

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7433 Priority December 28, 1979 Amount .83 cfs

THIS IS TO CERTIFY, that RAY L. COMMONS
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 45-7433 issued pursuant to Application for Permit dated December 28, 1979,
and has submitted proof to the Department of Water Resources on April 4, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 6.28 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>.83</u> cfs and	<u>351.7</u> acre feet
	from _____	_____ cfs and	_____
	from _____	_____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than .83 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
351.7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4), Sec. 5,
Twp. 10S, Rge. 25E, B.M. in the County of Cassia

Description and location of place of use:

Twp.	Range	Section	NEW												Totals
			NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	
10S	25E	5			35	35			35						140

Total number of acres irrigated 140

This right when combined with 45-7109 shall not provide more than 4.0 afa per acre
for the lands above.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
February, 19 81.

Director

DRT

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
APPROVED

1. Name of applicant Ray L. Commons Phone 436-0362 Department South District Office

Post office address Route 5, Rupert, Idaho 83350

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 10S

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

4. Water will be used for the following purposes:

Amount 0.83cfs for irrigation purposes from Apr 1 to Nov 1 (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)

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

5. Total quantity to be appropriated:

a. 0.83 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well and pump

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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

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

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

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

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NEX				NWEX				SWEX				SEEX				TOTALS
			NEX	NWEX	SWEX	SEEX	NEX	NWEX	SWEX	SEEX	NEX	NWEX	SWEX	SEEX	NEX	NWEX	SEEX	SWEX	
10S	25E	5		35	35		35			35									140

Total number of acres to be irrigated 140

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

License 45-7109 (0.89 cfs)

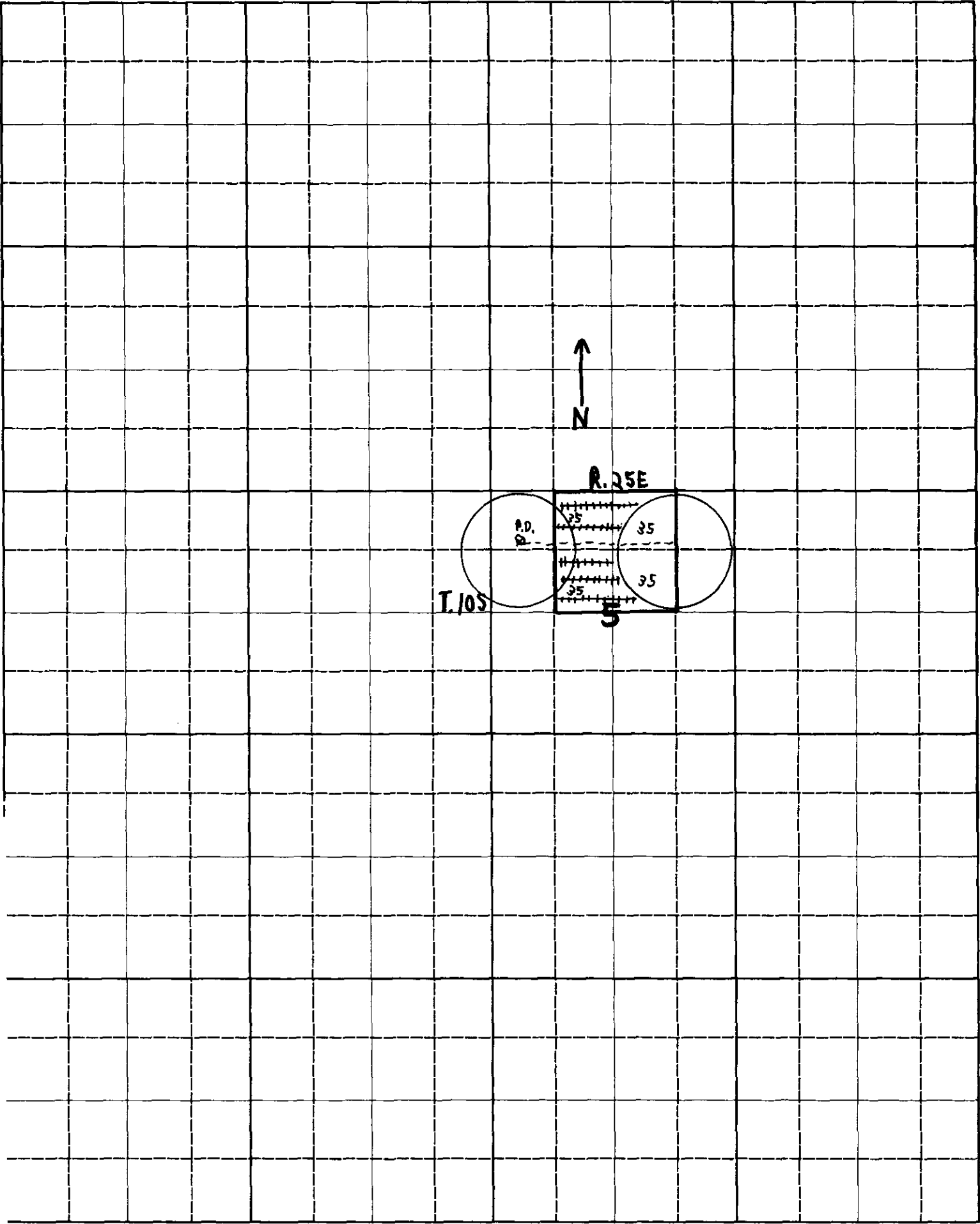
9. a. Who owns the property at the point of diversion Applicant

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 Capacity of this system has been measured at 6.28 cfs by Dept. of Water Resources on 8-17-79. This filing, when combined with 45-7104, 45-7109, and 45-7159, will bring the rights under this system to 6.28 cfs.

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.

Ray L. Commons
(Applicant)

Proposed Priority 12/28/79

Received by JS Date 12-28-79 Time 1:30 pm

Preliminary check by ADM Fee \$ 35.00

Receipted by JS Date 12-28-79 # 17043

Publication prepared by ADM Date 1/4/80

Published in South Idaho Focus

Publication dates 1/5 + 1/22/80

Publication approved marja Date 1/6/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by ADM Jim

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. 45-7433, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 81.
- 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: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 19th day of February, 19 80.

J. Glen Saxton
Chief

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Danna Fithugh being first
duly sworn, deposes and says that he is the

clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice 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 Jan 15 1980, and ending
with the issue dated Jan 22, 1980

Danna Fithugh

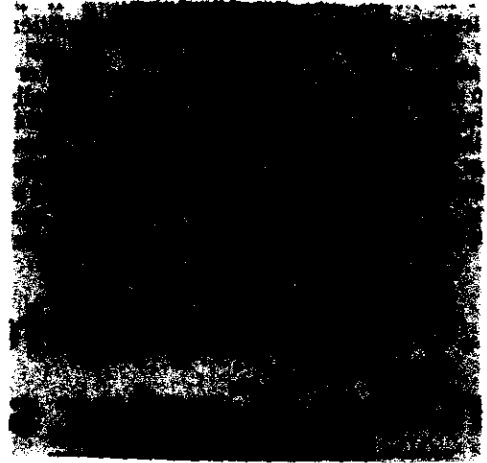
Subscribed and sworn to before me
this 22nd day of Jan
1980.

[Signature] Notary Public

Cost of Publication 7.79

Notary Fee

Total Cost 7.79



*ab
mayer
1/29/80*

NOTARILIZED

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Clarence J. Hughes being first

duly sworn, deposes and says that he is the

Clarence J. Hughes 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 three

consecutive weeks, commencing with the issue

dated January 15, 1980, and ending

with the issue dated January 22, 1980

Clarence J. Hughes

Subscribed and sworn to before me

this 7th day of January

1980.

[Signature] Notary Public

Cost of Publication 7.79

Notary Fee

Total Cost 7.79

46-7438

COMMONS, RAY L., ROUTE 5, RUPERT, ID 83350, Source: GROUNDWATER, Date Filed: 12/28/1979, Amount: 0.83 CFS, Diversion Point: NWNW Sec 05 T 10S R 25E, CASSIA Co., Use: IRRIGATION (0.83 CFS) from 04/01 to 11/01, Place of Use: NWNW SWNE NENW SENW Sec 05T 10S R 25E FOR 140 ACRES, Diversion Means: EXISTING WELL & PUMP DELIVERING TO SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before FEBRUARY 1, 1980.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on January 15, 22, 1980.

*sb
mayer
1/28/80*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

February 11, 1981

Ray L. Commons
Rt. 5
Rupert, ID 83350

Dear Mr. Commons,

RE: License No. 45-7433

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

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DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Ray L. Commons
Post office address Route 5, Rupert, Idaho 83350 Phone 436-0362
Person to contact Applicant Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 0.83 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr 1 to Nov 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.83 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 10S N/S, Range 25E E/W, B.M., Section 5, Subdivision NW $\frac{1}{4}$ NW $\frac{1}{4}$, Cassia
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: Existing well and pump, two 1/4-mile pivots and hand lines

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10S	25E	5		35	35		35			35									140

TOTAL ACREAGE 140

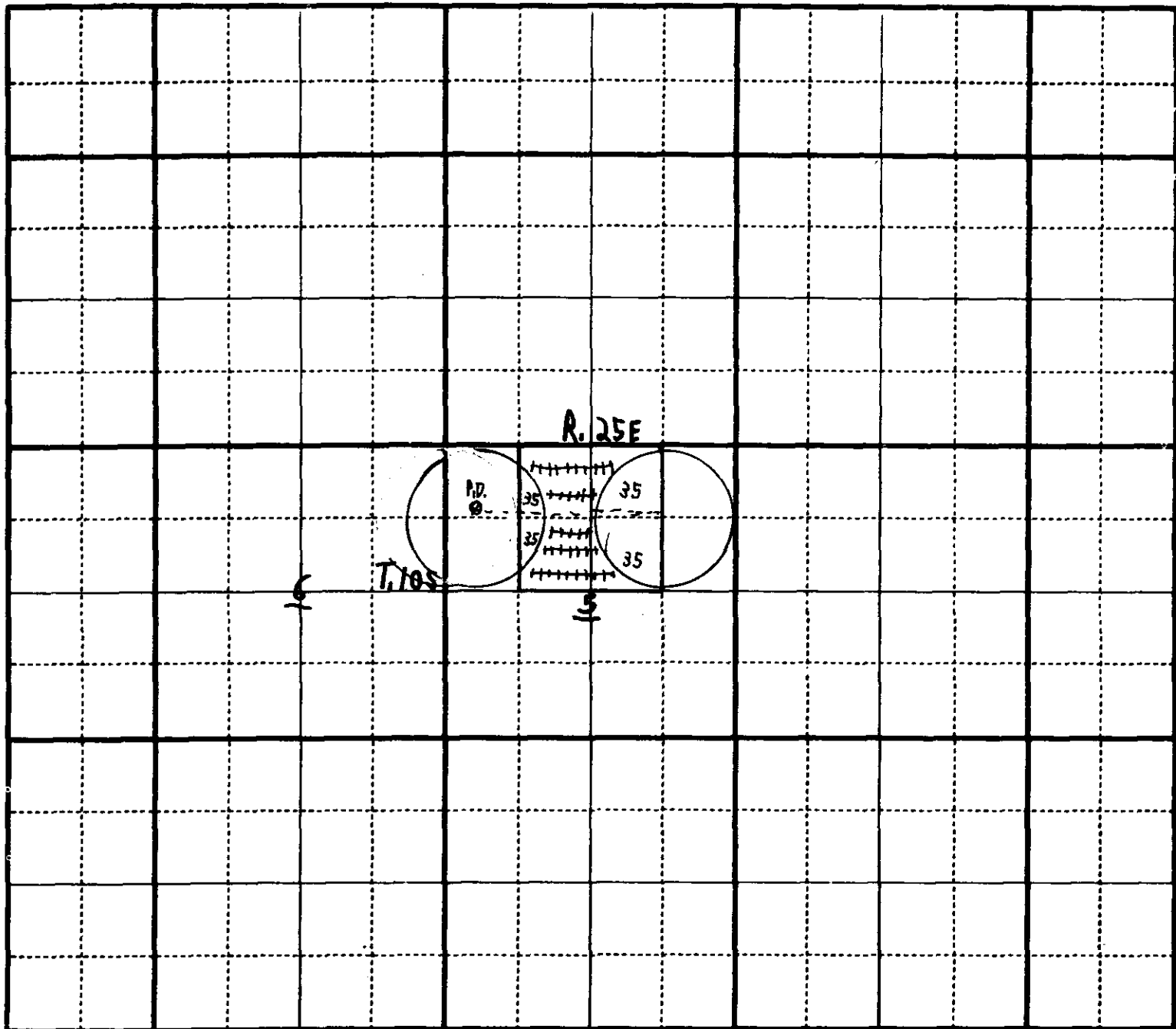


Diagram of System

DATE OF EXAM August 17, 1979

ACREAGE

Found 366
Recommended 140

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = 0.83 c.f.s. V = 351.69 AF/Ann. from Apr 1 to Nov 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

Name source:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Exchange? yes no X

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Total Q measured 6.28 cfs Method of measurement 10.020" Annubar

Total Q recommended 0.83 cfs Meter No. 191149 Type Model 75 Condition Good

Total V recommended 351.69 AF/Annum

Recommended Amendments:

P.D.
Place of Use
Other
None XX

MEASUREMENT CALCULATION:

Measured 53" pressure = 6.28 cfs ^{capacity} Allow 0.83 cfs (amount applied for).
Volume: 0.83 cfs X 1.98 X 214 days = 351.69 AF/Annum.
140 X 40 in sq = 560

SYSTEM DESCRIPTION:

Well, pump, GE 200 hp motor Model 5K6324XC91B SN ZSJ1204003, 10" mainline to two 1/4-mile pivots (one 40' longer than normal but without extra towers) and handlines. Pivots are Lockwood 2100 and 2200 models.

REMARKS:

Ray Commons was present during field exam. This same ground is watered under License 45-7109 at much less than 1"/acre. Rights 45-7104, 45-7109, and 45-7159 are also supplied by this system.

Examiner's Signature James E. Stanton Date 4-14-80

Checked by Allen D. Merritt Date 4/14/80

Approved by Robyn Date 1/22/81

Overlap Review for licensing 45-7433 (Permit)

License 45-7109
P/D ^{same} different well & pump transfer 2384 P/O changed by

P/O same tracts & acres ok

$$\frac{.89 \text{ cfs}}{140 \text{ ac}} = .006 \text{ cfs/ac} \quad \text{ok}$$

Permit 45-7104A

P/D same well & pump ok

2.16
2.36

✓ P/O different tracts & acres ok

$$\frac{2.16 \text{ cfs}}{108 \text{ ac}} = .02 \text{ cfs/ac}$$

Permit 45-7159

P/D same well & pump ok

P/O same tracts different acres (supplemental to 45-7433 & 45-7109) ok

$$\frac{2.36 \text{ cfs}}{118 \text{ ac}} = .02 \text{ cfs/ac} \quad \checkmark$$

This right covers land in same tracts as 45-7109 & 45-7433 to bring total up to 40 irrigated acres in the tracts.

Conclusion

45-7433 & 45-7109 > ~~although they~~ have ^{some} different P/D & the same P/U, the total cfs per acre is .012 ok

45-7159 & ^{45-7104 A} > although the P/D is the same as 45-7433 it is basically for bring the tracts up to 40 acres. o/c

Rights with same P/D

	<u>cfs</u>	<u>AFA</u>
45-7433	.83	351.7
45-7104 A	2.16 ✓	432.0
45-7159	<u>2.36</u>	<u>472.0</u>
	5.35	1255.7
45-7109	.89	377.0
	<u>6.24 CFS</u> ✓	<u>1632.7</u>

Capacity of system is 6.28 cfs ✓

$$6.24 \text{ cfs} (1.9835) (214) = \underline{2649} \text{ AFA}$$

Recommendation system can produce more than amt rights total therefore no restrictive conditions necessary

~~This right when combined with 45-7104 A & 45-7109 45-7159 shall not exceed a total of 5.35 cfs nor 1255.7 AF annum.~~

RH 1/22/81

SEE BACK SIDE

Page 2

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder () has completed development to the extent shown below of Permit No. 45243

Name(s) of Permit Holder: Ray L. Commons

Post Office Address: Route #5

Rupert, Idaho 83350

Source of Water: Groundwater

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 140 (acres)
☐ Other

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

Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

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

May 1-1980
Date

Ray L. Commons
Signature of Permit Holder

D L Commons
Rt 5
Rupert, Ida.



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

February 19, 1980

Ray L. Commons
Route 5
Rupert, Idaho 83350

Dear Mr. Commons,

RE: Permit No. 45-7433

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

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:mr

Enclosure

MAIL

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

45-7433

COMMONS, RAY L.

ROUTE 5, RUPERT, ID 83350

Source: GROUNDWATER

Date Filed: 12/28/1979

Amount: 0.83 CFS

Diversion Point: NWNW Sec 05 T 10S R 25E, CASSIA Co.

Use: IRRIGATION (0.83 CFS) from 04/01 to 11/01

Place of Use: NWNE SWNE NENW SENW Sec 05 T 10S R 25E FOR 140 ACRES

Diversion Means: EXISTING WELL & PUMP DELIVERING TO SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before FEBRUARY 1, 1980.

C. STEPHEN ALLRED

Director

Published 1/15 & 1/22/80.

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45-7433

COMMONS, RAY L., ROUTE 5, RUPERT, ID
83350, Source: GROUNDWATER, Date Filed:
12/28/1979, Amount: 0.83 CFS, Diversion Point:
NWNW Sec 05 T 10S R 25E, CASSIA Co., Use:
IRRIGATION (0.83 CFS) from 04/01 to 11/01,
Place of Use: NWNE SWNE NENW SENW Sec 05T 10S
R 25E FOR 140 ACRES, Diversion Means: EXISTING
WELL & PUMP DELIVERING TO SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all
prior water rights. Protests against the granting of
any permit must be filed with the Director of the
Idaho Department of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls, Idaho 83301 and
received on or before FEBRUARY 1, 1980.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on January
15, 22, 1980.

*ad
m
1/10/80*

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

JANUARY 4, 1980

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 1, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

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