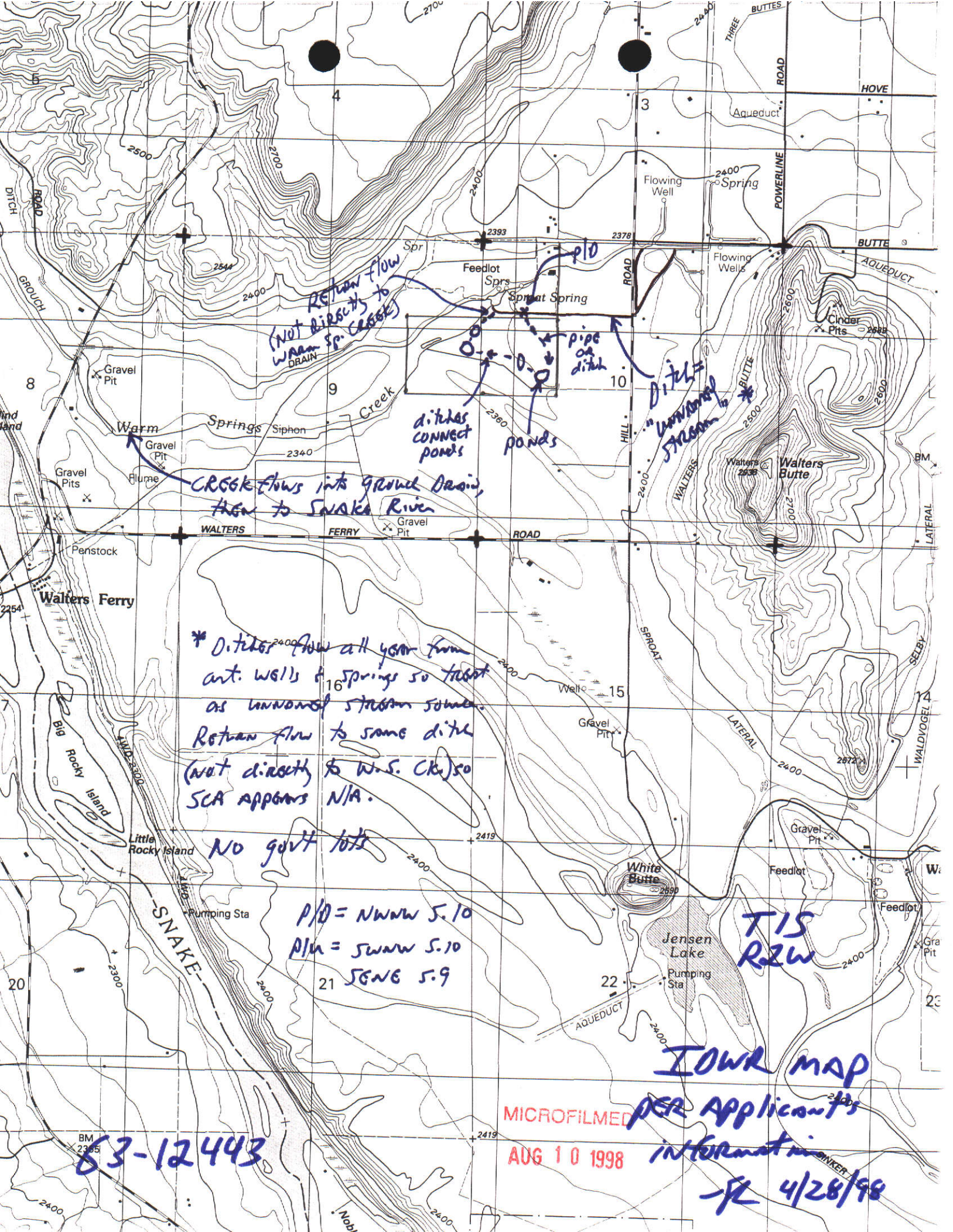




Return flow
(not directly to
Warm Sp. Creek)
DRAIN

ditch
connects
ponds

Ditch =
"unnamed
stream"

Creek flows into ground drain,
then to Snake River

* Ditch flow all year from
art. wells & springs so treat
as unnamed stream some.
Return flow to same ditch
(not directly to W.S. Cr.) so
SCA appears N/A.

NO govt lots

P/O = NWNW 5.10
P/A = SWNW 5.10
SENE 5.9

TIS
R2W

IOWA MAP

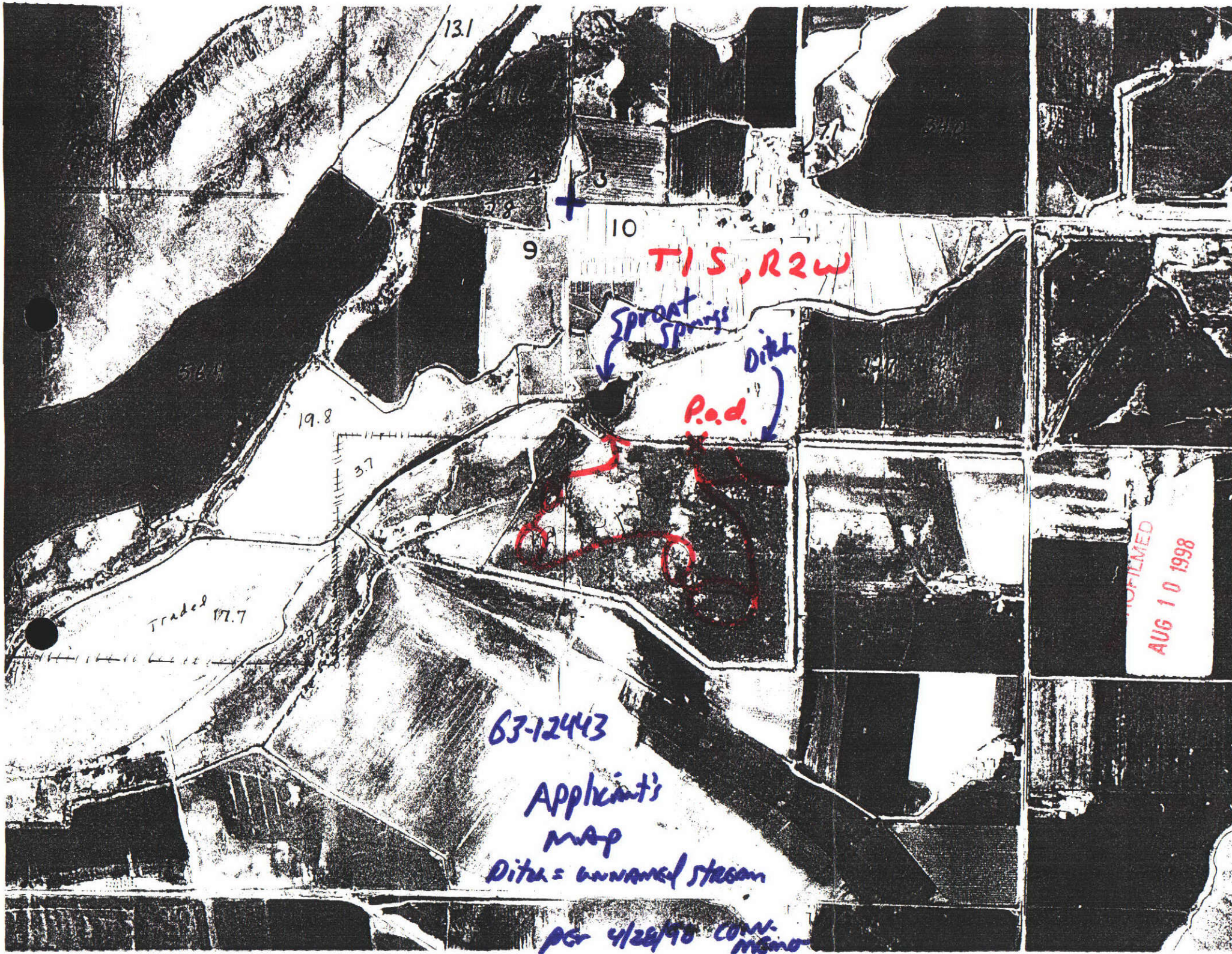
PER Applicant's

information

4/28/98

MICROFILMED
AUG 10 1998

63-12443



T1S, R2W

Sproat Springs

Ditch

P.O.D.

Traded 17.7

63-12443

Applicant's
map

Ditch = unnamed stream

per 4/28/98 comm.
memo

FILMED
AUG 10 1998

RECEIVED

JAN 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 63-12443

Name(s) of Permit Holder: T & S FARMS

Mailing Address: P.O. BOX 690, MERIDIAN, ID 83680

Date Proof is Due: 8/1/99 Telephone No. 208-888-1593

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

3 FISH PONDS HAVE BEEN CONSTRUCTED

Costing \$ 37250

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

WE WOULD LIKE TO BUILD 2 MORE PONDS BUT, SINCE WE ARE DOING THE WORK WITH OUR OWN EQUIPMENT AND LABOR, WE HAVE TO DO THE WORK WHEN THE TIME AND WEATHER PERMITS. WE HAVE BEEN BUSY TAKING CARE OF OUR CROPS AND COWS DURING THE CALVING SEASON AND HAVEN'T HAD TIME TO COMPLETE THE PONDS. WE ALSO NEED TO WAIT UNTIL THE LAND IS WORKABLE.

Permit holder(s) request an extension to JULY 1, ~~19~~ 2003.

FEE: \$50.00

Tom Nicholson
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 2003.

MICROFILMED

FEB 15 1999

Signed this

5TH day of February, 1999

J. Glen Saylor

FOR OFFICE USE ONLY
 Amt. of Fee \$ 200.00
 Receipt No.: 043152
 Receipt By: LS
 Date Received: 7/18/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 18 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 63-12443 Telephone No. 208-888-1593

2. Name(s) of Permit Holder(s): T & S Farms

3. Mailing Address: P.O. Box 690, Meridian, ID 83680-0690

4. Source of Water: Unnamed Stream, tributary of
Warm Springs Creek If **GROUNDWATER** (well), Date Drilled, mo. / yr.

a. Well Driller: _____ Drilling Permit Number: - - -

b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Wildlife, recreation, & aesthetic
Irrigation (No. of acres): _____ Other: storage for recreation, wildlife and
aesthetic purposes

6. Total rate of diversion and/or volume for which proof is submitted: 5.00 cfs OR acre feet

7. **Measuring Device Requirement:** ~~(refer to the approval conditions on your permit and respond accordingly)~~
(This question is not optional. Please check either yes or no. Permits returned not checked accordingly, will be considered incomplete)

~~Measuring Device: Is a measuring device required? Yes x or No~~
~~Has the measuring device been installed? Yes or No x~~
~~Flow Measurement Port: Is a flow measurement port required? Yes or No x~~
~~Has the measurement port been installed? Yes or No x~~

8. Fee Enclosed: \$ 200 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Tom or Scott Nicholson Telephone Number: 208-888-1593

Address: P.O.Box 690, Meridian, ID 83680

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Scott Nicholson Partner Date: 8/17/98
(include your title, if on behalf of company or organization)

207 27 1998 FEB 10 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12443

Proposed Priority: February 27, 1998 Maximum Diversion Rate: 5.00 CFS

This is to certify, that T & S FARMS

PO BOX 690

MERIDIAN ID 83680-0690

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of WARM SPRINGS CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		20.0 AF
RECREATION	01/01 to 12/31	5.00 CFS	
RECREATION STORAGE	01/01 to 12/31		20.0 AF
AESTHETIC	01/01 to 12/31	5.00 CFS	
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	5.00 CFS	
	Totals	5.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 10, Township 01S, Range 02W
CANYON County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

01S 02W 9 SENE
10 SWNW

PLACE OF USE: RECREATION, same as WILDLIFE STORAGE use

PLACE OF USE: AESTHETIC, same as WILDLIFE STORAGE use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1999.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 63T.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

RECORDED

1998

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-12443

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the first reservoir and the amount of water released from the last reservoir can be measured.
6. Aesthetic and recreational uses are for up to 5 fishing ponds.
7. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

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

31st day of July, 1998.


for
Karl J. Dreher, Director

RECEIVED
JUL 30 1998

RECEIVED

FEB 26 1998

FORM 202
1/96WATER RESOURCES
WESTERN REGIONIdent. No. 63-12443STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 21 1998

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant T & S FARMS Phone 888-1593
Post Office address P.O. BOX 690 MERIDIAN, ID 83680
- * 2. Source of water supply ARTESIAN WELLS UNNAMED stream which is a tributary of NA Warm Springs Creek
3. Location of point of diversion is SE 1/4 of NW 1/4 of NW 1/4, Govt. Lot —
Sec. 10 Township 1S Range 2W B.M. CANYON County; additional points of diversion if any: —
4. Water will be used for the following purposes:
Amount 5 for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) RECREATIONAL, WILDLIFE
* Amount 20 for AND AESTHETIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
① Amount 5.0 for Recreation / Aesthetic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
② per telecon w/ applicant 8/3
5. Total quantity to be appropriated is (a) 5 and/or (b) 20
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. ARTESIAN WELLS, DITCHES, CEMENT CHECKS WITH PUMPS TO DIVERT WATER TO SEVERAL SMALL PONDS STORING APPROXIMATELY 20 ACRE-FT OF WATER WITH DITCHES CONNECTING THE PONDS AND A DITCH TO RETURN WATER TO MAIN.
b. Height of storage dam 0 TO 6 feet; active reservoir capacity APPROX. 20 acre-feet; total reservoir capacity APPROX. 20 acre-feet; period of year when water will be diverted to storage: 1/1 to 12/31 inclusive.
c. Proposed well diameter is NA inches; proposed depth of well is — feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NA; Drilling firm —:
Well was drilled for (well owner) —
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. —
b. Stockwatering; list number and kind of livestock. —
c. Municipal; show name of municipality. —
d. Domestic; show number of households. —
e. Other; describe fully. STORAGE PONDS FOR RECREATIONAL, WILDLIFE AND AESTHETIC PURPOSES.

* source per topo: 4/28/98 tel. conv with Applicant.

WSR - 20 AF Rec. Storage
" " Wildl. Storage
" " Aesth. Storage

MICROFILMED

AUG 10 1998

-92 4/28/98

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	2W	9				WJR													1
1S	2W	10							WJR										5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? T & S FARMS

b. Who owns the land to be irrigated or place of use? T & S FARMS

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

12. Remarks: WE PLAN TO DIVERT APPROX. 250 ^{inches} CFS OF WATER FROM THE DITCH TO SEVERAL SMALL PONDS VIA INTERCONNECTING DITCHES, THEN BACK TO THE MAIN DITCH APPROXIMATELY 1 QTR

MILE BELOW THE POINT OF DIVERSION. WE ESTIMATE APPROXIMATELY 225 ^{inches} CFS WILL BE RETURNED TO THE MAIN DITCH. THE PONDS WILL VARY IN DEPTH FROM 1 TO 10 FT, COVERING 1 ACRE OR LESS. I HAVE DISCUSSED THIS PROJECT WITH THE BOARD OF DIRECTORS OF REYNOLDS CREEK IRRIGATION DISTRICT AND THEY HAVE NO RESERVATIONS.

13. MAP OF PROPOSED PROJECT ATTACHED X Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

T & S FARMS BY:

Thomas T. Nicholson PARTNER
(Applicant)

MICROFILMED

AUG 10 1998

Received by AB Date 2/27/98 Time 9:20 Preliminary check by JL
Fee \$ 150.00 Receipted by AB # W023469 Date 2/27/98
Publication prepared by ST Date 4/30/98 Published in Press-Tribune 5-7014-98
Publication approved KG Date 6/24/98

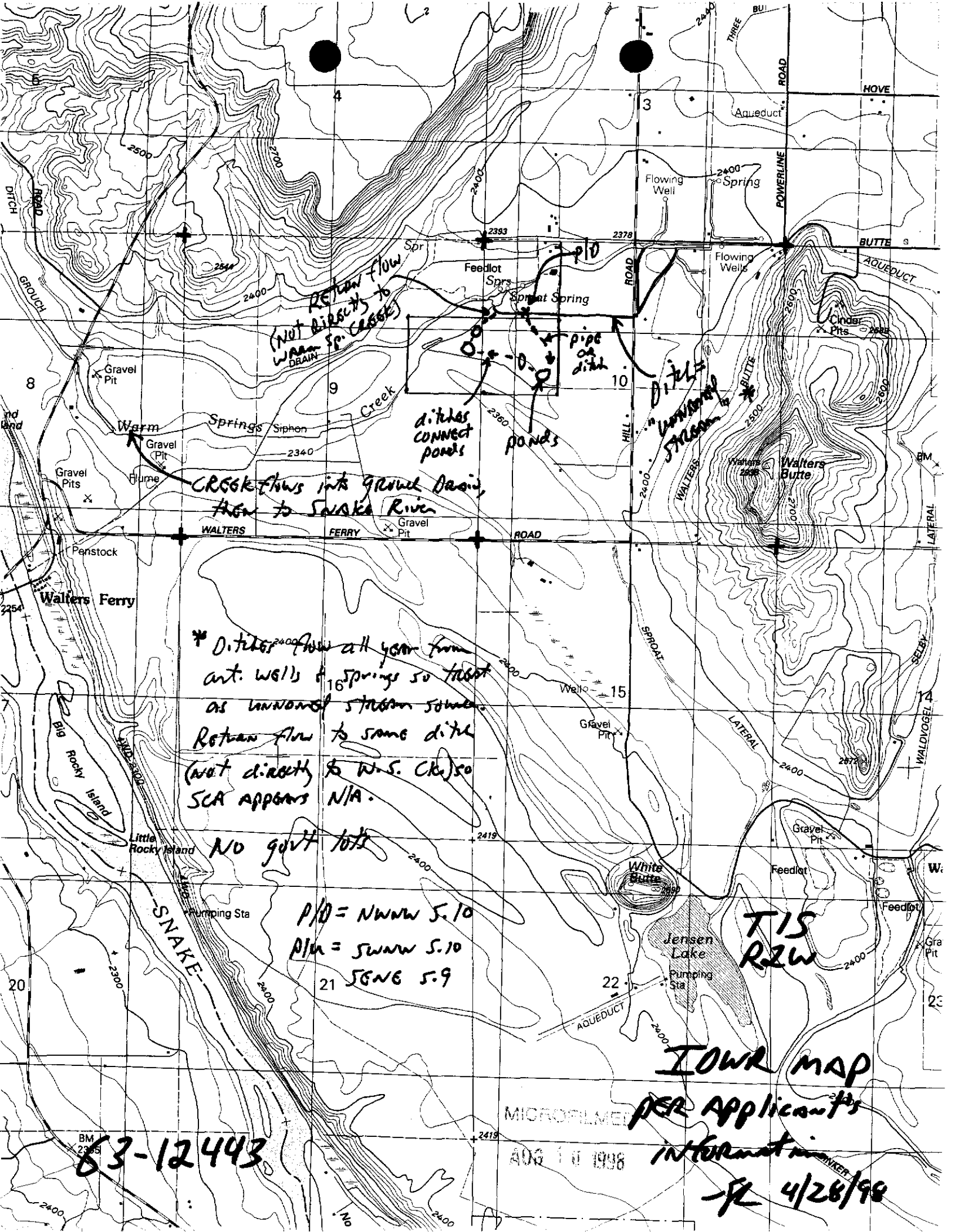
REMARKS

Applicant agrees to mitigate consumptive use in the future as needed for ~~the same~~ the same tributary to Snake River.

* per applicant's original info and 4/20/98 tel. conv. -gl

SEE Below for Remarks
* COMMENTS

Source considered unusual stream per year around flow from artesian wells & springs. Tom & Scott Nicholson are T & S FARMS.



Return flow
(not directly to
Warm Sp. Creek)
DRAIN

ditches
connect
ponds

Creek flows into gravel drain,
then to Snake River

* Ditch flow all year from
art. wells & springs so treat
as unmonitored stream source.
Return flow to same ditch
(not directly to W.S. Cr.) so
SCA appears N/A.

NO gully loss

P/O = NWNW 5.10
P/A = SWNW 5.10
21 SEWE 5.9

TIS
R2W

IOWA MAP

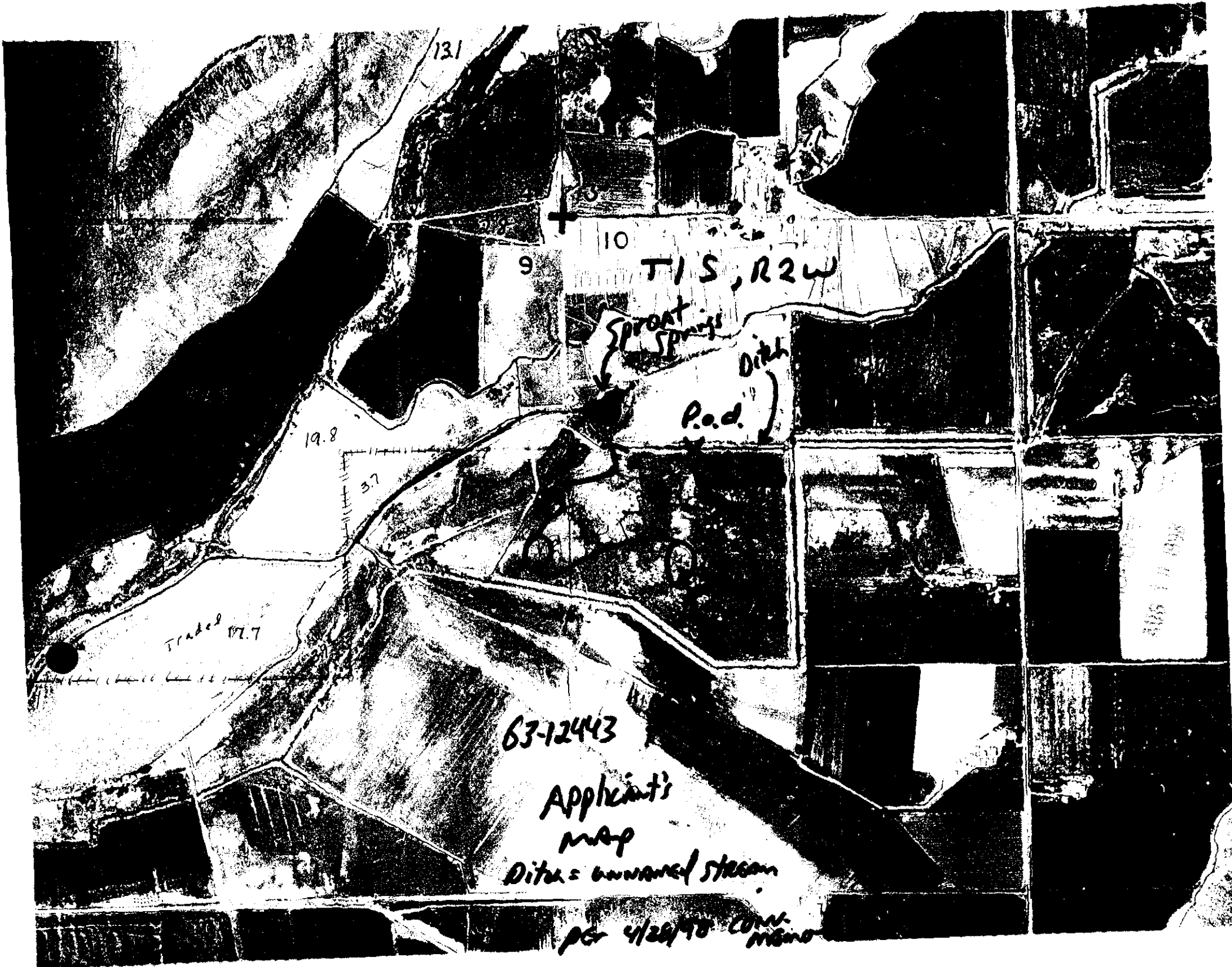
PER Applicant's

information

FL 4/28/98

63-12443

MICROFILMED
AUG 10 1998



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 63-12443 Reviewed by QJ Date 2-4-99

BASIC INFORMATION

8-1-28-99 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
_____ Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Found proof of B/U submitted 8-18-98. Recommend Extend to August 1, 2003, on basis of due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 8-1-2003
Change Priority Date X



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

February 8, 1999

T & S Farms
PO Box 690
Meridian ID 83680

RE: Permit No. 63-12443

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **August 1, 2003**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Additionally, I have enclosed the original Proof of Beneficial Use submitted in August of 1998, which has been voided. I applied \$50.00 of the \$200.00 license exam fee submitted with the proof, to the extension. The remaining \$150.00 will be refunded to you under separate cover. You should receive the refund in seven (7) to ten (10) working days.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office
Fiscal

MICROFILMED

FEB 16 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 13, 1999

T & S FARMS
PO BOX 690
MERIDIAN ID 83680

RE: Water Right No. 63-12443

Dear Water Right Holder:

I am in receipt of your letter dated October 23, 1998, in which you ask the department for an extension of time to install a measuring device.

On August 18, 1998, the department received your Proof of Beneficial Use statement and \$200.00 license examination fee. You state in your recent letter that you are still in the construction phase of development of this right. Proof should not have been submitted until development was complete and the system was operational. With your consent, the department can withdraw the proof statement and you can submit an Extension of Time request, which I have enclosed. The filing fee for an extension of time is \$50.00. The department will refund \$150.00 of the exam fee you submitted with the proof and apply the remaining \$50.00 to the extension request if you so choose.

If you wish to file an Extension of Time request, fill out the enclosed form and return it within **30 days**. The minimum time granted for an extension is one (1) year and the maximum is five (5) years. If the department does not hear from you within **30 days**, your proof statement will remain as filed.

If you have any questions, please contact me directly at (208)327-7953, and I will be happy to assist you.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Region

MICROFILMED

FEB 16 1999

T & S FARMS
P.O. BOX 690
MERIDIAN, ID 83680
2008-888-1593 FAX 208-888-1624

RECEIVED
OCT 26 1998
Department of Water Resources

October 23, 1998

Julie Yarbrough
State of Idaho
Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

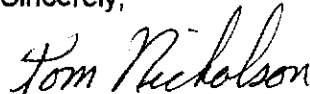
Re: Permit No. 63-12443

Dear Ms. Yarbrough:

We respectfully request a one-year extension in installing a permanent measuring device. We have already constructed two ponds but need to install two more small ponds. This will not exceed what we applied for but, since we are still in the constructing phase, we would prefer to wait until we have finished before installing the measuring device.

Please let us know if this extension is granted. If you have any questions, please call me.

Sincerely,



Tom Nicholson, General Partner

MICROFILMED

FEB 16 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 103-12443 Reviewed by Jay Date 9-28-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

wildlife, rec., aesthetic
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
200 Amount Submitted
yes Correct?

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

advise of perm. measuring device requirement
Proof Acceptable

DATA ENTRY

New Address X Proof Made 8-18-98



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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

September 29, 1998

T and S Farms
PO Box 690
Meridian ID 83680

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12443

Dear Permit Holder:

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

Condition No. 5 of your water right permit requires the right holder install/maintain permanent measuring devices to measure incoming and outgoing flows from the reservoirs. Please be aware that your failure to have this device installed and operable at the time the department conducts the field examination may jeopardize the validity of the permit.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
OCT 27 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 3, 1998

T & S FARMS
PO BOX 690
MERIDIAN ID 83680-0690

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12443

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

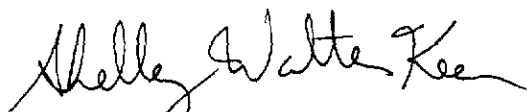
Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

MICROFILMED

AUG 10 1998

If you have any questions, please call me at 208-327-7946.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

RECORDED
AND INDEXED

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of August, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12443

T & S FARMS
PO BOX 690
MERIDIAN ID 83680-0690


Kari Lynn Townsend
Secretary

AUG 4 1998

AUG 4 1998

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.

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
JUN 10 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 63-12443 Name: T&S Farms Date: 7/22/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: BRD Mor / GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD # 63T)
- > 0.10 cfs use mod. 18A - ~~01H-P08~~ (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req) -081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - ~~18A~~ (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

018A mod. 2 Rec. Swinn 03 mod 18A
- 8/1/1999

MEMORANDUM

DATE: July 29, 1998
TO: File No. 63-12443
FROM: Cindy Zimmerman
SUBJECT: Use Clarification

The above application proposes diversion to storage and storage uses from an unnamed stream. The application did not identify a flow usage to maintain year-round flow in the ponds.

I called Linda, of T & S Farms, who confirmed the intent of the application was for year-round flow and storage. The flow uses would equal but not be additive to the diversion to storage flow. I agreed to add recreation use of 5.0 cfs and aesthetic use of 5.0 cfs to the application.

I called Steve Lester, at Western Region, to ask if the adding recreation and aesthetic uses to this application would require re-advertisement. Since the additional uses are a clarification and do not increase the advertised total rate of diversion, Steve did not believe re-advertisement was necessary.

MICROFILMED
AUG 10 1998

JUL 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: RE

DATE: 4/28/98

APPLICATION: 63-12443

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) *see comments in appl.*
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots: N P/D
P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium: *exempted since trib. to Snake R. although in Br 63*
- ☐ ☒ Bull trout impact area
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ ☐ E-mail to Dam Safety staff: (for any storage) *sent 4/28/98* ✓
- ☒ ☐ Mitigation plan: Check any that apply.
- ☐ ☒ N/A immediate = acceptable plan required and submitted.
- ☐ ☒ ✓ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

Date Response Received _____

PROCESSING

APP. NO.

53. 12443

YES NO

☒ In form for advertising:
☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES ☒ NO ☐ YES ☐ NO ☒

☐	☒	I.D. Health & Welfare	☐	☒	U.S. BLM
☐	☒	I.D. District Health	☐	☒	U.S. Forest Service
☐	☒	I.D. Fish & Game	☐	☒	Water Dist. #
☐	☒	I.D. Lands	☒	☒	Other <u>REYNOLDS CREEK IRR DIST.</u>

- See attached pg -

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ Affidavit of publication received:
☒ Application published correctly: If not, record action taken.

☒ Publication dates and paper recorded on application:

☐ Final date for protest 5-26-98

☒ Protests received.

☒ Recommendations attached:

☒ Measuring device required:

☒ Measuring port required:

☒ Water delivered by water master? District #

☐ Special conditions of approval or cover letter: W38, 120

See below for additional information

Recommended Date or Priority 2/27/98Recommended by: Gary S Date: 7/17/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Overlap - d. ltr ("stream") probably integral part of ~~main~~ irrig. right
 for at least Rey. Irr Dist. No other right for proposed user found.
 Reynolds Irr Dist. used to pipe water from this area to south
 side of Snake R. via old Hwy bridge pipeline. Now, flows Reed
 River & are pumped out for irr. dist. lands in Owyhee County.

SD-4103
INQUIRY

Idaho Department of Water Resources
Adjudication Names Screen

Date: 04/28/98
Time: 11:29:34

Water Right Number: A63-00359

FIRST PAGE

Owner Codes: O Original Owner P Present Owner L Lien Holder T Trustee
 C Current Owner R Representative S Lessee
 K Also Known As A Attorney of Record D Dir Rpt Owner

Last: REYNOLDS IRRIGATION DISTRICT
Address: % JERRY HOAGLAND CHAIRMAN

First:
HC 79 BOX 44
City: MELBA
Phone: (208) 495-2810

State: ID Zip: 83641-
Owner Code: C

Name Connector:

Last:
Address:

First:

State: Zip: - City:
Owner Code: Phone: () -

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

Comments: Date: 4/28/1998 User-ID: SLESTER

Subject: ADDITIONAL PROCESSING INFORMATION

From applicant's original information, 4/28/98 tele. call & IDWR standards: T & S Farms equals Tom & Scott Nicholson. Source is a ditch that flows year around via input from artesian wells and springs so treated as surface water at P/D. This is water that helps supply Sproat Springs, historically linked to Reynolds Irr. District rights in Owyhee County.

Return flow to system will be prior to Warm Springs Creek so SCA appears n/a since no new work at return flow site needed. There will be 4-5 ponds, each covering 1 or less acres with depths from 1 to 10 feet. Will divert water from source with pump, ditch or pipe to first pond, ditches to connect all ponds & route water back to original ditch (aka unnamed stream). Applicant estimates that about 4.5 cfs will be returned to system of the 5 cfs to be diverted. Applicant stated that irrigation district does not have any reservations about this project (IDWR comment letter will confirm if this is correct). Can process this within Basin 63 since source is clearly tributary to the Snake River. Comments from Watermaster #63 do not appear necessary in this case.

MICROFILMED

AUG 10 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Roberson

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

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily 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

Once

— 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:
May 14, 1998

RECEIVED

JUN 16 1998

WATER RESOURCES
WESTERN REGION

Carolyn Roberson

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 14th day of May
in the year of 1998 before me, a Notary
Public, personally appeared Carolyn Roberson,
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he/she
executed the same.

MICROFILMED

JUN 10 1998

Jane Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21ST, 2003

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12443

T & S FARMS

PO BOX 690

MERIDIAN, ID 83680-690

Source: UNNAMED STREAM

Tributary: WARM SPRINGS CREEK

Diversion Pt: SENWNW Sec 10 T 01S R 02W in CANYON County.

Use: WILDLIFE STORAGE (20.00 AF)

RECREATION STORAGE (20.00 AF)

AESTHETIC STORAGE (20.00 AF)

DIVERSION TO STORAGE (5.000 CFS)

Total Diversion: (5.000 CFS)

Date Filed: 2/27/1998

In: CANYON County

T01S R02W S09

SENE

S10

SWNW

Applicant agrees to mitigate consumptive use in the future as needed for source ultimately tributary to the Snake River.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before **MAY 26, 1998**. The protestant must also send a copy of the protest to the applicant.

KARL J. DRENER, Director

May 14, 1998

7087

RECEIVED

JUN 16 1998

**WATER RESOURCES
WESTERN REGION**

MICROFILMED

JUN 18 1998

May 19, 1998

RECEIVED

MAY 21 1998

To: Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

WATER RESOURCES
DIVISION

From: Jerry Hoagland, chairman
Reynolds Irrigation District
HC79 Box 44
Melba, ID 83641

Re: Comment on Application for Water Right Permit No. 63-12443
in the Name of the T & S Farms

We appreciate your notifying Reynolds Irrigation District of the T & S Farms application for water right and allowing us to comment.

Tom Nicholson has contacted and met with two of our Board members in March of 1998 to inform us of his plans and for this application for water right permit No. 63-12443.

Tom Nicholson, T & S Farms, agreed that any loss of water between the point of diversion and the point of return for this Application for water right permit No. 63-12443 will be deducted from T & S Farms's other water rights within the Warm Springs Creek and flows from artesian wells and springs.

T & S Farms will place water measurement devices at the point of diversion for this application, and at the point of return if Reynolds Irrigation believes more water is being lost than the .5 CFS estimated in the application.

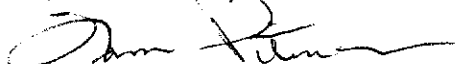
T & S Farms will assist in the maintenance of Reynolds Irrigation District ditch in proportion to the increased flows and only to the point of diversion of this Application.

Reynolds Irrigation District has no reservations about this project as long as the understanding above is complied with.

Jerry Hoagland, chairman RID



Sam Pitman, board member RID



Duane Jacobson, board member RID



cc. T & S Farms

MICROFILMED

AUG 10 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JERRY HOAGLAND CHAIRMAN
REYNOLDS IRRIGATION DISTRICT
HC 79 BOX 44
MELBA ID 83641

Re: Application for Water Right Permit No. 63-12442 in the Name of the T & S Farms

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl.

MICROFILMED

AUG 10 1998

From: DWR80::SLESTER 28-APR-1998 11:14:31.04
To: JWESTRA
CC: SLESTER
Subj: APPLICATION 63-12443 TAKE 2

Left out something in last message so trying again:

This application south of Melba includes several ponds for @ 20 af total storage all year. File is at Sue's desk for advertising in first 2 weeks of May if you need to look at it. Dams (dikes?) will be up to 6' high.

-- Steve

*Regional Dam Safety
Comments sought*

SD-0605-2 Township: 01S Range: 02W Section: 10 Tract: NWNW Lot:			STATE		O S		Max # Records 27			
S	L	R	Water	Name	W	T	Priority	Total		
E	O	D			N	G	Date	Diversion		
L	Tract	T	V	Right No.	Last, First					
				63-00353A	SPROAT, ELLEN	C	D	04/01/1947	UNNAMED DRA	2.08
				63-00354A	SPROAT, ELLEN	C	D	04/01/1947	UNNAMED DRA	2.43
				63-00355A	SPROAT, ELLEN	C	D	04/01/1947	UNNAMED DRA	3.04
				63-00356	NICHOLSON, CAR	C	D	04/01/1948	DRAINS	7.80
				63-00357	NICHOLSON, CAR	C	D	04/01/1948	DRAINS	8.40
	NWNW			63-09909	REYNOLDS IRRIG	C	L	05/11/1982	GROUCH DRAI	18.00
									WARM SPRING	
	NWNW			63-00306	REYNOLDS IRRIG	C	D	04/01/1934	WARM SPRING	8.00
	NWNW			63-00359	REYNOLDS IRRIG	C	D	04/01/1950	DRAINS	26.00
									GROUNDWATER	
	NWNW			63-02420	KEITH, JOHN E.	O	L	03/08/1929	WARM SPRING	23.56
					REYNOLDS IRRIG	C				
	NWNW			63-09368	REYNOLDS IRRIG	O	P	04/17/1980	GROUNDWATER	50.00
					SPOKANE BANK F	C				
	SENWNW			63-12443	T & S FARMS,	C	A	02/27/1998	UNNAMED STR	5.00

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

~~None for the d.t.h. described~~

↓
d.t.h. described as "unim stream" in 63-12443
must likely linked to one or more of above
irrig. rights

plm - other rights in legal
but none for purposes
listed in 63-12443

↖
P/D
overlap

4/28/98

CONVERSATION MEMORANDUM

DATE 4/28/98

FILE 63-12443

NAME OF PARTY Linda (Sec'y for Tom N.) 888-1593

EMPLOYEE R

RE: ADD'L INFO

① T+S Farms = Tom + Scott Nicholson

② Artesian wells (i.e. springs?) flow all year so ditch always has water → treat source as unmonitored stream because of that.

Problem? Flowing artesian wells w/o beneficial use, needs to be checked out?

③ 4-5 ponds, most likely.

④ Return flows to ditch (unmonitored stream), thence to Wagon Sp. Cr. so SCA appears N/A (no work at Wagon Sp. Cr. to be done).

⑤ Runoffs - refers to 250/225 cfs, should be inches instead (250" = 5 cfs).

MICROFILMED

AUG 10 1998

RECEIVED

FEB 26 1998

WATER RESOURCES
WESTERN REGION

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant T & S FARMS

Mailing Address P.O. BOX 690

MERIDIAN, ID 83680

Application No.

83-12443

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

T & S FARMS BY
Tom Nicholson, PARTNER

Date

2/25/98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MIKED/MLMED

436 10 1998

63-12443

T & S FARMS
PO BOX 690
MERIDIAN, ID 836800690

Source: UNNAMED STREAM

Tributary: WARM SPRINGS CREEK

Diversion Pt: SENWNW Sec 10 T 01S R 02W in CANYON County.

Use: WILDLIFE STORAGE	(	20.00 AF)
RECREATION STORAGE	(	20.00 AF)
AESTHETIC STORAGE	(	20.00 AF)
DIVERSION TO STORAGE	(	5.000 CFS)
Total Diversion:	(	5.000 CFS)

Date Filed: 2/27/1998

In: CANYON County	
T01S R02W S09	SENE
S10	SWNW

Applicant agrees to mitigate consumptive use in the future as needed for source ultimately tributary to the Snake River.

MICROFILMED

AUG 16 1998