acres in the place of use described above in a single irrigation season.

16. Right 63-03099 is limited to the irrigation of 344.0 acres in the place of use described above in a single irrigation season.

17. Rights 63-02712, 63-02955, and 63-03099 when combined for irrigation purposes shall not exceed a total diversion rate of 9.76 cfs, a total annual maximum diversion volume of 2029.5 acre-feet at the field headgate, and the irrigation of 451.0 acres.

18. Rights 63-02712, 63-02955 and 63-03099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

DATED this 15th day of July, 1999.


GARY SPACKMAN
Hearing Officer

PRELIMINARY ORDER FILED

MAY 24 2000

ATTACHMENT A

WR5809NP
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	06/07/1950	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.800 CFS	
TOTAL DIVERSION:					1.800 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S14 NWSE

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	02W	15	:					:			20		:	20	10		05	:					:	55.0
01S	02W	16	:		05	40	20	:	30	30	40	40	:	30	25			:	30	40	20		:	350.0
01S	02W	26	:			10		:					:					:					:	10.0
01S	02W	27	:	15				:					:					:					:	15.0
																						TOTAL ACRES	430.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates:	App. Received:	Priority Date:	06/07/1950
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/28/1979	
Misc:	Water District Number:	Field Exam Fee:	

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MAY 24 1999

WR5809NP
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/25/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. VAN WYCK	06/19/1973	IRRIGATION	03/15 11/15	0.320 CFS	72.00 AFA
TOTAL DIVERSION:					0.320 CFS	72.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15

SWNW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	02W	15	:					:				16	:					:						16.0
TOTAL ACRES																							16.0	

Pou County: CANYON

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 09/13/1979

Priority Date: 06/19/1973
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:

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MAY 24 2000

WR5809NP
No. 63-02955

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REX S. JENSEN	08/27/1953	IRRIGATION	00/00 00/00	5.000 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S15

NESW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE													
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM								
01S	02W	15	:									20		20	10		05			:	55.0								
01S	02W	16	:			05	40	20		30	30	40	40		30	25		30	40	20	:	350.0							
																			TOTAL ACRES										405.0

Pou County: CANYON

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 08/28/1979

Priority Date: 08/27/1953
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:

Field Exam Fee:

MICROFILMED
MAY 24 1999

WR5809NP
No. 63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CRYSTAL R. EVANS	12/27/1956	IRRIGATION	00/00 00/00	3.700 CFS	
C	EDWARD T. EVANS		DOMESTIC	00/00 00/00		
TOTAL DIVERSION:					3.700 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T01S R02W S15 NESW CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
01S	02W	16	:			07	33	07	:	25	26	40	40	:	20	24	26	27	:	23	22	24	:	344.0
																						TOTAL ACRES	344.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates:	App. Received:	Priority Date:	12/27/1956
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		08/28/1979

Misc: Water District Number: Field Exam Fee:

MICROFILMED
MAY 24 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, I mailed a true and correct copy of the foregoing document to the persons listed below:

Bruce M. Smith
Moore & McFadden, Chartered
999 Main Street, Suite 910
Boise, ID 83702

Curt &/or Jerry Hensley
8971 Ferry Rd
Melba, ID 83641

Charles McDevitt
McDevitt & Miller
537 W. Bannock, Suite 215
P.O. Box 2564
Boise, ID 83701


JULIE L. YARBROUGH
Administrative Asst., Water Allocations

Chas. F. McDevitt
Idaho State Bar No. 835
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

RECEIVED

NOV 18 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 3 - 2000

Department of Water Resources

Attorneys for Protestant - Ken Omundson

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

IN MATTER OF WATER RIGHT	)	
NOS. 63-02712, 63-02955, 63-03099	)	
AND 63-07814 IN THE NAME OF	)	PETITION FOR ORDER
TOM KASPER, (TRANSFER NO. 5358)	)	TO CEASE AND DESIST
_____	)	

COMES NOW, Kenneth Omundson, by and through his attorneys of record, McDevitt & Miller LLP, and petitions this Court for an order directing Tom Kasper and Kasper Dairy to cease and desist the violation of the Order of the Idaho Department of Water Resources entered on the 15th day of July, 1999.

Said Tom Kasper has not placed a locked measurement device on the diversion system as required in the said Order.

Tom Kasper is irrigating the 50 acres said Order required to be removed from production.

MICROFILMED

MAY 24 2000

COPY

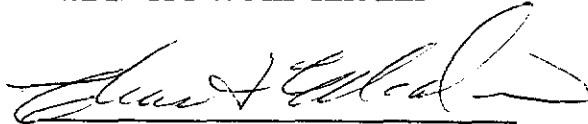
Tom Kasper is operating Well No. 2 as delineated in said Order for the purpose of irrigating the 50 acres that has been ordered withdrawn from production and irrigation.

Wherefore your petitioner prays for an order directing Tom Kasper to cease and desist irrigating the 50 acres ordered to be "dried up" and to comply with the Order of the Department to install a measure device and lockable controlling works as part of the diverting works.

This petition is based upon the affidavit of Ken Omundson appended hereto and made a part hereof as if set forth at length herein.

Respectfully submitted this 17th day of November, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Protestant

CERTIFICATE OF SERVICE

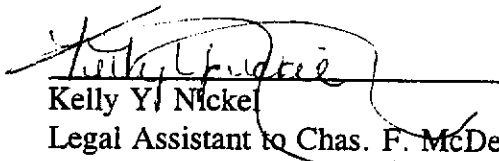
I HEREBY CERTIFY that on the 17th day of November, 1999, a true and correct copy of the foregoing *PETITION FOR ORDER TO CEASE AND DESIST* was served upon the following, by US Mail, postage prepaid:

Bruce M. Smith, Esq.
MOORE SMITH BUXTON & TURCKE Chtd.
One Capital Center
999 Main Street, Ste. 910
Boise ID 83702

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705

Tom Kasper
Kasper Dairy
3349 Hill Road
Melba, ID 83641

DATED this 17th day of November, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

CONFIDENTIAL

approved transfer of water rights. A copy of said order is appended hereto marked "Exhibit A" and made a part hereof as if set forth at length herein.

3. That the Tom Kasper has never installed such measuring equipment or lockable controlling works as part of the diversion works, but has installed a measuring device some 200 yards remote in a field which measures gallons of water going through the pipeline connected to Well No. 1.

4. That Well No. 1 has been running continuously since the 28th day of July, 1999 and the measuring device in the field remote from the well shows in excess of 12,500,000 gallons having been conveyed through the pipeline from Well No. 1.

5. That on or about the 28th day of October, 1999, the said Tom Kasper turned on Well No. 2 as described in the application for transfer of water rights which was connected to a line leading away from said well and said Well No. 2 was used to irrigate the 50 acres ordered "dried up."

6. That on or about the 28th day of October, 1999, the said Tom Kasper laid hand-lines in the field which was acreage to be withdrawn from production pursuant to the order of the Department of Water Resources dated the 15th day of July, 1999, watered said field continuously for a period of in excess of twelve (12) hours and thereafter seeded that field.

7. That there is a coupling in the field which was to be withdrawn from irrigated production leading to the pipeline connected to Well No. 2 for the purpose of connecting water lines to the pipeline.

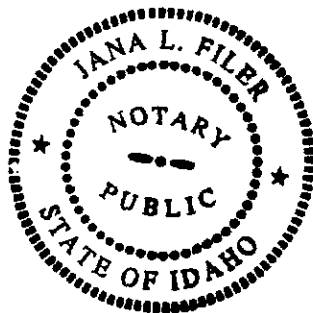
8. On November 8, 1999, Kasper was irrigating that property which was to be withdrawn from production and which he had planted several days earlier with water from Well No. 2.

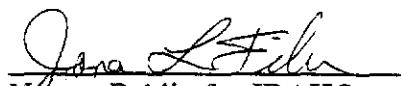
9. On November 10, 1999, the Well No. 2, was no longer watering the retired acres but those acres were being watered via hand-lines from some other source.

10. Further your affiant sayeth naught.


Ken Omundson

SUBSCRIBED AND SWORN TO before me this 5th day of November, 1999.




Notary Public for IDAHO
My Commission Exp.: 11-7-2003

CERTIFICATE OF SERVICE

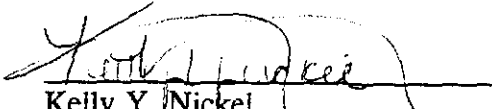
I HEREBY CERTIFY that on the 17th day of November, 1999, a true and correct copy of the foregoing **AFFIDAVIT** was served upon the following, by US Mail, postage prepaid:

Bruce M. Smith, Esq.
MOORE SMITH BUXTON & TURCKE Chtd.
One Capital Center
999 Main Street, Ste. 910
Boise ID 83702

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705

Tom Kasper
Kasper Dairy
3349 Hill Road
Melba, ID 83641

DATED this 17th day of November, 1999.


Kelly Y. Nickel
Legal Assistant to Chas. F. McDevitt

**AFFIDAVIT IN SUPPORT OF PETITION
FOR CEASE AND DESIST ORDER - 4**

MICROFILMED

MAY 24 2000

Chas. F. McDevitt
Idaho State Bar No. 835
McDEVITT & MILLER LLP
537 W. Bannock, Suite 215
P.O. Box 2564-83701
Boise, ID 83702
208-343-7500
208-336-6912 (Fax)

Attorneys for Protestant – Ken Omundson

RECEIVED
NOV 18 1999
WATER RESOURCES
WESTERN REGION
RECEIVED
NOV 17 1999
Department of Water Resources

RECEIVED
MAY 3 - 2000
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN MATTER OF WATER RIGHT)
NOS. 63-02712, 63-02955, 63-03099)
AND 63-07814 IN THE NAME OF)
TOM KASPER, (TRANSFER NO. 5358))
_____)
PETITION FOR ORDER
TO CEASE AND DESIST

COMES NOW, Kenneth Omundson, by and through his attorneys of record,
McDevitt & Miller LLP, and petitions this Court for an order directing Tom Kasper
and Kasper Dairy to cease and desist the violation of the Order of the Idaho Department
of Water Resources entered on the 15th day of July, 1999.

Said Tom Kasper has not placed a locked measurement device on the diversion
system as required in the said Order.

Tom Kasper is irrigating the 50 acres said Order required to be removed from
production.

MICROFILMED
MAY 24 2000
PETITION FOR ORDER TO CEASE AND DESIST - 12000
ORIGINAL

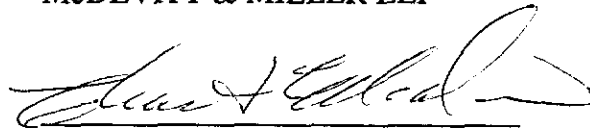
Tom Kasper is operating Well No. 2 as delineated in said Order for the purpose of irrigating the 50 acres that has been ordered withdrawn from production and irrigation.

Wherefore your petitioner prays for an order directing Tom Kasper to cease and desist irrigating the 50 acres ordered to be "dried up" and to comply with the Order of the Department to install a measure device and lockable controlling works as part of the diverting works.

This petition is based upon the affidavit of Ken Omundson appended hereto and made a part hereof as if set forth at length herein.

Respectfully submitted this 17th day of November, 1999.

McDEVITT & MILLER LLP



Chas. F. McDevitt
Attorney for Protestant

MICROFILMED

MAY 24 2000

CERTIFICATE OF SERVICE

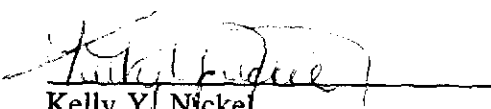
I HEREBY CERTIFY that on the 17th day of November, 1999, a true and correct copy of the foregoing *PETITION FOR ORDER TO CEASE AND DESIST* was served upon the following, by US Mail, postage prepaid:

Bruce M. Smith, Esq.
MOORE SMITH BUXTON & TURCKE Chtd.
One Capital Center
999 Main Street, Ste. 910
Boise ID 83702

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID 83705

Tom Kasper
Kasper Dairy
3349 Hill Road
Melba, ID 83641

DATED this 17th day of November, 1999.


Kelly Y. Nicke
Legal Assistant to Chas. F. McDevitt

MICROFILMED

MAY 24 2000

PETITION FOR ORDER TO CEASE AND DESIST - 3

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE (208) 331-1800 FAX (208) 331-1202

FACSIMILE COVER SHEET

DATE: October 27, 1999 RECIPIENT'S FAX: 327-7866
TO: Jeff Peppersack CLIENT: Tom Kasper (1609-00)
RE: Transfer of Water Rights 63-02712/63-02955/63-03099/63-07814 (Transfer 5356)
FROM: Bruce M. Smith /Amber
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

☒ ORIGINAL WILL NOT BE SENT
☐ ORIGINAL WILL BE SENT BY FIRST CLASS MAIL
☐ ORIGINAL WILL BE SENT BY FEDERAL EXPRESS

ADDITIONAL COMMENTS:

Please see the attached letter.

***** IMPORTANT MESSAGE *****
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

MICROFILMED

NOV 17 1999

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1500 FAX: (208) 331-1262

DAVID H. BIERER
SUSAN E. BUXTON *
JOSEPH D. MALLET
JOHN J. MCFADDEN *‡
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

* Also Admitted in Oregon
‡ Also Admitted in Washington

September 26, 1999

Jeff Peppersack, Manager
Water Right Permits Sections
State of Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Transfer of Water Rights 63-02712/63-02955/63-03099/
63-07814 (Transfer 5356 - Tom Kasper)

Dear Jeff:

Confirming our conversation today regarding the September 30, 1999, letter that indicated the approval of the above transfers was a preliminary order. We concluded that the transfer was not preliminary but final. I thought it best to at least have a letter in the file to confirm. Thanks for your help.

Sincerely,



Bruce M. Smith

BMS/av

cc: Tom Kasper

MICROFILMED

NOV 12 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

OCT 14 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

OCT 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1999

TOM KASPER
3349 HILL RD
MELBA ID 83641

RE: TRANSFER OF WATER RIGHTS 63-02712/63-02955/63-03099/
63-07814(Transfer 5356)

Dear Mr. Kasper:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5356). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

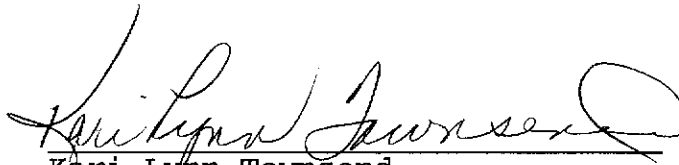
MICROFILMED
OCT 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **September, 1999** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 63-02712/63-02955/63-03099/63-07814
(Transfer 5356)

TOM KASPER
3349 HILL RD
MELBA ID 83641


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 30 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 16, 1999

RE: In the matter of Application for Transfer No. 5356 of Water Right Nos. 63-02712, 63-02955, 63-03099 & 63-07814 in the name of Tom Kasper

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED

JUL 14 1999

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, I mailed a true and correct copy of the foregoing document to the persons listed below:

Bruce M. Smith
Moore & McFadden, Chartered
999 Main Street, Suite 910
Boise, ID 83702

Curt &/or Jerry Hensley
8971 Ferry Rd
Melba, ID 83641

Charles McDevitt
McDevitt & Miller
537 W. Bannock, Suite 215
P.O. Box 2564
Boise, ID 83701


JULIE L. YARBROUGH
Administrative Asst., Water Allocations

Spackman, Gary

From: Peppersack, Jeff
Sent: Friday, July 02, 1999 10:36 AM
To: Spackman, Gary
Subject: Review of Consumptive Use Issues for Transfer 5456

Gary,
I have reviewed Sherl Chapman's memo and I have a few comments:

The Nampa Agrimet station appears to be the closest and may be the most representative, but the data is limited. I would include all of the available years if Agrimet data is the chosen source for ET data.

Agrimet ET data does not give the consumptive irrigation requirement. Consumptive irrigation requirement is the amount of irrigation water necessary to meet the demands of the crop. It is calculated by subtracting effective precipitation from the evapotranspiration values. Effective precipitation is the amount of precipitation that is can be utilized by the crop to meet some of the evapotranspiration requirements of that crop. On a season-wide basis, precipitation is greatest in the spring and perhaps the fall for some crops. Precipitation can provide a significant amount of water to the crop at those times, which reduces the amount of irrigation water necessary to meet the ET requirements of that crop.

The Agrimet data gives peak and mean values for alfalfa. The peak values are appropriate for short-term or instantaneous water requirements for alfalfa because they represent the mature (uncut) or maximum requirements during a growth-to-harvest cycle. The mean values are appropriate for season-long estimates because they take into account the reduced need for water during cutting and harvesting until the water can be applied again. Use of the peak values over the entire season would overestimate the actual water requirements because the values assume no cutting or down time at all for harvest.

There should be not additional losses associated with the consumptive use portion of the water right. Evapotranspiration accounts for evaporation from the plant surfaces and surrounding soil surface and transpiration from the plant. Evaporation from ditches would be negligible and ponds would only be significant if they were large enough to include a storage component to the water right. Irrigation application efficiency would not be included in any computation of consumptive use. The application efficiency would only be included to determine a total diversion volume for the water right.

The 1983 Allen and Brockway data for Deer Flat Dam and Kuna 2 NNE actually compare fairly well with the Nampa Agrimet data. The ET values for alfalfa and spring grain are 3.4 afa and 2.35 afa for Deer Flat Dam for an average of 2.88 afa. The ET values for Kuna are 3.47 afa and 2.30 afa for an average of 2.89. The average of alfalfa and spring grain from the 1996 Agrimet is 2.63 afa and for 1997 is 2.84 afa. The consumptive irrigation requirement data for 1983 Allen and Brockway at Deer flat dam is 3.10 afa for alfalfa and 2.11 afa for spring grain for an average of 2.61 afa. The consumptive irrigation requirement data (1983 Allen and Brockway) for Kuna is 3.10 afa for alfalfa and 2.05 afa for spring grain for an average of 2.56 afa. I believe the appropriate value to use is 2.61 afa from the 1983 Allen and Brockway data because the data accounts for effective precipitation and also uses mean alfalfa values.

If you need further explanation of any of this I would be happy to help.

Jeff

MICROFILMED

OCT 14 1999

To: Gary Spackman

From: Bill Ondrechen

Subject: Consumptive use values relating to Transfer No. 5456

It is incorrect to use the ALFP (Peak Alfalfa) value from AGRIMET to represent consumptive use for a harvested alfalfa crop as Sherl Chapman has done. The ALFP quantity is intended to represent potential evapotranspiration or a theoretical maximum water use which when multiplied by a crop coefficient would yield the actual consumptive use. It is not the usual practice to grow an uncut or unharvested alfalfa crop. A harvested crop would have a consumptive use like the ALFM or mean value in the AGRIMET tables. The paragraph at the end of the AGRIMET chart crop key explains it :

Note: Peak chart values represent the maximum daily consumptive use for mature (uncut) stages of alfalfa growth. Mean values represent an average daily use that takes seasonal cuttings into consideration.

Figure 21 from Allen and Brockway (attached) illustrates the relationship between peak (alfalfa reference) and mean (mean hay) evapotranspiration.

Also, while it may be appropriate to refer to maximum diversion rate as the measure of a water right for some purposes, it is not relevant for the topic under discussion here. The issue is how much water is used consumptively used over the course of a growing season .

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OCT 14 1999

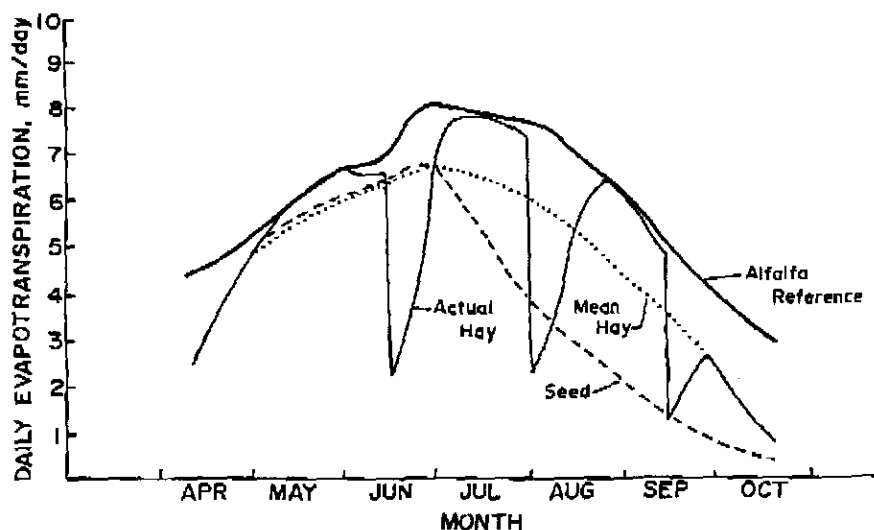


Figure 21. Smoothed fourteen-year average daily ET estimates for alfalfa reference, seed alfalfa and alfalfa hay for Kimberly, Idaho, 1965-1978 (after Wright, 1981a)

Table 17. Average Monthly ET for alfalfa hay, alfalfa seed and reference alfalfa for Kimberly, Id. April 10-October 20, 1965-1978.

Monthly Evapotranspiration, millimeters (inches)				
	Alfalfa Hay 3 cuttings	Alfalfa Hay Mean cut	Alfalfa Seed	E_t
April	73 (2.9)	74 (2.9)	81 (3.2)	97 (3.8)
May	185 (7.3)	176 (6.9)	188 (7.4)	190 (7.5)
June	154 (6.1)	191 (7.5)	199 (7.9)	218 (8.6)
July	235 (9.3)	197 (7.8)	186 (7.4)	242 (9.5)
August	152 (6.0)	161 (6.3)	134 (5.3)	212 (8.4)
September	110 (4.3)	102 (4.0)	73 (2.9)	150 (5.9)
October	29 (1.1)	27 (1.1)	25 (1.0)	69 (2.7)
Seasonal	941 (37)	929 (37)	889 (35)	1180 (47)

MICROFILMED

OCT 14 1993

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN *‡
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

MONA DOBARAN MACK
Of Counsel

*Also Admitted in Oregon
‡ Also Admitted in Washington

RECEIVED
JUN 24 1999
WATER RESOURCES
WESTERN REGION

June 22, 1999

Gary Spackman
State of Idaho, Dept. of Water Resources
Western Region
2735 Airport Way
Boise ID 83705-5082

Re: Transfer Application No. 5456
Tom Kasper

Dear Mr. Spackman:

This is a response to the Notice of Consideration of Additional Information dated June 17, 1999. Although Mr. Kasper understands that the Department may have questions about how the consumptive use figure was calculated, my client has to object to the Department's process for obtaining that information. First, as is clear from the record in this matter, neither the Department nor the Protestants raised any challenge to or questions about the consumptive use testimony at the hearing. In effect, the Notice seems to have the incidental effect of modifying the administrative record after the close of the hearing. Such a procedure would raise significant due process issues and questions related to the Idaho Administrative Procedure Act. I.C. sec. 67-5201 et seq.. Furthermore, such a procedure would not comply with IDAPA 37.01.01.602 in that the Department would not be taking judicial notice of data from the Agrimet stations, but rather would be modifying the record by recalculating the consumptive use figure. Also, we have no way of knowing what other "consumptive use data from the Agrimet system or the traditional Allen and Brockway methods for determining consumptive use and irrigation requirement" the Department is referencing in paragraph one of the Notice. In short, the Department appears to be submitting its own testimony in a hearing that is closed and on an issue that the Department did not raise at the hearing.

This is another problem with the Notice. While the Department might want to inquire about how the calculation was done, the Protestants did not object or offer any testimony at the hearing regarding the applicant's consumptive use figures. Yet, under the Notice, the Department seems to be allowing the Protestants to not only contest the Applicant's evidence, but to also submit information on an issue the Protestants never raised. Mr. Kasper must strongly object to this approach since it basically allows the Protestants to modify their arguments.

RECEIVED
JUN 24 1999
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JUL 14 1999

Finally, it must be noted that this issue arises at a very late date in the administrative process. The decision in this matter, given the testimony and evidence at the hearing, should have been forthcoming much sooner. Mr. Kasper has explained the urgent need for the water to be used pursuant to this transfer, and the Department should not delay approval of the transfer based on a question about how to calculate consumptive use and whether 50 or 61 acres are to be retired. That is merely a form over substance matter that can be easily addressed. Instead of the procedure set forth in the Notice, the Department should have simply requested that the Applicant explain how the consumptive use calculation was made. This approach would not have raised the concerns noted above. With that in mind, the Applicant is submitting with this letter an explanation of how the consumptive use figure was determined. Please see the attached memo from Mr. Sherl Chapman dated June 17, 1999, which explains the calculations and why the Department's alternative calculation does not reflect the true consumptive use on Mr. Kasper's land.

As to the questions about beef cattle, Mr. Kasper already has water rights for that use. The reference to the beef cattle was only to give Mr. Kasper some flexibility. However, the use of water by beef cattle was only incidental to use of water at the dairy and again was not an issue raised by anyone at the hearing. Since use by beef cattle was not included in the calculation of water needed, you can just ignore or eliminate the reference to beef cattle. It does not change the calculation.

In conclusion, the Department's Notice should be recognized as a request for an explanation of how the consumptive use figure presented at the hearing was calculated. That information is provided. However, the Department should not try to modify the administrative record or allow the Protestants to submit evidence on an issue that they did not even raise at the hearing. Finally, if the Department wishes to continue to discuss consumptive use and whether 50 acres or 61 acres need to be retired, my client agrees to do so. However, the transfer needs to be approved with a condition that continuing discussions of actual consumptive use will be undertaken. More importantly, there is no reason to withhold approval of the transfer pending these discussions.

Sincerely,



Bruce M. Smith

Enclosure

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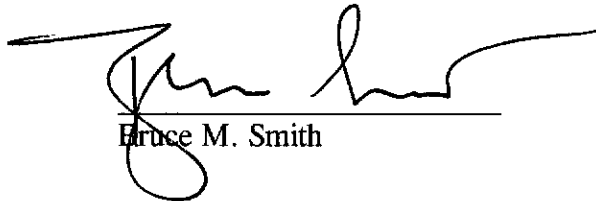
OCT 14 1999

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of June, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chas F. McDevitt
McDEVITT & MILLER LLP
P.O. Box 2564
Boise, ID 83701
Attorney for Protestant Ken Omundson

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641



Bruce M. Smith

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OCT 14 1999

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

TO: Mr. Bruce Smith

FROM: Sherl L. Chapman, President 

DATE: June 18, 1999

SUBJECT: GARY SPACKMAN LETTER - JUNE 17, 1999

Mr. Spackman of the Western Division of the Department of Water Resources provided me a fax on June 17, 1999 questioning the approach used to determine consumptive use of irrigation water as discussed in the Application for Transfer #5456. Mr. Spackman indicates that his analysis of Agrimet records suggest a consumptive use of 2.68 acre-feet as opposed to the 3.25 acre-feet I used in my testimony. Based on Mr. Spackman's letter it appears he used average consumptive values for alfalfa and spring grains during 1996, 97 and 98. The Agrimet data I used was determined at the Nampa Agrimet Station for peak consumption of alfalfa and spring grain for 1996 and 1997 (attached). The reason I use the peak value is because it is the maximum value used by the plants which, I believe, should be the value used as a measure of a water right. To do otherwise suggests that one's diversion rate must be limited by average consumptive use as opposed to peak consumption, which is less than the plant needs at certain stages of development.

The peak consumptive use for alfalfa was 45.5 inches or 3.79 acre-feet and the value for spring grain was 24 inches or 2 acre-feet in 1996. These two values were added together and averaged which provides a value of 2.89 and 3.13 acre-feet per acre for 1996 and 1997 respectively. However, there are additional losses in any irrigation system related to evaporation from corrugates, lateral ditches, ponds and other parts of the irrigation system. These values are generally included in discussions of "irrigation efficiency". Irrigation efficiency for flood irrigation techniques are significantly lower than for sprinkler irrigation. My experience has been that, in general, irrigation efficiencies for flood irrigation generally are in the 60% range while irrigation efficiencies for sprinkler irrigation may be as high as 90%. In order to determine how much water actually is consumed or lost to the aquifer, I used an irrigation efficiency of 85%. Applying this value to the 2.89 acre-feet per acre results in an overall reduction of water or consumption from the aquifer of about 3.4 acre-feet per acre. Using the 3.13 acre-feet per acre value the loss would be 3.68 acre-feet per acre. In an effort to remain conservative, I rounded this value down to 3.25 acre-feet per acre even though the Department of Water Resources, I believe, was using a value of 3.5 acre-feet per

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Mr. Bruce Smith
June 18, 1999
Page 2

acre during consideration of other transfers at that time. Therefore, I believe the 3.25 acre-feet per acre is a conservative value and accurately reflects the approximate amount of ground water that is consumed on Mr. Kasper's farm.

Another portion of Mr. Spackman's memo suggests that we need to add water for the beef cattle listed on the transfer. The use of water for the 200 beef cattle is incidental and the primary use is for the dairy. Mr. Kasper has existing water rights for his beef cattle now and the inclusion of them on the transfer was merely to provide flexibility in his operation.

If you have any questions regarding this memo, please contact me at any time.

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AGRIMET CHART CROP KEY

Chart Code		Crop
ALFM	-	ALFALFA (MEAN) *
ALFN	-	ALFALFA (NEW PLANT)
ALFP	-	ALFALFA (PEAK) *
ANDJ	-	ANDJOU PEARS
APPL	-	APPLES
ASPA	-	ASPARAGUS
BARL	-	BARLEY
BEAN	-	DRY BEANS
BEET	-	SUGAR BEETS
BLGR	-	BLUEGRASS SEED
BLUB	-	BLUEBERRIES
BOSC	-	BOSC PEARS
BROC	-	BROCCOLI
CABG	-	CABBAGE
CGRP	-	CONCORD GRAPES
CHRY	-	CHERRIES
CRAN	-	CRANBERRIES
CRTS	-	CARROT SEED
EBAR	-	BARLEY (EARLY HARVEST)
FCRN	-	FIELD CORN
	GARL	- GARLIC
GRAP	-	GRAPES
GRAS	-	GRASS HAY
LAWN	-	LAWN

Chart Code		Crop
LBAR	-	BARLEY (LATE HARVEST)
MBAR	-	BARLEY (MID HARVEST)
MELN	-	MELONS
NMNT	-	NEW MINT
ONYN	-	ONION
ORCH	-	ORCHARDS
PAST	-	PASTURE
PEAR	-	PEARS
PEAS	-	PEAS
PLMT	-	PLOWED MINT
POTA	-	POTATOES
POTE	-	POTATOES (EARLY HARVEST)
POTL	-	POTATOES (LATE HARVEST)
POTS	-	POTATOES (SHEPODY)
PPMT	-	PEPPERMINT
SBAR	-	SPRING BARLEY
	SBRY	- STRAWBERRY
SCRN	-	SWEET CORN
SGRN	-	SPRING GRAIN
	SPMT	- SPEARMINT
	TBER	- TRAILING BERRIES
WGRN	-	WINTER GRAIN)
WGRP	-	WINE GRAPE
WWHT	-	WINTER WHEAT

* Note: "Peak" chart values represent the "maximum" daily consumptive use for "mature" (uncut) stages of alfalfa growth. "Mean" values represent an "average" daily use that takes seasonal cuttings into consideration.

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*****
*
* ESTIMATED CROP WATER USE - OCT 11, 1996 NMPI
*
*****
*          DAILY          *          *          *          *          *
*      * CROP WATER USE-(IN) * DAILY*          *          * 7 * 14 *
* CROP START* PENMAN ET - OCT * FORE *COVER* TERM* SUM * DAY* DAY *
*   DATE*-----* CAST * DATE* DATE* ET * USE* USE *
*       * 7   8   9   10 *      *      *      *      *      *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ALFP 305 * 0.17 0.15 0.14 0.00 * 0.00 * 505 *1010 * 45.5 * 0.9* 2.1 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ALFM 305 * 0.14 0.13 0.12 0.00 * 0.00 * 505 *1010 * 39.0 * 0.8* 1.8 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ALFN 415 * 0.17 0.15 0.14 0.00 * 0.00 * 601 *1010 * 40.8 * 0.9* 2.1 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* PAST 301 * 0.08 0.06 0.06 0.00 * 0.00 * 425 *1010 * 30.7 * 0.4* 1.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* LAWN 301 * 0.14 0.12 0.11 0.00 * 0.00 * 415 *1010 * 37.3 * 0.8* 1.7 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* WGRN 225 * 0.00 0.00 0.00 0.00 * 0.00 * 510 * 715 * 21.4 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SGRN 325 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 801 * 24.0 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SGRN 310 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 715 * 20.8 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* BEET 410 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 930 * 32.1 * 0.0* 0.3 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ONYN 401 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 820 * 27.0 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTS 515 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 901 * 23.5 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTA 505 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 910 * 26.0 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTA 515 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 920 * 26.1 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* BEAN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 901 * 20.2 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* BEAN 615 * 0.00 0.00 0.00 0.00 * 0.00 * 715 * 905 * 17.5 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* FCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 915 * 26.0 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* FCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 925 * 24.3 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 825 * 21.1 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 905 * 20.7 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ASPA 415 * 0.00 0.00 0.00 0.00 * 0.00 * 810 * 930 * 31.0 * 0.0* 0.4 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* PEAS 401 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 710 * 13.1 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* NMNT 410 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 815 * 24.8 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* PPMT 315 * 0.00 0.00 0.00 0.00 * 0.00 * 601 * 725 * 22.2 * 0.0* 0.0 *

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* WGRP	410	*	0.00	0.00	0.00	0.00	*	0.00	*	620	*	925	*	24.7	*	0.0	*	0.0	*

* APPL	425	*	0.00	0.00	0.00	0.00	*	0.00	*	605	*	1005	*	34.9	*	0.1	*	0.6	*

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*****
*
* ESTIMATED CROP WATER USE - OCT 16, 1997  NMPI
*
*****
*          *          DAILY          *          *          *          *          *
*          * CROP WATER USE-(IN) * DAILY*          *          *          *          *
* CROP START* PENMAN ET - OCT * FORE *COVER* TERM* SUM * DAY* DAY *
* DATE*-----* CAST * DATE* DATE* ET * USE* USE *
*          * 12 13 14 15 *          *          *          *          *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ALFP 301 * 0.00 0.00 0.00 0.00 * 0.00 * 501 *1010 * 49.3 * 0.1* 1.5 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ALEM 301 * 0.00 0.00 0.00 0.00 * 0.00 * 501 *1010 * 42.4 * 0.1* 1.2 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ALEN 401 * 0.00 0.00 0.00 0.00 * 0.00 * 520 * 920 * 41.4 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* PAST 301 * 0.00 0.00 0.00 0.00 * 0.00 * 425 *1010 * 33.1 * 0.1* 0.7 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* WGRN 305 * 0.00 0.00 0.00 0.00 * 0.00 * 515 * 715 * 24.1 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SGRN 320 * 0.00 0.00 0.00 0.00 * 0.00 * 610 * 725 * 24.9 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SGRN 405 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 805 * 25.7 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* BEET 405 * 0.00 0.00 0.00 0.00 * 0.00 * 705 *1001 * 33.8 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ONYN 401 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 820 * 28.1 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTS 510 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 901 * 24.5 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTA 501 * 0.00 0.00 0.00 0.00 * 0.00 * 701 * 915 * 28.2 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTA 510 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 915 * 26.7 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* POTA 520 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 915 * 25.0 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* BEAN 520 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 825 * 19.9 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* BEAN 601 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 901 * 19.8 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* FCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 915 * 26.3 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* FCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 925 * 24.2 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 825 * 21.7 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* SCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 905 * 20.4 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* ASPA 415 * 0.00 0.00 0.00 0.00 * 0.00 * 810 * 930 * 32.2 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* PEAS 401 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 710 * 14.0 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* NMNT 415 * 0.00 0.00 0.00 0.00 * 0.00 * 625 *1010 * 34.0 * 0.1* 1.2 *
*-----*-----*-----*-----*-----*-----*-----*-----*
* PPMT 401 * 0.00 0.00 0.00 0.00 * 0.00 * 610 *1010 * 35.4 * 0.1* 1.2 *

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*-----*-----*-----*-----*
* WGRP 410 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 925 * 25.6 * 0.0* 0.0 *
*-----*-----*-----*-----*
* APPL 425 * 0.00 0.00 0.00 0.00 * 0.00 * 605 *1005 * 35.7 * 0.0* 0.3 *
*****

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 OCT 14 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5456 (WATER)
RIGHT NOS. 63-02712, 63-02955,)
63-03099, AND 63-07814) IN THE)
NAME OF TOM KASPER.)**

**NOTICE OF CONSIDERATION
OF ADDITIONAL INFORMATION**

Please take notice that the hearing officer will consider the enclosed information in writing a decision regarding the above contested matter. In addition to the enclosed information, the hearing officer will also consider any additional consumptive use data from the AGRIMET system or the traditional Allen & Brockway methods for determining consumptive use and irrigation requirement.

The hearing officer reviewed the application for transfer, listened to the testimony, and reviewed his notes. The application for transfer applies a consumptive use value of 3.25 acre feet per acre to determine the number of acres that will no longer be irrigated. The hearing officer understands that 1996 data from the Nampa station were used to determine the historical consumptive use. The historical consumptive use was represented to be 50% grain and 50% alfalfa.

Data from three Agrimet stations, located at Parma, Grandview, and Nampa were reviewed by the hearing officer. The Nampa Agrimet station records the highest consumptive use. This may be comparable to the growing conditions in the Melba area. By calculating the average annual consumptive use for alfalfa for 1996, 1997, and 1998, also calculating the average annual consumptive use for spring grain for 1996, 1977 and 1998, and averaging the grain and alfalfa averages, a consumptive use value of 2.68 acre feet per acre was calculated.

Kasper's application proposes a dairy animal herd of 2,000 milking cows, 1,000 dry cows, and 200 beef cattle. The computations on attachment B of the application do not include the 200 beef cattle. Assuming 12 gallons per day consumption per animal, approximately 2½ acre feet annually would be needed to provide water to the beef cattle. Using a total water demand of 165 acre feet, and dividing by 2.68 acre feet per acre requires retirement of 61.5 acres from irrigation.

The purpose of this notice is to apprise the parties of the additional information considered, to show an example of computations using the additional information, and to allow the parties to respond to this notice. If the computations above are accepted by the parties, additional acreage beyond the 55 acres watered solely by ground water must be retired. Some

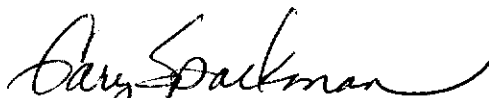
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analysis of supplemental use of ground water will be required if the supplemental portions of the ground water rights are to be used for the dairy. An alternative might be to adjust the total number of cattle used in the analysis.

The hearing officer grants the parties until June 25, 1999, to submit any additional information to clarify the new information considered by the hearing officer. Any additional information submitted to the hearing officer must be served on all the parties. The hearing officer grants until July 7, 1999, for the parties to request a hearing to augment the record. A request for hearing to augment the record may be filed at any time prior to July 7, 1999, and will immediately supercede and suspend the submittal and exchange of additional information.

DATED this 17th day of June, 1999.



Gary Spackman

CERTIFIED MAIL

I hereby certify that on the 17th day of June, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CERTIFIED MAIL

Tom Kasper
3349 Hill Rd
Melba ID 83641

Ken Omundson
C/O Chas F. McDevitt
PO Box 2564
Boise ID 83701

Bruce M. Smith
Moore & McFadden Chartered
999 Main St Ste 910
Boise, ID 83702

Curt & Jerry Hensley
8971 Ferry Rd.
Melba, ID 83641

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OCT 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMO

TO: Gary Spackman, Western Region DATE: June 11, 1999

FROM: Bill Ondrechen, Technical Services ^{WTD}

SUBJECT: AGRIMET Consumptive Use Data for Southwest Idaho

Attached are summaries of AGRIMET consumptive use (evapotranspiration) data for Parma and Grandview. There is also a station near Nampa that has a record beginning in 1996. A comparison of the Nampa station with Parma for 1996-98 indicates that reference ET is about 10% greater than Parma.

All the stations show about 38 to 40 inches of ET for alfalfa hay and about 22 to 24 inches for grain crops. Averaging these values yields ET values around 32 inches or 2.6 ac-ft/ac. This is less than the 3.2 ac-ft/ac that you mentioned as presented by Sherl Chapman. Perhaps he mistook the ALFP (Alfalfa Peak or reference ET) value for mean (with cuttings) alfalfa, which uses the ALFM identifier. I have included some explanatory information from the AGRIMET web site as well as Figure 21 from Allen & Brockway that illustrates the difference between the uncut alfalfa reference versus the mean or cut alfalfa case that represents a harvested crop.

You probably are aware that the Department uses the Allen & Brockway FAO Blaney-Criddle temperature based method as its standard for ET and IR. This method was calibrated to the Kimberly-Penman method and does yield fairly similar results. Since the AGRIMET system is used on a real-time basis by many farmers, its crop coefficients and planting dates, etc. are more likely to reflect actual conditions, and hence a more accurate estimate of ET. The disadvantage of AGRIMET is that we don't have data for as many locations as we do with a temperature based method. Rick Allen is hoping to address this in a research proposal: Essentially extending the radiation based Kimberly-Penman to sites where only air temperature is measured by using relationships between air temp and radiation.

BO:cjk
Attachments

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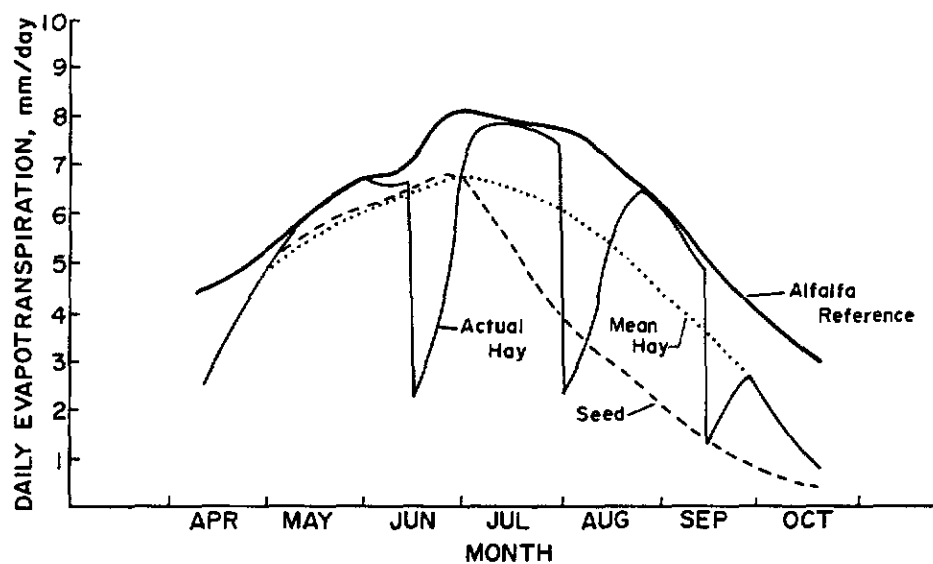


Figure 21. Smoothed fourteen-year average daily ET estimates for alfalfa reference, seed alfalfa and alfalfa hay for Kimberly, Idaho, 1965-1978 (after Wright, 1981a)

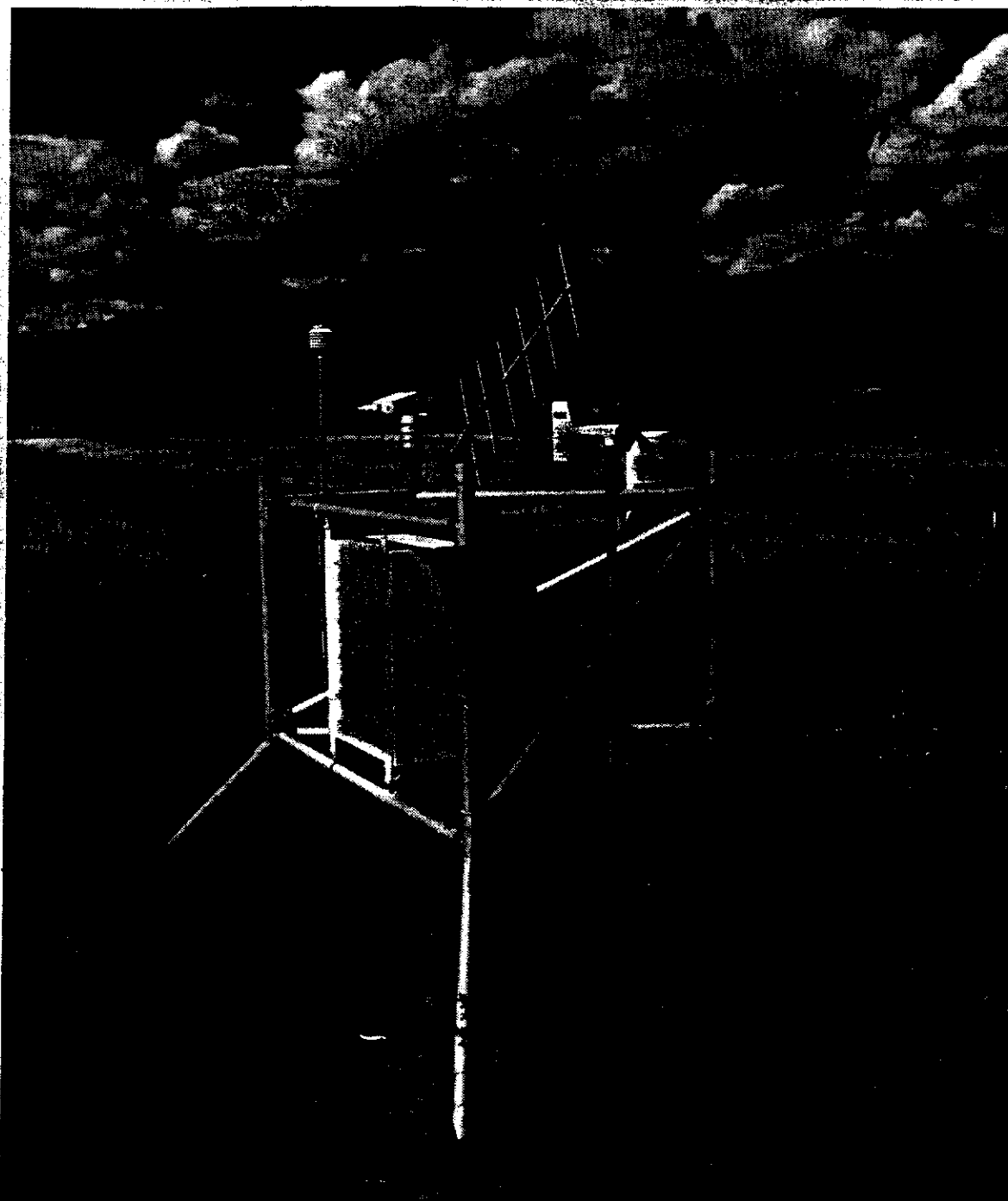
Table 17. Average Monthly ET for alfalfa hay, alfalfa seed and reference alfalfa for Kimberly, Id. April 10-October 20, 1965-1978.

Monthly Evapotranspiration, millimeters (inches)				
	Alfalfa Hay 3 cuttings	Alfalfa Hay Mean cut	Alfalfa Seed	E_t_r
April	73 (2.9)	74 (2.9)	81 (3.2)	97 (3.8)
May	185 (7.3)	176 (6.9)	188 (7.4)	190 (7.5)
June	154 (6.1)	191 (7.5)	199 (7.9)	218 (8.6)
July	235 (9.3)	197 (7.8)	186 (7.4)	242 (9.5)
August	152 (6.0)	161 (6.3)	134 (5.3)	212 (8.4)
September	110 (4.3)	102 (4.0)	73 (2.9)	150 (5.9)
October	29 (1.1)	27 (1.1)	25 (1.0)	69 (2.7)
Seasonal	941 (37)	929 (37)	889 (35)	1180 (47)

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Agricultural Crop Water Use Summary 1988 - 1994



**Historical Summation of Evapotranspiration (ET) Data From AgriMet - the
Northwest Cooperative Agricultural Weather Network**

US Bureau of Reclamation
Pacific Northwest Region
February 1995

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ONTARIO, OREGON

	1992	1993	1994	AVERAGE
REFERENCE ET	50.3*	44.2	49.3	47.9
ALFALFA	44.4	36.4	40.6	40.5
PASTURE	35.0	28.7	32.6	32.1
LAWN	42.8	34.8	39.3	39.0
WINTER GRAIN	26.9	21.3	21.3	23.2
SPRING GRAIN	27.9	22.7	22.6	24.4
SUGAR BEETS	36.1	29.3	34.5	33.3
ONIONS	30.3	24.1	29.5	28.0
POTATOES	28.8	22.8	28.2	26.6
SHEPODY POTATOES	32.5	22.3	22.4	25.7
BEANS	21.3	17.9	21.1	20.1
FIELD CORN	29.8	23.7	27.7	27.1
SWEET CORN	23.9	19.8	23.1	22.3
PEPPERMINT	27.3	23.1	26.4	25.6
APPLES	41.7	32.8	38.0	37.5

* 4/8 - 4/30 inclusive, estimated from Parma, ID station ETr data

PARMA, IDAHO

	1988	1989	1990	1991	1992	1993	1994	AVERAGE
REFERENCE ET	50.1	46.8	48.7	50.4	54.2	45.0	46.1	48.8
ALFALFA	39.7	37.6	40.0	39.3	44.4	34.6	35.8	38.8
PASTURE	31.4	29.8	31.4	31.0	35.0	27.3	28.7	30.7
LAWN						33.1	34.7	33.9
WINTER GRAIN	22.3	21.6	23.4	21.5	27.0	21.5	19.7	22.4
SPRING GRAIN	25.0	24.7	24.5	24.9	28.0	22.2	20.5	24.3
SUGAR BEETS	32.4	30.9	33.6	31.6	37.2	27.0	29.7	31.8
ONIONS	28.5	27.8	28.1	27.4	31.2	22.8	25.9	27.4
POTATOES	27.1	25.8	25.7	26.5	28.7	21.2	24.4	25.6
SHEPODY POTATOES					32.4	21.4	19.9	24.6
BEANS	20.6	19.8	19.7	19.3	21.3	15.8	18.2	19.2
FIELD CORN	26.9	25.5	26.8	25.6	29.6	21.8	23.7	25.7
SWEET CORN	22.0	21.1	21.5	21.3	23.8	18.4	20.0	21.2
PEPPERMINT	25.6	24.7	24.4	25.0	27.6	22.2	23.4	24.7
APPLES	37.5	35.7	37.2	37.2	42.0	30.8	33.0	36.2

31.55"
2.63 ACFT/AC

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JUL 14 1999

GRANDVIEW, IDAHO

	1993	1994	AVERAGE
REFERENCE ET	46.5	51.1	48.8
ALFALFA	35.4	39.5	37.5
PASTURE	27.9	31.7	29.8
LAWN	33.8	38.3	36.1
WINTER GRAIN	21.2	21.4	21.3
SPRING GRAIN	22.7	22.8	22.8
SUGAR BEETS	28.3	33.5	30.9
ONIONS	23.8		23.8
POTATOES	22.4	29.2	25.8
SHEPODY POTATOES	22.2	27.9	25.1
BEANS	17.8	20.9	19.4
FIELD CORN	23.1	26.9	25.0
SWEET CORN	19.5	22.7	21.1
PEPPERMINT	23.0	26.5	24.8

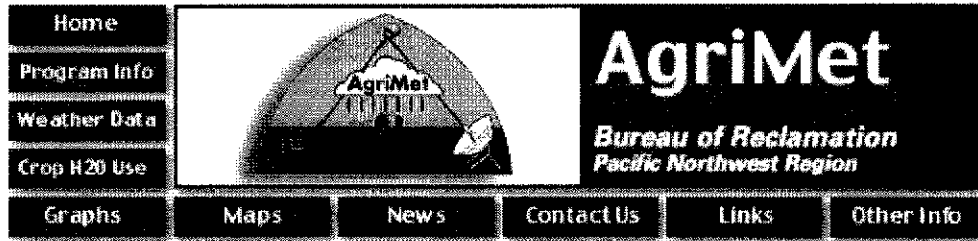
30.2 IN
2.5 ACFT/AC

HARRAH, WASHINGTON

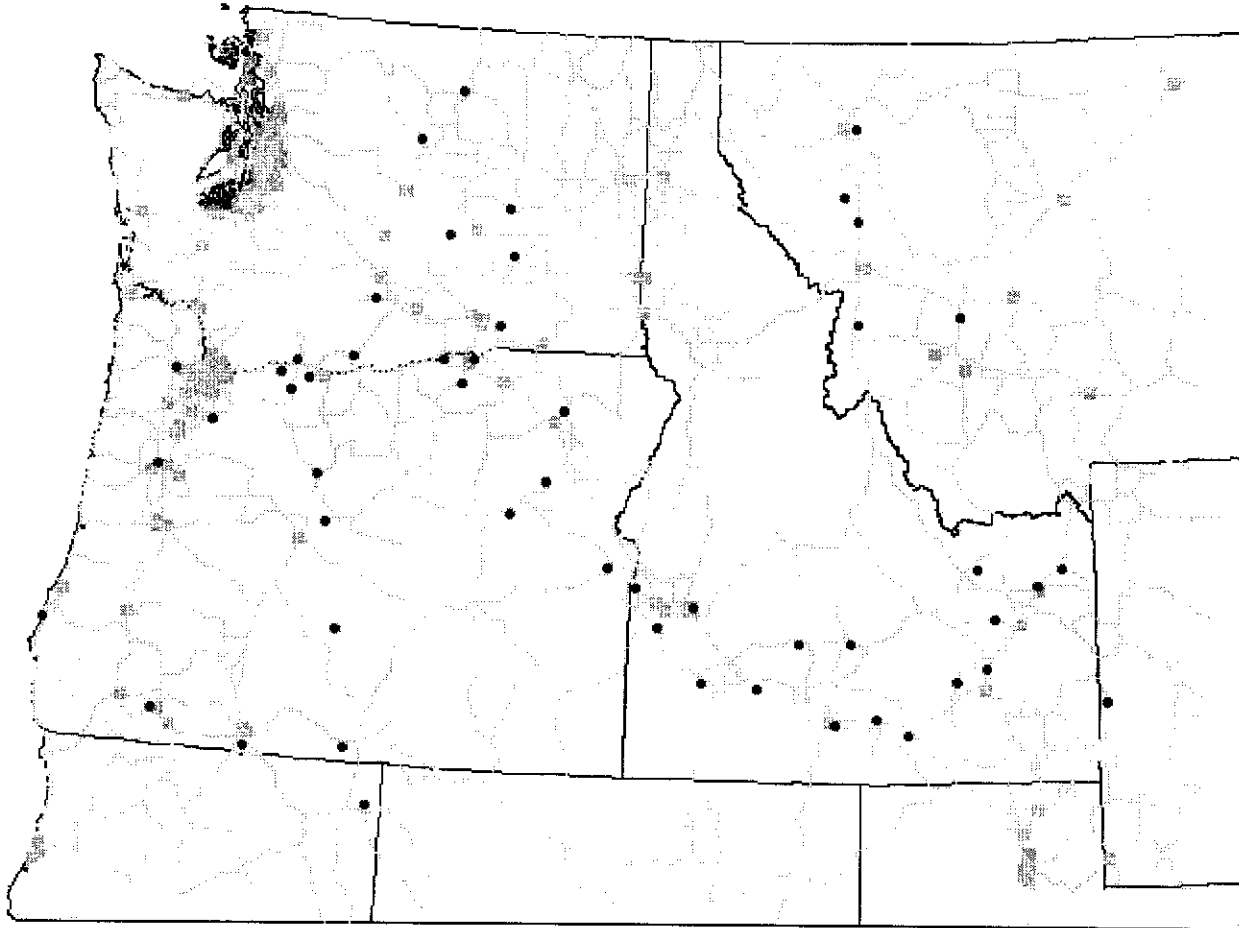
	1988	1989	1990	1991	1992	1993	1994	AVERAGE
REFERENCE ET	46.1	45.8	47.1	46.5	51.9	48.2	49.4	47.9
ALFALFA	35.4	35.3	36.9	35.2	40.9	35.3	36.7	36.5
PASTURE	28.0	27.8	29.0	27.8	32.2	27.8	29.4	28.9
LAWN						33.8	35.7	34.8
WINTER GRAIN	19.2	20.2	20.2	20.2	25.0	21.6	23.3	21.4
SPRING GRAIN	21.8	22.9	22.9	22.7	26.5	22.5	25.1	23.5
POTATOES	24.3	23.7	25.1	23.3	28.1	22.8	24.7	24.6
BEANS	18.5	17.9	19.0	17.0	20.3	17.1	18.2	18.3
SWEET CORN	19.8	19.1	20.6	18.7	22.4	19.0	19.9	19.9
PEPPERMINT	22.5	22.6	23.1	22.2	26.1	22.8	23.8	23.3
APPLES	33.5	33.0	34.8	32.9	39.2	31.9	33.6	34.1

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The Pacific Northwest Cooperative Agricultural Weather Network



USBR PN Region AgriMet Stations

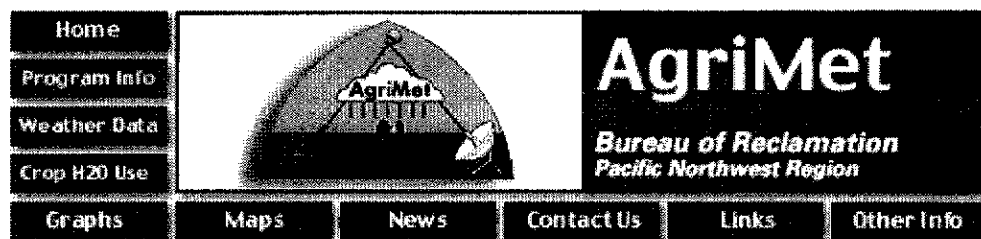
Click on a red dot for further information on the AgriMet station in that area.

[Home]	[Program Information]	[WeatherData]	[Crop Water Use]		
[Graphs]	[Maps]	[News]	[Contact Us]	[Links]	[Other Information]

For additional information, please call (208) 378-5283
or send email to [Peter L. Palmer](#), AgriMet Program Coordinator.

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The Pacific Northwest Cooperative Agricultural Weather Network

About Crop Water Use Charts

AgriMet uses site specific weather data to estimate evapotranspiration (ET, or crop water use) for crops grown in the vicinity of each weather station. AgriMet uses the 1982 Kimberly-Penman ET model developed by the USDA Agricultural Research Service in Kimberly, Idaho to compute daily reference ET at each station. AgriMet uses alfalfa as the reference crop. Specific crop coefficients are then used to compute crop specific ET based on the alfalfa reference ET. These crop coefficients vary throughout the growing season based on the plant growth stage. The crop coefficients are tied to the actual plant growth stage by three dates: Start, Cover, and Terminate dates. Start dates are the beginning of vegetative growth in the spring for perennial crops or the emergence date for row crops. Cover dates are typically when plants reach full foliage. Terminate dates are defined by harvest, frost, or dormancy.

Following is an explanation of the columns displayed in an AgriMet crop water use chart:

- Crop: Abbreviated identifier for the crop being modeled. See Key for an explanation of crop codes.
- Start Date: Typically the crop emergence date or beginning of vegetative growth for perennials.
- Daily ET: The previous 4 days of crop specific ET
- Daily Forecast: Average of the last 3 days ET
- Cover Date: Typically when the plant reaches full foliage.
- Term Date: Terminate date (frost, harvest, dormancy, etc.)
- Sum ET: Total crop water use to date by crop, since the start date.
- 7 Day Use: Total crop water use for the last 7 days.
- 14 Day Use: Total crop water use for the last 14 days.

AgriMet crop water use charts are updated each morning at approximately 6:00 Mountain Time, and reflect ET based on the weather conditions for the previous day. There is also a tabular ET Summary Table showing daily crop water use for each crop for the entire growing season.

[Home]	[Program Information]	[WeatherData]	[Crop Water Use]		
[Graphs]	[Maps]	[News]	[Contact Us]	[Links]	[Other Information]

For additional information, please call (208) 378-5283
or send email to Peter L. Palmer, AgriMet Program Coordinator.

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Key to Crop Codes

Chart Code		Crop
ALFM	-	ALFALFA (MEAN) *
ALFN	-	ALFALFA (NEW PLANT)
ALFP	-	ALFALFA (PEAK) *
ANDJ	-	ANDJOU PEARS
APPL	-	APPLES
ASPA	-	ASPARAGUS
BARL	-	BARLEY
BEAN	-	DRY BEANS
BEET	-	SUGAR BEETS
BLGR	-	BLUEGRASS SEED
BLUB	-	BLUEBERRIES
BOSC	-	BOSC PEARS
BROC	-	BROCCOLI
CABG	-	CABBAGE
CGRP	-	CONCORD GRAPES
CHRY	-	CHERRIES
CRAN	-	CRANBERRIES
CRTS	-	CARROT SEED
EBAR	-	BARLEY (EARLY HARVEST)
FCRN	-	FIELD CORN
GARL	-	GARLIC
GRAP	-	GRAPES
GRAS	-	GRASS HAY
LAWN	-	LAWN
LBAR	-	BARLEY (LATE HARVEST)
MBAR	-	BARLEY (MID HARVEST)
MELN	-	MELONS
NMNT	-	NEW MINT
ONYN	-	ONION
ORCH	-	ORCHARDS
PAST	-	PASTURE
PEAR	-	PEARS
PEAS	-	PEAS
PECH	-	PEACHES
PLMT	-	PLOWED MINT
POP1	-	FIRST YEAR POPLAR TREES
POP2	-	SECOND YEAR POPLAR TREES
POP3	-	THIRD YEAR + POPLAR TREES
POTA	-	POTATOES
POTE	-	POTATOES (EARLY HARVEST)
POTL	-	POTATOES (LATE HARVEST)
POTS	-	POTATOES (SHEPODY)

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OCT 14 1999

PPMT	-	PEPPERMINT
SBAR	-	SPRING BARLEY
SBRY	-	STRAWBERRY
SCRN	-	SWEET CORN
SGRN	-	SPRING GRAIN
SPMT	-	SPEARMINT
TBER	-	TRAILING BERRIES
WGRN	-	WINTER GRAIN
WGRP	-	WINE GRAPE
WWHT	-	WINTER WHEAT

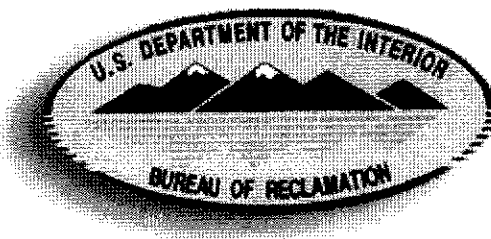
* NOTE: "Peak" chart values represent the "maximum" daily consumptive use for "mature" (uncut) stages of alfalfa growth. "Mean" values represent "average" daily use that takes seasonal cuttings into consideration.

These codes are applicable to both ET Summary and Crop Water Use charts.

Last Updated 8/13/98

[Home]	[Program Information]	[WeatherData]	[Crop Water Use]		
[Graphs]	[Maps]	[News]	[Contact Us]	[Links]	[Other Information]

For additional information, please call (208) 378-5283
or send email to Peter L. Palmer, AgriMet Program Coordinator.



This page last modified on April 01, 1999.
Peter L. Palmer, US Bureau of Reclamation

 *
 * ESTIMATED CROP WATER USE - OCT 18, 1996 PMAI
 *

 * * * * *
 * * DAILY * * * * *
 * * CROP WATER USE- (IN) * DAILY * * * * *
 * CROP START* PENMAN ET - OCT * FORE *COVER* TERM* SUM * DAY* DAY *
 * DATE*-----* CAST * DATE* DATE* ET * USE* USE *
 * * 14 15 16 17 * * * * *

 * ALFP 305 * 0.00 0.00 0.00 0.00 * 0.00 * 505 *1010 * 43.0 * 0.0* 0.7 *

 * ALFM 305 * 0.00 0.00 0.00 0.00 * 0.00 * 505 *1010 * 36.9 * 0.0* 0.6 *

 * PAST 301 * 0.00 0.00 0.00 0.00 * 0.00 * 425 *1010 * 29.2 * 0.0* 0.3 *

 * LAWN 301 * 0.00 0.00 0.00 0.00 * 0.00 * 415 *1010 * 35.4 * 0.0* 0.6 *

 * WGRN 225 * 0.00 0.00 0.00 0.00 * 0.00 * 510 * 715 * 21.9 * 0.0* 0.0 *

 * SGRN 325 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 801 * 24.0 * 0.0* 0.0 *

 * SGRN 415 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 805 * 22.7 * 0.0* 0.0 *

 * SGRN 425 * 0.00 0.00 0.00 0.00 * 0.00 * 701 * 815 * 23.6 * 0.0* 0.0 *

 * BEET 410 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 930 * 30.1 * 0.0* 0.0 *

 * ONYN 401 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 820 * 26.2 * 0.0* 0.0 *

 * POTS 515 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 901 * 22.6 * 0.0* 0.0 *

 * POTA 505 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 910 * 24.7 * 0.0* 0.0 *

 * POTA 515 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 920 * 24.5 * 0.0* 0.0 *

 * BEAN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 901 * 19.1 * 0.0* 0.0 *

 * BEAN 615 * 0.00 0.00 0.00 0.00 * 0.00 * 715 * 905 * 16.2 * 0.0* 0.0 *

 * FCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 915 * 24.2 * 0.0* 0.0 *

 * FCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 925 * 22.3 * 0.0* 0.0 *

 * SCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 825 * 20.1 * 0.0* 0.0 *

 * SCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 905 * 19.1 * 0.0* 0.0 *

 * PEAS 401 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 710 * 13.2 * 0.0* 0.0 *

 * PPMT 315 * 0.00 0.00 0.00 0.00 * 0.00 * 601 * 725 * 22.1 * 0.0* 0.0 *

 * APPL 425 * 0.00 0.00 0.00 0.00 * 0.00 * 605 *1005 * 32.7 * 0.0* 0.0 *

--base64 encoded file (PMAI_SUM.TXT) attached...

MICROFILME

OCT 14 1999

PMAI 94

B	ALFP	41.6
C	ALFM	35.8
F	WGRN	19.8
G	SGRN	20.1

A M J J A S O

97 ALFP

NMPI	4.64	7.99	8.25	9.67	9.10	6.10	3.56
PMAI	3.52	7.22	8.15	9.25	8.55	5.29	2.83

96 N	3.97	5.62	7.76	9.21	9.16	5.53
P	4.22	6.2	8.24	9.53	7.00	4.76

98 N	4.59	5.19	7.71	10.50	9.87	5.84	3.93
P	4.36	5.43	7.84	9.75	8.41	5.07	3.36

N	$\frac{13.20}{12.1}$	1.09	1.00	.98	1.03	1.17	1.16	1.21
---	----------------------	------	------	-----	------	------	------	------

OVERAL 1.09
1.11

MICROFILMED
JUL 14 1979

NMPI

	96	97	98
ALFP	45.6	49.3	46.6
ALFM	39.1	41.4	40
WGRN	25.1	24.1	20.7
SGRN	24.1	24.9	23.5

PMAT

ALFP	43.1
ALFM	40.
WGRN	21.9
SGRN	23.7

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OCT 14 1998

Spackman, Gary

From: Peppersack, Jeff
Sent: Friday, July 02, 1999 10:36 AM
To: Spackman, Gary
Subject: Review of Consumptive Use Issues for Transfer 5456

Gary,
I have reviewed Sherl Chapman's memo and I have a few comments:

The Nampa Agrimet station appears to be the closest and may be the most representative, but the data is limited. I would include all of the available years if Agrimet data is the chosen source for ET data.

Agrimet ET data does not give the consumptive irrigation requirement. Consumptive irrigation requirement is the amount of irrigation water necessary to meet the demands of the crop. It is calculated by subtracting effective precipitation from the evapotranspiration values. Effective precipitation is the amount of precipitation that is can be utilized by the crop to meet some of the evapotranspiration requirements of that crop. On a season-wide basis, precipitation is greatest in the spring and perhaps the fall for some crops. Precipitation can provide a significant amount of water to the crop at those times, which reduces the amount of irrigation water necessary to meet the ET requirements of that crop.

The Agrimet data gives peak and mean values for alfalfa. The peak values are appropriate for short-term or instantaneous water requirements for alfalfa because they represent the mature (uncut) or maximum requirements during a growth-to-harvest cycle. The mean values are appropriate for season-long estimates because they take into account the reduced need for water during cutting and harvesting until the water can be applied again. Use of the peak values over the entire season would overestimate the actual water requirements because the values assume no cutting or down time at all for harvest.

There should be not additional losses associated with the consumptive use portion of the water right. Evapotranspiration accounts for evaporation from the plant surfaces and surrounding soil surface and transpiration from the plant. Evaporation from ditches would be negligible and ponds would only be significant if they were large enough to include a storage component to the water right. Irrigation application efficiency would not be included in any computation of consumptive use. The application efficiency would only be included to determine a total diversion volume for the water right.

The 1983 Allen and Brockway data for Deer Flat Dam and Kuna 2 NNE actually compare fairly well with the Nampa Agrimet data. The ET values for alfalfa and spring grain are 3.4 afa and 2.35 afa for Deer Flat Dam for an average of 2.88 afa. The ET values for Kuna are 3.47 afa and 2.30 afa for an average of 2.89. The average of alfalfa and spring grain from the 1996 Agrimet is 2.63 afa and for 1997 is 2.84 afa. The consumptive irrigation requirement data for 1983 Allen and Brockway at Deer flat dam is 3.10 afa for alfalfa and 2.11 afa for spring grain for an average of 2.61 afa. The consumptive irrigation requirement data (1983 Allen and Brockway) for Kuna is 3.10 afa for alfalfa and 2.05 afa for spring grain for an average of 2.56 afa. I believe the appropriate value to use is 2.61 afa from the 1983 Allen and Brockway data because the data accounts for effective precipitation and also uses mean alfalfa values.

If you need further explanation of any of this I would be happy to help.

Jeff

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001 1 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5356

Date Reviewed 6-1-99

Right(s) 63-02712 63-07814 } No SRBA Activity
63-02955 }
63-03099 }

☒ WRQ/Split Summary ☒ SRBA Status ☒ Region Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
 F:Change Period of Use ☒ Other H:Change P/D & Add P/D
 I:Change P/D & P/U P/D, P/U, Nature & Season J:Add P/D & Change P/U

Proof of Ownership Herholder approval for 50 Acres - Farm Credit Services
Tax notice & Land List from Insurance for remaining property
Revised transferred acres

Transfer ☒ All of Right ☐ Portion of Right
 Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. 3.25 af/acre C.O. per Order
D/4-5 4.25 af/acre
on 50 acres
out for dairy.

(1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume
 (6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) ND Pertinent Conditions (13) ND Expansion
reduced total Div. Vol.

(2) Change IRR use to STOCK & COMM for a dairy. 50 acres out 63-02712 & 63-02955
(3) Standard IRR season 3-15 to 11-15 16 acres (all) out 63-07814
Allow yr. round use @ dairy.
(5) Per order - 3.25 af/acre C.O. Vol. and 4.25 af/acre Div. Vol. Historic Use
(7) Change & add P/D - 2 wells existing
(8) Change IRR P/U to P/D/P/U 451 total Acres - STOCK & COMM P/U added
Historic use on 50 Acres out. Use standard 4.5 af for remaining IRR parcels.

located in SWNW, S26 & NENE, S27, T01S, R02W.
Comm/Dairy except 5 Acres GW primary W57 W35 (By uses.)
 Transfer Remarks PP/U each rt. Land Applications W34 - modified OIM
 Conditions 005, 079, R165, T02, T08, T09 T17 already report per order.

Database/Processing Notes Standard ☒ Non-Standard ☐

T files each rt. - Special edit approval

"T" Files Update Complete Per Draft Order Approval Form ☒ Transfer Memo

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

(Split use summary on Back ↓)

9-24-99 CS

Dairy Needs - STOCK 82,000 gpd = 92 ata ^{57%} } 162 ata
 COMM 62,382 gpd = 70 ata ^{43%}

IRR

50 acres x 3.25 at (C.U.Vol/acre) = 162.5 > 162 ata

1.62 at / 190.5 at R+ 63-02712 - 50 acres out 380 IRR

4.44 at / 1597.5 at R+ 63-02955 - " 355 IRR " 134 @ 2.18 at/acre

(Dairy only) - R+ 63-07814 16 @ " 42.9 52.0 ata (VIR)

3.70 at / 1548.0 at 63-03099 344 IRR

9.76 at / 2029.5 at / 451.0 Acres

VIR = 451 x 4.5 = 2029.5 at

TOTAL ALL USES = 10.82 at / 2163.5 at / (451 Acres)

87.8 ata (VIR) .18 cts

134 @ 2.18 at/acre (VIR) .56 cts

42.9 52.0 ata (VIR) .32 cts

162.0 ata = 1.06 cts

134.0 at dairy

STOCK COMM

50.0 37.8

70.443.3 64.757.6

24.524.6 22.418.4

92.3 at 64.7 at

76.4 92.3

57.4 69.7

134.0 acres / 62.0 at total

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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* Commercial use on IRR acres for land application of wastewater from dairy ponds.

T5356

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

[illegible]

T01S R02W S 26

S/C

10
5/2

10

A0200082	SNAKE RIVE :									04-3		3
6302256	ROCK CREEK :	20	40	40								100
A6302256	ROCK CREEK :	20	40	40								100
6302631B	THOMASON L :		15			30						45
6302632B	THOMASON L :		15			30						45
6302711	UNNAMED DR :	20	25	10	35	30					10	130
A6302711	UNNAMED DR :	20	25	10	35	30					10	130
6302712	GROUNDWATE :			10								10
A6302712	GROUNDWATE :			10								10
T6302712	GROUNDWATE :			10								10
6302938	GROUNDWATE :	15	15		20							60
A6302938	GROUNDWATE :	15	15		17						10	57
A6328282	SPRING :		7			18						25
--86 MAP--	C73Q-Y 56 :	37	38	16	32	39	36	36	25	3		262
NO QTRS	MAPPING	Lot04-04										
--86 MAP--	COQ-Y 56 :	33	31		22	39	37	7	3			172

T01S R02W S 27

15
S/C

15

A0200012	SNAKE RIVE :	:	:	05-21	06-6 :	:	27
A0200082	SNAKE RIVE :	:	:	:	:	01-11 :	11
0202114	SNAKE RIVE :	:	:	05-30	:	:	30
A0202114	SNAKE RIVE :	:	:	05-20	:	:	20
0207026	SNAKE RIVE :	:	:	05-5	:	:	5
A0207026	SNAKE RIVE :	:	:	05-5	:	:	5
5700194	GROUNDWATE :	:	:	I	I :	:	:
*5710005	RABBIT CRE :	:	:		06-6 :	:	6
6302631B	THOMASON L :	:	7 15	:	:	:	22
A6302631C	JENSEN LAK :	:	7 15	:	:	:	22
6302632B	THOMASON L :	:	7 15	:	:	:	22
A6302632C	JENSEN LAK :	:	7 15	:	:	:	22
6302712	GROUNDWATE :	:	:	:	:	:	15
A6302712	GROUNDWATE :	:	:	:	:	:	15
T6302712	GROUNDWATE :	:	:	:	:	:	15
--86 MAP--	C73Q-Y 56 :	40	40 15 32 :	37 36	6 :	:	206
NO QTRS	MAPPING	Lot01-12	Lot05-23	Lot06-07			

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

[illegible]

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-02712	JENSEN, REX S.	C	06/07/1950	L/	GROUNDWATER	IRR DOMEST	WR
T63-02712			06/07/1950	L/	GROUNDWATER	IRR DOMEST	WR

A63-02712	EASTERN WESTERN CORP	C	06/07/1950	L/	GROUNDWATER	IRR	AJ

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-02955	JENSEN, REX S.	C	08/27/1953	L/	GROUNDWATER	IRR	WR
T63-02955			08/27/1953	L/	GROUNDWATER	IRR	WR

A63-02955	EASTERN WESTERN CORP	C	08/27/1953	L/	GROUNDWATER	IRR	AJ

WR0631NP

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 06/01/99

TIME: 09:10:49

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-03099	EVANS, CRYSTAL R.	C	12/27/1956	L/	GROUNDWATER	IRR	WR
	EVANS, EDWARD T.	C				DOMEST	
A63-03099	EASTERN WESTERN CORP	C	12/27/1956	L/	GROUNDWATER	IRR	AJ

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-07814	VAN WYCK, JOHN A.	C	06/19/1973	L/	GROUNDWATER	IRR	WR

A63-07814	EASTERN WESTERN CORP	C	06/19/1973	L/	GROUNDWATER	IRR	AJ

SUPPLEMENTAL STAFF ANALYSIS SHEET

TRANSFER NO. 5356 WORDPERFECT FILENAME Kasper

COPY FOR WATER RIGHT AND ADJUDICATION FILES

YES LEGAL NOTICE

YES TRANSFER ANALYSIS SHEET (FORM 222a)

YES TRANSFER APPLICATION - ASSUME ENTIRE APPLICATION WITH ATTACHMENTS
(ALWAYS COPY OWNERSHIP INFO) TO BE COPIED UNLESS NOTED BELOW:

I.D. BY LETTER/NUMBER WHICH ATTACHMENTS ARE NOT TO BE COPIED:

YES REVIEWER'S ANALYSIS MEMO DATED _____

— OTHER ITEMS - I.D. OTHER INFORMATION TO BE COPIED:

AVOID COPYING - excess computer reports, excess attachments unless
show ownership & other clarifying info, easements & other agreements unless
are essential to understanding the application, oversized documents.

**COPIES TO BE MADE AFTER MANAGER'S REVIEW PRIOR TO
FORWARDING FILE TO S.O.**

DISCARD THIS FORM BEFORE FORWARDING FILE

*to be
completed*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT Tom ~~Kasper~~ Kasper TRANSFER NO. 5356

INITIAL ALLOCATION REVIEW BY JK DATE 12/7/98

1. Right number(s) 63-02712 - 02955 - 03099 - 07814

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
 ☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
 ☒ Change N/U ☒ Change Period ☐ Split Right
 ☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
 ☒ Period ☒ SRBA Claim
 ☒ Description of original point(s) of diversion
 ☒ Description of original place of use
 ☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☐ Analysis memo (always - unless justify why not needed)
- b. ☒ All of right
- c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☐ Proof of ownership of right &/or land from which water is transferred
- i. ☐ Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

in
process
of
completing
review

OK to
process
while these
items pending

Overlapping rights - check current & proposed scenarios:

Current

Proposed _____

SRBA claim(s) claimed essentially same as licensed,
same #'s used (A63-02712 etc.)

Same #'s used (A03-02712 etc.)

Comment letters ✓ Yes No
If yes N/A Water District #
✓ Other, see #2 below for name
and address

Comment letters ✓ Yes No
If yes N/A Water District #
✓ Other, see #2 below for name
and address

SEND TO: ① KEN & TERRI OJUNDSON ② DSG
23 CARRIE REX Box 204
MELBA 83641

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on N/A, Received on

Other comments letters: ✓ See attached information

3. Transfer published correctly? ✓ Yes No

4. Affidavit of publication received? ✓ Yes No

5. Protests received? ☒ Yes ☐ No; Acknowledgement sent? ☐ Yes

6. Data entry of application completed? ☒ Yes

RECOMMENDED ACTION

1. Approve See attached memo

2. Deny due to _____

3. Conditions (special conditions in Water Districts) _____

4. By _____ Date _____

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? Yes *pam*

2. File forwarded to S.O.: by _____ date _____

PROTEST INFORMATION SHEET

APPLICANT: Tom Kasper

WATER RIGHT NO: Transfer # 5356 (Water right #63-02712, 02955, 07814)

DATE FILED: 9-8-98

PROTEST DATE: 1-4-99

PROTESTANT(S) NAME & ADDRESS:

Ken Omundson
C/O Chas. F. McDevitt
McDevitt & Miller LLP
PO Box 2564
Boise ID 83701

Kyle Winnicki
8999 Ferry Rd
Melba ID 83641

Curt &/or Jerry Hensley
8971 Ferry Rd
Melba ID 83641

Attorney Name & Address:

Issues:

Applicant - Attorney - Name & Address:

Dates:

Acknowledgement Letters: 1-7-99 _____

Hearing Notice: _____

Hearing Date: _____

Room Confirmation Letter _____

Other: _____

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

RECEIVED

APR 29 1999

WATER RESOURCES
WESTERN REGION

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN *†
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

MONA DOBARAN MACK
Of Counsel

*Also Admitted in Oregon
‡ Also Admitted in Washington

April 28, 1999

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

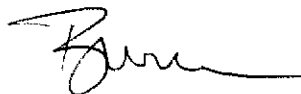
Re: Application for Transfer No. 5356
Tom Kasper

Dear Mr. Spackman:

This letter is a follow-up to the protest hearing conducted on April 27, 1999. In the hearing and the discussions with the parties at the conclusion of the hearing, there was some discussion of the diversion rate of 10.82 cfs which is indicated in Line B.2 of the application. It is important to note that the way the Department form is structured, an applicant has to indicate the total amount being transferred, which is what Mr. Kasper's application reflects. However, as our testimony indicated, it is probably physically impossible to divert 10.82 cfs from Well No. 1. Accordingly, the pump test which was conducted on Well No. 1 did not seek to address that scenario. The pump test showed the effects of pumping only to a maximum of 1200 gpm.

With this in mind, Mr. Kasper has agreed that an appropriate limitation on the transfer is to cap the diversion rate from Well No. 1 at 1200 gpm. You may accept this letter as approval for putting this condition on the transfer.

Sincerely,



Bruce M. Smith

MICROFILMED

cc: Tom Kasper
Charles McDevitt
Curt Hensley

APR 29 1999

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Transfer No. 5356 in the Name of Tom Kasper

Place: IDWR, 1301 N. Orchard, Boise, Idaho 83706

Date: April 27, 1999

Conducted by: Gary Spackman

NAME

ADDRESS

Tom KASPER	2349 HILL RD MELBA, ID 83641
Bruce Smith	999 Main St. Boise Id 83702
Shel Chapman	410 S. Orchard St. 144 Boise 83705
Chas McDuff	537 W Bannock Boise 83702
KEN OMUNDSON	Box 252 MELBA 83641
GARRETT BROWN	P.O. Box 1828 BOISE 83701
Ed Squires	1530 Knights Dr. Boise 83712
Curt Hensley	8971 FERRY RD. MELBA ID. 83641

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OCT 14 1999

April 27, 1999 - Hearing record for protested transfer application by Tom Kasper.

Tape Reading

Description

0031

Mary's opening remarks.

0203

Tom Kasper (applicant) testimony

1320

Cross-examined by Mr. McDevitt

2000

Cross-examination by Mr. Hensley

2410

-Mr. Spackman - Re Exhibits entered

2430

Redirect by Mr. Smith.

2645

Re-cross examined by Mr. McDevitt

2875

Re-cross examined by Mr. Hensley.

2985

Questions by Mr. Spackman for Mr. Kasper.

3315

2nd Round of cross & re-cross to Mr. Kasper.

3455

Questions by Mr. Spackman

Lunch Break

3475

Testimony of Sherl Chapman

5000

Cross-examined by Mr. McDevitt and objection by Mr. Smith to questions in regard to water rights other than 63-02955.

Objection overruled by Mr. Hearing officer.

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OCT 14 1999

5955 Cross-examination of Mr. Chapman by Mr. Hensley.

6415 Re-direct by Mr. Smith

6460 Re-direct by Mr. Hensley

6485 Questions by hearing officer to Mr. Chapman.

6935 Additional questions by Mr. McDewitt & objection by Mr. Smith, Questions by Mr. Hensley.

7260
6135 Testimony of Mr. Omundson

7920 Cross-examined by Mr. Smith

8175 Questions by Mr. Hensley to Mr. Omundson

8360 Trans
#2 tape 0020 Re-direct by Mr. Smith

230 Testimony of Ed Squires

975 Cross examination by Mr. Hensley

1310 Cross examined by Mr. Smith

1635 Re-direct by Mr. ~~Hensley~~ Hensley

1625 Questions by hearing officer to Mr. Squires

1830 Re-direct By Mr. Smith

1881 End of testimony 1950 - End of tape

MICROFILMED
OCT 14 1999

Protestant's Exhibits

<u>Exhibit Number</u>	<u>Description</u>	<u>Entered</u>
-----------------------	--------------------	----------------

A

✓ Site Location Map.

B

✓ Property Boundary Map.

C

✓ Two photos - Well #1 & 2

D

✓ " " Well #1 viewed East

✓ " " Well #2 viewed South

E

✓ " " Well #1 viewed West

✓ " " Well ~~#2~~ Onundson Domestic

F

✓ " " Well #1 + " "

✓ " " Well #2 + " "

G-N

✓ Well logs - ~~Three~~ Wells.
Area

O, P, R

✓ Water Right License 63-02712

S, T, U

✓ " " " 63-02958

V, W

✓ " " " 63-03099

X, Y, Z, AA

✓ " " " 63-07814

✓ = Used in Testimony

MICROFILMED

OCT 14 1993

Kasper Application for Xfer
Xfer # 5356 -

March 2, 1999

Curt Hensley - concerned about pipeline -
concerned about his domestic well -
Isolated water source -
Hensley located $\frac{1}{4}$ - $\frac{1}{2}$ mile away -

Chuck McDewitt -

50 acres identified
partial forfeiture is at issue
enlargement of use
Public interest.

Sheryl Chapman - Ed Squires Brown -

April - Exchange witness list - April 12
Exhibits April 19

MICROFILMED

OCT 14 1999

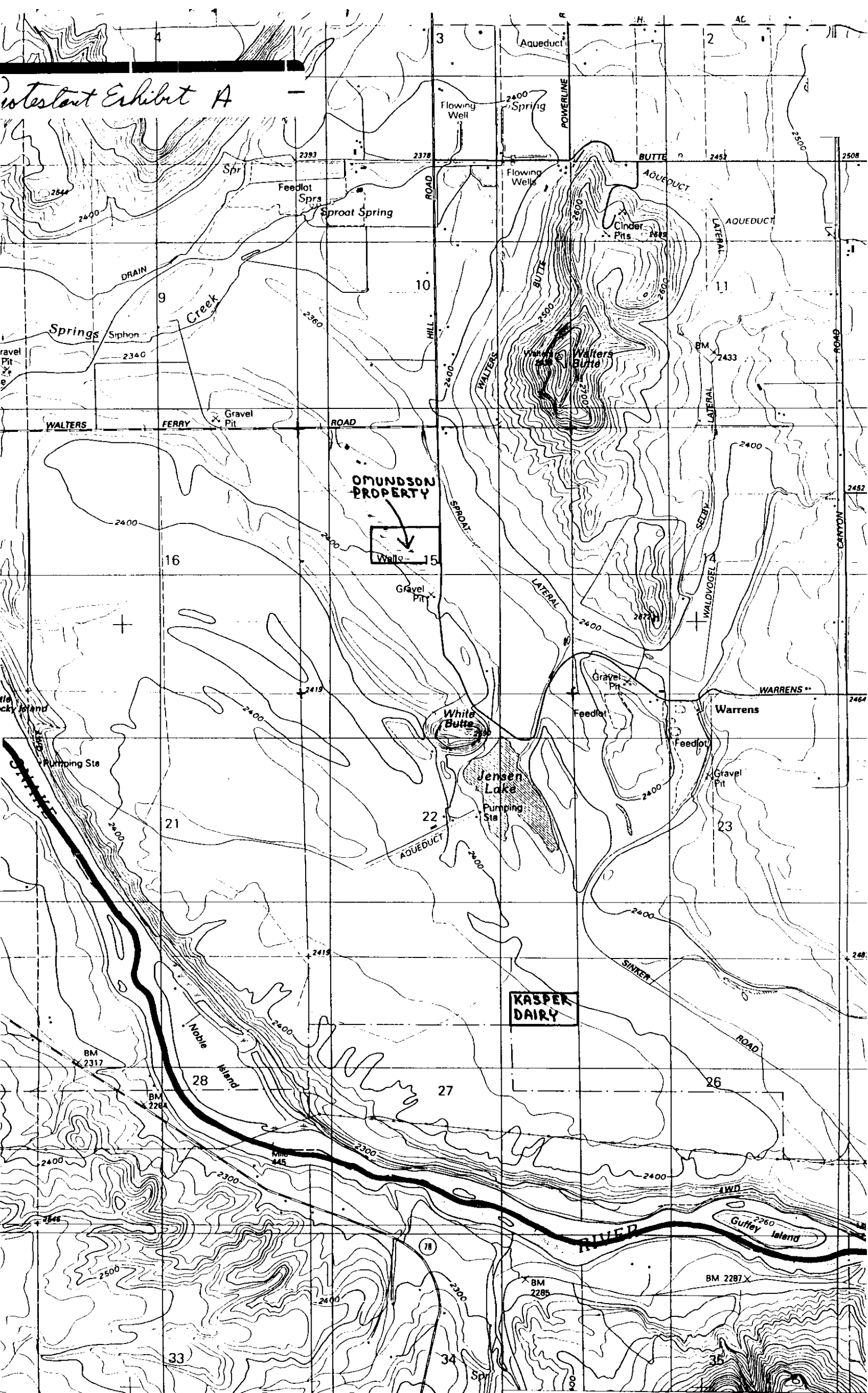
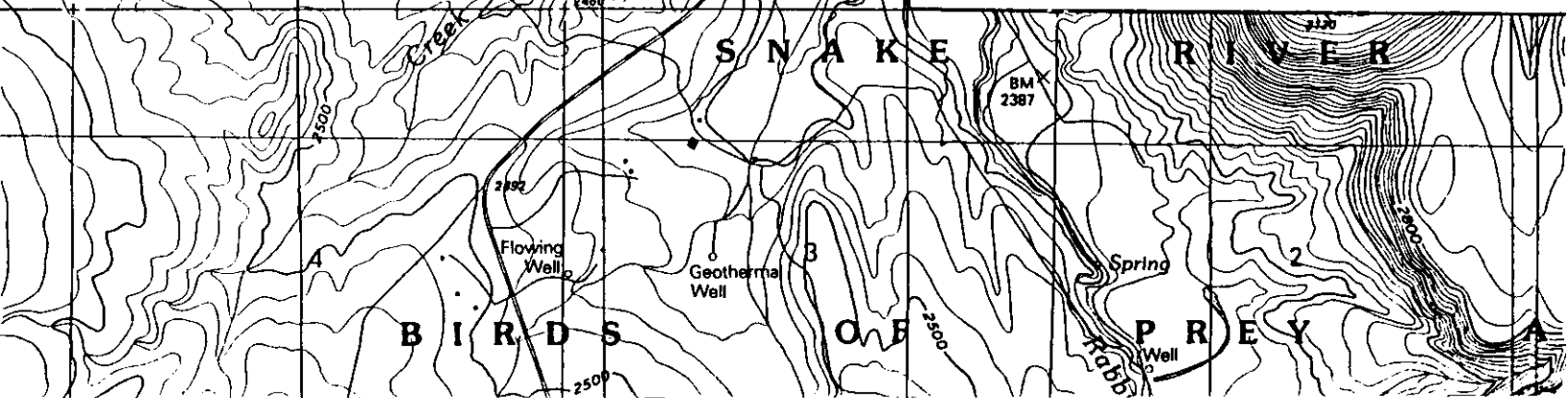


Figure 1
Site Location Map
Walters Butte Quadrangle, T1S, R



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11-1-1993

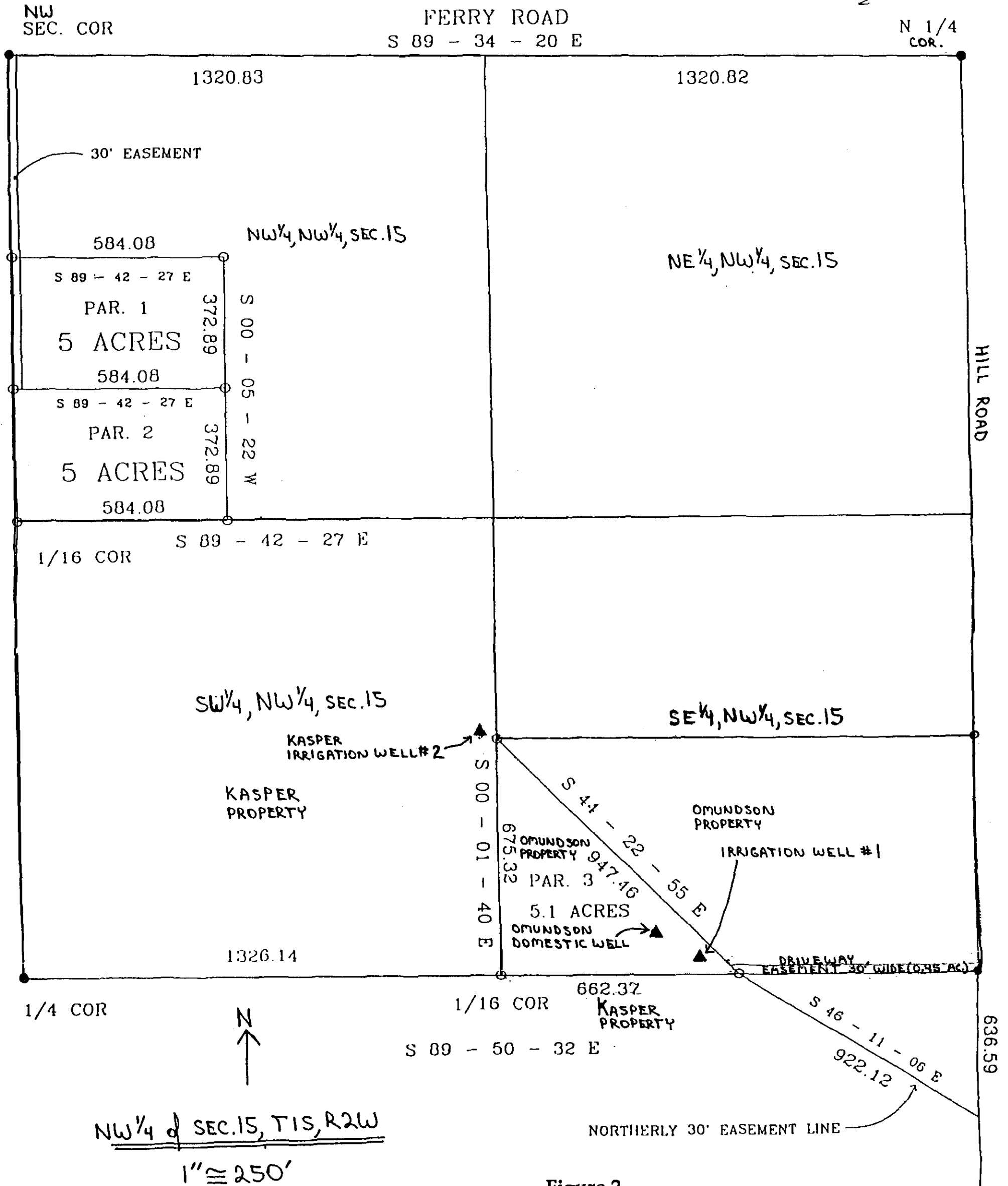


Figure 2
Property Boundary and Well Location Map

-Protestant's Exhibit C-



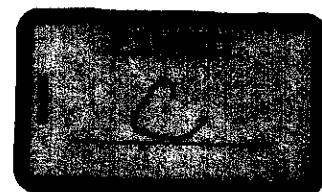
Irrigation Well #1- Viewed looking to the northeast



Irrigation Well #2- Viewed looking to the northwest

MONOFILMED

OCT 14 1991



- Protestants's Exhibit D -



Irrigation Well #1- Viewed looking east along the Omundson driveway easement



Irrigation Well #1- Viewed looking south
Irrigation pipe and trench in background

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JUL 14 1999

MICROFILMED
1977



Irrigation Well #1- Viewed looking west
towards the Omundson residence

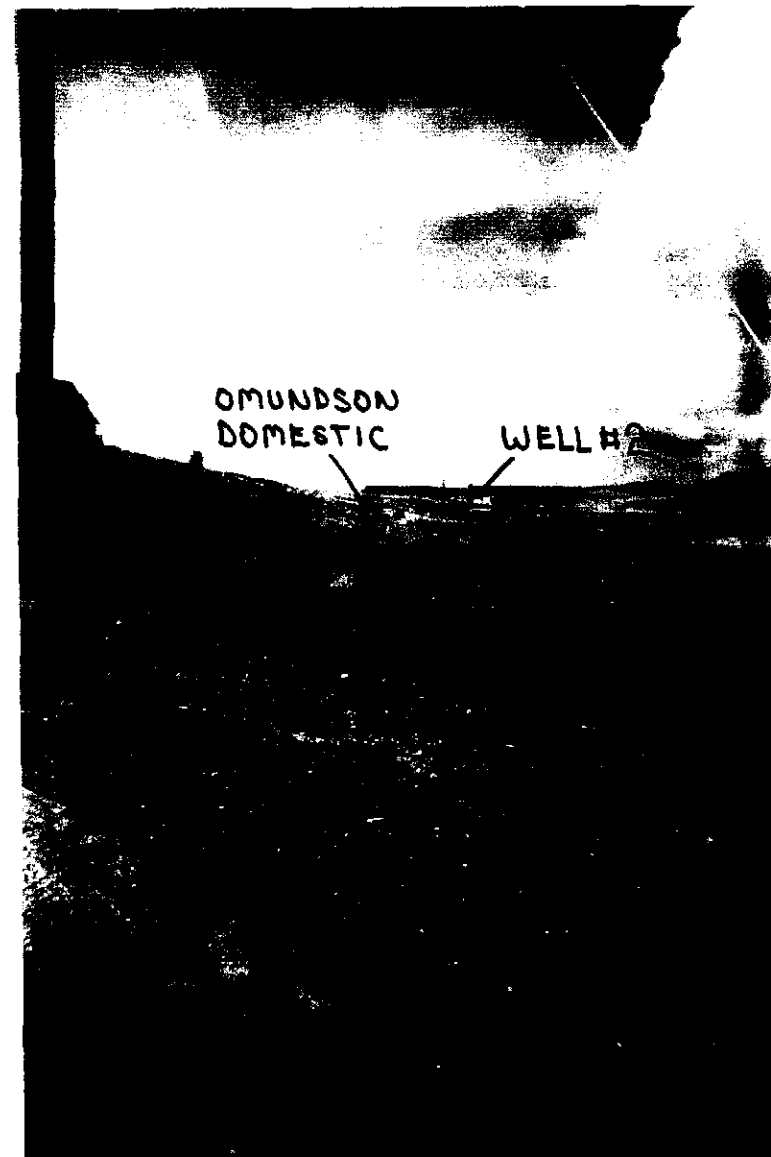


Omundson Domestic Well-
Viewed looking to the south

Protestant's Exhibit E



Irrigation Well #1 and Omundson Domestic Well
Viewed looking to the northwest



Irrigation Well #2 and Omundson Domestic Well
Viewed looking to the northwest

Protestant's Exhibit F

MICROFILMED

2013-1999

-Protestant's Exhibits G-N-

Attachment B
Well Driller's Reports on File at IDWR of
Wells Located in Section 15, T1S, R2W

MICROFILMED

OCT 14 1999

Use Typewriter
or
Ball Point Pen

Other IDWR No. _____

Name Ken. Omundson

Address P.O. Box 204 23 Carrie Bee Rd

City Melba State Id Zip 83641

Sketch map location must agree with written location.


 Twp. 1 North ☐ or South ☒
 Rge. 2 East ☐ or West ☒
 Sec. 15 1/4 SE 1/4 NW 1/4
 Gov't Lot _____ County _____
10 acres 40 acres 160 acres

Address of Well Site Hill Rd 1/4 mi

South of Ferry Rd City Melba
(Give at least name of road + distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	19	300	over bore to surface seal depth

Was drive shoe used? Y ☒ N ☐
Was drive shoe seal tested? Y ☐ N ☒ How? _____

Diameter	From	To	Gauge	Material	Casing	Linear	Welded	Threaded
6"	+2	68	250	Steel	☒	☐	☒	☐
4.5	56	116	40	PVC	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

☒ Perforations Method SAW
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Taping	Linear
68	75	1/8x4	75	4.5	PVC	☐	☒ MICRO
						☐	☐
						☐	☐

52 ft. below ground Artesian pressure lb.

Depth flow encountered 52 ft. Describe access port or

control devices: Removable well cap

☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
25	2'	54'	1 Hr.

Water Temp. 65° Bottom hole temp. 65°

Water Quality test or comments: Good

Water

[illegible]

Completed Depth 116' (Measurable)

Date: Started 11-10-74 Completed 12-8-74

MEP We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Johnston Drilling Firm No. 92

Firm Official Charles D. Chute Date 12-8-74

and

Russell A. Johnston Date 12-2-74

(Sign once if Firm Official & Operator)

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

FD-230-7
3/95

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 1/4 1/4
Lat _____ Long _____

1. DRILLING PERMIT NO. 63-97-W-0169-200
Other IDWR No. _____

2. OWNER:
Name Frank Engle
Address 9450 Ferry Rd
City Melba State Id. Zip 83641

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

North ☐ or South ☒
Rge. 2 East ☐ or West ☒
Sec. 15 1/4 NW 1/4 NE 1/4
Gov't Lot _____ County Canyon
Lat: _____ Long: _____
Address of Well Site 2060
Hill Road City Melba
(Show at least name of road - Distance to Road or Landmark)

LL _____ Bldg. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☒ Other Replacement

6. DRILL METHOD
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	20	400 lbs	Down Annular Sp.

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 86'
Was drive shoe seal tested? ☒ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Depth	Material	Casing	Liner	Welded	Threaded
<u>6"</u>	<u>1.5</u>	<u>86'</u>	<u>250</u>	<u>Steel</u>	☒	☐	☒	☐

Length of Headpipe na Length of Tailpipe na

9. PERFORATIONS/SCREENS na

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

47 ft. below ground Artesian pressure na lb.
Depth flow encountered 86 ft. Describe access port or control devices: unbolt well seal cap

11. WELL TESTS:

Yield gal/min	Overdraw	Pumping Level	Time
<u>22</u>	<u>4'</u>	<u>51'</u>	<u>1 hr.</u>

Water Temp. 65° Bottom hole temp. 65°
Water Quality test or comments: GOOD

Depth first Water Encountered 50'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>8</u>	<u>0</u>	<u>4 Sandy Top Soil</u>		☒
<u>8</u>	<u>4</u>	<u>7 Caving Black blow sand</u>		☒
<u>8</u>	<u>7</u>	<u>20 Dirty Brown Sand</u>		☒
<u>79</u>	<u>20</u>	<u>27 Dirty Brown Sand</u>		☒
<u>27</u>	<u>35</u>	<u>Dirty Brown Sandy Clay</u>		☒
<u>35</u>	<u>39</u>	<u>Dirty Brown Clay</u>		☒
<u>39</u>	<u>42</u>	<u>clean brown sand</u>		☒
<u>42</u>	<u>45</u>	<u>dirty cemented sand</u>		☒
<u>45</u>	<u>48</u>	<u>Brown dirty sand</u>		☒
<u>48</u>	<u>50</u>	<u>coarse cemented black sand</u>		☒
<u>50</u>	<u>51</u>	<u>clean sand</u>		☒
<u>51</u>	<u>68</u>	<u>heaving brown sand</u>		☒
<u>68</u>	<u>69</u>	<u>caked brown sand & gravel</u>		☒
<u>69</u>	<u>77</u>	<u>coarse brown sand & gravel</u>		☒
<u>77</u>	<u>85</u>	<u>Sand</u>		☒
<u>79</u>	<u>85</u>	<u>86 clean sand & all size gravel up to 3" dia.</u>		☒

RECEIVED
MAY 07 1997
APR 30 1997
WATER RESOURCES
WESTERN REGION
Department of Water Resources
Completed Depth 86' (Measurable)
Date: Started 3-27-97 Completed 4-11-97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name A-Line Firm No. 566

Firm Official Russell Johnston Date 4-17-97

Supervisor or Operator _____ Date _____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

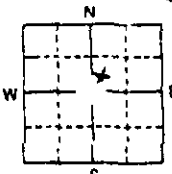
MICROFILMED

APR 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Frank S. Ingel</u> Address <u>5450 E. Valley Road, Meridian, Idaho 83441</u> Drilling Permit No. <u>65 11-11-021</u> Water Right Permit No. <u>1-2 11-782</u>	7. WATER LEVEL Static water level <u>38</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF Quality _____ (Describe abnormal temperature trends below)																																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement Well diameter increase _____ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☒ Bailor ☐ Air ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">30</td> <td style="text-align: center;">immediate flow</td> <td style="text-align: center;">immediate</td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	30	immediate flow	immediate																																																			
Discharge G.P.M.	Pumping Level	Hours Pumped																																																								
30	immediate flow	immediate																																																								
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11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Johnston Drilling</u> Firm No. <u>92</u> Address <u>smaller side</u> Date <u>4-15-91</u> Signed by (Firm Official) _____ and (Operator) <u>J. Sharon Johnston</u> MICROFILME																																																										

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

NOT 1 & 1000

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUse Typewriter
or
Ball Point Pen1. DRILLING PERMIT NO. 63-95-W-0802-000

Other IDWR No. _____

2. OWNER: Elliott
Name Kyle Winnicki Sheffield Court
Address 8999 Ferry Rd
City Melba State ID Zip 83641

3. LOCATION OF WELL by legal description:

Sketch map location (must agree with written location).

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36

Twp. 1 North ☐ or South ☒
Rge. 2 East ☐ or West ☒
Sec. 13 1/4 NW 1/4 NE 1/4
Gov't Lot _____ County Carson State ID

Address of Well Site 8999 Ferry Rd.

(Show all lot names of Road - Distance to Road or Landmark)

LL _____ Bkt. _____ Sub. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Feet or Pounds	
benzoflex	3	23	750	dry-granulated
	1			

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 101'Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6"</u>	<u>0</u>	<u>101</u>	<u>250</u>	<u>steel</u>	☒	☒	☐	☐
<u>5"</u>	<u>106</u>	<u>110</u>	<u>258</u>	<u>steel</u>	☐	☐	☐	☐

Length of Headpipe 1'9" Length of Tailpipe 5

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type 324 stainless Haverd

From	To	Slot Size	Number	Open end	Make lot	Casing	Liner
<u>101</u>	<u>106</u>	<u>30</u>	<u>5</u>	<u>steel</u>		☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

68 ft. below ground Artesian pressure _____ lb.Depth flow encountered 68 ft. Describe access port orcontrol devices: Buell nap

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Test per min.	Drawdown	Pumping Level	Time
<u>100</u>	<u>79</u>	<u>84</u>	<u>1 hour</u>

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>B</u>	<u>0</u>	<u>2</u>	<u>top soil</u>	☒	☒
<u>B</u>	<u>2</u>	<u>23</u>	<u>gravel</u>	☒	☒
<u>B</u>	<u>23</u>	<u>110</u>	<u>gravel</u>	☒	☒

RECEIVED
NOV 17 1995
WATER RESOURCES
WESTERN REGION

Completed Depth 110 (Measurable)
Date: Started 10-21-95 Completed 11-14-95

13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Dave Well Drilling Firm No. 399Firm Official [Signature] Date 11-16-95and [Signature]

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

OCT 14 1995

Form 220-7
1704

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

1. DRILLING PERMIT NO. 63-95-W-0062-000

Other IDWR No. _____

2. OWNER:

Name Curt + Terry Hensley
Address 501 S. Bancroft Ave. Rd.
City Melba State ID Zip 83641

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

	Twp. <u>1</u> North ☐ or South ☒
	Rge. <u>2</u> East ☐ or West ☒
	Sec. <u>15</u> 1/4 NW 1/4 NE 1/4 NW 1/4
	Gov't Lot _____ County <u>Canyon</u>

Address of Well Site Curt Rd. 1/2 mile west of Hill Rd City Melba ID

U. _____ Bk. _____ Sub. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK				METHOD
Material	From	To	Depth of Pack	
<u> Bentonite </u>	<u> 0 </u>	<u> 18 </u>	<u> 30 </u>	<u> dry </u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 65
Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u> 8 7/8 </u>	<u> 65 </u>	<u> 340 </u>	<u> 11.0 in </u>		☒	☐	☒	☐

Length of Headpipe 3'5" Length of Tailpipe 11'

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type 304 stainless

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u> 66 </u>	<u> 71 </u>	<u> 30 </u>		<u> 3 </u>	<u> stainless </u>	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

65 ft. below ground Artesian pressure _____ lb.
Depth flow encountered 65 ft. Describe access port or control devices: Access to top of casing

11. WELL TESTS:

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u> 45 </u>	<u> 75 ft. </u>	<u> 80 </u>	<u> 1 hour </u>

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: 15 gals. head loss

no iron

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core No.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u> 10 </u>	<u> 0 </u>	<u> 1 </u>	<u> Top soil </u>		☒
<u> 10 </u>	<u> 1 </u>	<u> 3 </u>	<u> hard boulders </u>		☒
<u> 10 </u>	<u> 3 </u>	<u> 19 </u>	<u> gravel - black </u>		☒
<u> 10 </u>	<u> 19 </u>	<u> 71 </u>	<u> gravel - black </u>		☒
<u> 10 </u>	<u> 71 </u>	<u> 78 </u>	<u> brown clay </u>		☒
<u> 10 </u>	<u> 78 </u>	<u> 82 </u>	<u> gravel - large stones </u>		☒

RECEIVED

MAR 09 1995

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 9 1995

Department of Water Resources

Completed Depth 82' (Measurable)

Date: Started 2-7-95 Completed 2-27-95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Deer Well Drilling Firm No 399

Firm Official [Signature] Date 3-1-95

and [Signature] Date _____

Supervisor or Operator _____ Date _____

(Sign once if P.O. Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILM

OCT 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

USE EITHER PENCIL OR
BALLPOINT PEN

1. WELL OWNER Name <u>Ken Freeman</u> Address <u>Rayna</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>50</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____																																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																							
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USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30
days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Carl Weech</u> Address <u>Star Route Box 11</u> Owner's Permit No. <u>Melba Ida</u>		7. WATER LEVEL Static water level <u>263</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality <u>FAIR</u> Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																																																																																																													
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning)		8. WELL TEST DATA ☐ Pump ☒ Bailer ☐ Other _____ Discharge G.P.M. _____ Draw Down _____																																																																																																																																																																													
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other _____		<table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>8"</td><td>0</td><td>5</td><td>Blue clay</td><td></td><td>X</td></tr><tr><td>8"</td><td>5</td><td>15</td><td>aluminum clay</td><td></td><td>X</td></tr><tr><td>8"</td><td>15</td><td>25</td><td>" "</td><td></td><td>X</td></tr><tr><td>8"</td><td>25</td><td>30</td><td>Sticky blue clay</td><td></td><td>X</td></tr><tr><td>8"</td><td>30</td><td>40</td><td>Am sand & blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>40</td><td>48</td><td>Salty clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>48</td><td>60</td><td>Layer of clay & sand</td><td></td><td>X</td></tr><tr><td>6"</td><td>60</td><td>80</td><td>Thin silty salt (sandy)</td><td></td><td>X</td></tr><tr><td>6"</td><td>80</td><td>100</td><td>Blue silty sand</td><td></td><td>X</td></tr><tr><td>6"</td><td>100</td><td>120</td><td>Salty blue sand</td><td></td><td>X</td></tr><tr><td>6"</td><td>120</td><td>131</td><td>Coarse sand (fairly hard)</td><td></td><td>X</td></tr><tr><td>6"</td><td>131</td><td>130</td><td>Silty sand & clayey sand</td><td></td><td>X</td></tr><tr><td>6"</td><td>130</td><td>140</td><td>Salty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>140</td><td>150</td><td>Sandy blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>150</td><td>165</td><td>Salty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>165</td><td>185</td><td>Sandy blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>185</td><td>200</td><td>Layer of blue clay & sand</td><td></td><td>X</td></tr><tr><td>6"</td><td>200</td><td>310</td><td>Silty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>310</td><td>319</td><td>Silty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>319</td><td>325</td><td>Silty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>325</td><td>330</td><td>Silty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>330</td><td>375</td><td>Silty blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>375</td><td>380</td><td>Blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>380</td><td>390</td><td>Blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>390</td><td>400</td><td>Blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>400</td><td>410</td><td>Blue clay</td><td></td><td>X</td></tr><tr><td>6"</td><td>410</td><td>430</td><td>Silty blue clay</td><td></td><td>X</td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	8"	0	5	Blue clay		X	8"	5	15	aluminum clay		X	8"	15	25	" "		X	8"	25	30	Sticky blue clay		X	8"	30	40	Am sand & blue clay		X	6"	40	48	Salty clay		X	6"	48	60	Layer of clay & sand		X	6"	60	80	Thin silty salt (sandy)		X	6"	80	100	Blue silty sand		X	6"	100	120	Salty blue sand		X	6"	120	131	Coarse sand (fairly hard)		X	6"	131	130	Silty sand & clayey sand		X	6"	130	140	Salty blue clay		X	6"	140	150	Sandy blue clay		X	6"	150	165	Salty blue clay		X	6"	165	185	Sandy blue clay		X	6"	185	200	Layer of blue clay & sand		X	6"	200	310	Silty blue clay		X	6"	310	319	Silty blue clay		X	6"	319	325	Silty blue clay		X	6"	325	330	Silty blue clay		X	6"	330	375	Silty blue clay		X	6"	375	380	Blue clay		X	6"	380	390	Blue clay		X	6"	390	400	Blue clay		X	6"	400	410	Blue clay		X	6"	410	430	Silty blue clay		X
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5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>420</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness _____ Diameter _____ <u>2.50</u> inches <u>6</u> inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>25</u> Material used in seal: ☐ Cement grout ☒ Pudding clay ☐ Wall cuttings Sealing procedure used: ☐ Sherry pit ☐ Temporary surface casing ☐ _____ ☐ Overbars to seal depth		10. <u>6/4/75</u> finished <u>7/5/75</u> Work started _____																																																																																																																																																																													
6. LOCATION OF WELL Sketch map location must agree with written location. <u>63</u> <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Canyon</u> <u>NE NW 25 T. 1 R. 2 E. W.</u>																																11. DRILLER'S CERTIFICATION Firm Name <u>Jesse Hill</u> Firm No. <u>516</u> Address <u>449 N. High St. Nampa, ID 83401</u> Signed by (Firm Official) <u>Jesse Hill</u> (Operator)																																																																																																																																															

USE ADDITIONAL SHEETS IF NECESSARY. FOR FORWARD THE FINISHED COPY TO THE DEPARTMENT.

EXHIBIT

N

Attachment C
Copies of Licenses and Amendments for
Water Right Nos. 63-02712, 63-02955, 63-03099, and 63-07814
and
Copy of Tom Kasper's Application for Transfer of Water Right

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OCT 14 1999

Protestant's Exhibits O, P, R

Water Right No. 63-02712

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OCT 14 1999

State of Idaho License and Certificate of Water Right

Water License No. 20585 Amount 1.8 c.f.s.
Water District No. _____ Priority June 7, 1950

THIS IS TO CERTIFY that CRYSTAL R. JENSEN - Assignee REX S. JENSEN
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 29, 1948; that Permit No. 20585
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.6 second feet, was issued thereunder on September 1, 1953, showing that said works
were completed on the 29 day of July, 1953; and that on the 21
day of July, 1958, CRYSTAL R. JENSEN - Assignee Rex S. Jensen

of Melba, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of wells
, a tributary of subterranean flow, for the purpose of irrigation and domestic use
, under Use Permit No. 20585 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

11 of Licenses at page 6769, on the 5 day of October, 1959;

The right hereby confirmed dates from June 7, 1950;

The Point of Diversion is located 2 points

in the NW 1/4 SE 1/4, Sec. 14, Tp. 1 S., R. 2 W., B. M. County Canyon

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 1.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	2 W.	15	SW 1/4 NW 1/4	40	20
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	40	10
			SE 1/4 SW 1/4	40	5
		16	NW 1/4 NE 1/4	40	5
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
			NE 1/4 NW 1/4	40	30
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			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SE 1/4	40	30
			NW 1/4 SE 1/4	40	40
			EW 1/4 SE 1/4	40	20
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	25
		26	SW 1/4 NE 1/4	40	10
		27	NE 1/4 NE 1/4	40	15
Total number of acres to be irrigated:				430	

5 day of October, 1959.

MICROFILMED /s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

63-02712

63 2712

By J. D. "CY" PRICE

Secretary of State.

Governor.



Points of diversion will be from drilled wells (artesian flow) located in the SE $\frac{1}{4}$ Section 15, and the SW $\frac{1}{4}$ Section 14, Twp. 1 S., Range 2 W., B.M. Applicant proposes to drill as many wells as will be necessary to produce the amount of water filed on. Exact location of wells have not been determined. Water will flow from wells into drain ditch, thence into Thomason Lake, thence pumped by pumps through a 36 inch pipe line previously installed to high land, thence conveyed through gravity ditches to point of use. Pump and pipe line previously installed under terms of Permits Nos. 19773 and 19774, and constructed at the time to pump 1500 inches of water, which is an adequate supply to irrigate all lands the owner or owner propose to irrigate.

Continued below

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 $\frac{1}{4}$	
1 S.	2 W.	27	40	40	40	40													160
		26			40			40	40										120
REMARKS (Continued)																			Total Number of acres to be irrigated - - 280
Approximate well locations: No. 1- NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; No. 2- SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; No. 3- SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; Township 1 South, Range 2 West, B. M.																			
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 20585.																			
Comes now Crystal R. Jensen, 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. 20585; That the point of diversion is described in said Permit as well locations being located NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 1 S. R. 2 W. and conveyed to the place of use through the Drain to Lake thence pumped, as per map filed herewith. That he now request that the point of diversion be changed to a point located Two wells in NW $\frac{1}{4}$ SE $\frac{1}{4}$, one in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and one in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, and one in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, 1 S. 2 W. and conducted to the place of use through the same ditch and works, as per map above referred to. That his reasons for desiring to make such change are as follows: Change was necessary to locate water, all wells are on applicant's own land. 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 14 day of June, 1951. Date of receipt at Department of Reclamation June 14, 1951.																			
APPROVAL OF STATE RECLAMATION ENGINEER I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing																			(continued)

Crystal R. Jensen,
By REX S. JENSEN

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing (continued)

lication for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 20585. 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, said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

Permit No. 20585
CERTIFICATE OF COMPLETION OF WORKS

ALL WHOM IT MAY CONCERN:

This is to certify that Crystal R. Jensen of Melba, County of Canyon, and State of Idaho, the holder of Permit No. 20585, issued upon application No. 28215 bearing date of priority of July 29, 1948, authorizing the diversion of 5.6 second feet of the flow of artesian flow from a group of wells County of Canyon, State of Idaho, for irrigation and domestic 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 second feet of the water of said wells; that the points of diversion of said waters or location of the wells is as follows: Section 1 and 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$; No. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$; No. 4 SW $\frac{1}{4}$ NE $\frac{1}{4}$; ~~Section~~ Section 22; Township 1 South, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast Quarter Section 27; SW NE $\frac{1}{4}$, S $\frac{1}{2}$ Section 26; All in Township 1 South, Range 2 West, B.M.

Witness my hand this 1st day of September, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made July 29, 1953
Certificate of Completion of Works issued September 1, 1953

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20585, to September 13, 1956.

Witness my hand this 8th day of September, 1953.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS /
OF THE STATE OF IDAHO, No. G-20585

Comes now Rex S. Jensen 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-20585, and requests that the list of land to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 1 S., R. 2 W., B. M., making a total of 800 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 26th day of February, 1959

s/ REX S. JENSEN
By

Harley M. McDowell, Agent

Date of Receipt at Department of Reclamation: March 2, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

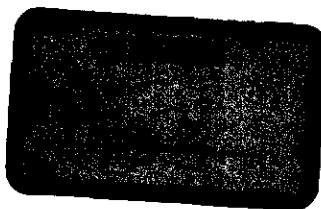
I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Water of the State of Idaho, No. 20585. This approval constitutes a new permit and is issued as an amendment to the original permit 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

APPROVED AND RECORDED: March 10, 1959

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ASSIGNMENT

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-20585 to REX S. JENSEN, of Melba, Idaho

s/ CHRYSTAL J. EVANS
Permit Holder

s/ E. T. EVANS
Husband of Permit Holder

STATE of ILLINOIS)
 ss
County of Macon)

On this 24 day of April, 1959, before me, a Notary Public for the State of Illinois, residing at Decatur, Illinois, personally appeared Chrystal J. and E. T. Evans, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notorial Seal, the day and year in this certificate first above written.

s/ ROY J. REDDING
Notary Public, Residing at
Decatur, Illinois

(SEAL)

My commission expires 1-23-60

Recorded October 5, 1959

See letter in file, being affidavit that Chrystal J. Evans is the same person as Crystal R. Jensen referred to in this permit.

ASSIGNMENT

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Pub Waters of the State of Idaho, No. G-20585 to Rex S. Jensen of Melba, Idaho.

LICENSE ISSUED FOR 18... SEC. 5
Page 6769

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Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. My name is Rex S. Jensen; I am the agent and father of Chrystal R. Jensen, residence 12½ miles south of Nampa; occupation, farming; postoffice address, Melba, Idaho.

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. None

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

Ans. The number of the permit is 20585; date of permit, 8/7/48
date of priority, 6/16/50. 6-7-50

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

Ans. Subterranean from 2 drilled wells, one is equipped with turbine type pump & motor to pump, the other is artesian and flows. Both are in the NW¼SE¼, Section 14, T 1 S - R 2 W., B. 1

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. Well #1 drilled to a depth of 170' pumps with a lift of 30', cased for 80' with 12" steel casing and pumps 100". Equipped with turbine type pump & motor 15 h.p. Well #2 drilled to 50', cased 45' with 8" steel casing flows 10" of water. Distribution ditch has 18" bottom, 2' deep, 3½' wide at top, capable of carrying 250 miner's inches. These were measured by a well driller and by me, both by the orifice method and also by weir (cippoletti), all irrigation is by gravity, no sprinkler system.

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. The purpose of the water is for irrigation of following subdivisions: NE¼NE¼, Sec. 32A irrig.; SE¼NE¼, Sec. 27, 3 acres; SW¼NW¼, Sec. 26, 20 acres; SE¼NW¼, Sec. 26, 30 Acres; SW¼NE¼, Sec. 26, 25 acres irrigable, T 1 S - R 2 W., totalling 110 acres. No natural meadow. All improvements have been made to artificially irrigate this land and an investment of \$15,700 was spent.

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Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. I could use more water on this land than that which is now being provided.

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. Chrystal Jensen was the original person who submitted this application, and I am acting as her agent.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. She started work on this permit immediately when it was allowed and has worked continuously on it and has raised a crop since 1953.

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. There are no other waters appropriated for this land. She does mix this water with her other irrigation system but takes out the same amount of water into the individual diversion ditches onto this property.

By
(Sign)

Chrystal R. Jensen

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 Boise, County of Ada

State of Idaho, on this 21st day of July, A. D. 1958.

Wiley L. S. Howell
Notary Public for the State of Idaho

My commission expires 10/11/59

MICROFILMED

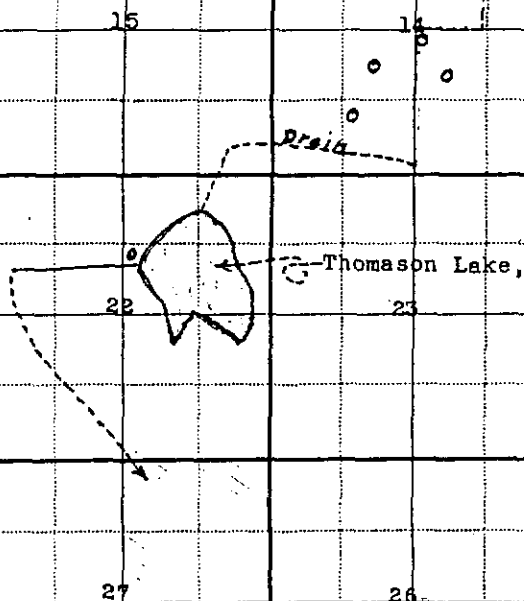
1958



Sketch map to accompany Permit No. 20585 for amendment of points of Diversion, Points of diversion are well locations which are all located on owners property.

Points of diversion shown thus, o

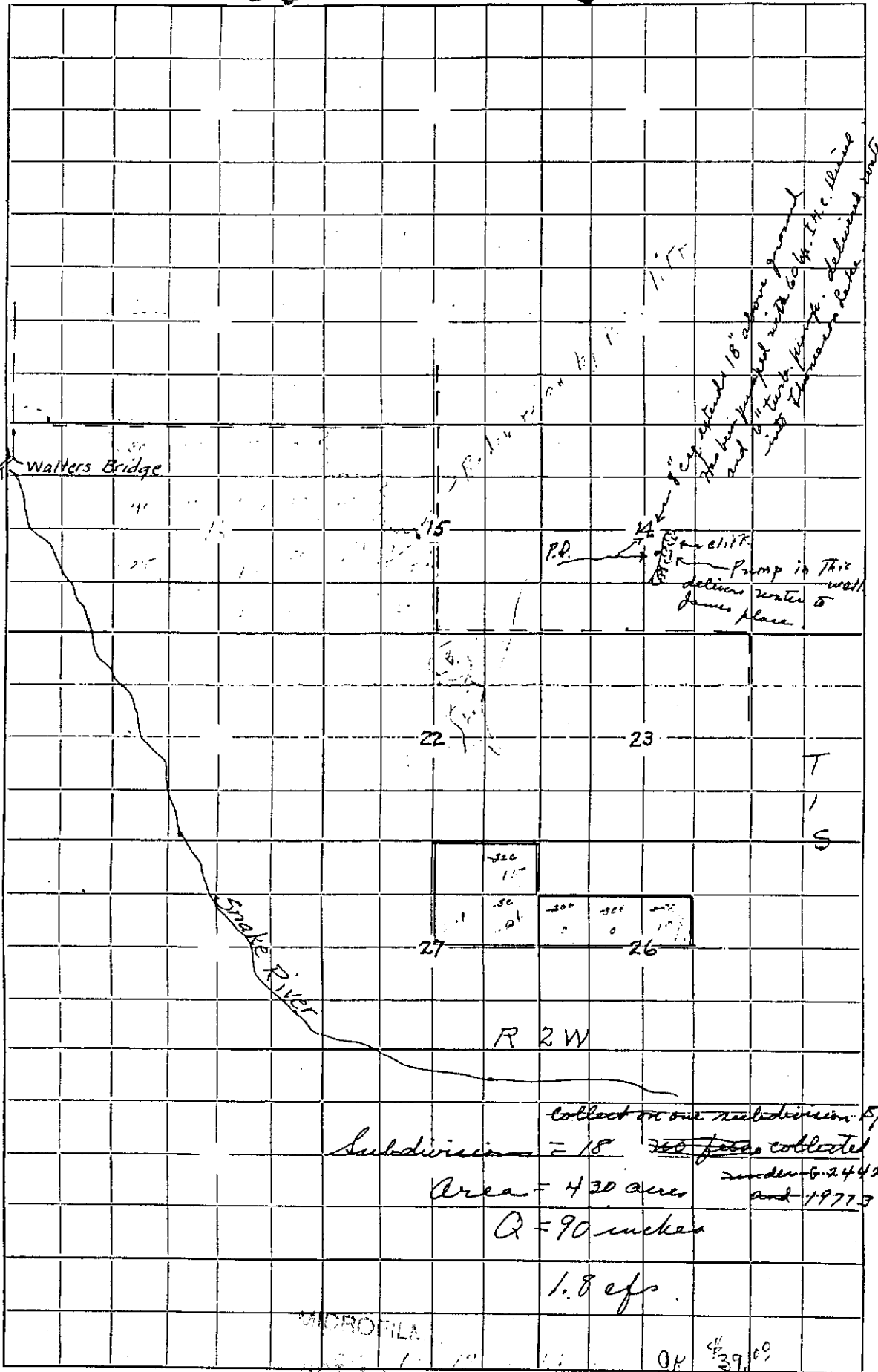
Twp. 15.N. R. 2.W.



MICROFILM

1971 4 1909

20585



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

205PS

1	Applicant proposes to drill as many wells, (Artesian Flow) as necessary to produce the amount of water filed on in this application.											
	Location of proposed wells will be in the in the SE $\frac{1}{4}$ Section 15 and the SW $\frac{1}{4}$ Section 14, Twp. 15S. R. 2W. See well area below,											
	Exact location of wells cannot be determined at this time. Water will flow from wells into drain ditch thence into Thomason Lake from which it will be pumped to high land thence by gravity to place of use through constructed ditches.											
	Twp. 15. R. 2W.											
	Permit Map No. 20585											
	Approved AUG 7 1948 MARK R. KILP State Geologist											
	MICROFILM											
	1903											

Protestant Exhibit 5, 11

Water Right No. 63-02955

MICROFILMED

OCT 14 1999

State of Idaho

License and Certificate of Water Right

63-02955

Water License No. G-24421

Amount 5.0 c.f.s.

Water District No. _____

Priority Aug. 27, 1953

THIS IS TO CERTIFY that DEAN J. JAMES - Assignee - REX S. JENSEN
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 27, 1953; that Permit No. G-24421
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.0 second feet, was issued thereunder on September 11, 1959, showing that said works
were completed on the 23 day of August, 1958; and that on the 23
day of August, 1958,

DEAN J. JAMES - Assignee - REX S. JENSEN

of Melba, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-24421 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
11 of Licenses at page 6755, on the 11 day of September, 1959;
The right hereby confirmed dates from August 27, 1953;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 15, Tp. 1 S., R. 2 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 5.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	2 W.	15	SW 1/4 NW 1/4	35	20
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	35	10
			SE 1/4 SW 1/4	38	5
		16	NW 1/4 NE 1/4	30	5
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
			NE 1/4 NW 1/4	35	30
			NW 1/4 NW 1/4	40	30
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SE 1/4	40	30
			NW 1/4 SE 1/4	40	25
			NE 1/4 SE 1/4	40	30
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	20

Total number of acres to be irrigated: 405

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

11 day of September, 1959.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

63-2955

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32219
Permit No. G- 24421
District No.

Assigned to

Dr. C. Jensen
Melba-Idaho

1. Name of Applicant: DEAN J. JAMES
Postoffice address: Melba County: Canyon State: Idaho
2. Quantity of water claimed: 280 Idaho Miner's inches
 - (a) Rate of withdrawal in cubic feet per second. 5.6 or Idaho
Miners' inches or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean well to be drilled and cased
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15
Twp. 1 S., Rge. 2 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: Drilled well, cased and equipped with turbine type pump and motor.
8. Estimated cost of works: \$7,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands

This well is applied for to irrigate land included in my allowed desert entry. As noted on the attached plat, Remarks: be in the Northwesterly ex- munity of the land, will irrigate to the south and waste into a natrual drainage way in a control reservoir the pumped out again onto the south 120 acre

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

DEAN J. JAMES

Applicant.

By

Harley M. McDowell

Agent.

Date of first receipt at Department of Reclamation: 3:30 p.m., August 27, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-24421

Recorded in Book 87 Page 24421 Approved September 2, 1953

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

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

Work to begin on or before November 2, 1953

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 2, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before September

Witness my hand this 2nd day of September, 1953

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of September, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

By Paula L. Fleenor

12. Acting Secretary of State

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 S.	2 W.	15 22			30	40	35	35			40	35	27	38					175 105

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-24421

Comes now Dean J. James 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-24421. That the point of diversion is described in said permit as being located SW 1/4, Section 15, Township 1 South, Range 2 West, B.M. That he now requests that the point of diversion be changed to a point located NE 1/4, Section 15, Township 1 South, Range 2 West, B.M. That his reasons for desiring to make such change are as follows: This is a more feasible well site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Melba, Idaho, this 20 day of July, 1958

/s/ Dean J. James
Dean J. James

Date of receipt at Department of Reclamation
July 23, 1958

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-24421. 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

Approved and recorded:

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
Of the State of Idaho, No. G-24421

Comes now Dean J. James, 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-24421, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 16, Township 1 South, Range 2 West, B. M., making a total of 720 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 Melba, Idaho, this 20 day of July, 1958

/s/ Dean J. James

Date of Receipt at Office of Department of Reclamation
July 23, 1958

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-24421. 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:
July 23, 1958

A S S I G N M E N T ✓

For value received, I hereby assign my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-24421 to REX S. JENSEN, of Melba, Idaho (all rights to be assigned)

s/ DEAN J. JAMES, Permit Holder

s/ MARION LOUISE JAMES, Wife of Permit Holder

STATE OF IDAHO) ss
County of Canyon)

On this 27th day of February, 1959, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared Marion Louise James and Dean J. James known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year in this certificate first above written.

s/ Clyde R. Keithley
Notary Public, Residing at Nampa

Recorded: March 10, 1959

Permit No. G-24421
CERTIFICATE OF COMPLETION OF WORKS ✓

TO ALL WHOM IT MAY CONCERN:

This is to certify that DEAN J. JAMES - Assignee - REX S. JENSEN, of Melba, County of Canyon, and State of Idaho, the holder of Permit No. G-24421, issued upon Application No. G-32219 bearing date of priority of August 27, 1953, authorizing the diversion of 5.6 second feet of the waters of a well, 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 5.0 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 1 S., R. 2 W., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

405 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T. 1 S., R. 2 W., B. M.

Witness my hand this 11 day of September, 1959, A. D.

s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: August 23, 1958

MICROFILMED

OCT 14 1959

PERMITS ISSUED FOR 5.0 SEC. FL.
Page 6755

Protestant Exhibit V, W

Water Right No. 63-03099

MICROFILMED

OCT 14 1999

State of Idaho

License and Certificate of Water Right

63-03099

Water License No. G-26657

Amount 3.70 c.f.s.

Water District No.

Priority December 27, 1956

THIS IS TO CERTIFY that CRYSTAL R. EVANS, and EDWARD T. EVANS of Melba, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 27, 1956; that Permit No. G-26657 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.70 second feet, was issued thereunder on June 27, 1962, showing that said works were completed on the 15th day of March, 1962; and that on the 15th day of March, 1962,

CRYSTAL R. EVANS, and EDWARD T. EVANS

of Melba, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. G-26657 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 7314, on the 27 day of June, 1962;

The right hereby confirmed dates from December 27, 1956;

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 15, Tp. 1 S., R. 2 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 3.70 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	2 W	16	NW 1/4 NE 1/4	40	7
			SW 1/4 NE 1/4	40	33
			SE 1/4 NE 1/4	40	7
			NE 1/4 NW 1/4	40	25
			NW 1/4 NW 1/4	40	26
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	40	24
			SW 1/4 SW 1/4	40	26
			SE 1/4 SW 1/4	40	27
			NE 1/4 SE 1/4	40	23
			NW 1/4 SE 1/4	40	22
			SW 1/4 SE 1/4	40	24
Total number of acres to be irrigated:					344

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 27th day of June, 1962.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

63-03099

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

CRYSTAL R. EVANS and EDWARD T. EVANS *Applicant.*

By /s/ Rex S. Jensen *Agent.*

Date of first receipt at Department of Reclamation: 11:30 A.M. December 27, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26657

Recorded in Book 94 Page 26657 Approved January 9, 1957

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

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

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

One-fifth of the work above specified to be completed on or before July 9, 1957

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 9,

Witness my hand this 9th day of January, 1957

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of January, 1957.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG

By ROBERT E. SMYLIE

Governor

Secretary of State.

12.

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 $\frac{1}{4}$	
1 S.	2 W.	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Application for Amendment
POINT OF DIVERSION
Permit No. G-26657

Comes now Chrystal R. & Edward T. Evans by Rex S. Jensen and represent to the State Reclamation Engineer of the State of Idaho: That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. G-26657. That the point of diversion is described in said Permit as being located: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T1S-R2W., B.M.

That they now request that the point of diversion be changed to a point located: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T1S-R2W., B.M.

That the reason for desiring to make such change is as follows: More feasible well site. 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 15th day of March, 1962.

/s/ Rex S. Jensen

Date of Receipt at Department of Reclamation: March 19, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Carl E. Tappan, Assistant 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-26657. 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: March 20, 1962

/s/ Carl E. Tappan,
Assistant State Reclamation Engineer

APPLICATION FOR PERMIT

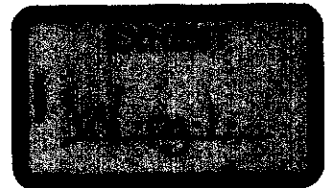
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34583
Permit No. G- 26657
District No.

Rex S. Jensen
Route #1
Melba, Idaho

1. Name of Applicant: CRYSTAL R. EVANS, and EDWARD T. EVANS
Postoffice address: Melba County: Canyon State: Idaho
2. Quantity of water claimed: 12.8 c. f. s.
 - (a) Rate of withdrawal in cubic feet per second. 12.8 or Idaho
Miners' inches 640 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow, well
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15
Twp. 1 S. , Rge. 2 W. , B.M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes
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, and pipe-line
8. Estimated cost of works: \$10,000.00
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 five 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 onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

MICROFILMED
OCT 14 1983



Permit No. G-26657 ✓
 CERTIFICATE OF COMPLETION OF WORKS

✓ TO ALL WHOM IT MAY CONCERN:

This is to certify that CRYSTAL R. EVANS, and EDWARD T. EVANS of Melba, County of Canyon, and State of Idaho, the holders of Permit No. G-26657, issued upon Application No. G-34583 bearing date of priority of December 27, 1956, authorizing the diversion of 12.8 second feet of waters of a well County of Canyon, State of Idaho, for Irrigation and domestic purposes, have 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 3.70 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 1 S., R. 2 W., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 344 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 1 S., R. 2 W., B.M.

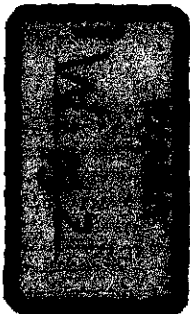
Witness my hand this 27th day of June, A. D. 1962.

/s/ RALPH W. THOMAS
 Deputy State Reclamation Engineer

Proof of Completion of Works Made: March 15, 1962

856 4 1968
 MICROFILMED

LICENSE ISSUED FOR 3.70 SEC. FL.
 page 73/4



Protestant Exhibit X, Y, Z, AA

Water Right No. 63-07814

MICROFILMED

OCT 14 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7814 Priority June 19, 1973 Amount 0.32 cfs

THIS IS TO CERTIFY, that John A. Van Wyck
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 63-7814 issued pursuant to Application for Permit dated June 19, 1973
and has submitted proof to the Department of Water Resources on September 30, 1974
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.41 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.32</u> cfs and	<u>72</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
72 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 1S,
Rge. 2W, B. M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	2W	15						16											16

Total number of acres irrigated 16

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DEC 14 1983

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of
February, 19 78

Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-7814)

in the name of JOHN A. VAN WYCK)

ORDER OF REINSTATEMENT

WHEREAS, on June 19, 1973, John A. Van Wyck applied to the Department of Water Resources (Formerly the Department of Water Administration) for a permit to appropriate 4 cubic feet per second of groundwater within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 1S, Rge. 2W, B.M., Canyon County, to be used for irrigation purposes; and,

WHEREAS, on July 19, 1973, the Department approved said application and issued Permit No. 63-7814 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1974; and,

WHEREAS, on May 31, 1974, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 7, 1974, the Department notified the permit holder that Permit No. 63-7814 had lapsed for failure to submit the proof of beneficial use; and,

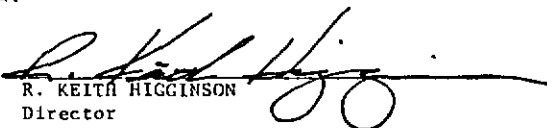
WHEREAS, on September 30, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-7814 be REINSTATED and the priority advanced to August 18, 1973.

Dated this 5 day of October, 1974.


R. KEITH HIGGINSON
Director

JG

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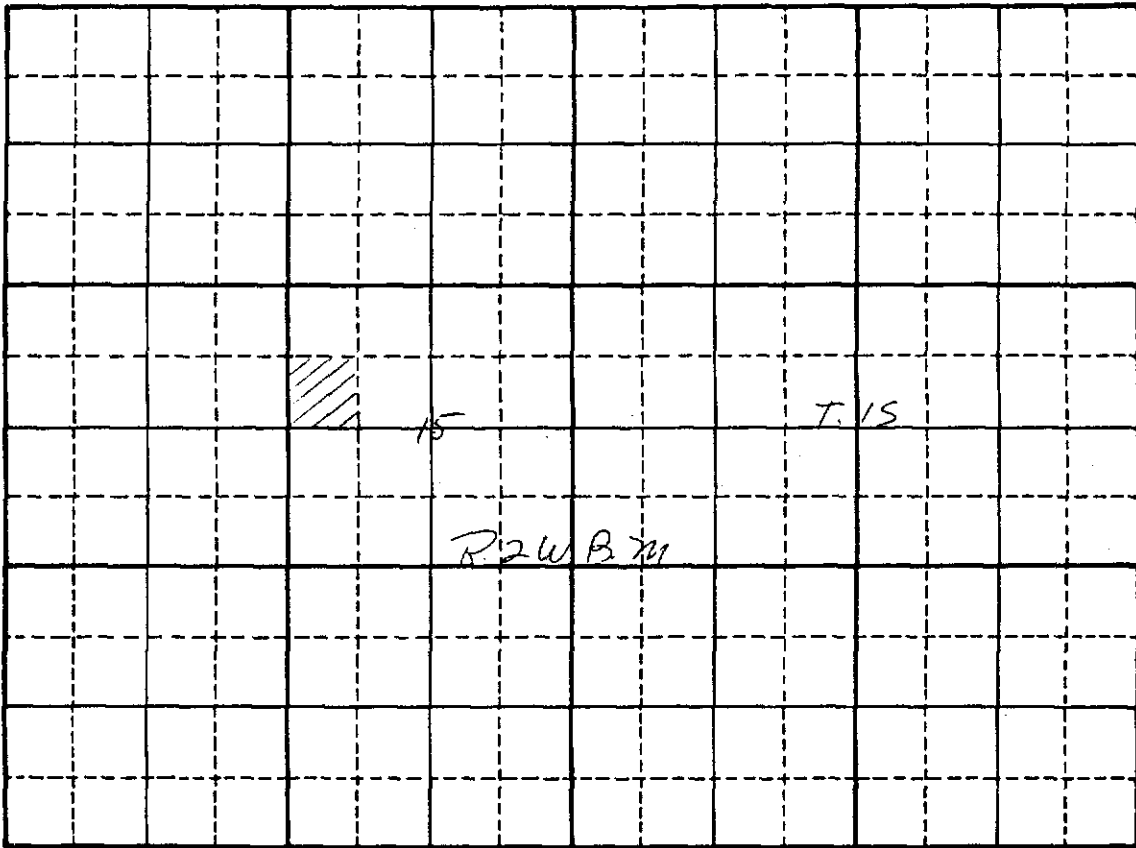
OCT 14 1974

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Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Boise, Idaho, this 37 day of September, 19 74

[Signature]
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Operations Division

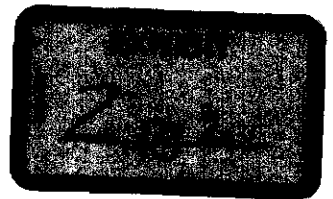
I, A. KENNETH DUNN, Admin., ~~DIRECTOR~~ of the Department of Water Resources
hereby approve the above application for amendment for Permit No. 63-7814.

Witness my hand this 5th day of November, 19 74

[Signature]
Administrator ~~Director~~ Operations Division

MICROFILM

1974



Identification No. _____

Application No. 63-7814

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriation the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant John A. Van Wyck
post office address Box B, Melba, Idaho 83641
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 1 S.
Range 2 W. B.M. Canyon County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into consumed at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4 cfs for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well pump 75 HP
gravity

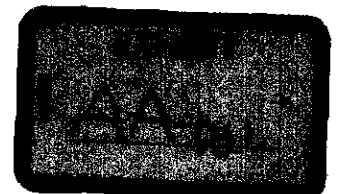
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 12,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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100-1-1800

63 7814



63 7814

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	2W	15	40	40	40	40	40												200

Total number of acres to be irrigated 200

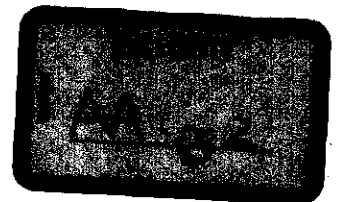
c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion John A. Van Wyck - Contract of Purchase
 b. Who owns the land to be irrigated or place of use John A. Van Wyck - Contract of Purchase
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

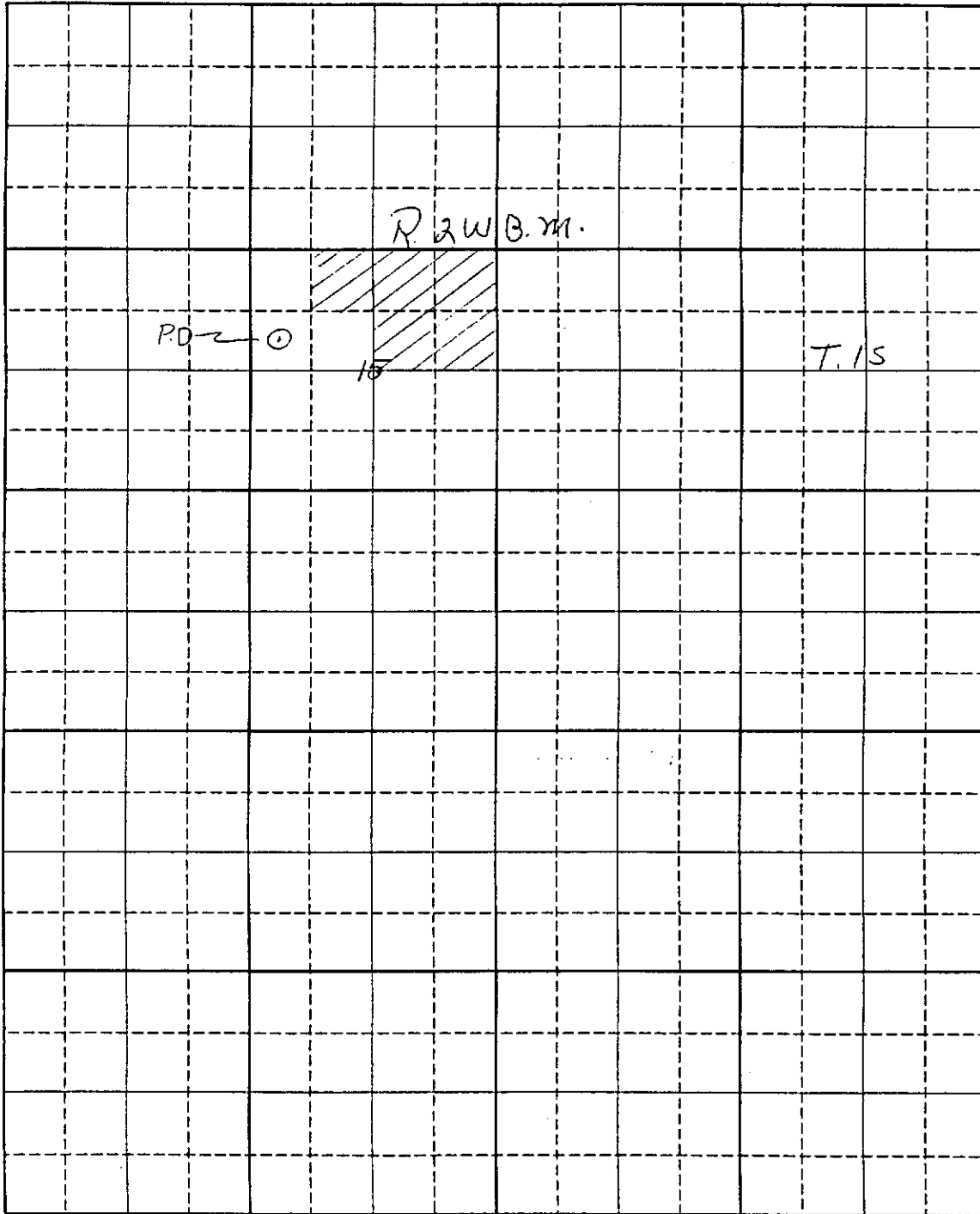
10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

[Signature]
(Applicant)

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DEC 14 1955

CR 7814



Received by PWH Date 6-19-73 Time 1:05 P.M.Preliminary check by PWH Fee \$ 55.00Received by JP Date 6-19-73 List # 11094Publication prepared by MM Date 6-22-73Published in Idaho Free Press,ampa,Id.Publication dates 6-28 & 7-5, 1973Publication approved df Date 7-10-73Priority checked for 6-19-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by: _____

Hearing held by: _____ Date: _____

Recommended for (approval) denial by df JDE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7814, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1974.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19th day of July, 1973.

A. Kenneth Quinn
Deputy Director

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OCT 1 1973

List of Exhibits

Applicant's Exhibits

<u>Exhibit Number</u>	<u>Description</u>	<u>Entered</u>
#1	Calon Pump Co. Invoice	Y
#2	Part 2 App. for transfer (63-2955)	Y
#3	Aerial photo, Sec 16, 17, 15.	Y
#8	IDWR Monitoring Well data	Y
#5	Canyon Cnty P&Z permit	Y
#6	Sh. Dept of Cy Grade A Inspection Report	Y
#7	" " " " Waste Facility Insp. Report	Y
#4	Letter from Brockway Engineering to Shel Chapman.	Y

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OCT 14 1999



CARON PUMP COMPANY
11026 CULDESAC WAY
BOISE, ID 83703
(208) 939-9198

Invoice

DATE

INVOICE #

BILL TO:

KASPER DAIRY
MR. TOM KASPER
3349 HILL RD. SOUTH
MELBA, ID 83641

P.O. NUMBER	TERMS.	PROJECT
PER TOM	DUE ON REC	

QUANTITY	DESCRIPTION	RATE	AMOUNT
	TEST PUMPING WELL: WE RAN 75 HP., LINE SHAFT TURBINE AFTER LIFTING IT UP AND TURNING IT 180 DEGREES TO INSTALL FLOW METER AND DISCHARGE LINE. FIRST DAY; WE RAN PUMP AT 400 GPM AND WATER LEVEL STAYED AT 48'. THE SAME AS STATIC FOR 24 HOURS. SECOND DAY; WE INSTALLED A LARGER DISCHARGE LINE AND RAN PUMP AT 1200 GPM AND WATER LEVEL WENT FROM 48' STATIC TO 52' PUMPING LEVEL. WE ONLY HAD A 4' DRAW DOWN AT 1200 GPM! For 24hrs. WELL STATS: 19" I.D., 20" O.D., WELL CASING, 48' STATIC WATER LEVEL AND 78' DEEP. THE OLD TURBINE WAS SET 76'. LABOR - 12/03/97 - TWO MEN W/CRANE 5.5 HOURS - \$ 550.00 LABOR - 12/04/97 - ONE MAN 2.0 HOURS - \$ 80.00 TOTAL COST OF TEST PUMPING WELL \$630.00		
THANK YOU FOR THE OPPORTUNITY TO BE OF SERVICE AND FOR STATE YOUR BUSINESS			TOTAL 0.00

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. 63-02955 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 _____
3. Source of water Ground water tributary to N/A
4. Date or priority 8/27/53
5. Water is used for the following purpose:
amount 5.0 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 5.0 cubic feet per second and/or 1417.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	1S	2W	Canyon	Well #1

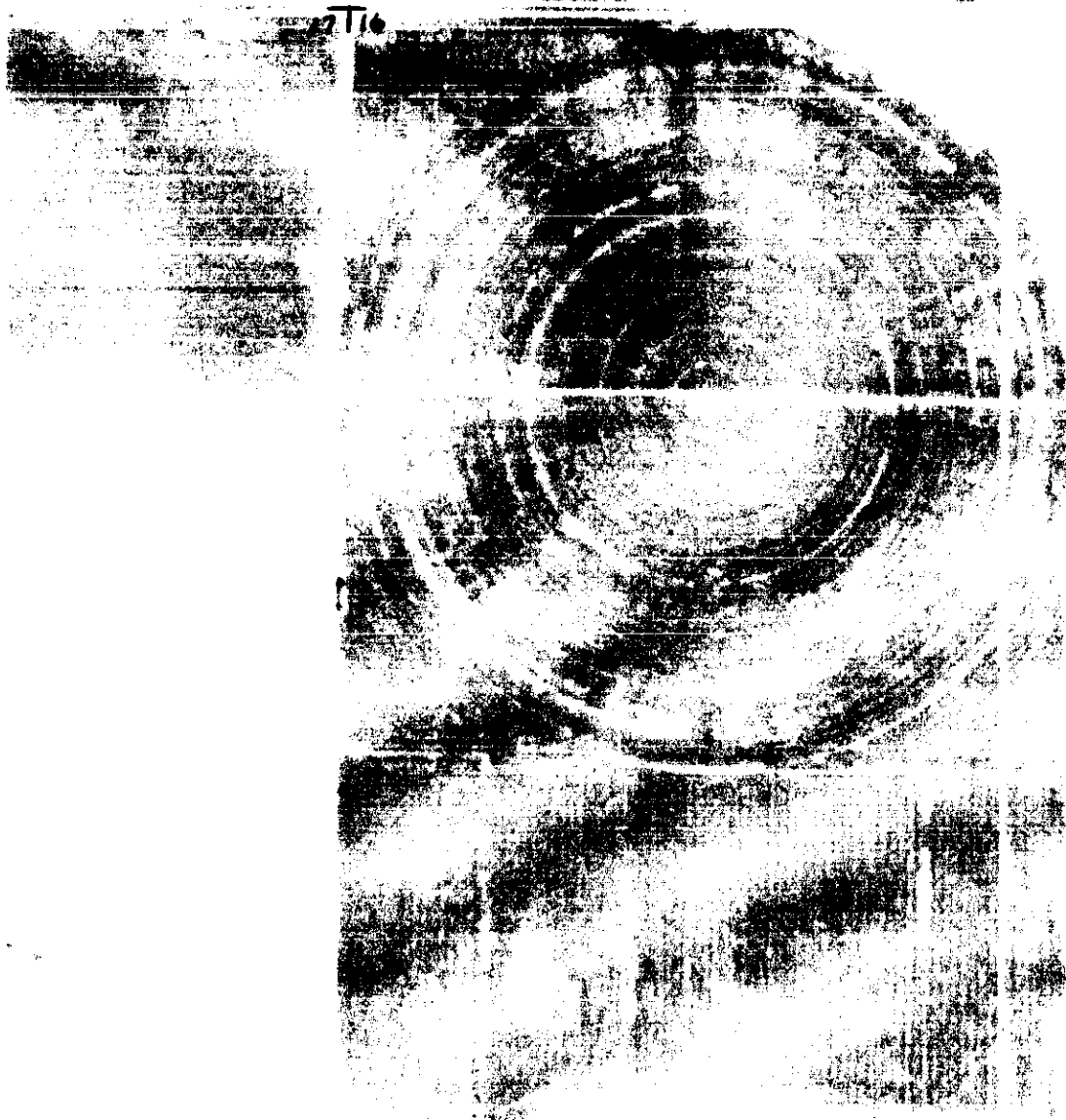
8. Lands irrigated or place of use:

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	
1S	2W	15							20		20	10		5					55
1S	2W	16		5	40	20	30	30	40	40	30	25			30	40	20		350

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DEC 14 1985

Total acres 405

9. Describe any other water rights used for the same purpose as described above 63-02712; 63-07814; 63-03099



16T15

REFILMED

114 1999

16115

— Applicant English —

Applicant Exhibit 4



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 16, 1999

Mr. Sherl Chapman
Sherl L. Chapman Consulting
410 South Orchard, Suite 144
Boise, ID 83705

Re: Tom Kaster well analysis
Project No. 339-01-1999

Dear Sherl:

You requested that we perform an analysis of the impact of pumping Mr. Kaster's well on water levels in the local aquifer. The drawdown which would likely result at a nearby domestic well is of particular interest.

Based on the information you provided, the aquifer is composed of sands and gravels, underlain by massive clay of the Glens Ferry formation. The clay is present at approximately 77 feet below ground, with the static water level at approximately 48 feet. The saturated thickness of the aquifer is therefore 29 feet. Flow toward the well will occur under unconfined conditions.

The aquifer transmissivity (T) and storage coefficient (S_c) must be estimated to determine the impact of well pumping. A pumping test was conducted by the well driller, who reported a drawdown of 4 feet after pumping 24 hours at 1200 gpm, and zero drawdown after pumping 24 hours at 400 gpm. No observation wells were monitored during the test. This test provides insufficient data to directly estimate both T and S_c . However, the published range of S_c for sand and gravel aquifers is small, and the solution is relatively insensitive to the value of S_c within this range. Therefore, S_c was taken to be 0.20. Transmissivity was then computed by assuming the Theis equation is valid at the well and determining the T value necessary to result in 4 feet of drawdown after 24 hours at 1200 gpm. The resulting T value is 4.77×10^5 gpd/ft, or 6.38×10^4 ft²/day.

OCT 14 1999

The computed T value is consistent with the observed specific capacity of the well of 300 gpm/ft, according to generalized relationships between the two parameters (U.S. Bureau of Reclamation, Ground Water Manual, 1977). Using a saturated thickness of 29 feet, the estimated hydraulic conductivity of the aquifer material is 2200 ft/day. This is consistent with known values for sand and gravel aquifers (USBR, 1977).

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

S. Chapman 04/16/99

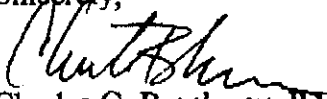
Page 2

Once the aquifer parameters were estimated, the Theis equation was used to predict the drawdown caused by pumping both 900 gpm and 1200 gpm continuously for a period of 45 days. The assumptions inherent in the Theis approach are valid for this case. In fact, based on the available data, it conforms very well to the classic idealization of a fully-penetrating well in a homogeneous, isotropic aquifer of nearly infinite areal extent. Thus, the Theis approach should provide accurate estimates of drawdown.

The enclosed tables and graphs show the drawdown versus time at various distances from the pumping well for the 900 gpm and 1200 gpm cases. After 45 days of continuous pumping, the drawdown at 150 feet (the location of the nearby domestic well) is about 1.6 feet for the 900 gpm case and 2.1 feet for the 1200 gpm case. In actuality, the well will not be operated continuously, and therefore the drawdowns will be somewhat less than these values. However, this represents a worst-case scenario.

Please give me a call if you have any questions or need any further analysis.

Sincerely,



Charles G. Brockway, P.E.

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APR 14 1999

WELL DRAWDOWN / INTERFERENCE ANALYSIS -- TOM KASPER WELL

Prepared for Sheri L. Chapman Consulting, Inc.
by Brockway Engineering, PLLC 4/16/99

Conditions:

Constant pumping rate, fully-penetrating well in semi-infinite aquifer
Assume horizontal static water table
Cone of depression estimated using Theis equation

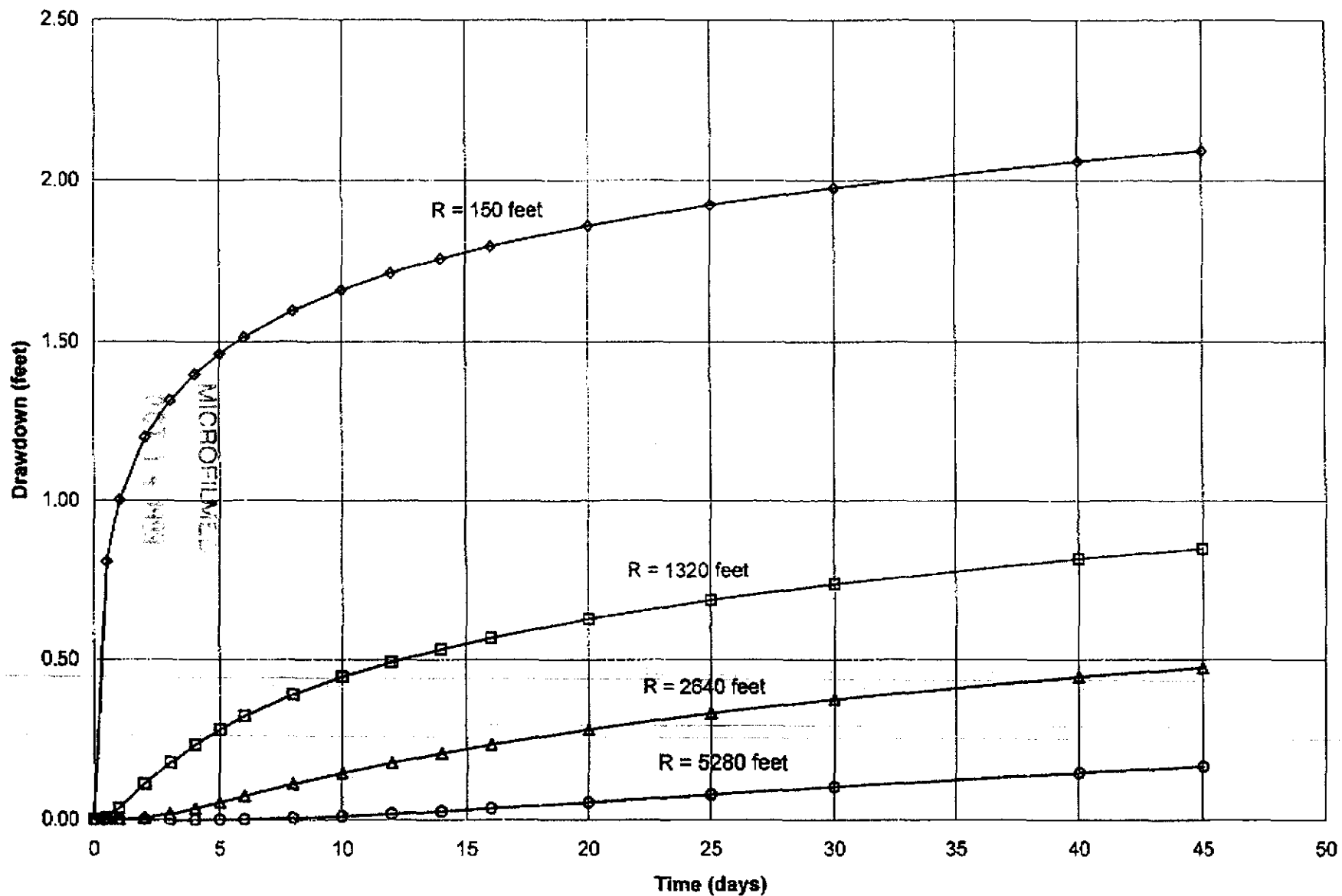
Hydraulic conductivity 2200 ft/day
Aquifer depth 29 feet
Transmissivity 63800 ft²/day or 477224 gpd/ft
Storage coefficient 0.2
Pumping rate 1200 gpm
Pumping time 45 days

Observed specific capacity
of pumping well 300 gpm/ft

Time (days)	R = 150 feet			R = 1320 feet			R = 2640 feet			R = 5280 feet		
	u	W(u)	z (feet)	u	W(u)	z (feet)	u	W(u)	z (feet)	u	W(u)	z (feet)
0	—	—	0.00	—	—	0.00	—	—	0.00	—	—	0.00
0.5	3.5E-02	2.8	0.81	2.7E+00	0.018	0.01	1.1E+01	0.000	0.00	4.4E+01	0.000	0.00
1	1.8E-02	3.5	1.00	1.4E+00	0.122	0.04	5.5E+00	0.001	0.00	2.2E+01	0.000	0.00
2	8.8E-03	4.2	1.20	6.8E-01	0.386	0.11	2.7E+00	0.018	0.01	1.1E+01	0.000	0.00
3	5.9E-03	4.6	1.32	4.6E-01	0.618	0.18	1.8E+00	0.063	0.02	7.3E+00	0.000	0.00
4	4.4E-03	4.9	1.40	3.4E-01	0.812	0.23	1.4E+00	0.122	0.04	5.5E+00	0.001	0.00
5	3.5E-03	5.1	1.46	2.7E-01	0.976	0.28	1.1E+00	0.188	0.05	4.4E+00	0.002	0.00
6	2.9E-03	5.3	1.51	2.3E-01	1.118	0.32	9.1E-01	0.256	0.07	3.6E+00	0.006	0.00
8	2.2E-03	5.5	1.60	1.7E-01	1.354	0.39	6.8E-01	0.386	0.11	2.7E+00	0.018	0.01
10	1.8E-03	5.8	1.66	1.4E-01	1.546	0.45	5.5E-01	0.507	0.15	2.2E+00	0.038	0.01
12	1.5E-03	5.9	1.71	1.1E-01	1.707	0.49	4.6E-01	0.618	0.18	1.8E+00	0.063	0.02
14	1.3E-03	6.1	1.76	9.8E-02	1.846	0.53	3.9E-01	0.719	0.21	1.6E+00	0.091	0.03
16	1.1E-03	6.2	1.80	8.5E-02	1.967	0.57	3.4E-01	0.812	0.23	1.4E+00	0.122	0.04
20	8.8E-04	6.5	1.86	6.8E-02	2.174	0.63	2.7E-01	0.976	0.28	1.1E+00	0.188	0.05
25	7.1E-04	6.7	1.93	5.5E-02	2.384	0.69	2.2E-01	1.151	0.33	8.7E-01	0.272	0.08
30	5.9E-04	6.9	1.98	4.6E-02	2.557	0.74	1.8E-01	1.300	0.37	7.3E-01	0.354	0.10
40	4.4E-04	7.2	2.06	3.4E-02	2.834	0.82	1.4E-01	1.546	0.45	5.5E-01	0.507	0.15
45	3.9E-04	7.3	2.09	3.0E-02	2.948	0.85	1.2E-01	1.649	0.48	4.9E-01	0.578	0.17

KASTER WELL DRAWDOWN ANALYSIS

Estimated drawdown versus time and radial distance from the pumping well

 $Q = 1200 \text{ gpm}$, $T = 477,200 \text{ gpd/ft}$, $S_c = 0.20$ 

WELL DRAWDOWN / INTERFERENCE ANALYSIS -- TOM KASPER WELL

Prepared for Sheri L. Chapman Consulting, Inc.
by Brockway Engineering, PLLC 4/16/99

Conditions:

Constant pumping rate, fully-penetrating well in semi-infinite aquifer
Assume horizontal static water table
Cone of depression estimated using Theis equation

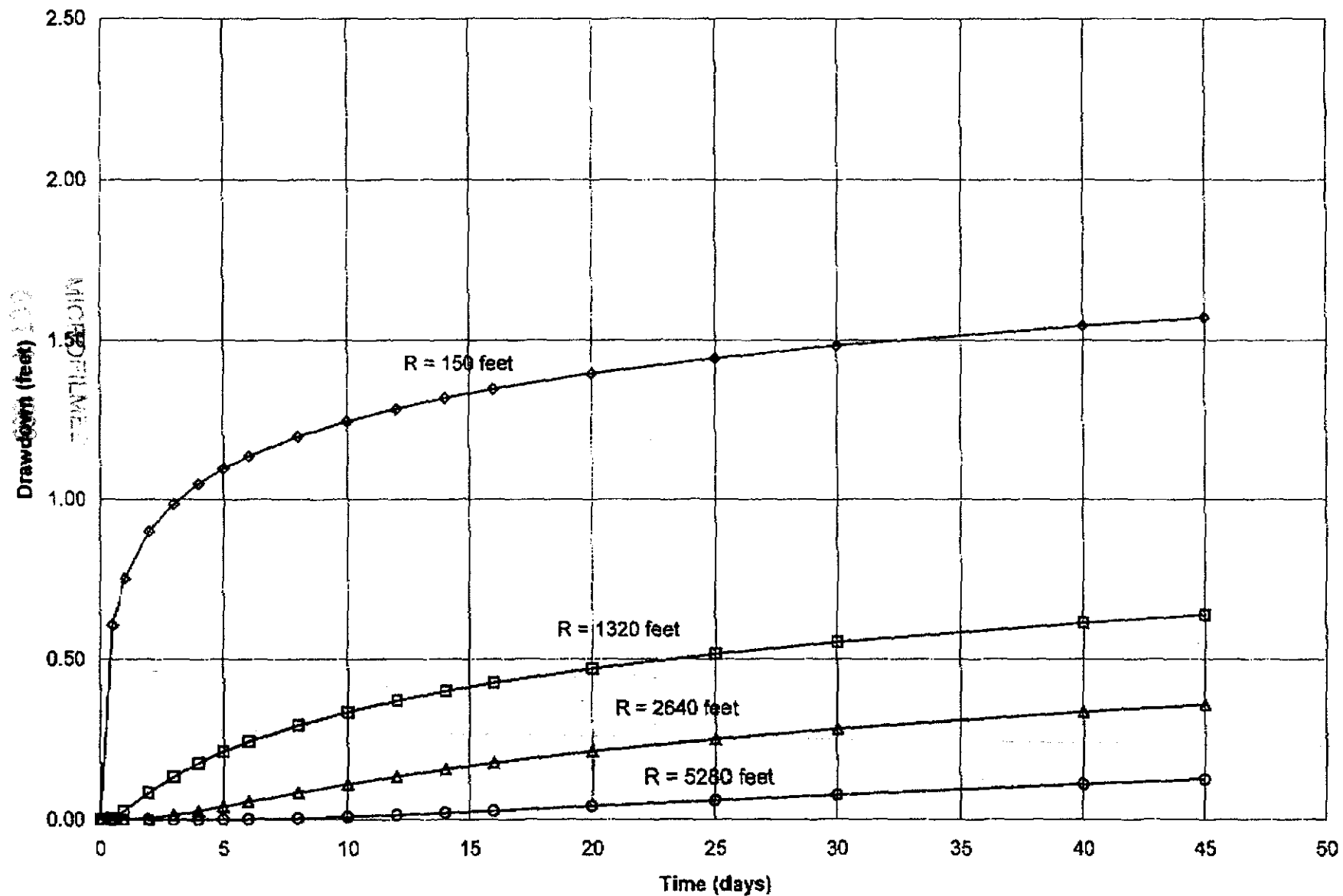
Hydraulic conductivity 2200 ft/day
Aquifer depth 29 feet
Transmissivity 63800 ft²/day or 477224 gpd/ft
Storage coefficient 0.2
Pumping rate 900 gpm
Pumping time 45 days

Observed specific capacity
of pumping well 300 gpm/ft

Time (days)	R = 150 feet			R = 1320 feet			R = 2640 feet			R = 5280 feet		
	u	W(u)	z (feet)	u	W(u)	z (feet)	u	W(u)	z (feet)	u	W(u)	z (feet)
0	—	—	0.00	—	—	0.00	—	—	0.00	—	—	0.00
0.5	3.5E-02	2.8	0.61	2.7E+00	0.018	0.00	1.1E+01	0.000	0.00	4.4E+01	0.000	0.00
1	1.8E-02	3.5	0.75	1.4E+00	0.122	0.03	5.5E+00	0.001	0.00	2.2E+01	0.000	0.00
2	8.8E-03	4.2	0.90	6.8E-01	0.386	0.08	2.7E+00	0.018	0.00	1.1E+01	0.000	0.00
3	5.9E-03	4.6	0.99	4.6E-01	0.618	0.13	1.8E+00	0.063	0.01	7.3E+00	0.000	0.00
4	4.4E-03	4.9	1.05	3.4E-01	0.812	0.18	1.4E+00	0.122	0.03	5.5E+00	0.001	0.00
5	3.5E-03	5.1	1.10	2.7E-01	0.976	0.21	1.1E+00	0.188	0.04	4.4E+00	0.002	0.00
6	2.9E-03	5.3	1.14	2.3E-01	1.118	0.24	9.1E-01	0.256	0.06	3.8E+00	0.006	0.00
8	2.2E-03	5.5	1.20	1.7E-01	1.354	0.29	6.8E-01	0.386	0.08	2.7E+00	0.018	0.00
10	1.8E-03	5.8	1.25	1.4E-01	1.546	0.33	5.5E-01	0.507	0.11	2.2E+00	0.038	0.01
12	1.5E-03	5.9	1.29	1.1E-01	1.707	0.37	4.6E-01	0.618	0.13	1.8E+00	0.063	0.01
14	1.3E-03	6.1	1.32	9.8E-02	1.846	0.40	3.9E-01	0.719	0.16	1.6E+00	0.091	0.02
16	1.1E-03	6.2	1.35	8.5E-02	1.967	0.43	3.4E-01	0.812	0.18	1.4E+00	0.122	0.03
20	8.8E-04	6.5	1.40	6.8E-02	2.174	0.47	2.7E-01	0.976	0.21	1.1E+00	0.188	0.04
25	7.1E-04	6.7	1.44	5.5E-02	2.384	0.52	2.2E-01	1.151	0.25	8.7E-01	0.272	0.06
30	5.9E-04	6.9	1.48	4.6E-02	2.557	0.55	1.8E-01	1.300	0.28	7.3E-01	0.354	0.08
40	4.4E-04	7.2	1.55	3.4E-02	2.834	0.61	1.4E-01	1.546	0.33	5.5E-01	0.507	0.11
45	3.9E-04	7.3	1.57	3.0E-02	2.948	0.64	1.2E-01	1.649	0.36	4.9E-01	0.578	0.12

KASTER WELL DRAWDOWN ANALYSIS

Estimated drawdown versus time and radial distance from the pumping well

 $Q = 900$ gpm, $T = 477,200$ gpd/ft, $Sc = 0.20$ 

Applicant Exhibit 5

BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION

IN THE MATTER OF AN APPLICATION BY)
 TOM AND JOANN KASPER FOR A)
 CONDITIONAL USE PERMIT IN AN "A")
 (AGRICULTURAL) ZONE)

FINDINGS, CONCLUSION
 AND ORDER

CASE #950140L27-1S-2W

FINDINGS OF FACT

I.

The applicants, TOM AND JOANN KASPER, petitioned the Planning and Zoning Commission for a CONDITIONAL USE PERMIT for a 2000 milking cow dairy with milking parlor, feed storage buildings, waste pit and other miscellaneous structures for a dairy operation on approximately 1900 acres in an "A" (Agricultural) zone located at 3349 Hill Road, Melba, southwest of Sinkers Road and Northeast of the Snake River in the Northeast Quarter of Section 27, and the Northwest Quarter of Section 26 both in Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

II.

The applicant initiated the proceedings by filing an application presenting the facts to the Planning and Zoning Administrator with the appropriate fees. On November 16, 1995, a public hearing was held at which time testimony was taken and a decision rendered. The request was heard under Canyon County Zoning Ordinance (CCZO) 93-002, and Canyon County Comprehensive Plan, 1995 Amendment Update adopted September 8, 1995.

III.

The CANYON COUNTY ZONING ORDINANCE 12.3(C)(13) permits hearings on dairies in conjunction with Chapter 6. CCZO 93-002, Section 6.1(F)(1).

IV.

The applicant desires to construct a dairy facility for approximately 2000 milking cows and twelve (12) employees. Fencing will be of steel pipe and cable. Feed will be stored in buildings and open slabs or silage pits. CCZO 93-002, Section 6.1(F)(2).

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V.

The CANYON COUNTY COMPREHENSIVE PLAN adopted July 29, 1975 and updated by amendment in 1995, under LAND USE POLICIES, Agricultural Lands, Policy No. 2, page 9, permits development on agricultural lands that are designated "least suited" for agriculture [EXHIBIT D1]. CCCP75 pages 16, 18, and 19; and CCZO 93-002, Section 6.1 (F) (3).

VI.

The property is not within any city impact area and is not within the flood plain. A change in zoning is noted approximately 3 1/2 miles to the north at Melba. There are no known gravel pits within one mile of the subject property, however, the applicant has sufficient gravel located on his property to the dairies needs for the material. The nearest platted subdivision is at Melba, 3 1/2 miles to the north. The property is level, dry grazing ground. The dairy site is on an original parcel dating back to 1963 or earlier. The soil type is described as "very stony land" which consist of areas where 50 to 90 percent of the surface is covered with stones and boulders. The Kasper's ranch is primarily a cattle feed operation with a 1000 head capacity. Approximately 700 acres are used for raising feed and 1200 acres are used for grazing. CCZO 93-002, Section 6.1(F) (4).

VII.

The area of the corrals and barn is mostly flat and will be leveled further to provide drainage of the flush lanes to the waste pit which will be large enough to include extra runoff from a 25 year storm. Dairy waste products will be handled in accordance to DEQ standards. There will be a new well to service the dairy. CCZO 93-002, Section 6.1(F) (5).

VIII.

Access will be from the existing private road from Hill Road. The driveway and turn around area will be of sufficient width and base to support milk tanker trucks. One or two trucks daily delivering feed or picking up milk, plus occasional salesmen. CCZO 93-002, Section 6.1(F) (6).

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IX.

No evidence was presented that essential public services would be negatively impacted by such use or would require additional public funding in order to meet the needs created by the requested change. The property has water rights out of Jensen Lake and by existing wells. The drainage will be retained on site. Utilities are existing. The Bureau of Land Management requests that all activities related to the dairy be confined to private land including any by-products from the operation. Nampa Highway District has no objections to the dairy plan. The Department of Environmental Quality requires that the applicant comply with Idaho Code 39-118 and recommends contact with the Environmental Protection Agency. Department of Water Resources requires an application to be filed with the Idaho Department of Water Resources to transfer irrigation water right(s) to the dairy. The Idaho Fish and Game does not object to the dairy operation. CCZO 93-002, Section 6.1(F)(7).

X.

The applicant states in his letter of intent that:

- 1) Potential fire hazard, or damage to surrounding property would be as minimal as any normal agricultural use.
- 2) The property has good drainage and very few neighbors.
- 3) Dairies have been asked to locate in Canyon County by the Caldwell Economic Development Association.
- 4) The dairy should provide a good market to the area for hay, grain, silage, and dairy equipment. CCZO 93-002, Section 6.1(F)(8).

XI.

Published, mailed and posted notification has been performed by the staff pursuant to Canyon County Zoning Ordinance 93-002, Section 6.1(D); and all documentation is on file at the Planning and Zoning Office.

CONCLUSION OF LAW

The Commission concluded that:

- 1) The request was in the correct location.
- 2) The plan fits within the criteria established by the Zoning Ordinance and the Comprehensive Plan and is outside any city impact and not close to a residential area.
- 3) The dairy is associated with an existing agricultural plan.
- 4) The Department of Agriculture recommended the project.
- 5) There appeared to be no opposition to the dairy.
- 6) There is no evidence of adverse impact from the project.
- 7) It will be good for the local economy in as much as it will employ local people and supply the area with dairy products; and, in return will, the dairy will consume local feeds and dairy equipment with much of the dairy income spent in the local area.

8) The rocky land will remain in agricultural production.
CCZO 93-002, Sections 2.1; 3.5(A)(8); 6.1(A), (F), (G); and,
12.3(A).

ORDER

IT IS ORDERED that the request by TOM AND JOANN KASPER for a CONDITIONAL USE PERMIT for a 2000 milking cow dairy with milking parlor, feed storage buildings, waste pit and other miscellaneous structures for a dairy operation on approximately 1900 acres in an "A" (Agricultural) zone is approved with the condition that all agency requirements are met.

NOTICE OF APPELLATE PROCEDURE

Any aggrieved person may appeal the decision to the Board of County Commissioners within fifteen (15) days from the date of the signatures on these findings.

SIGNED THIS 7TH DAY OF DECEMBER, 1995.


LEE GILBERTSON, CHAIRPERSON

ATTEST:


CYNTHIA A. EATON, RECORDING SECRETARY

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OCT 14 1999

TOM AND JOANN KASPER, CASE #950140L27-18-2W
FINDINGS, CONCLUSION AND ORDER

IDAHO DEPARTMENT OF AGRICULTURE
BUREAU OF DAIRYING
PO BOX 790, BOISE ID 83701
(208)332-8550

Qualifying
Inspection

GRADE A DAIRY FARM INSPECTION REPORT

DAIRY NAME/OWNER/ADDRESS/CITY

Kasper Dairy
3349 Hill Rd.
Melba

INSPECTION TYPE:

REGULAR ☒ FOLLOW-UP ☐

SCORE (100 less weight of items violated)

100

MILKING AT TIME OF INSPECTION

YES ☐ NO ☒

PLANT SHIPPING TO

SV

PERMIT #

293

LBS SOLD DAILY

31000

Inspection of your farm today showed violations existing in the items checked below. You are further notified that this inspection sheet serves as notification of the intent to suspend your permit if the violations noted are not in compliance at the time of the next inspection. (See Sections 3 and 5 of the Grade A Pasteurized Milk Ordinance - Recommendations of the U.S. Public Health Service/Food and Drug Administration as amended.)

DESCRIPTION		ITEM	X	PTS
MILKING BARN	Abnormal milk	1	a-c	5/5
	Floors	2	a	1
	Walls & ceilings	2	b	1
	Separate stalls	2	c	1
	Lighting	2	d	1
	Ventilation	2	e	1
	Cleanliness	3	a-b	3
Cow yards		4	a-d	3
MILKHOUSE	Floors	5-F	a-c	1
	Walls & ceilings	5-W	a-b	1
	Lighting & ventilation	5-L	a-d	2
	Miscellaneous requirements	5-M	a-f	2
	Cleaning facilities	5-C	a-c	2
	Cleanliness	6	a-b	4
Toilets		7	a-d	4
Water supply		8	a-c	2 or 5
EQUIPMENT	Construction	9	a-e	4
	Cleaning	10	a	5
	Sanitization	11	a	5
	Storage	12	a-c	2
MILKING	Flanks, udders, teats	13	a-e	5
	Protection from contamination	14	a-g	3
	Drug and Chemical Control	15	a-c d-e	2 or 7
PER-SON-NEL	Handwashing facilities	16	a-b	2
	Personnel cleanliness	17	a-b	1
PEST CONTROL	Cooling	18	a-b	5
	Flies, manure pack	19	a-b	3
	Milkhouse openings	19	c-d	2
	Approved pesticides	19	e-f	2
	Surroundings, Feed Storage	19	g-h	2

This facility is qualified to begin shipping milk on the grade A market.

Applicant Exhibit 6

RECEIVED

JAN 21 1997

DAIRY BUREAU

MICROFILM

OCT 14 1996

DATE

1-16-97

INSPECTOR

Bill Shelton

PRODUCER

Tom K

IDAHO DEPARTMENT OF AGRICULTURE
BUREAU OF DAIRYING
PO BOX 790, BOISE ID 83701-0790
(208) 332-8550

DAIRY FARM WASTE FACILITY INSPECTION REPORT

DAIRY NAME/OWNER/ADDRESS/CITY

Kasper Dairy
3349 Hill Rd., Melba

DATE: 3-3-99

TIME: 2:30 pm

OF ANIMAL UNITS: ~ 600 Holsteins

PLANT SHIPPING TO

SV

PERMIT #:

293

A dairy farm waste facility inspection was conducted at your facility on this date. Items found to be in non-compliance with IDAPA 02.04.14 are identified below. Please be aware that repeat non-compliance items found to exist on the next inspection may be cause for revocation of your permit to sell milk.

ITEM/DESCRIPTION	COMPLIANCE	NON-COMPLIANCE
I. MILKING CENTER FACILITIES		
a. Properly constructed and maintained		
b. Animals properly confined		
c. Waterways protected		
II. WASTE CONTAINMENT FACILITIES		
a. Properly designed/constructed/ located		
b. Adequate storage capacity		
c. Facility properly maintained to prevent nuisance conditions		
III. OPERATING PLAN		
a. Adequate general description of the waste management plan available		
b. Are solids/liquids handled and disposed of properly		
c. Appropriate schedules/rates of land application provided (If applicable)		
d. Agreement available if disposal involves other land owners		
e. Changes in plan since last inspection		
f. Evidence of a past discharge		
IV. COMPLIANCE SCHEDULE IF APPLICABLE	TIME FRAME FOR REMEDIAL ACTION	
a. Issue notice of:		
1. Non-compliance		
2. Discharge/violation		
b. Repeat notice*		
1. Non-compliance		
2. Discharge/Violation		
c. Revoke milk permit		

Waste handling appears to be properly managed at the time of this inspection.

Thanks!

RECEIVED

MAR 13 1999

DAIRY BUREAU

INSPECTOR SIGNATURE

Bill Shelton

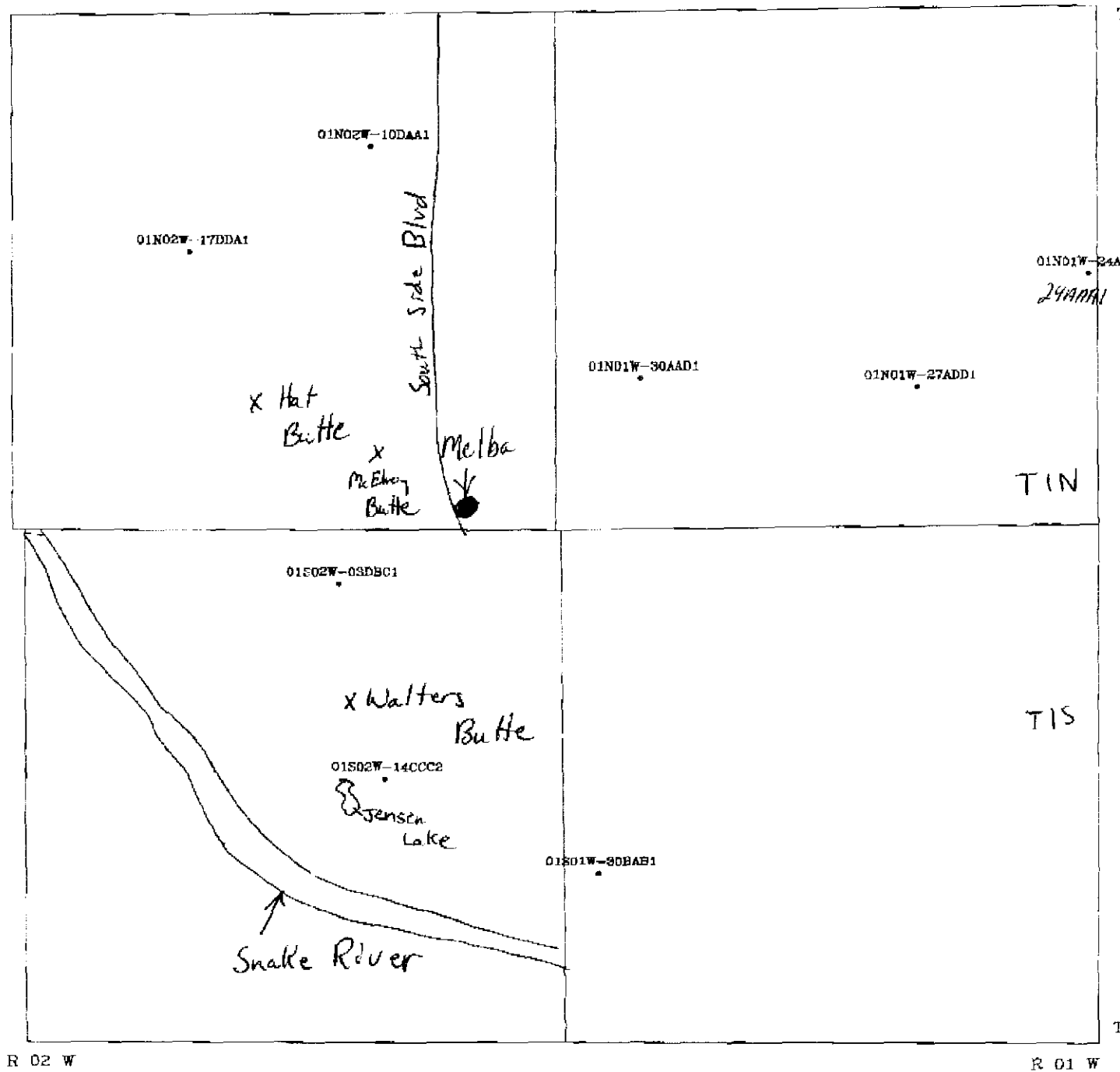
PRODUCER SIGNATURE

III OBEYING DIV

*If non-compliance or violation is not promptly corrected, a detailed inspection checklist will be completed.

To: Shert Chapman

A



SCALE 1:100000

0 1 2 Miles

Figure 1. WELL NUMBER

To: Earl Chapman

4 pages of well hydrographs, and 1 page location map of wells

MELBA AREA

From: L. Petrich 727-5489

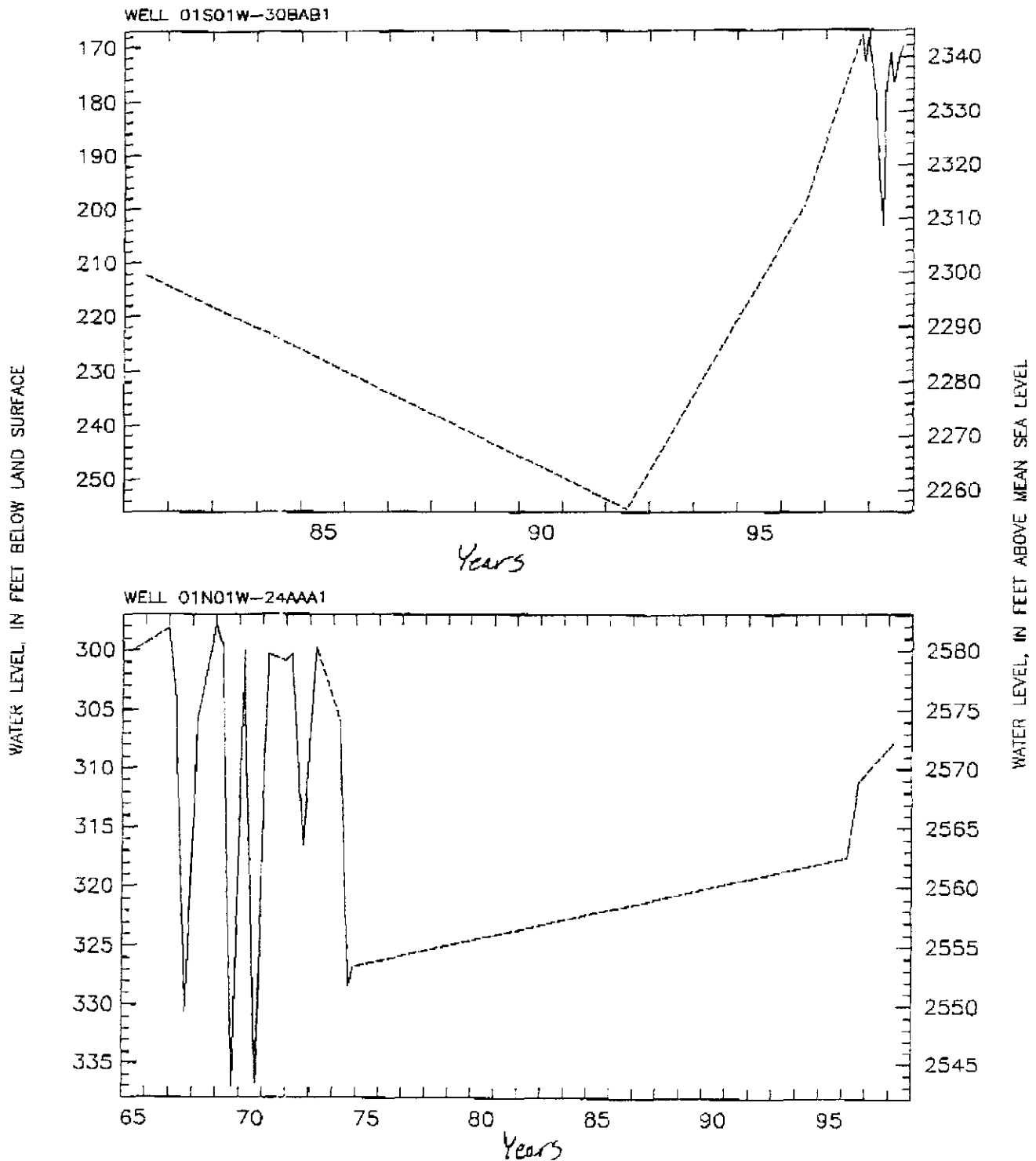


Figure 1. HYDROGRAPHS OF WELLS 01S01W-30BAB1 AND 01N01W-24AAA1

To: Sherl Chapman

MELBA AREA

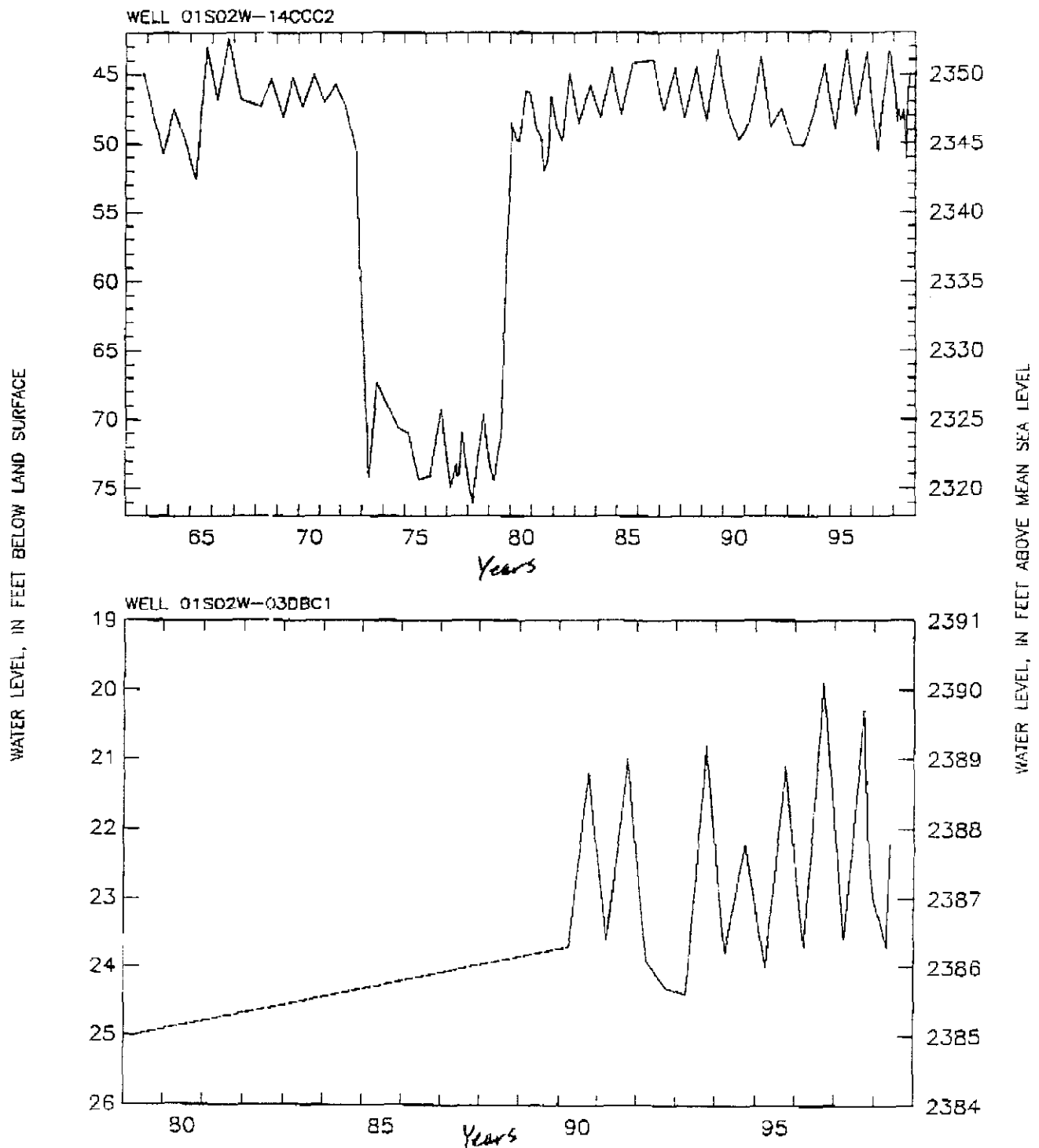


Figure 1. HYDROGRAPHS OF WELLS 01S02W-14CCC2 AND 01S02W-03DBC1

To: Sherl Chapman

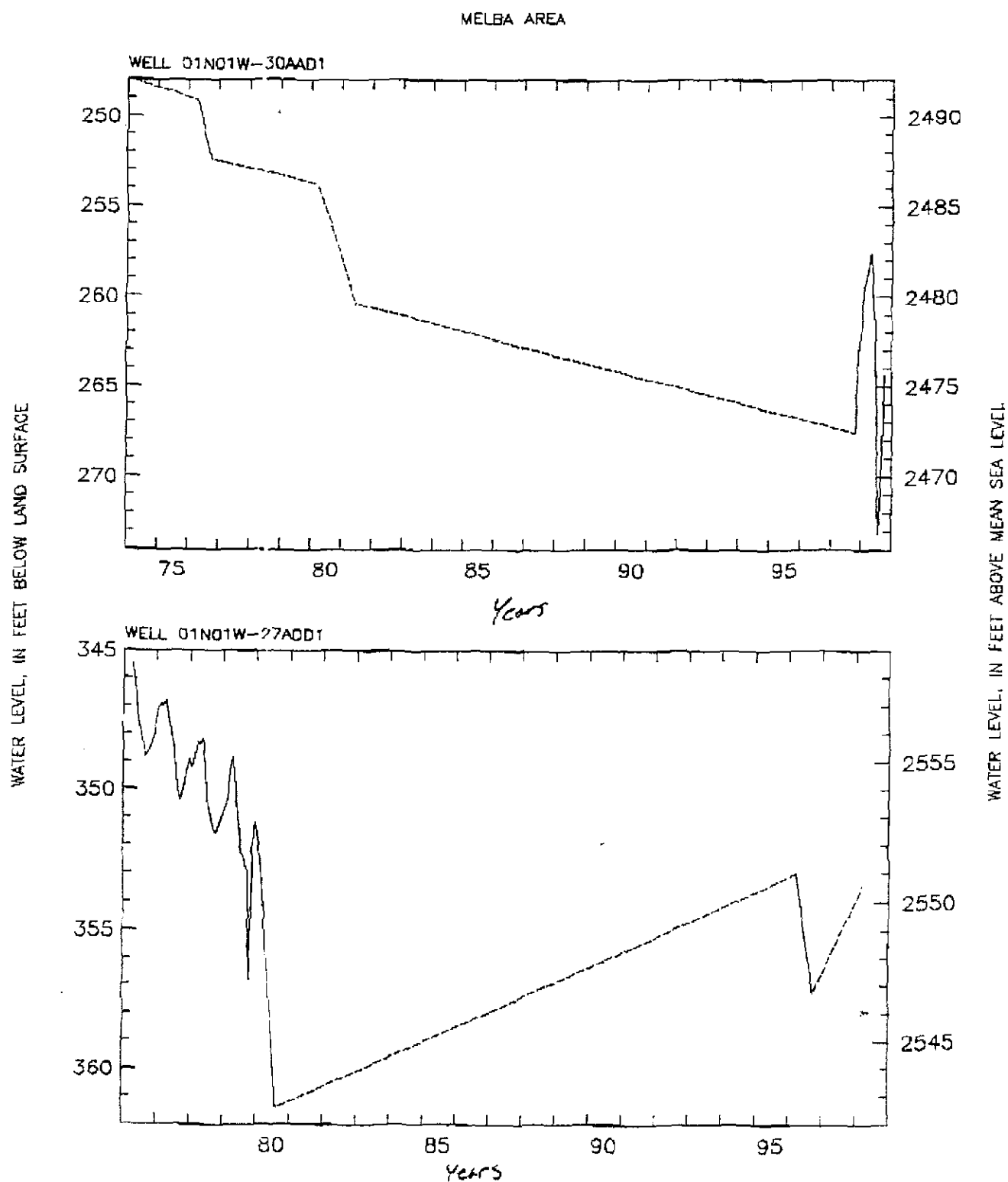


Figure 1. HYDROGRAPHS OF WELLS 01N01W-30AAD1 AND 01N01W-27ADD1

To: Sherl Chapman

MELBA AREA

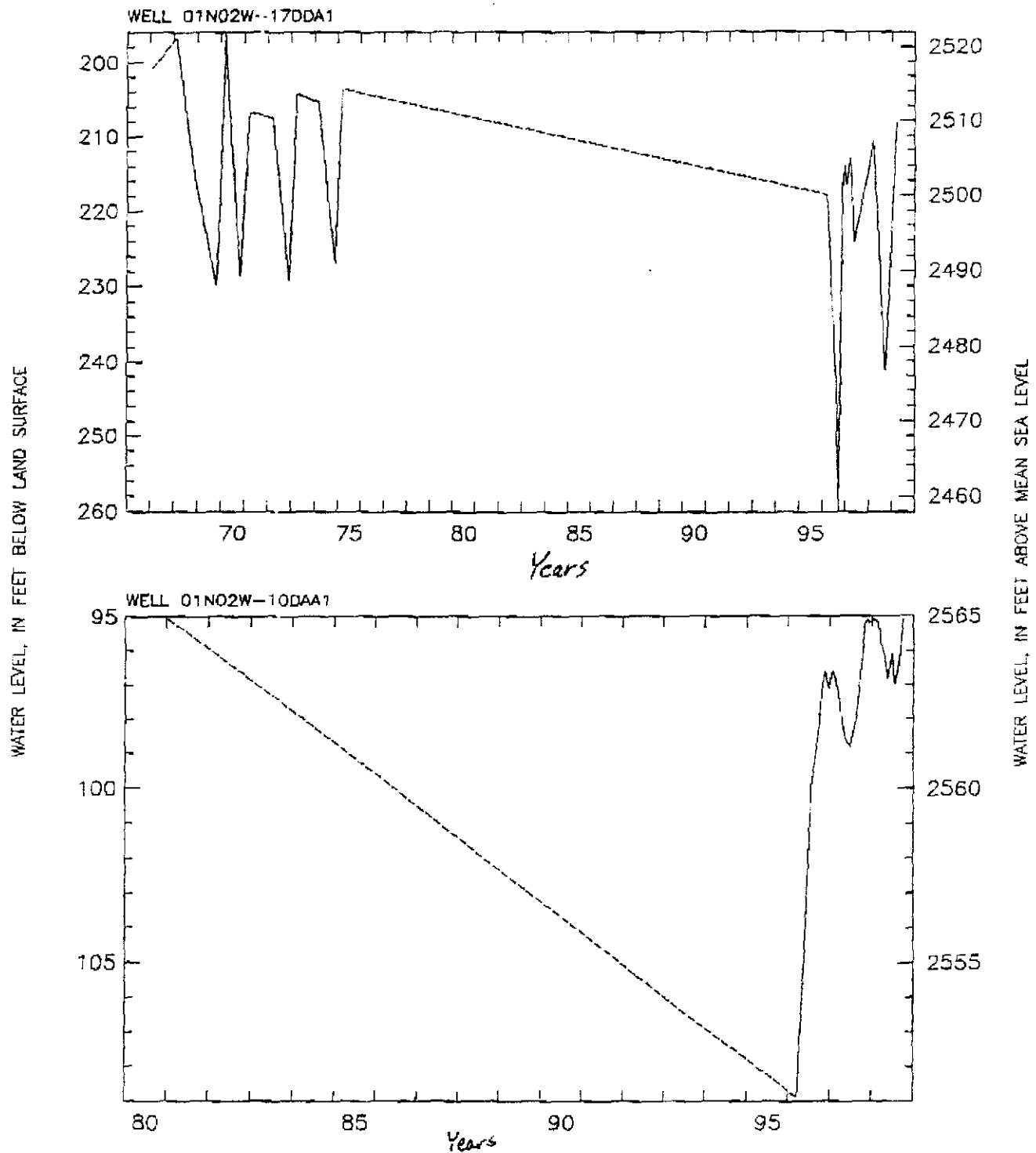


Figure 1. HYDROGRAPHS OF WELLS 01N02W-17DDA1 AND 01N02W-10DAA1

To: Sherl Chapman

MELBA AREA

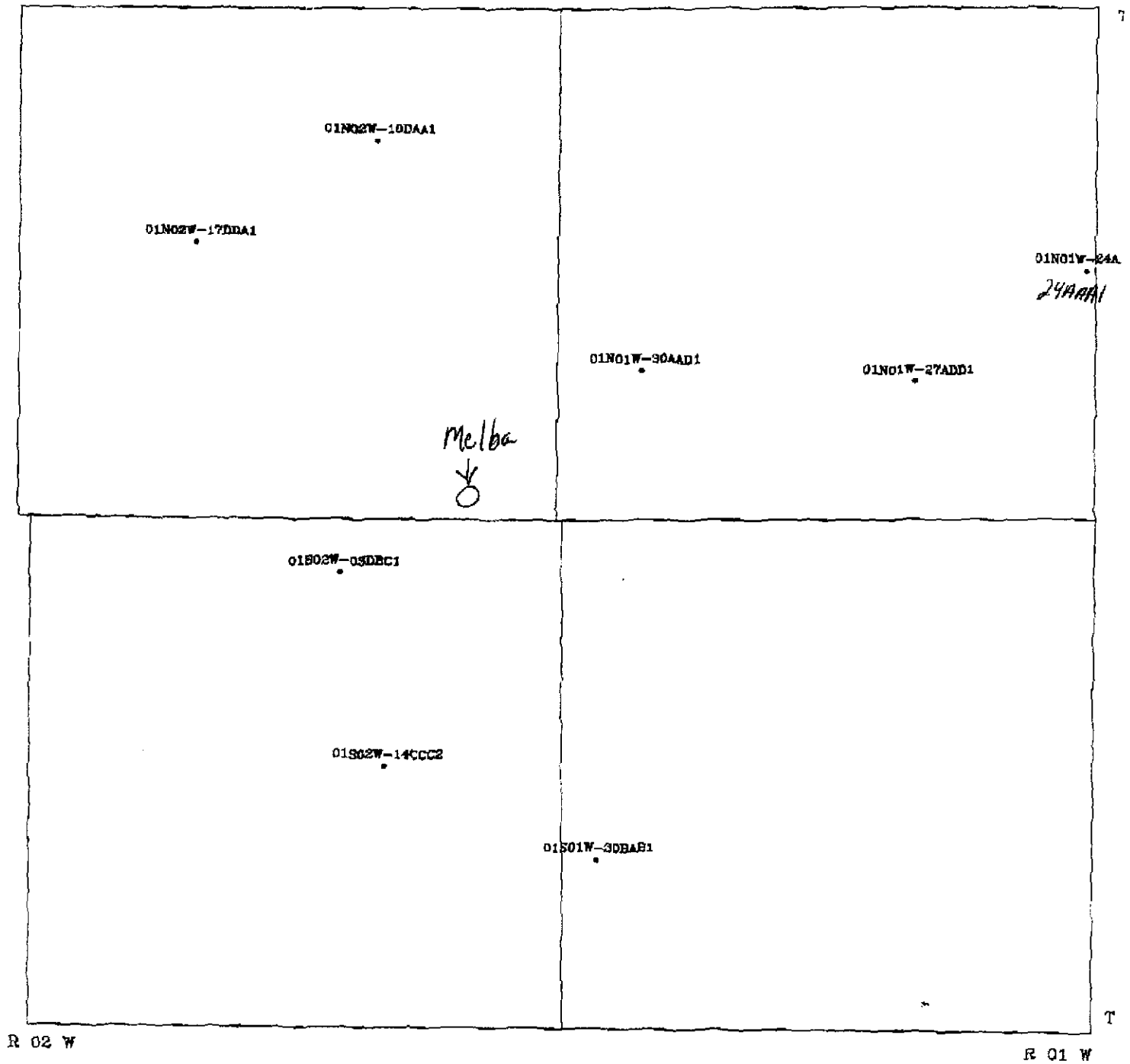


Figure 1. WELL NUMBER

APPLICANT'S EXHIBITS

Nos. 1-8

Ex.

- | | | |
|-------------|----|---|
| T. direct | 1. | Caron Pump Invoice to Kasper Dairy
<i>(Used in applicant's testimony) (cross-examination by both)</i> |
| T. direct | 2. | Page from IDWR Application for Transfer of Water Right
<i>(Used in applicant's testimony)</i> |
| T. direct | 3. | Aerial photograph of farm land
<i>(Used in applicant's testimony)</i> |
| S. rebuttal | 4. | 4/16/99 letter to Sherl Chapman from Brockway Engineering re: Tom Kaster[sic] well analysis
<i>(Used in Sherl Chapman testimony)</i> |
| T. rebuttal | 5. | Canyon County Planning and Zoning Commission's Findings, Conclusion and Order re: application by Tom and Joann Kasper for a conditional use permit.
<i>(Used in applicant's testimony) (cross-examination)</i> |
| T. rebuttal | 6. | Idaho Department of Agriculture, Bureau of Dairying's Grade A Dairy Farm Inspection Report - Qualifying Inspection on Kasper Dairy
<i>(Used in applicant's testimony)</i> |
| T. rebuttal | 7. | Idaho Department of Agriculture, Bureau of Dairying's Dairy Farm Waste Facility Inspection Report on Kasper Dairy
<i>(Used in applicant's testimony)</i> |
| S. direct | 8. | IDWR Monitoring Well Data
<i>(Used in Sherl Chapman testimony)</i> |

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