

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07538

Priority: May 24, 1983

Maximum Diversion Rate:

0.20 CFS

This is to certify, that EARL WARTHEN

PO BOX 145

ALBION ID 83311

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 24, 1983; and has submitted Proof of Beneficial Use on March 12, 1990. An examination indicates that the works have a diversion capacity of 0.200 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.20 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 16, Township 12S, Range 25E
CASSIA 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>
12S	25E	16	NENW 37	NWNW 15	SENW 15	87
			NESW 20			

Total number of acres irrigated: 87

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

AUG 06 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 45-07538

CONDITIONS OF APPROVAL AND REMARKS

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 348.0 af at the field headgate for irrigation of the lands above and a maximum diversion volume of 0.2 af for stockwater purposes.
6. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9th day of July, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

AUG 11 6 1998

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

45-07538

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

- (X) Blank Field Report & Notice of Completed Exam
(X) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.
Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
(N/A) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
(N/A) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
(X) Copy of Orthophotoquad Map
(X) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
(X) Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: () Add Acres or Uses to Existing System
() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: (X) Increase Rate of Flow or Volume
() Add Supplemental Water Source
() Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 3-20-97Time 8:00 AMPlace 1 mileSOUTHWEST OF CALBION ON STATE HIGHWAY 77 1ST HOUSE ON LEFTContact Person & Phone EARL WARTHEN (208) 673-5385

D. Post-Exam Review & Processing

Exam Completed 3-20-97Notice of Completion Turned In 3-27-97Field Report Completed 3-27-97Daniel A. Melton 3-27-97
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. ADm 5/6/97 (Initial & Date)

Field Report Sent to S.O. _____

Region Card File Updated _____

RECEIVED
MAR 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. P 45-07538 Telephone No. 673-5385

Name(s) of Permit Holder(s): Earl L. Warthen

Post Office Address: P.O. Box 145 Albion, Id 83311

Source of Water: Perforated 10" Drain Tile

If ground water, well driller's name: Self Date drilled: May^x June 1977

Extent of Use:
Domestic _____ (No. of households) Irrigation 96.0 (No. of acres)
Stockwater .020 ^{cfs} (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted .200 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: June 1977

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

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

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Earl L. Warthen 673-5385
Name Telephone No.

3 miles S.E. Albion Hwy 77 Albion, Idaho
Address

The above information is my true statement of the extent to which the above number of acres has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECORDED

APR 18 1990

3-8-90
Date

Earl L. Warthen
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 45-07538

Proposed Priority: May 24, 1983 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **EARL WARTHEN**
P.O. BOX 145
ALBION, ID 83311

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.20 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
Totals		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW Sec. 16, Township 12S, Range 25E
CASSIA 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>
12S	25E	16	NENW 40	NWNW 18	SENW 18	96
			NESW 20			
Total number of acres irrigated:						96

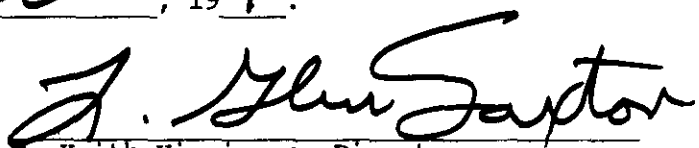
PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

7th day of March, 1990

for 
R. Keith Higginson, Director

MICROFILMED

APR 18 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 45-2538

RECEIVED

MAY 22 1983

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant Earl Warthen Phone 673-5395

Post office address Box 145, Albion, ID 83311

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16 Township 12S

Range 25E B.M. Cassia County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 cfs for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 cfs for Livestock purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Barred drain field, pipeline, 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 when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 12S
Range 25E B.M.

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

(3) List number of each kind of livestock to be watered 100 sheep

(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: _____

RECEIVED

APR 12 1983

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	25E	16					40	18		~~18~~ 18	20								96

Total number of acres to be irrigated 96

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 Applicant

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

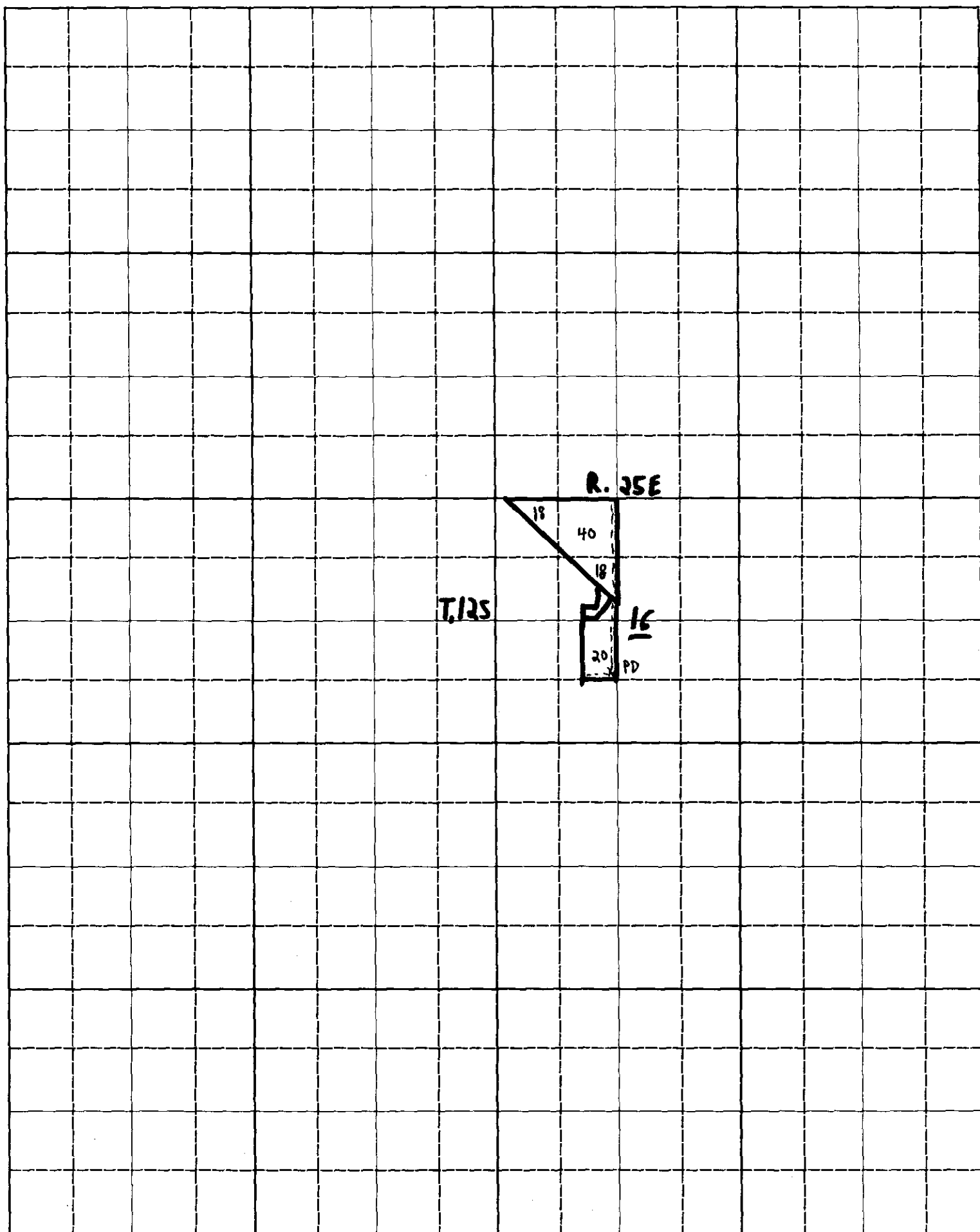
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

RECORDED

APR 18 1990

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.

MICROFILMED

APR 18 1990

Earl H. Parkman

(Applicant)

Received by JP SEE Date 5/24/83 Time 8:46
Preliminary check by A.J. Fee \$ 30.00 \$30247
Receipted by mup Date 6/6/83
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

RECORDED

APR 18 1990

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

Jody Johnson being first
duly sworn, deposes and says that she
is the owner of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated January 3 19 90, and
ending with the issue dated January 10,
19 90. Jody Johnson

RECEIVED

JAN 24 1990

Department of Water Resources
Southern Region Office

STATE OF IDAHO
COUNTY OF Cassia }

On this 19 day of January in the year of 1990, before me,
a Notary Public, personally appeared Jody Johnson,
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 executed
the same.

Colleen M. Miley
Notary Public for Idaho
Residing at Burley ID
My commission expires: 2/4/93

Cost of Publication: 29.10
Notary Fee: .50
Total Cost: 29.60

MICROFILMED

APR 18 1990

1/25/90 Note error / will republish
one

Note:
2-12-90
De & Cass on
this app. Do not pay
Bill. Case not certified
will not complete Re-AVN,
Tim

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, }
STATE OF IDAHO } ss.

Earl Warthen being first
duly sworn, deposes and says that he
is the owner of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated January 3 19 90, and
ending with the issue dated January 6,
19 90.

STATE OF IDAHO }
COUNTY OF Cassia }

On this 4 day of January in the year of 1990, before me,
a Notary Public, personally appeared Earl Warthen,
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 executed
the same.

Earl Warthen
Notary Public for Idaho
Residing at Burley, Idaho
My commission expires: July 1, 1991

Cost of Publication: \$2.00
Notary Fee: \$5.00
Total Cost: \$7.00

89-752
**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

36-07538

WARTHEN, EARL
P.O. Box 145
ALBION, ID 83311
Source: GROUNDWATER
Diversion Pt: NESW Sec 16 T 12S R 25E
Use: IRRIGATION (.200 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (.200 CFS)
Date Filed: 5/24/1983
In: T12S R25E S16 NENW NWNW SENW
NESW
96.0 ACRES TOTAL

Permits will be subject to all prior water
rights. Protests may be submitted based on
the criteria of Sec. 42-203A, Idaho Code and
d/or the public interest criteria of Sec. 42-
203C, Idaho Code. Protests must be filed
with the Director, Dept. of Water Resources,
Statehouse Mail, Boise, Idaho 83720 on or
before JANUARY 22, 1990.

R. KEITH HIGGINSON, Director
Published in the South Idaho Press on Jan-
uary 3 and 10, 1990.

1/25/90 Note error / will republish
AKH



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

July 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL LAVELL WARTHEN
PO BOX 145
ALBION ID 83311-0145

RE: Water Rights 45-07366/45-07538

Dear Water Right Holder:

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECORDED

JUL 10 6 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition
within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

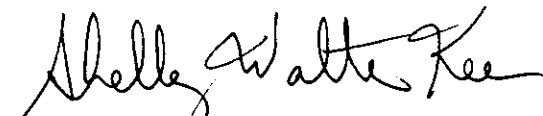
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be 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.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:klt

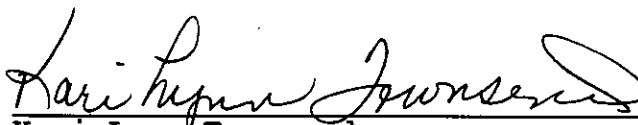
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Rights 45-07366/45-07538

**EARL LAVELL WARTHEN
PO BOX 145
ALBION ID 83311-0145**


Kari Lynn Townsend
Secretary

MICROFILMED

4

AUG 06 1998

MEMORANDUM

TO: File 45-07538

FROM: Sharla

DATE: June 29, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 45-07538 are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	0.20 cfs
Stockwater	1/1 - 12/31	0.02 cfs
	TOTAL	0.20 cfs

The application for permit allows 0.20 cfs for irrigation; the system is capable of producing 0.20 cfs therefore the irrigation rate allowed on the license is 0.20 cfs, limited to 0.20 in combination with the stockwater use.

Examiner: Daniel Nelson

Exam Date: March 20, 1997

MICROFILMED
AUG 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 21 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 45-07538

1. Owner: Earl Warthen Phone No. (208) 673-5385

Current Address: P.O. Box 145, Albion, Idaho 83311

2. Accompanied by: OWNER EXAM DATE : 3-20-97

Address: SAME AS ABOVE Phone No. SAME AS ABOVE

Relationship to Permit Holder: OWNER

3. Source: GROUNDWATER (SEEPAGE WATER) tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 45-07366 and adjudication claims A45-10502, A45-00327

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Method of Determination/Remarks
PERFORATED PIPE P/D		S E	N E	S W	16	12S	25E	CASSIA	Visual inspection with the use of ASCS photos and USGS Quadrangle map

2. Place(s) of Use: Indicate Method of Determination Visual inspection and the use of a planimeter on a ASCS photo.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16					37	15		15	20								87 AC
12S	25E	16								S	S								STOCK

PLEASE NOTE: One of the stockwater uses is in the SE 1/4 - NW 1/4 of section 16. There is a corral pasture located east of the house. The other stockwater use is out of the irrigation ditch in the NE 1/4 - SW 1/4 of section 16.

MICROFILMED

AUG 06 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10 + acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NONE					

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PORTABLE WEIR	RECTANGULAR BROAD-CRESTED WEIR FLUME	POWLUS	N/A	N/A	15"	UNKNOWN

2. Measurements: .20 CFS SEE ATTACHED SHEET

MICROFILMED
AUG 06 1998

E. NARRATIVE/REMARKS/COMMENTS

The water for this farm comes from four different sources. The first source is a well (P/D for permit 45-07366) located in the SE 1/4 - NE 1/4 - SW 1/4 of section 16 - township 12S - range 25E. The second source is groundwater collected by an underground perforated pipeline (P/D for permit 45-07538) which runs parallel to southern border of the SE 1/4 - NE 1/4 - SW 1/4 of section 16 - township 12S - range 25E. The third source is a waste water right (adjudication claim A45-10502) that catches water from a drainage ditch that is diverted at the SE 1/4 - NE 1/4 - SW 1/4 of section 16 - township 12S - range 25E. The final source of water comes from Howell Creek (adjudication claim A45-00327E) from two points of diversion. The first Howell Creek point of diversion is Located in the NW 1/4 - SE 1/4 - SW 1/4 of section 16 - township 12S - range 25E and the second Howell Creek point of diversion is located in the SE 1/4 - SE 1/4 - NW 1/4 - of section 16 - township 12S - range 25E.

The water from all of these sources are used in a common 8 inch mainline system the mainline begins at the main pond located in the SE 1/4 - NE 1/4 - SW 1/4 of section 16 - township 12S - range 25E. From the pond the mainline travels due north approximately 3/8 of a mile and then turns west 1/8 of a mile and then travels due north 3/8 of a mile where it ends. Approximately 3/16 of a mile from the end the mainline has a spur that travels west for 1/8 of a mile and then turns north 1/8 of a mile where it ends. There are four lines of handlines which have an average of 20 heads per line. The pressure for this mainline operates solely on the head differential from the top of the system to the lower portion. The system is not pressurized by any pump or other external means.

The water from the well (permit # 45-07366) is pumped out of the well by a 25 Hp pump and is discharged into a 4 inch pipeline that travels northeast approximately 200 feet where it intersects with the 8 inch mainline. The groundwater from the perforated pipe (permit # 45-07358) is collected in the pipe and then the perforated pipe travels through the pond and collects enough water from the pond to fill the mainline system. The waste water (adjudication claim A45-10502) enters the pond from a drainage ditch located to the south of the pond. The Howell Creek water (adjudication claim A45-00327E) is diverted from Howell Creek and travel northeast where it enters a small collection pond and then travels due east through the perforated pipe to the pond and through the mainline. The Howell Creek water can also be diverted through a second point of diversion after it crosses State Highway 77 and flows through an open ditch to flood irrigate the pastures or fields. The water in the pond is used to irrigate the 20 acre pasture in the southwest 1/4 of section 16.

FILMED

006 0 6 1998

To irrigate this pasture water is run through a ditch which travels northwest from the pond and eventually empties back into Howell Creek. The water in this ditch is used to flood irrigate the pasture. The perforated pipe is left full of water which recharges the ground water at the upper end of the pasture. This area has a fairly high water table which maintains soil moisture in the pasture with the help of the perforated pipe.

PLEASE NOTE: The mainline can only use water from the pond or the well. The mainline has an automatic shut off valve (this valve is located in the water control house on the maps) that is used when the pump is turned on. Therefore, the water from the pond is used as long as there is enough water to maintain the irrigation system. When there is not enough water available to maintain the height of the pond the pump is used exclusively to irrigate the lower fields.

The stockwater portion of this permit is drawn from to different points. The owner has 50 head of sheep and a maximum of 6 horses that use this water. The animals can acquire the water from two points. The first point is a spigot attached to the mainline at the house used to provide water for the animals kept in the corral/pasture (the corral is also used as a pasture for the animals). The second point is in the overflow/irrigation ditch in the NE 1/4 - SW 1/4 of section 16. The owner uses this ditch to water the animals in this pasture.

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

MICROFILMED

AUG 06 1998

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

.20 cfs (see attached sheet for calculations)

PLEASE NOTE: The stock water portion of this permit is pulled out of the mainline through a common household spigot. Therefore, the water use for this permit will be .18 cfs for irrigation and .02 cfs for stockwater.

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 87 \text{ acres} \times 4.0 \text{ irr. req.} = 348 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .18 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 76.40$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 76.4 \text{ afa}$$

B**2. Volume Calculations for Other Uses:****VOLUME FOR STOCKWATER WAS CALCULATED BY USING TABLE 3 OF FIELD EXAMINER'S HANDBOOK**

$$50 \text{ sheep} \times 2 \text{ gal/day} \times 365 \text{ days} / 325850 = .11 \text{ afa}$$

$$6 \text{ horses} \times 12 \text{ gal/day} \times 365 \text{ days} / 325850 = .08 \text{ afa}$$

$$.11 \text{ afa sheep} + .08 \text{ afa horses} = .19 \text{ afa total stockwater volume}$$

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume V (afa)
	From	To	Q (cfs)		
IRRIGATIONS	APRIL 01	OCT. 31	.18 CFS		76.40 AFA
STOCKWATER	JAN. 01	DEC. 31	.02 CFS		.19 AFA
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Totals:			.20 CFS		76.59 AFA

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name Daniel A. Nelson Date 3-27-97

Reviewer _____ Date _____

MICROFILMED

SEAL

AUG 06 1998

RECOMMENDATIONS:

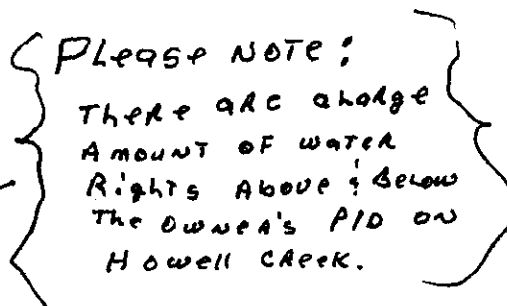
I recommend that this permit be licensed under the following conditions.

1. That this right be licensed for .18 cfs for irrigation and .02 cfs for stockwater diversion rates and annual volume of 76.40 afa for irrigation and .19 afa for stockwater.
2. That when combined with all other rights does not exceed a maximum diversion rate of .02 cfs per acre and a maximum volume of .19 afa for stockwater. There are numerous rights associated with this place of use due to the inconsistency of maintaining a stable supply of water from any of the 4 sources of water.

MICROFILMED

NOV 6 1988

SECTION 16



STOCK WATER
USE HERE
AT CORRAL / PASTURE

P10
Howell Creek
A 45-00327E

well
P10
MS-07346

P10
Howell
Creek
445-07272

PERFORMED
A:PO FIO
45-27518

P10
WASTE
WATER
INS-10500

96 acres total (120 cfs)

78 acres TOTAL (1.56 cfs)

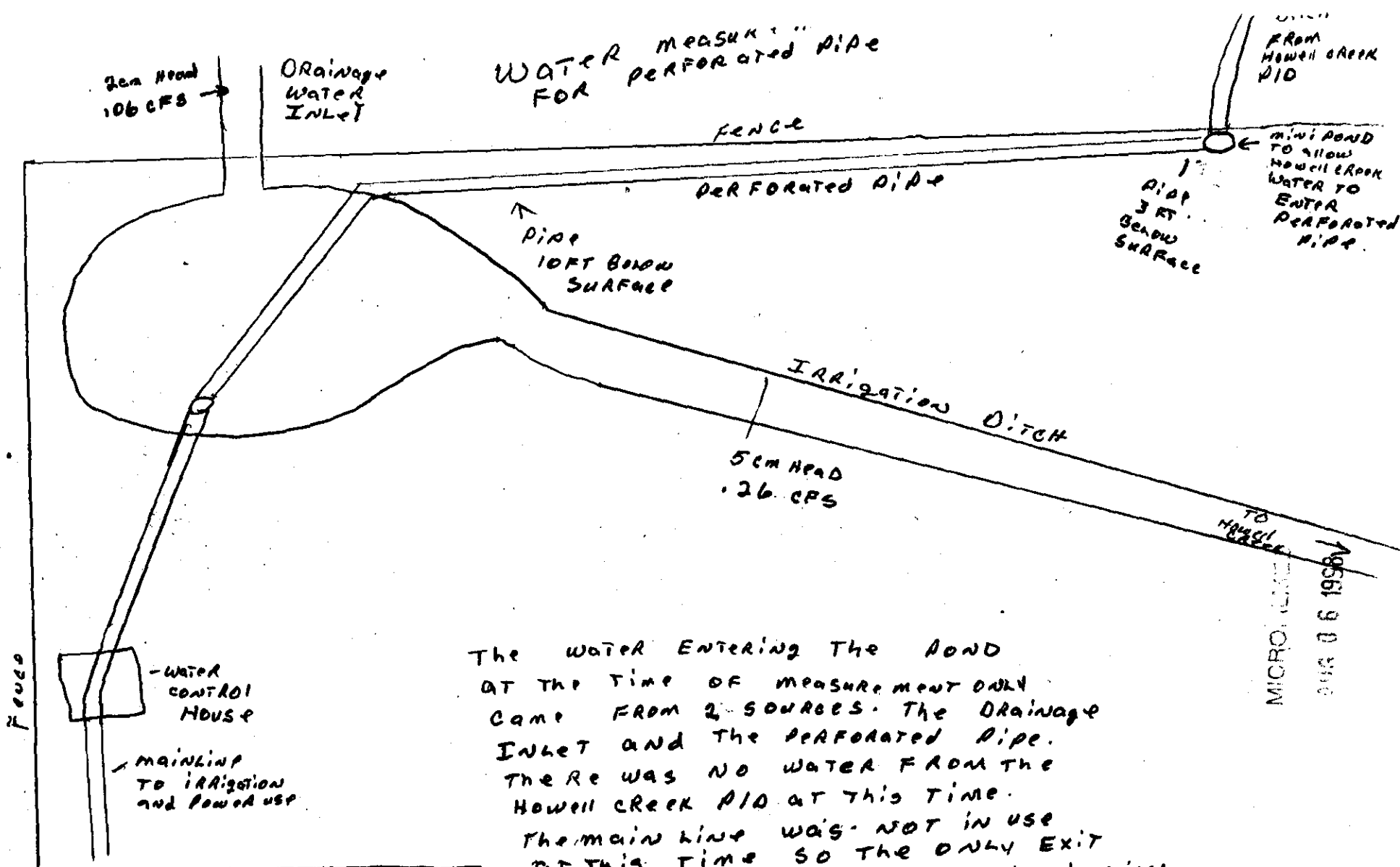
20 acres total (.40 CFS)

45-07642 (Power usage)

[PLEASE NOTE: THIS RIGHT'S P/O
COMES FROM HOWELL CREEK AND
ONLY USES THE CONVEYANCE
SYSTEM.]

MICRO. LINE.

AUG 06 1998



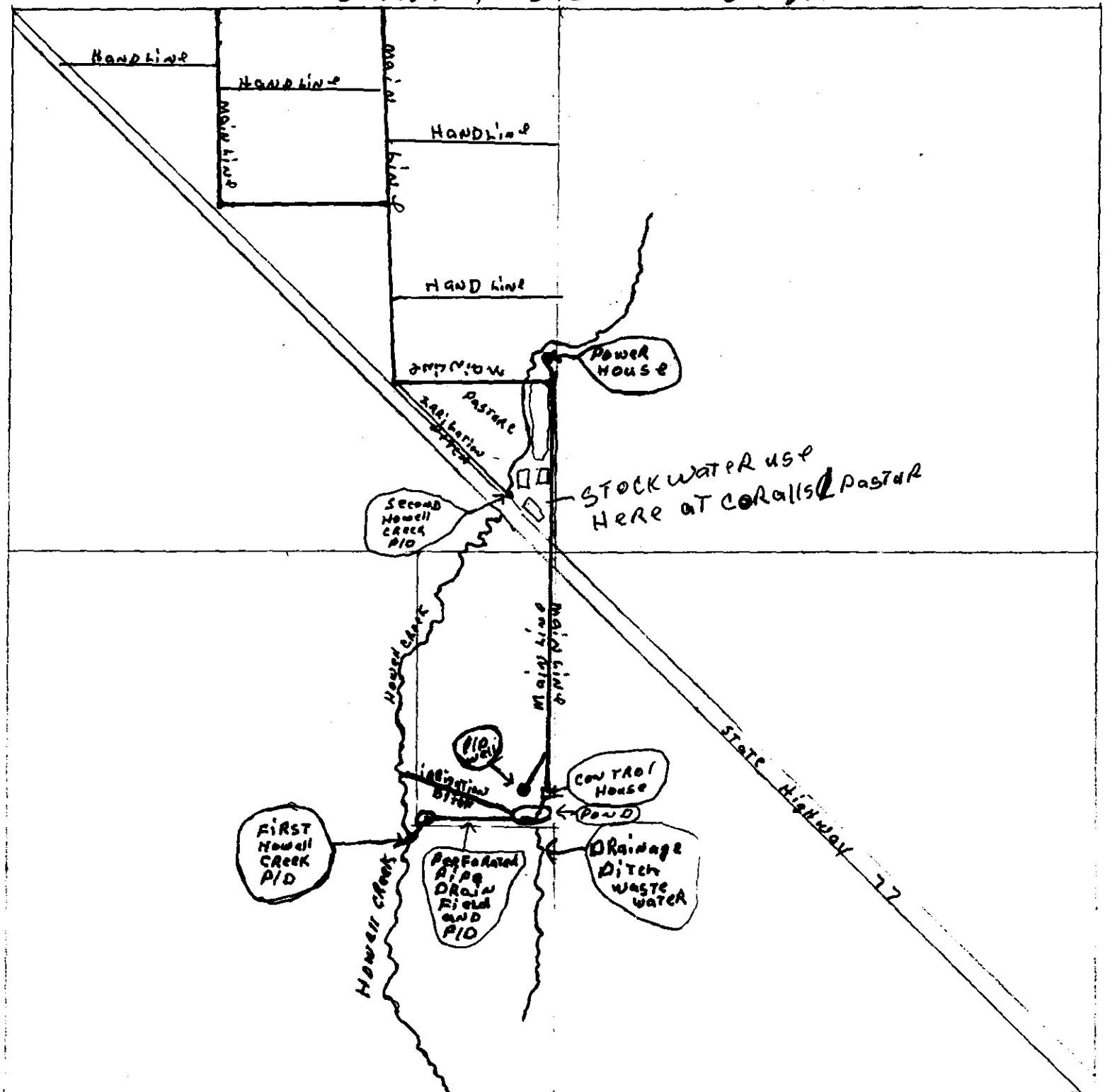
The WATER ENTERING THE POND AT THE TIME OF MEASUREMENT ONLY CAME FROM 2 SOURCES. The DRAINAGE INLET AND THE PERFORATED PIPE. THERE WAS NO WATER FROM THE HOWELL CREEK PID AT THIS TIME.

The main line was NOT IN USE AT THIS TIME SO THE ONLY EXIT POINT WAS THROUGH THE IRRIGATION DITCH ALSO USED AS AN OUTFLOW FOR THE POND. TO ATTAIN A MEASUREMENT OF WATER FOR THE PERFORATED PIPE I MEASURED THE INFLOW FROM THE DRAINAGE WATER INLET AND SUBTRACTED IT FROM THE TOTAL OUT FLOW THROUGH THE IRRIGATION DITCH WHICH GAVE THE AMOUNT OF WATER ENTERING THE POND BY THE PERFORATED PIPE. ALL MEASUREMENTS WERE MADE WITH A PORTABLE PARSHALL FLUME.

Flow of Perforated Pipe PID
 OUTFLOW (IRRIGATION DITCH) - .26 CFS
 MINUS INFLOW (DRAINAGE WATER INLET) - .106 CFS

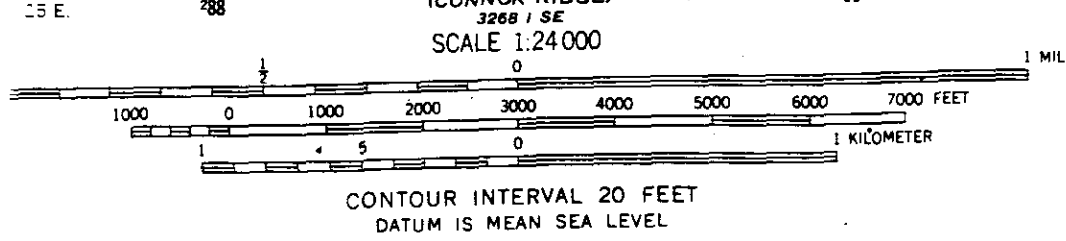
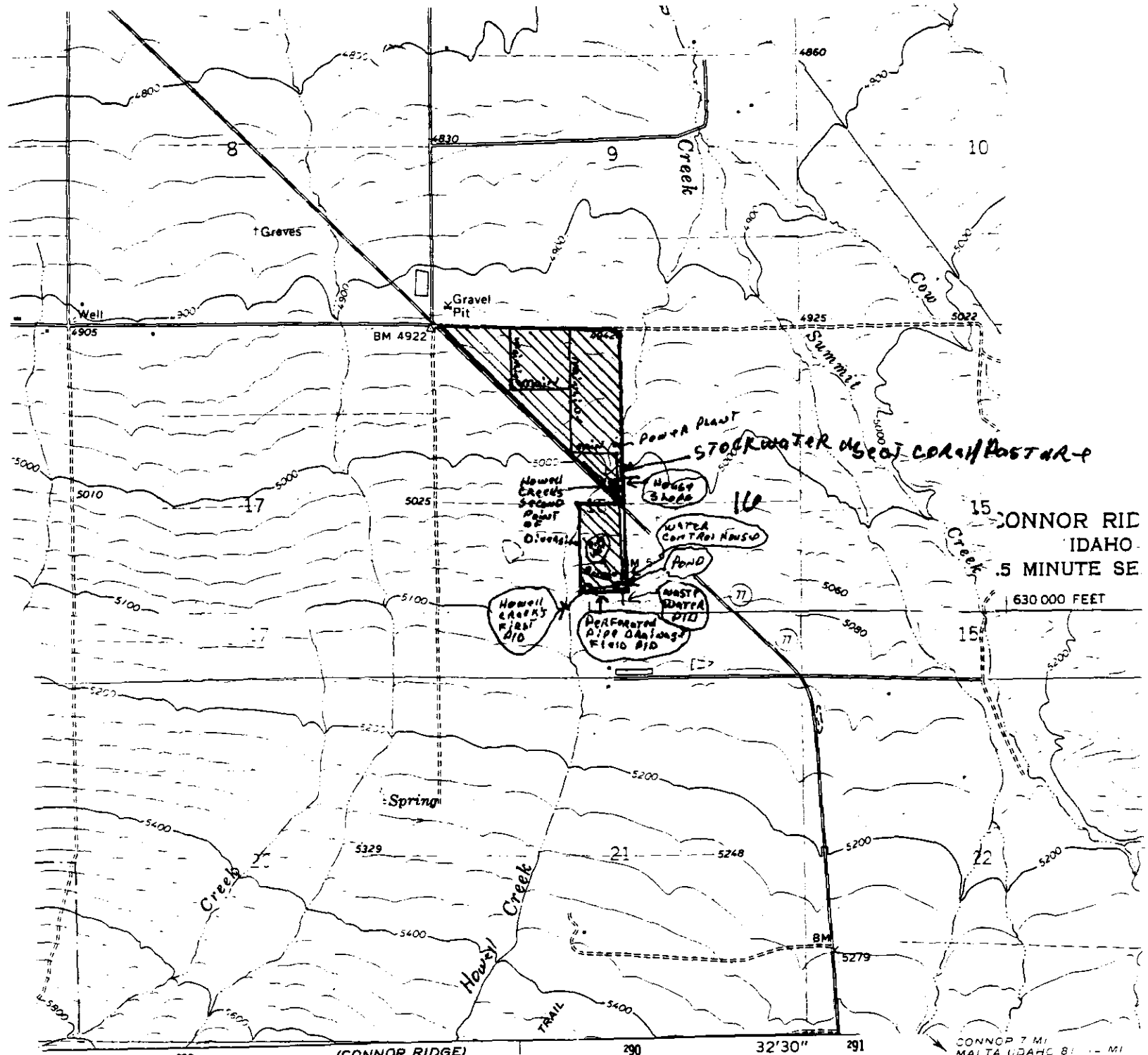
TOTAL WATER ENTERING
 POND FROM PERFORATED
 PIPE = .20 CFS

Delivery System Diagram



Section 16 TOWNSHIP 12S Range 25E

MICROFILM
JUN 6 1968



Seconda
 hard sur
 Permit #
 45-2538
 IDAHO
 QUADRANGLE LOCATION

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

06 1998

Combination of maps
 CC 30 & CC 80

Spring

484
T1403

59.5
T1405
HANDLINE

54
T1406

13
27.1

38.8

13.1
HEL

HANDLINE
MAINLINE

HANDLINE

HANDLINE

3
29.7
Mainline

Power
Plant

PASTURE

GARDEN

43

Second
House
CAGE
P/O

18
31.8

181
T1407

MICROFILM

AUG 06 1983

P/O
Well

IRRIGATION

Water Control
House

POND

First
House
CAGE
P/O

Drainage
Pipe
Drainage
P/O

Drainage
Ditch
Waste
Water

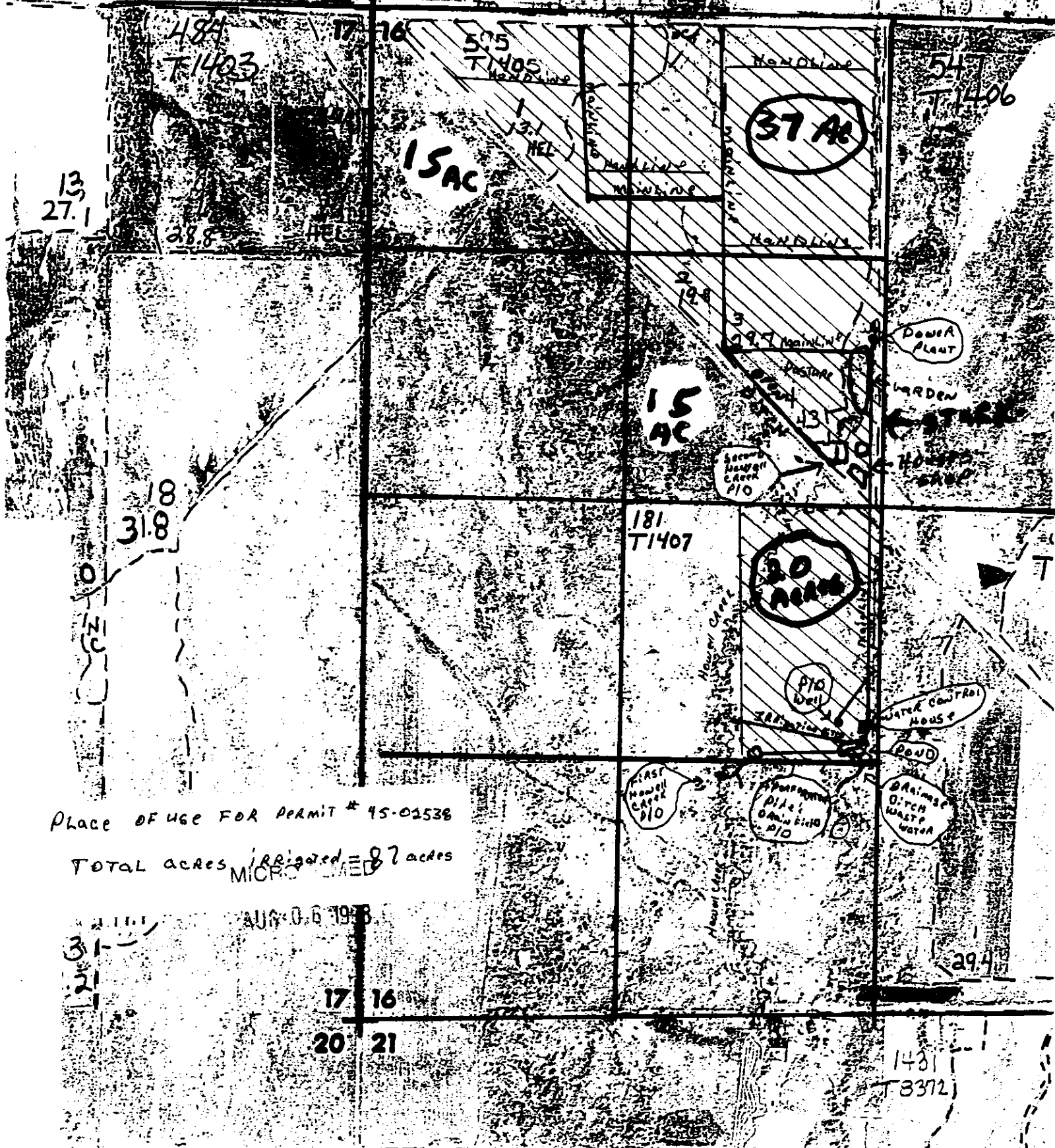
24
17.1

31
21

17 16
20 21

29.4

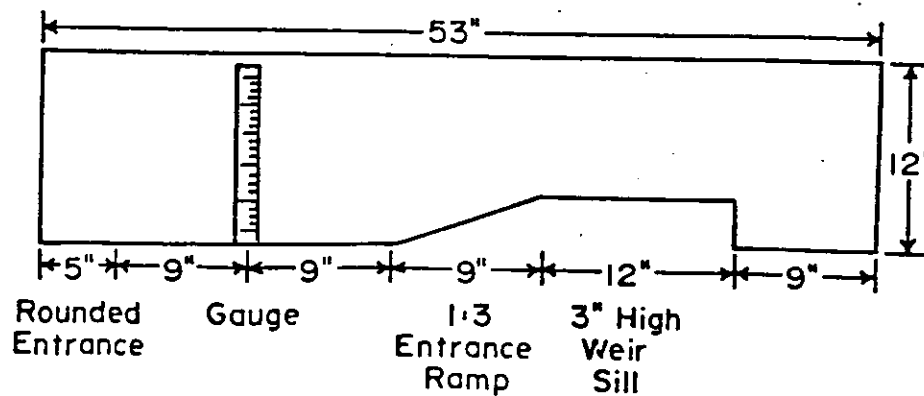
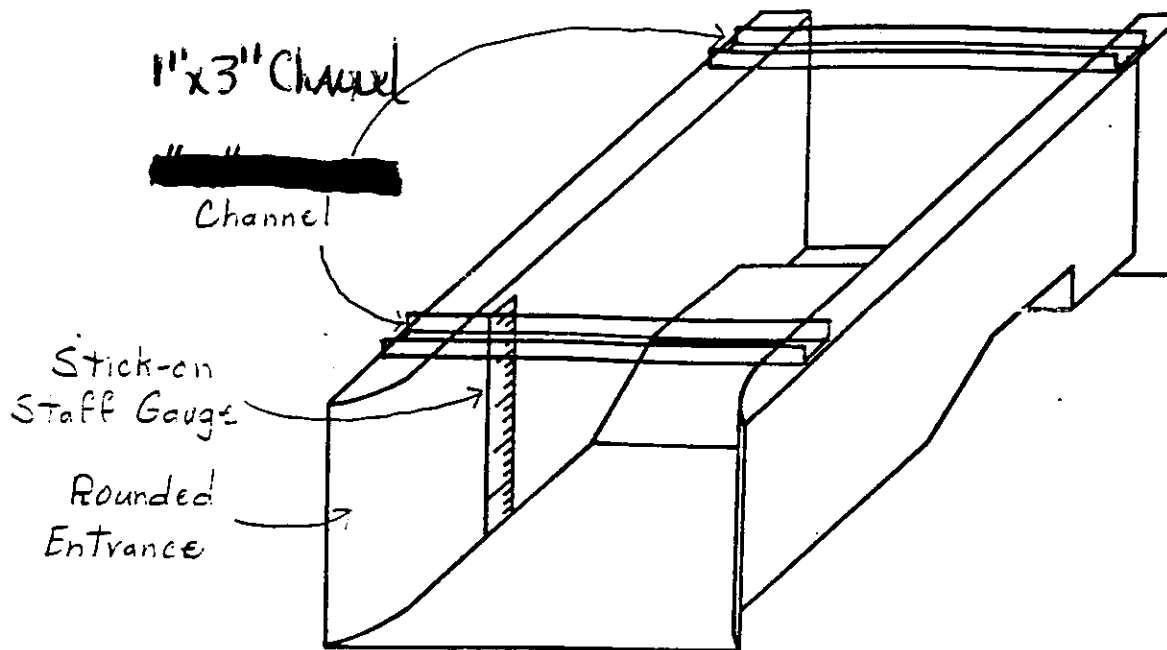
1431
T8312



GOVERNMENT LOTS

AUG 06 1958

15" RECTANGULAR BROAD-CRESTED WEIR FLUME



Weir Width = 15"
Range: 0.1 - 2.5 cfs

MICROFILMED

AUG 06 1998

DISCHARGE TABLE - POWLUS 15" BCW

GAGE READING (CM)	FLOW RATE (CFS)	GAGE READING (CM)	FLOW RATE (CFS)
2.0	0.06	11.6	0.98
2.2	0.07	11.8	1.01
2.4	0.08	12.0	1.04
2.6	0.09	12.2	1.07
2.8	0.10	12.4	1.09
3.0	0.12	12.6	1.12
3.2	0.13	12.8	1.15
3.4	0.14	13.0	1.18
3.6	0.15	13.2	1.21
3.8	0.17	13.4	1.24
4.0	0.18	13.6	1.27
4.2	0.20	13.8	1.30
4.4	0.21	14.0	1.33
4.6	0.23	14.2	1.36
4.8	0.24	14.4	1.39
5.0	0.26	14.6	1.42
5.2	0.28	14.8	1.46
5.4	0.29	15.0	1.49
5.6	0.31	15.2	1.52
5.8	0.33	15.4	1.55
6.0	0.34	15.6	1.58
6.2	0.36	15.8	1.62
6.4	0.38	16.0	1.65
6.6	0.40	16.2	1.68
6.8	0.42	16.4	1.72
7.0	0.44	16.6	1.75
7.2	0.46	16.8	1.79
7.4	0.48	17.0	1.82
7.6	0.50	17.2	1.85
7.8	0.52	17.4	1.89
8.0	0.54	17.6	1.93
8.2	0.57	17.8	1.96
8.4	0.59	18.0	2.00
8.6	0.61	18.2	2.03
8.8	0.63	18.4	2.07
9.0	0.66	18.6	2.11
9.2	0.68	18.8	2.14
9.4	0.70	19.0	2.18
9.6	0.73	19.2	2.22
9.8	0.75	19.4	2.25
10.0	0.78	19.6	2.29
10.2	0.80	19.8	2.33
10.4	0.83	20.0	2.37
10.6	0.85	20.2	2.41
10.8	0.88	20.4	2.45
11.0	0.90	20.6	2.49
11.2	0.93	20.8	2.52
11.4	0.96	21.0	2.56

MICROFILMED

AUG 06 1998

Table 3

NON-IRRIGATION WATER REQUIREMENTS

Types of Establishments	<u>Gallons/day</u>
Airports (per passenger)	3-5
Apartments, multiple family (per resident)	60
Bathhouses (per bather)	10
Camps:	
Construction, semi-permanent (per worker)	50
Day with no meals served (per camper)	15
Luxury (per camper)	100-150
Resorts, day & night, limited plumbing (per camper)	50
Tourist, central bath & toilet facilities (per person)	35
Cottages with seasonal occupancy (per resident)	50
Courts, tourist with individual bath units (per person)	50
Clubs:	
Country (per resident member)	100
Country (per non-resident member)	25
Dwellings:	
Boardinghouses (per boarder)	50
Kitchen requirements (per boarder)	10
Multiple family apartments (per resident)	40
Roominghouses (per resident)	60
Single family (per resident)	50-75
Estates (per resident)	100-150
Hotels:	
With private baths (2 persons/room)	60
Without private baths (per person)	50
Hospitals (per bed)	250-400
Institutions other than hospitals (per person)	75-125
Laundries (per washing/customer)	50

Livestock (per animal):

Cattle (range)	12
Cattle (dairy)	35
Goat	2
Hog	4
Horse	12
Mule	12
Sheep	2
Chickens (per 100)	5-10
Turkeys (per 100)	10-18

Motels:

With bath, toilet & kitchen facilities (per bed)	50
With bed & toilet (per bed)	40

Parks:

Overnight with flush toilets (per camper)	25
Trailers with individual bath units (per camper)	50

Picnic:

With bathhouses, showers & flush toilets (per picnicker)	20
With toilet facilities only (per picnicker)	10

Restaurants:

With toilet facilities (per patron)	7-10
Without toilet facilities (per patron)	3
With bars & cocktail lounge (additional per patron)	2

Schools:

Boarding (per pupil)	75-100
Day with cafeteria, gyms & showers (per pupil)	25
Day with cafeteria, no gyms or showers (per pupil)	20
Day without cafeteria, gym or showers (per pupil)	15

Service stations (per vehicle)	10
--------------------------------	----

Stores (per toilet room)	400
--------------------------	-----

Swimming pools (per swimmer)	10
------------------------------	----

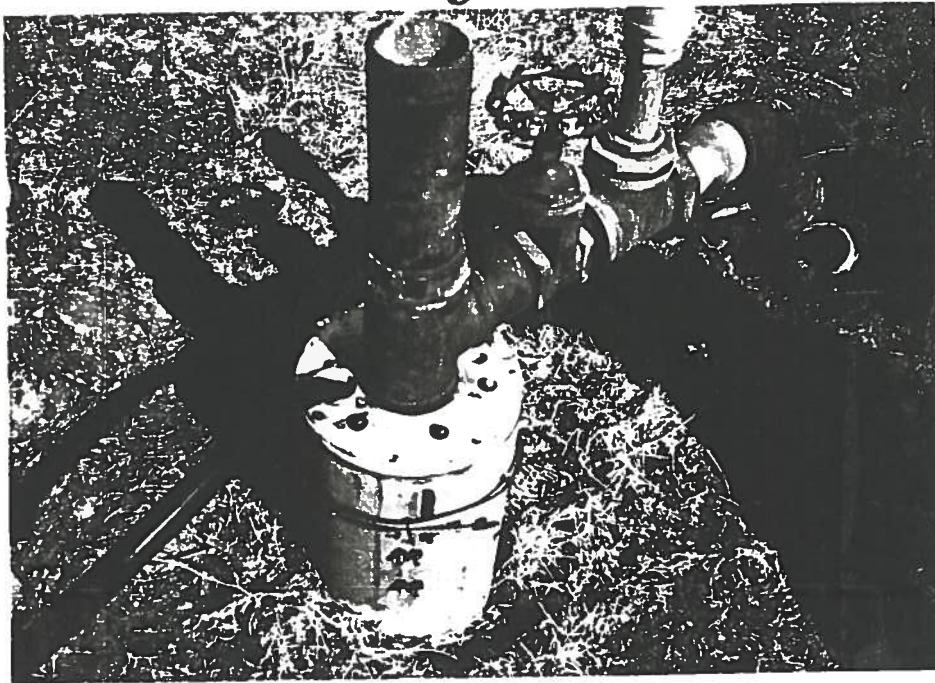
Theaters:

Drive-in (per car space)	5
Movie (per auditorium seat)	5

Workers:

Construction (per person/shift)	50
Day (per person/shift)	15

This pipe connects well
TO THE mainline



← original picture
in permit
45-07366

This is the well head for the pump
pump is a 25 hp submersible



This pipe
is disconnected
✓ DURING THE
WINTER TIME

Picture of well

MICROFILMED

AUG 06 1998

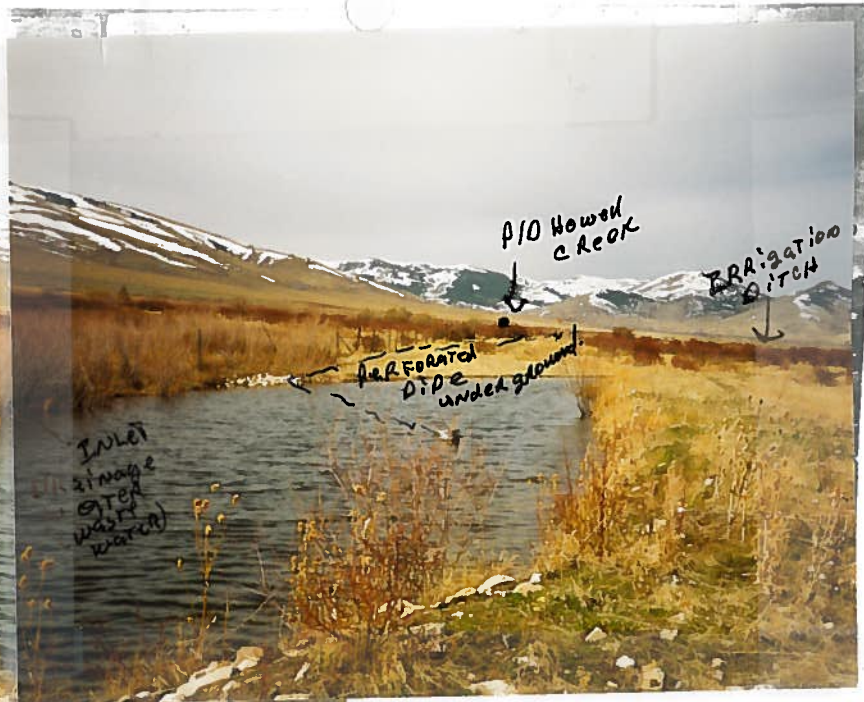


THIS IS A PICTURE OF THE WATER CONTROL HOUSE. WHEN THE PUMP (FOR WELL) IS TURNED ON THE AUTOMATIC SHUT OFF VALVE CLOSES AND WATER FROM THE POND IS NOT USED. WHEN THE WELL IS SHUT DOWN ONLY WATER FROM THE POND IS USED



THIS IS RELATIONSHIP OF THE WATER CONTROL HOUSE TO THE POND

AUG 06 1998



THIS THE POND FOR THIS PERMIT. THE WATER FOR THE POND COMES FROM 3 SOURCES. THE FIRST SOURCE IS THROUGH A DRAINAGE DITCH LOCATED IN THE SOUTH EAST CORNER OF THE POND. THE SECOND IS THROUGH HOWELL CREEK P/O THROUGH UNDERGROUND PERFORATED PIPE. THE THIRD WAY IS BY WATER GATHERED BY PERFORATED PIPE IN THE DRAIN FIELD. THE WATER LEAVES THE POND THROUGH THE OUTFLOW PIPE TO THE WATER CONTROL HOUSE OR THROUGH IRRIGATION DITCH



PHOTO TAKEN
JUN 6 1998

THIS IS A PICTURE OF THE IRRIGATION DITCH. FLOOD IRRIGATION IS USED ON PASTURE AND ANY EXCESS WATER IS DISCHARGED BACK INTO HOWELL CREEK

April 13, 1990

EARL WARTHEN
P.O. BOX 145
ALBION, ID 83311

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 45-07538

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

APR 18 1990

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
March 6, 1990

EARL WARTHEN
P.O. BOX 145
ALBION, ID 83311

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. . P45-07538

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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

MICROFILMED

APR 18 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

APR 18 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 29, 1989

RE: Application for Permit No. 45-7538

Earl Warthen
Box 145
Albion, ID 83311

Dear Mr. Warthen:

I have received the additional evidence concerning prior development under Application for Permit No. 45-7538. Based on the additional evidence and that already accumulated in the file, I have recommended that the application be exempt from further trust water processing.

If no protests are received, the application will be approved without trust water conditions. Please note that the application will be advertised during the first and second weeks of January. The application is being advertised as a trust water application since I had not received your additional evidence before the publisher's deadline for submitting notices.

Thank you for your cooperation in this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

APR 18 1990

INTER-DEPARTMENT MEMO — 1

FROM *Tim Luke*

DATE *12-27-89*

TO *File*

SUBJECT *Swan Falls processing.*

The Applicant submitted some additional evidence concerning development prior to 1984. Based on the additional evidence & evidence in the file already, I recommend the Department exempt this from further Trust Water processing. Appx Advertisement Affidavit will be sent to state office. Forwarded File to H&D for non-Trust water processing. (i.e. regular processing) upon receipt of Affidavit.

RECORDED

APR 18 1990

SIGNATURE

Tim Luke
Sr. Water Resource Agent

RECEIVED

DEC 27 1989

Department of Water Resources

Enclosed are aerial photos of 1978 flight
x 1987 flight of property irrigated by
drain field x collecting pond. There is
some picture from 1962 that the N.S.C.S.
Is also looking for.

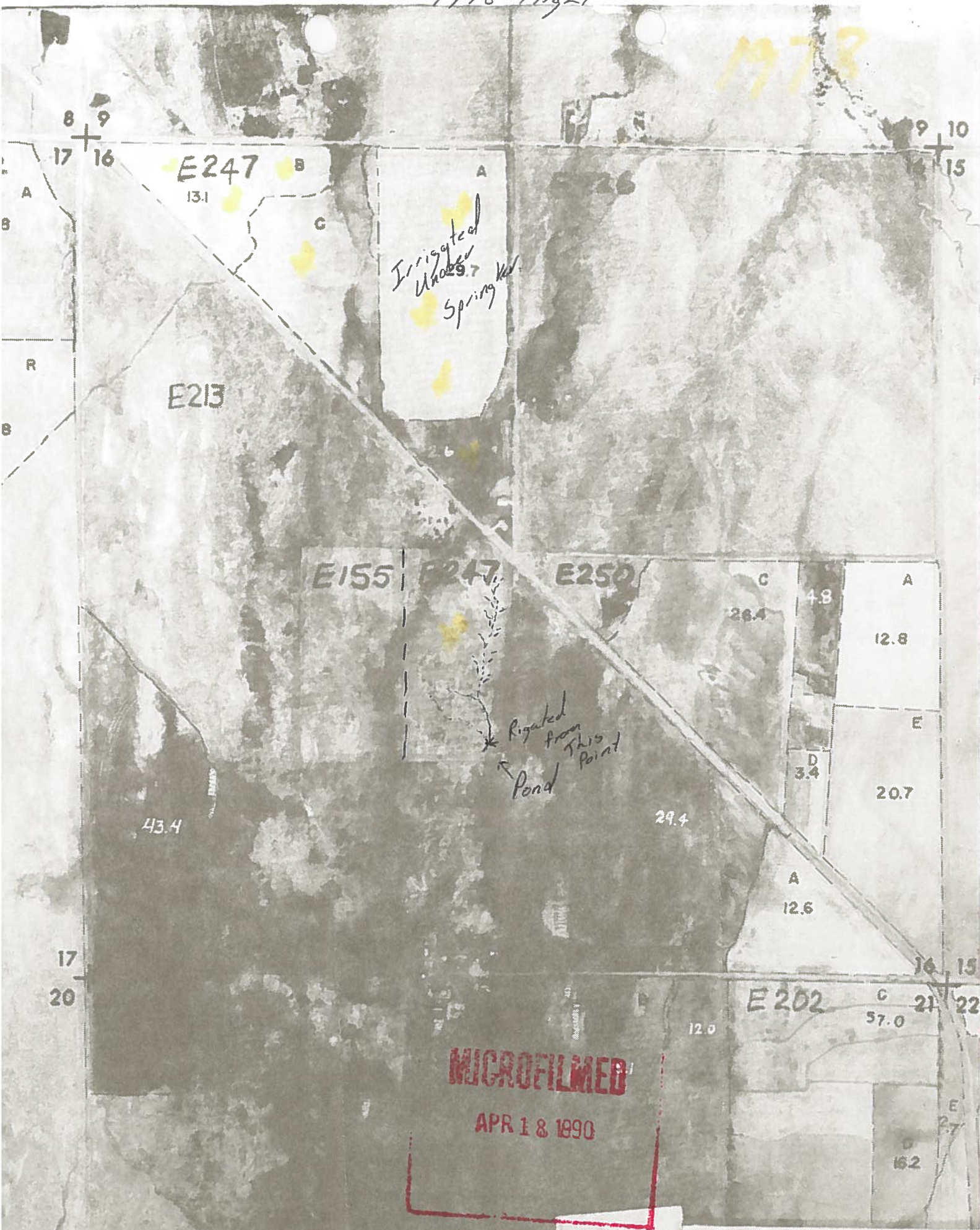
Thank you
L. H. Walker.

MICROFILMED

APR 18 1990

1978 Flight

1978



MICROFILMED

APR 18 1990

0-20

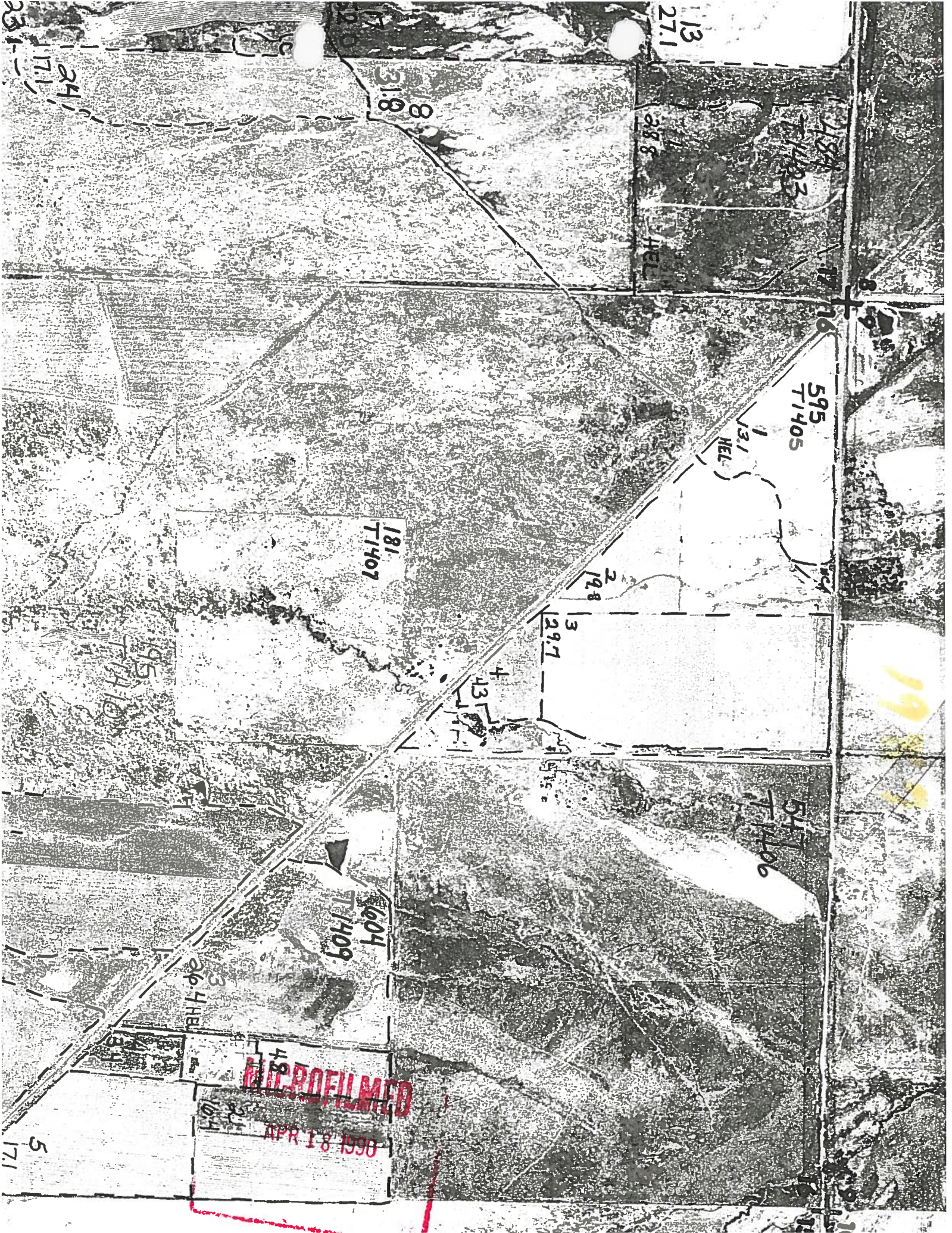
NOT TO SCALE

1987 flight

MICROFILMED

APR 18 1990





MICROFILMED

APR 18 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

DECEMBER 26, 1989

South Idaho Press
Box 190
Burley, ID 83318

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

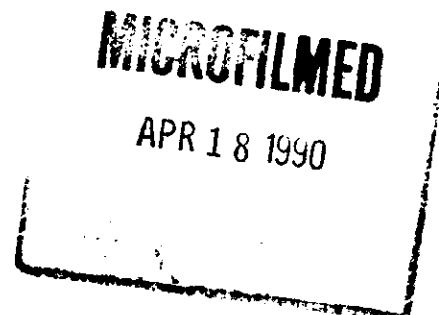
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 22, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.



NOTICE OF APPLICATION FOR TRUST WATER RIGHT

45-07538

WARTHEN, EARL
P.O. BOX 145
ALBION, ID 83311

Source: GROUNDWATER

Diversion Pt: NESW Sec 16 T 12S R 25E

Use: IRRIGATION (.200 CFS)
 STOCKWATER (.020 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 5/24/1983

In: T12S R25E S16 NENW NWNW SENW NESW

96.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 22, 1990.

R. KEITH HIGGINSON, Director

Published 1/03/1990 & 1/10/1990

MICROFILMED

APR 18 1990

*Note: 1st publishing had WR # error
1/25/90 spoke with publisher / will republish & credit acct.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 16, 1989

RE: Application for Permit No. 45-7538

Earl Warthen
Box 145
Albion, ID 83311

Dear Mr. Warthen:

I have received your response to my letter and the department's trust water information questionnaire. I appreciate your cooperation in responding and providing an explanation about the status of your application.

Your comments on the questionnaire indicate that the project represented by this application was completed prior to October of 1984. Loren Holmes of our Twin Falls office sent me a copy of a field exam for Permit No. 45-7366 which does confirm the use of the perforated drain and irrigation of 67 acres. Application for Permit No. 45-7538, however, includes an additional 20 acres not listed under Permit No. 45-7366. Mr. Holmes informed me that he did not remember the additional 20 acres (located across the highway) being irrigated at the time he conducted the field exam.

The only available evidence the department has concerning the additional 20 acres under your application is remote sensing data from 1986. This data has been classified by department staff and listed in a report for Cassia County. The report shows that the additional 20 acres was classified as irrigated in 1986. The question remains whether this land was irrigated prior to October of 1984.

Your application will be processed whether this question is resolved or not. If you can prove that all of the lands were irrigated prior to October of 1984, the application will not be categorized as a trust water filing. A trust water filing is subject to some additional public interest criteria resulting from the Swan Falls litigation. Trust water permits

80-52
524
MICROFILMED

APR 18 1990

Page 2

also contain several additional conditions not found in public water permits. These conditions are not particularly stringent nor do they carry any prohibitions, but it would be in your best interest to demonstrate that all of the lands under the application were developed prior to October of 1984, if that indeed is the case. Aerial photos from your local ASCS office would provide the best form of evidence. Please submit this evidence at your earliest convenience.

Please contact me at this office if you have questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

APR 18 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 45-7538

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

- 1a. Are you the current owner of the land or place of use described under this application? Yes yes ✓ No
b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

- 2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes yes No
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

This Project was started June 1977 with soil conservation service emergency fund Total 2500.00 on completion.

3. Please state the number of acres you have irrigated under this application since October 1, 1984. 96 acres

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. I have used to Irrigate, since 1977 96 acres.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Mar 1881 Water Right 62 1/2" Powell Creek Deep Well Permit #45-7366
Also wast Water which collected from land above going collecting pond.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Ed H. Warkley

Date 11-8-89

MICROFILMED

APR 18 1990

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

~~But~~ About four years ago original copies of recites were seen to Dept on request of wetter project was completed and did so. Some copies are copies of recites from original so they may not be quit clear. Mr Hones at Twin Falls office said he would also send you some information on project also.

Tim
This most of
what I have
put into to
this project;
Hope is all, OK,

Thank you
Earl Warthen
any problems let me
know

Let me know if further
information is needed

Thank you

Earl L. Warthen.

MICROFILMED

APR 18 1990



2 copies.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 29, 1985

Earl Warthen
Box 145
Albion, Idaho 83311

Dear Mr. Warthen:

I have checked on the status of your permits as we discussed in our phone conversation earlier this day. I found that:

45-7366 is an approved permit and beneficial use has been filed. The field exam was conducted on 8/17/84 and the license for the right is pending.

- ✓ 45-7538 is an application for permit which was filed by you on 5/24/83 and is currently being held in our Swan Falls Hold File
- ✓ with no action being taken at this time pending resolution of the Swan Falls Water Rights Issue.

I hope this information is what you needed. If we can be of further assistance please feel free to contact our office.

Sincerely

Allen Merritt
Water Resource Engineer

ADM:adm

UNRECORDED

APR 18 1990

IDAHO WATER RIGHTS DEFENSE

May 31, 1985

Mr. E. L. Warthen
Box 145, Highway 77 South East
Albion, ID 83311

Dear Mr. Warthen:

Computers are fabulous, but they are the easiest way to compound human mistakes. When I personally checked our mailing list, I found that you had been mistakenly classified as a defendant that had been released from the suit and had been mailed that postcard. My records actually show that only 45-7366 has been released. Filing 45-7538 filed 5-24-83 for 100 acres has NOT been released.

This letter confirms that we have changed our computer to reflect the above information. If you feel there is any error, be sure to give me a call collect.

I hope this error has not caused you any trouble. If I can be of any help, please feel free to contact me next week after Tuesday. I will be attending water meetings earlier in the week.

Sincerely yours,



Elaine Martin



MICROFILMED

APR 18 1990

EXECUTIVE COMMITTEE:

William J. Lending
Chairman of the Board
Route 1, Box 4675
Twin Falls, Idaho 83301
Ferrell Hymas
Vice Chairman - Communications
P.O. Box 89
Jerome, ID 83338; 324-2138
Veri Andrew
Vice Chairman - Finance
1268 East 17 Street
Idaho Falls, ID 83401; 522-2794
Lowell Moore
Vice Chairman
P.O. Box 207
Roberts, ID 83444; 228-3815
Elaine Martin
Executive Secretary
Route 4, Box 4634
Jerome, ID 83338; 324-5110

STEERING COMMITTEE MEMBERS:

Juel Aikele
Moore, ID; 527-3197
Mike Cranney
Oakley, ID; 882-3480
Lance Hammond
Idaho Falls, ID 529-5445
Bill Hegworth
Rupert, ID 436-4848
Tony Jolley
Bruneau, ID
J. Craig Kramms
Idaho Falls, ID 522-1941
George Lemmon
Hagerman, ID 837-4806
Bill Loughmiller
Twin Falls, ID 733-5781
Reginald Mosker
Grand View, ID 834-2284
Keith Munroe
Twin Falls, ID 734-7052
Reed D. Murdoch
Blackfoot, ID 884-4055
Darryl Smith
Jerome, ID 324-4801
Bill Taylor
Idaho Falls, ID 529-8067
Gordon Teave
Aberdeen, ID 397-4042
Kim Wehler
Aberdeen, ID 397-4048

LEGAL COUNSEL:

Holden Kidwell Mohn & Crapo
Kent Foster
Idaho First National Building
Idaho Falls, ID 83402; 523-0620

APR 18 1990

RECEIVED

FOR DEPOSIT

Earl L Warthen
Soil Con Check
for Water Development

PROCESSED

DATE *9-12* 19*77*

D-16

WRITE YOUR ACCOUNT NUMBER HERE
63065

SEP 12 1977

THE IDAHO FIRST NATIONAL BANK

	DOLLARS	CENTS
CURRENCY		
COIN		
CHECKS	<i>2500</i>	<i>00</i>
TOTAL OF CHECKS ON REVERSE SIDE		
TOTAL		
LESS CASH RECEIVED		
NET DEPOSIT	<i>2500</i>	<i>00</i>

ACKNOWLEDGE RECEIPT OF CASH RETURNED BY SIGNING ABOVE

Idaho first

The Bank

06586

00080000250000

Checking Deposit after Project was completed and in use.

FORM CCC-182 (8-21-72)

REPORT OF PAYMENTS TO PRODUCER

USDA-ASCS

The following information is furnished to assist you in preparing your income tax return. The first amount shown is the total of the amounts paid to you (or applied against your ASCS indebtedness) under certain agricultural programs administered by ASCS. The second amount is the total ASCS payments made on your behalf to vendors for conservation materials and services received under ASCS purchase orders. The third amount is the total collected from you for overpayments under the reported ASCS programs.

SEE
REVERSE
FOR
IMPORTANT
INFORMATION

IDENTIFYING NO.	CALENDAR YR.	DISBURSED BY (County & State)
<i>518 58 2811 7</i>	<i>1977</i>	<i>CASSIA ID</i>

PRODUCER (Name & Address)
EARL L WARTHEN

ALBION ID 83311

\$ AMOUNT PAID <i>3398.78</i>
\$ CMS FURNISHED
\$ AMOUNT COLLECTED

REPORTED TO IRS

NOT REPORTED TO IRS

2500.00 from Soil Con Service for emergency water Development.

APR 18 1990

MICROFILMED

EARL WARTHEN
BOX 145 673-5385
ALBION, IDAHO 83311

0 2 6 9 13 - 19 77 92-178/1241

PROCESSED

PAY TO THE ORDER OF *P.M. LAG.* \$ *420.00*

Four hundred & twenty DOLLARS

Idaho first Bank
THE IDAHO FIRST NATIONAL BANK

FOR *The digging trench*

⑆ 1241 0178 ⑆ 53 06586 4 ⑆ 8030 ⑆ 0000042000 ⑆

Digging
Trench
for Drain Pipe

EARL WARTHEN
BOX 145 673-5385
ALBION, IDAHO 83311

9-13-1977 92-178/1241

PROCESSED

PAY TO THE ORDER OF *Alma J. LAG.* \$ *1178.25*

One Thousand Seven hundred & Eighty Five DOLLARS

Idaho first Bank
THE IDAHO FIRST NATIONAL BANK

FOR *122.25 cash
112.00 freight*

⑆ 1241 0178 ⑆ 53 06586 4 ⑆ 8030 ⑆ 0000117885 ⑆

Drain
Pipe
for
Trench.

EARL WARTHEN
BOX 145 673-5385
ALBION, IDAHO 83311

9-13-1977 92-178/1241

PROCESSED

PAY TO THE ORDER OF *Klappert Concrete* \$ *620.60*

Six Hundred & Twenty DOLLARS

Idaho first Bank
THE IDAHO FIRST NATIONAL BANK

FOR *Gravel 432.00 200 yd.
Loader 277.00 277.00*

⑆ 1241 0178 ⑆ 53 06586 4 ⑆ 8050 ⑆ 0000062060 ⑆

Drain
Rock for
around Pipe
Payment for
Loader Placement
of Rock

SOLD TO Earl Warren

ADDRESS

CITY AND STATE.

SHIPPED TO

ADDRESS

CITY AND STATE.

DATE _____

TERMS

WORK ORDER NO.

**CUSTOMER'S
ORDER NO.**

TRUCK NO.

REQ. NO

PCS.	DESCRIPTION	FEET	PRICE	AMOUNT
35	10" ADS #1001 Virgin Shred	700	1.88	1316.00
35	10" ADS #1011 Compilers		2.45	857.50
2	10" ADS. #1031 end caps		4.05	8.10
Extra for freight				144.85
				~~112.00~~
				1554.85

REPROFILMED

APR 18 1990

Buyer agrees to pay this account on the due date, and to pay a credit service charge at the rate of 1% per month (12% per annum) from due date upon the past due principle balance. I or we agree to pay full attorney fees and/or collection costs for collection of this account if the account is not paid when due.

12-21759

CUSTOMER'S COPY

**Thank
you**

Received By _____

KLOEPFER CONCRETE CO.

PHONE: 438-4525
678-9243

P.O. BOX 87
PAUL, IDAHO 83347

z-35678

ACCT # 22029

CUSTOMER'S JOB NAME
OR P.O. NUMBER

DATE 7-22 1977

SOLD TO

ADDRESS

DELETED TO

USED FOR

OPERATOR

21

TRUCK NO.

87

[illegible]

APPROVED JOB	845	← LEFT PLANT		SUB TOTAL	
	930	← LEFT JOB	940	TAX	420
	1020	← LEFT PLANT		TOTAL	14420

CHARGE 18%. ANNUAL PERCENTAGE RATE.

Thank You

X *[Signature]*

Microfilm

APR 10 1955



KLOEPFER CONCRETE CO.

PHONE 436-4525
576-9293

P.O. BOX 87
PAUL, IDAHO 83347

Z-88650

ACCT # 22029

CUSTOMER'S JOB NAME
OR P.O. NUMBER

Earl Worthen

DATE 22 Jul 1977

SOLD TO

ADDRESS

Albion

DELIVER TO

USED FOR

OPERATOR

on 95

BY

Burley

TRUCK NO

87

MATERIAL	PER YD. MILE		
CU. YD. SAND			
CU. YD. GRAVEL			
CU. YD. CR.			
TONS ROAD MIX			
TONS ASPHALT			
TONS SLURRY SEAL			
20 yds 1 1/4"		750	14000

9:05	← LEFT PLANT		
4:47	9:57		
10:28	← LEFT PLANT		
TOTAL		420	
TOTAL		14420	

IF NECESSARY, COLLECTOR'S FEE WILL BE CHARGED. IF NECESSARY, COURT COSTS AND 1 1/2% PER MONTH FINANCE CHARGE, 18% ANNUAL PERCENTAGE RATE.

March 2, 1978

X Earl Worthen

MICROFILMED

APR 18 1990

KLOEPFER CONCRETE CO.

PHONE: 438 4-25
678-9293

P. O. BOX 67
PAUL IDAHO 83347

Z-37307

ACU 22029

CUSTOMER'S JOB NAME
OR P.O. NUMBER

DATE 12/1/77

5-2-20

ADDRESS

DELIVER TC

LED FOR

OPERATOR

2.

TRUCK NC

[illegible]

	APPROVED	DATE	6/7/04	CPT	19	SUB TOTAL	420
						TOTAL	14420

CHARGE, 8%, ANNUAL PERCENTAGE RATE

Check Box

X

MICROFILMED

APR 18 1950

SOLD TO *W. H. H. H. H.*
 AND TO *A. H. H. H.*



KLOPPER CONCRETE CO

IDAHO 03347

PHONES 438-4525
678-9293

AC-114

22029

R- 1245
DATE 2/29 1973

OPERATION

6/25/5

JOB # OR NAME

[illegible]

TRAVEL TIME CHARGED FROM PLANT AND RETURN TO PLANT

If this account becomes past due, or if it becomes necessary to collect this account by suit or otherwise, I agree to pay reasonable attorney's fees, court costs, and 1 1/2% per month **FINANCE CHARGE, 18% ANNUAL PERCENTAGE RATE.**

8.15 AM	←	LEFT PLANT	SUB TOTAL	
ARRIVED JOB 9.30	←	LEFT PLANT	TAX	
9.15	←	LEFT PLANT	TOTAL	34800

CHECKED OUT BY

CHECKED IN BY

REC'D BY X-*[Signature]*

9-13-77.
Gravel. 432.60
288.00

620.60

MICROFILMED

APR 18 1990

MEMORANDUM

TO: FILE/APPLICATION NO. 45-7538

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 11-8-89

The applicant, Mr. Warthen, did not return the trust water questionnaire but instead made some inquiries at the Twin Falls office.

In response to Mr. Warthen's inquiries, Loren Holmes sent the state office a copy of a field exam involving permit no. 45-7366. The exam shows that the source of water and diversion works identified under application 45-7538 is used in the operation of the sprinkler system that irrigates land authorized by permit 45-7366. The diversion and source under 45-7538 was operational and apparently in use at the time of the field exam in August of 1984. The field exam notes that this source is used in addition to the groundwater well under permit 45-7366, however the system at that time allowed only the diversion from one source at a time.

Application 45-7538 represents diversion of water from a buried perforated drain for irrigation of land proposed for licensing under permit 45-7538, plus an additional 29 acres. *not* Loren Holmes, who conducted the field exam, said he did ~~not~~ recall that these additional 29 acres, most of which are located on the southside of the highway, were irrigated at the time of the exam. Our 1976 orthophoto does not show any of the land under either 45-7538 or 45-7366 as irrigated in that year. The departments remote sensing data from 1986 indicates that the additional acreage was irrigated then.

Since there is no documentation about the irrigation of the additional acreage prior to October, 1984, I recommend that we consider this application to represent a trust water diversion and count 29 acres toward the annual 20,000 acre depletion limit. Advertising to be completed at state office.

MICROFILMED

APR 18 1990

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
4507538																							
4500275	CAMP	D	SPRINGS	12S	25E	16														X	X	X	X
4500284B	ANDERSON	D	HOWELL CREEK	12S	25E	16						X				X	X	X				X	
4500292	MAHONEY	D	HOWELL CREEK	12S	25E	16	X	X	X	X													
4500327A	MAHONEY	D	HOWELL CREEK	12S	25E	16					X			X		X	X						
4500327B	ANDERSON	D	HOWELL CREEK	12S	25E	16					X	X		X									
4500517B	ANDERSON	D	SPRING CREEK	12S	25E	16											X						
4500517D	ANDERSON	D	SPRING CREEK	12S	25E	16						X				X	X	X				X	
4500523A	CAMP	D	WASTEWATER	12S	25E	16													X	X	X	X	
4507310	REDMAN	L	GROUNDWATER	12S	25E	16													35	17		20	
4507366	WARTHEN	P	GROUNDWATER	12S	25E	16					40	19		19									
4507538	WARTHEN	A	GROUNDWATER	12S	25E	16					40	18		18		20							
4507590	SMYER	A	GROUNDWATER	12S	25E	16	40	40	40	40												160	
	1986 MAPPING DATA ---	-	COUNTY 31 -----	12S	25E	16					4	2		36	37	38	36		40	36	39	40	41
																						467	

APR 18 1990
MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Southern - Loren Holmes

DATE 10/31/89

TO Tim Luke

RECEIVED

NOV 02 1989

SUBJECT APP 45-7538, Earl Wantham

Department of Water Resources

Earl called me about your inquiry about existing development under his application.

Attached is a partially completed field report
Pending Licensing on Permit 45-7366 which documents
existence of the **MICROFILMED** collector under APP 45-7538
as of 8/12/84.

APR 16 1990

Hope this helps -

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Permit No. 45-7366

Phone No. 673-5385 Home

1. Owner: Earl Wathen Phone No. 673-5385 Home
Current Address: Box 145, Albion, ID 83311
2. Accompanied by: Earl Wathen EXAM. DATE: 8/17/84
Address: Same as above Phone No. _____
Relationship to Permit Holder: Permit Holder
3. Source: Groundwater tributary to DE

RECEIVED

NOV 02 1989

Department of Water Resources

- | Well/Diversion*
No. | Motor
Make | HP | Motor
Serial No. | Pump
Make | Pump Serial No. &
Discharge Size |
|------------------------|---------------|----|---------------------|--------------|-------------------------------------|
| — | Franklin | 25 | Not Available | Pioneer | 4" Discharge |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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

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

12" X 600' well - Pump set at 340'

4" Discharge into 6" Aluminum Mainline - 4 sprinkler Lines - 20 heads ea

Submersible Pump - 25 HP

Annubar Port installed - 4" Annubar not available for measurement

- | Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|---------|-----------|------------|-----------------------|--------------------|
| Pressure gage | — | A2L404T | — | IDWR | 0-100 | (-EPSC)
3/24/84 |
| Inj./hose | | | | | 1.352 ft ³ | |
| | | | | | | |
| | | | | | | |

7. Measurements ☐ Additional data/computation sheets attached

Pressure gage Measurement (see Notes on Back of Map.)

Average Corrected Pressure - 8402266 = 59 Psf

Nozzle Size = $\frac{1}{8}$ " Nozzle Efficiency = 95%

$$Q = 29.837 \left(\frac{1}{8}\right)^2 \sqrt{59} (.95) \times 80 \text{ nozzles} = 272.9 \text{ gpm} = .6 \text{ cfs}$$

Volumetric check measurement

Average time to fill $1352 / 7^3 = 17.88 \text{ s.}$

$$.1352 / 17.88 \times 80 = .61 \text{ cfs}$$

- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

[illegible]

9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination *Scaled from Aerial Photo*

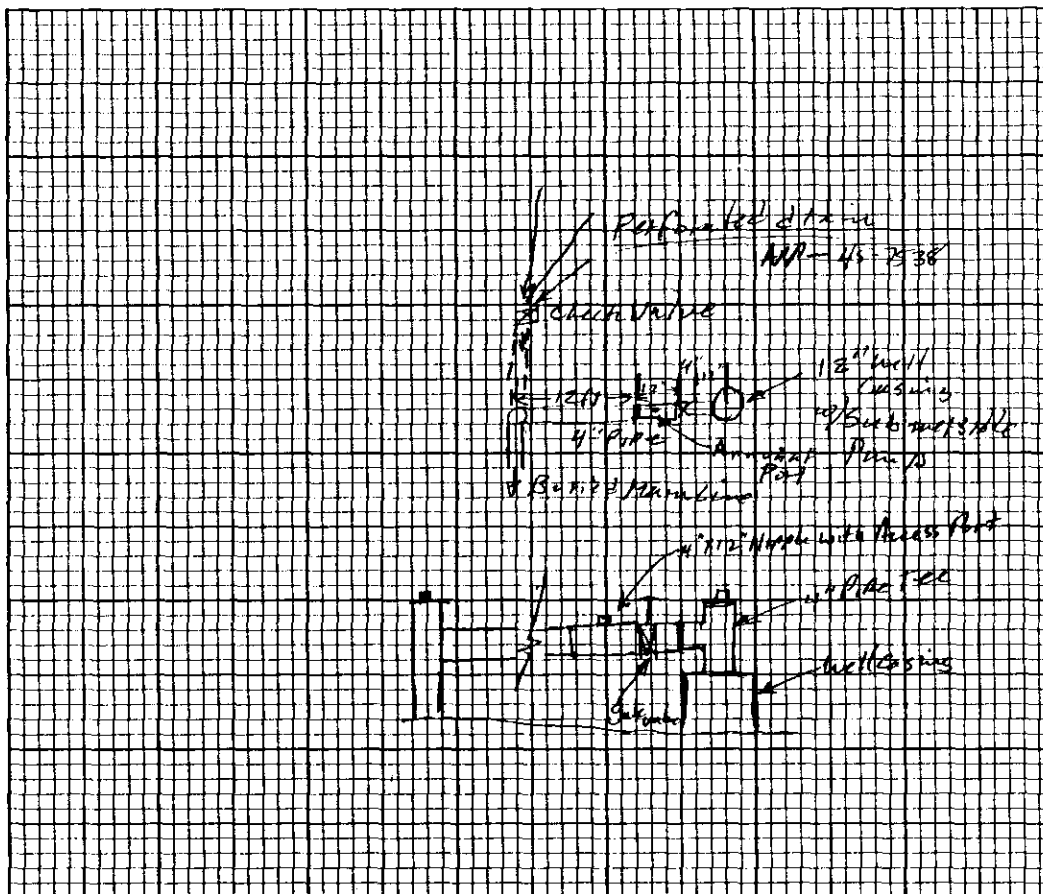
[illegible]

Total Acres 6.7

7 MICROFILMED

APR 18 1990

10. Other water rights on the lands Application 45-7538
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks This sprinkler system also diverts water from a
Perforated drain under Pending Application 45-7538. The system
allows diversion from only one source at a time.

15. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
- ☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

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

Consultant's License Number _____

IDWR Director's Authorization to Conduct

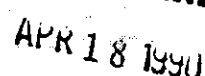
Beneficial Use Examination _____

Date

APR 16 1990

CONSULTANT SEAL

MICROFILMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 23, 1989

RE: APPLICATION FOR PERMIT NO. 45-7538

DEAR APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under your application.

Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, the department asks that you complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments and/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water.

Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the department to void the application.

MICROFILMED

APR 18 1990

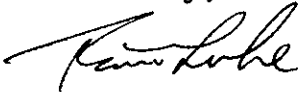
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information should be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

TL:sc

cc: Region

MICROFILMED

APR 18 1990