

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 45-07385

Priority: August 20, 1979

Maximum Diversion Rate: 1.68 CFS

Maximum Diversion Volume: 496.0 AF

This is to certify, that JIMMY D KEMPTON
STAR RT BOX 28
ALBION ID 83311

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 20, 1979; and has submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a diversion capacity of 1.680 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	10/01 to 10/31	1.68 CFS	496.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 8, 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	8	NENE 32	NWNE 32	SWNE 40	
			SENE 39	NENW 28	SENE 17	188

number of acres irrigated: 188

CONDITIONS/REMARKS:

1. 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 amount of water covered by this right is limited to the amount that can actually be beneficially used. The maximum diversion is subject to more accurately describe the use of water to meet accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

DEC 19 1994

State of Idaho
Department of Water Resources

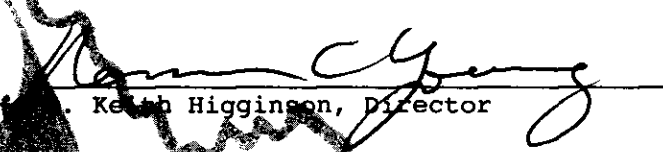
WATER RIGHT LICENSE

WATER RIGHT NO. 45-07385

CONDITIONS/REMARKS:

8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
9. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
10. This right uses the same well as Right 45-02731 and when combined with Right 45-02731 shall not exceed a diversion rate of 1.68 cfs nor a combined annual diversion volume of 713 af.
11. This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.

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 2ND day of NOVEMBER, 1994.

 
Keith Higginson, Director

WR

DEC 19 1994

RECEIVED

STATE OF IDAHO

RECEIVED

APR 18 1991

DEPARTMENT OF WATER RESOURCES APR 29 1991

Department of Water Resources
Southern Region Office

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.

1. Permit No. 45-7385 Telephone No. 673-6261
2. Name(s) of Permit Holder(s): Jimmy D. Kempton
3. Post Office Address: STAR ROUTE Box 28, ALBION, ID. 83311
4. Source of Water: DEEP WELL
- a. If ground water, well driller's name: TOM MACKENZIE Date drilled: MARCH 14, 1990
(DEEPEMED)
- b. Pump horsepower: 20 Pressure (psi): 55 Dynamic pumping level (ft.): 250
5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 190 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 20 D/I, per telcon w/applicant
3.0 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 125 (See License Examination Fee Schedule)

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

Jimmy D. Kempton
Name673-6261
Telephone No.STAR ROUTE Box 28, ALBION ID, 83311
Address

MAY 08 1991

10. The above information 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 if the state of Idaho disallows
an extension of time to develop from 85° bottom temp to 120° bottom temp.

April 14, 1991
DateJimmy D. Kempton / Owner
Signature (and title if on behalf of a company or organization)

* LINE 6. FIGURE OF 3.0 CFS IS FOR TRANSFER OF POINT OF DIVERSION FOR PERMIT # 45-7385 TO AN EXISTING WELL (LICENSE # 33230) WHICH HAS A RIGHT OF 1.09 CFS.

APPROVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**RECEIVED****APPLICATION FOR AMENDMENT OF A PERMIT**

DEC 19 1991

To change the point of diversion and/or the place of use Department of Water Resources
Southern Region OfficeComes now Jimmy D. Kemptonof (address) Star Route Box 28, Albion, ID 83311, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 45-07385, and requests that the permit and permit map be changed as follows:

1. Point of diversion:
- SE ¼ NE ¼
- , Section
- 8
- , Township
- 12S
- , Range
- 25E
- , B.M.,
-
- County of
- Cassia
- . Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.68 for Irrig. purposes from 3-15 to 11-15 (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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	25E	8	10	21	32	16	28			17									124

Total number of acres to be irrigated = 124

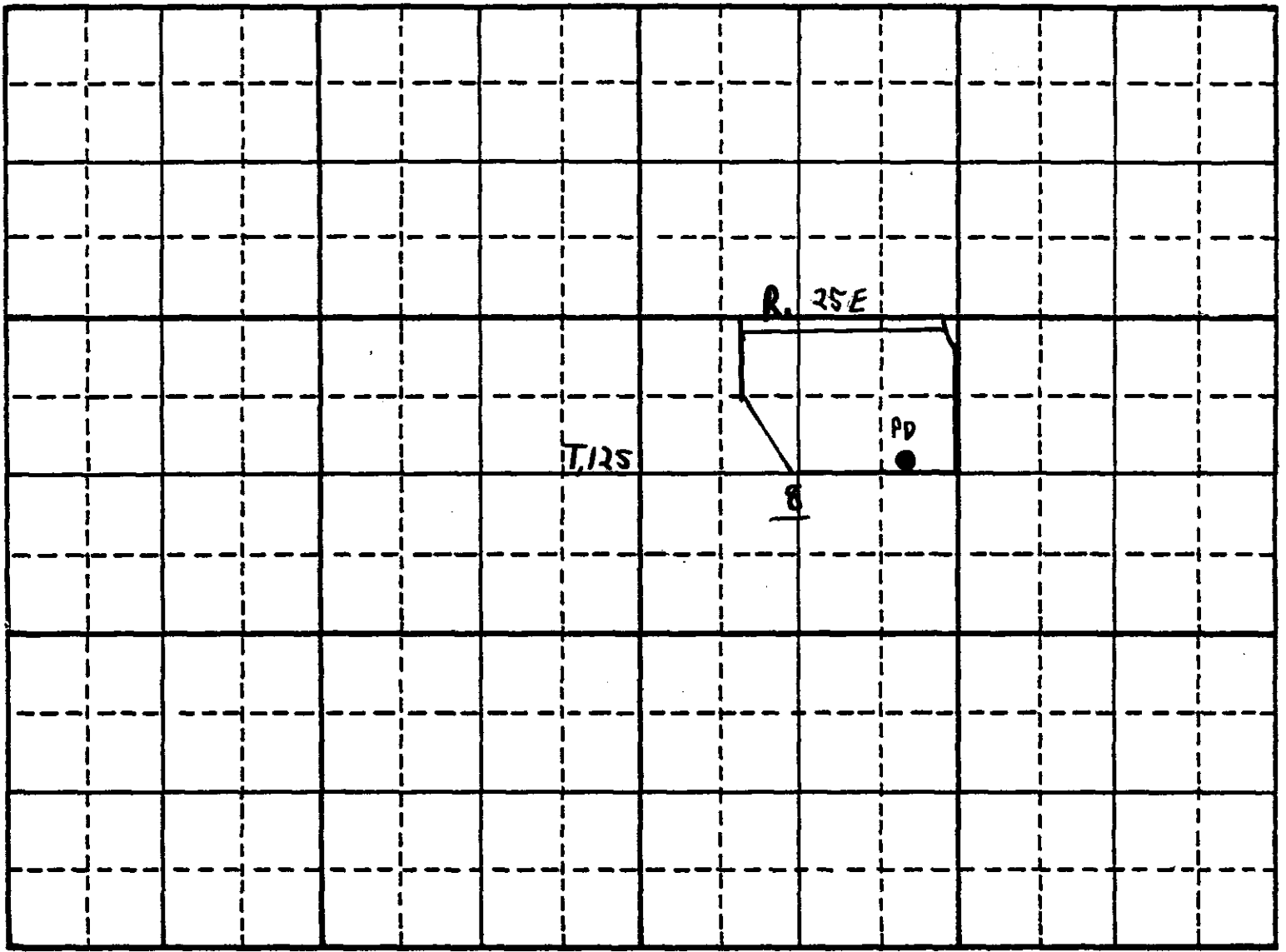
4. a. Who owns the property at the point of diversion?
- Applicant
-
- b. Who owns the land to be irrigated or the place of use?
- "
-
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
-
- applicant to make this filing: _____

RECEIVED

FEB 10 1992

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Albion, Idaho, this 29th day of November, 19 91.
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by GA Fee = \$20.00 RE 5013287 Receipted by DJ Date 4/26/91

Publication prepared by MB Date 1-2-92 Published in So. Id. Press

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby
approve the above referenced application for amendment provided the conditions as set
forth in Permit No. 45-07385 are met.

Witness my hand this

23rd day of

January, 19 92

RECEIVED

L. Glen Saxton
Chief, Water Allocation Bureau

FEB 10 1992

APR 18 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO

— WITHDRAWN —

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Jimmy D. Kempton Phone 673-6261
of (address) STATE ROUTE Box 28, ALBION, ID. 83311, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 45-2385, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 NE 1/4, Section 8, Township 12S, Range 25E, B.M.,
County of CASSIA. Other points of diversion: N/A (NONE)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.0 for IRRIGATION purposes from MAR 15 to NOV 15 (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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>12S</u>	<u>25E</u>	<u>8</u>		<u>36</u>	<u>40</u>		<u>36</u>	<u>25</u>	<u>15</u>	<u>38</u>									<u>190</u>

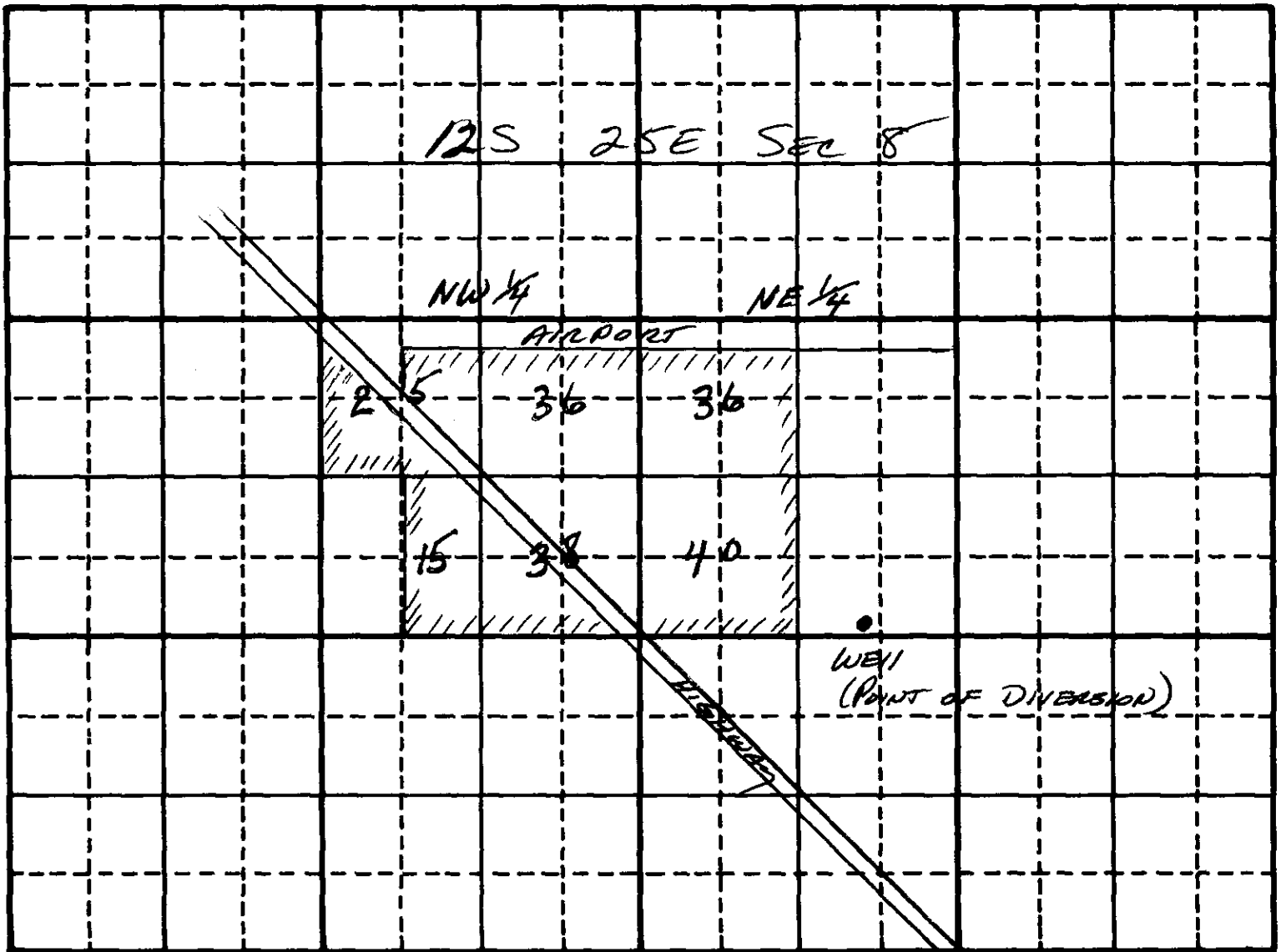
Total number of acres to be irrigated = 190

4. a. Who owns the property at the point of diversion? Jimmy D. Kempton
b. Who owns the land to be irrigated or the place of use? Jimmy D. Kempton
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: N/A

10 1992

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Albion, Idaho, this 16th day of APRIL, 19 91.

James H. Kingston
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by [initials] Fee = \$20.00 R# 5013287 Receipted by DR Date 4/26/91

Publication prepared by [initials] Date 4/26/91 Published in S. Id. Press

Publication dates 4/26/91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

FEB 10 1992

STATE OF IDAHO
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

For Office Use Only
\$15 FEE Received by CP
Date 8/21/89
Receipt # C009977

RECEIVED

AUG 18 1989

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

Permit No. 45-7385

Name(s) of Permit Holder: Jimmy D. Kempton

Post Office Address: Star Route Box 28

Albion, Idaho, 83311

Telephone No. 673-6261

Date Proof is Due: October 1, 1989

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

sagebrush (as in 1984), plus 15 acres now in dryland hay with mainline pipe laid for
future irrigation system.

Costing \$ 8,300

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

An extension of time was granted in 1984 due to the uncertainties of Swan Falls litigation.

In that extension it was stated " Pending litigation will be considered as a cause for delaying
the commencement of works construction and applying for and receiving additional extensions

Permit holder(s) request an extension to October 1, 19 1992
(1 yr. minimum)

Jimmy D. Kempton (See Reverse)
(Signature)*

FEE: \$15.00

IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

OCT 19 1989

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 October 1, 1991.

Signed this 4 day of October, 1989.

J. Glen Sactor
Chief, Water Allocation Bureau

of time for the proof of beneficial use submittal if the Swan Falls matter is not resolved in the near future".

As of July 31, 1989, I am advised that under Idaho Code provisions of Sections 42-203C and 42-203D, both originating from settlement of Swan Falls, trust water is authorized for diversion under permit 45-7385 and development and use of such ground-water will not cause significant reduction of trust water.

Before this determination was made, the inherent risk of development precluded a demonstration of beneficial use. Under the current determination, I would like to request an extension of five (5) years.

James W. Kempton
8/1/89

Original Filed

1989 OCT 19

MICROFILMED

OCT 19 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 45-7385 IN THE NAME) CONTINUATION ORDER
OF JIMMY D. KEMPTON)
_____)

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 45-7385 (permit) was issued to Jimmy D. Kempton (permit holder) authorizing the diversion of 3.0 cfs of groundwater for irrigation of 215 acres.

5. IDWR records show that 92 acres authorized to be irrigated under Permit No. 45-7385, are irrigated with other water rights perfected prior to July 1, 1985.

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OCT 19 1989

6. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

7. The development and use of groundwater authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 45-7385 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 45-7385 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before October 1, 1989.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

McGraw-Hill

OCT 19 1989

5. All conditions of approval contained on the permit are incorporated into and made a part of this order.

Dated this 31st day of July, 1989.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

OCT 19 1989

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

JUN 09 1989

I, M. Alvin Kempton, hereby assign to Jimmy D. Kempton Department of Water Resources
of Star Route Box 28, Albion, Idaho 83311
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 45-7385
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19 _____

M. Alvin Kempton
Permit Holder

Ruth Kempton
Spouse of Permit Holder

State of Idaho)
County of Cassia) ss.

On this 8th day of June, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

MICROFILMED

seal

OCT 19 1989

Sue Ellen Heller
Notary Public residing at
Albion, Idaho

My commission expires:

4/9/93

RECEIVED
AUG 16 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received <u>915.00</u>
Date <u>8-17-84</u>
Receipt # <u>35001</u>

Department of Water Resources **REQUEST FOR EXTENSION OF TIME**
To provide additional time in which to submit
proof of beneficial use on a water right permit

M. Alvin Kempton of Star Route Box 27, Albion
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 45-7385.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before October 1, 19 84.

That he has heretofore performed the following work described under said permit: 100 acres cleared
(This must be filled out! If no work has been completed put none.)
of sagebrush and prepared for cultivation. Additional work has not
been initiated due to a question of users rights/ obligations called
into question as specified below.

Costing \$ 3,500

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Continuing litigation in the case of Idaho Power Company v. State of
Idaho, et al., Civil No. 62237, currently pending before the State as
an issue of State control of water development, rights of agricultural
water users, and Idaho Power water rights on the Snake River and associated
water plains/aquifers.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to five (5) years after settlement of the "Swan Falls" issue.
(1 yr. minimum, 5 yrs. maximum) Specific date to be determined after
settlement of the issue due to provisions of Section 42-204 of the Idaho
Code which offer only one extension of "proof due date".

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

M. Alvin Kempton
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to October 1, 1989. IT IS FURTHER ORDERED that the permit be conditioned as follows: The department reserves the jurisdiction of this permit for the purpose of adding any applicable conditions to the protect the public interest.

Signed this 30th day of August, 19 84.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED
APR 26 1979
Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant M. Alvin Kempton Phone 673-5375

Post office address Star Route Box 27, Albion, Idaho 83311

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

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8 Township 12S

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

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8 T. 12S R. 25E

4. Water will be used for the following purposes:

Amount 3.0 cfs for irrigation purposes from Mar 15 to Nov 15 (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. 3.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Wells and pumps

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 14 inches; proposed depth of well is 500 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: _____

MICROFILMED

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	SE¼	SW¼	
12S	25E	8		36	40		36	25	40	38									215

Total number of acres to be irrigated 215

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

Howell Creek decreed right 45-2731 45-2732

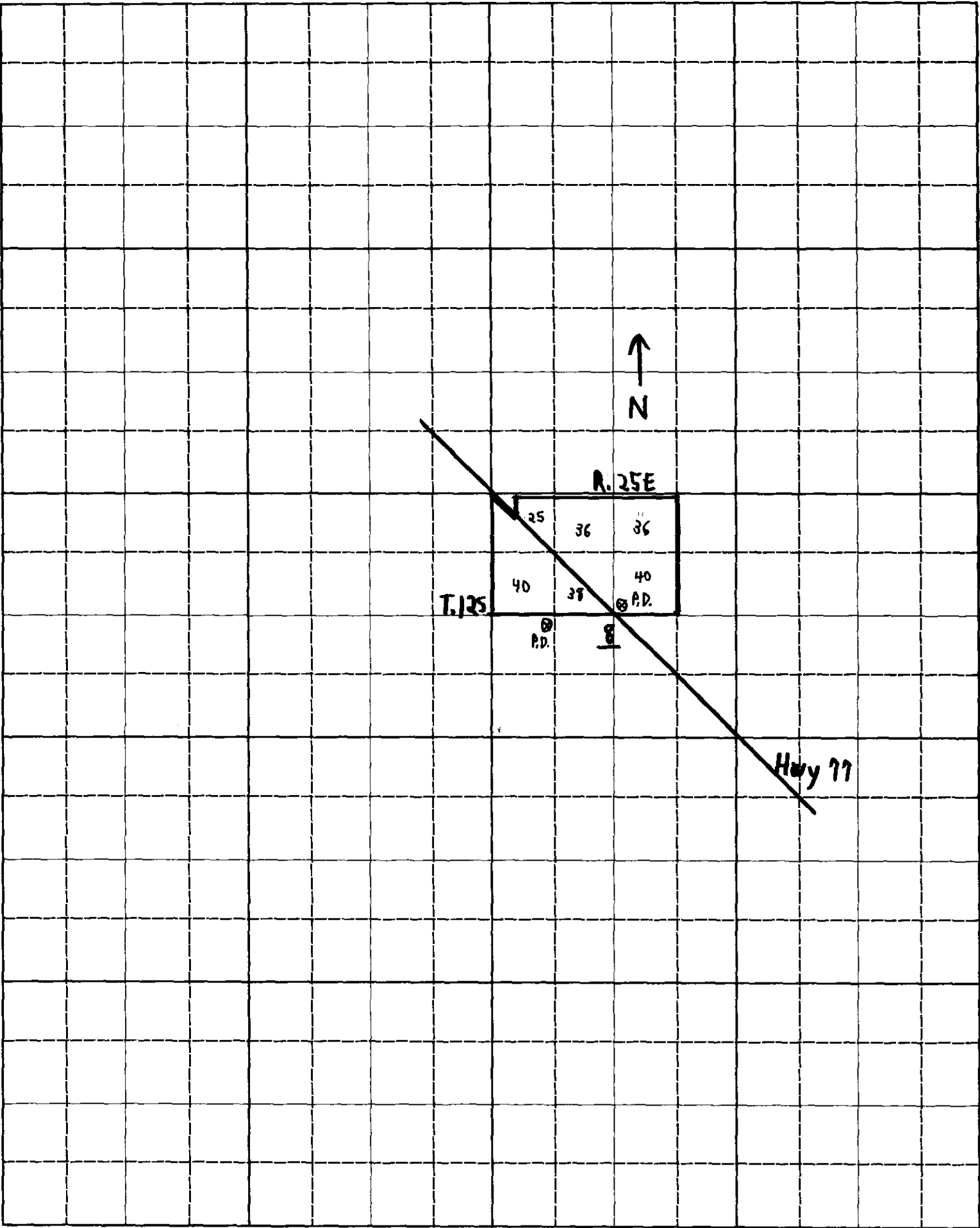
9. a. Who owns the property at the point of diversion Applicant

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

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.

M. Alvin Kempton
(Applicant)

Proposed Priority

8/20/79

Received by [Signature] Date 8-20-79 Time noon

Preliminary check by [Signature] Fee \$ 55.00

Receipted by [Signature] Date 8-20-79 # 13297

Publication prepared by maria Date 8/24/79

Published in South Idaho Press

Publication dates 9/11 + 9/18/79

Publication approved maria Date 9/21/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by [Signature] 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. 45-7385, 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 October 1, 19 84.
- 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 31st day of October, 19 79.

[Signature]
Chief, Operations Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1994

JIMMY D KEMPTON
STAR RT BOX 28
ALBION ID 83311

RE: WATER RIGHT NO. 45-07385

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

DEC 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 21 1994

Department of Water Resources

A. GENERAL INFORMATION

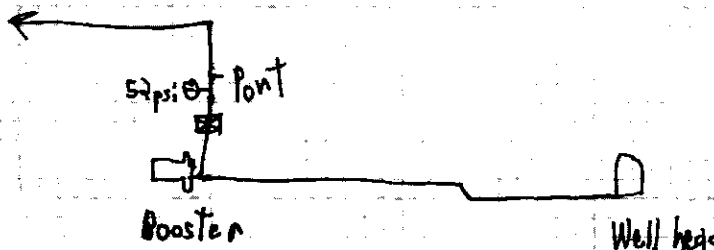
1. Owner: Jimmy D. Kempton Permit No. 45-7385
Current Address: Star Rt. Box 28, Albion, ID 83311 Phone No. 673-6261
2. Accompanied by: Mr. Kempton EXAM. DATE: 5-7-91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 45-2731
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: 45-2731
_____ ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

RECEIVED
SEP 19 1994

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, motor, pump, booster motor & pump, portable mainline with 6 handlines with 9/64" nozzles & 1/8" nozzles - mostly 1/8" nozzles

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Main Pump	U.S. Motors	40	R1003267	Layne & Bowler	D22937
Booster	Ridgely	20	9906	Bell & Gossett	no tag

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SE	NE	8	12S	25E	Cassia	

6. Place(s) of Use:

Indicate Method of Determination

Land
Innig,
w/well

P/U to
be licensed

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	25E	8	32	32	40	39	28			17									188
12S	25E	8	10	21	32	16	28			17									124

Do not use this space

DEC 19 1994

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annuubar, Manometer						

2. Measurements:

Measured 1.23 cfs w/annubar

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

Theoretical capacity is 1.68 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{i.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 124 \times 4 = 496$ $188 \times 4 = 752$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.68 \times 246 \times 1.9835 = 817.7$

$V = \text{Smaller of } V_{i.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

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DEC 19 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Development represents an expansion of License 45-2731. Water level is 100' according to Mr. Kempton. Average operating pressure is 55 psi. Well is at high point on property or nearly so - sprinklers actually gain pressure as they run downhill from well, according to Mr. Kempton. Recommend right be licensed for theoretical capacity rather than for measured amount. Measurement is not required under new licensing criteria.

Not to exceed 1.68 cfs when combined with Lic. 45-2731.

Existing licensed ground could be licensed for more cfs/acre under this second permit, but this makes no sense. None of the ground is watered with 0.02 cfs/acre. Old license is .85"/ac. New right will be .68"/acre. This is at least closer to actual irrigation practices.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	1.68	496.0
Totals:			1.68	496.0

2. 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

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton

Signature J. E. Stanton

Certification Date _____

Field Report Preparation Date 7-30-91

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

DEC 19 1994

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 45-7385
DATE: 5-14-91
BY: J.E. Stanton

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) (0.60) (0.70)}{[(100) + (400.52 \times 2.31)]} = 1.68 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner (X)	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage (X)	
Booster (Y) (N)		

REMARKS

Owner stated that well was operating at maximum capacity. This is the original motor & pump. Booster was added when system was changed from gravity to sprinkler irrigation. Water level is down due to drought, & drops even more as season progresses

ANNUAL VOLUME ANALYSIS

$$\text{POTENTIAL Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $\frac{(\dots 246 \dots) \times (1.98) \times (\dots 1.68 \dots)}{(\dots 124 \dots)}$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

$$\text{POTENTIAL} = 6.6 \text{ (4.8 AFA/ac \& 1.23 cfs)}$$

REQUIRED Acre Feet/Acre/Annum = 4.0
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (✓)

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

DEF 19

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: J.E. Stanton Date 5-7-91

Owner: Jim Kempton Permit No. 45-7385

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 170 1/4"
T = Pipe Thickness in Inches = .25
ID = 2 [(0.1592 X CIR) - T] = ... 5.5496

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 6.0
State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14" - 16"	4.01
18" - 24"	4.02
30" or larger	4.03

C selected 3.75

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 35.9 35.8
Low Reading = 13.2 12.8
High - Low = H = ... 22.7 23.0

CALCULATION OF DISCHARGE IN CFS (Q)

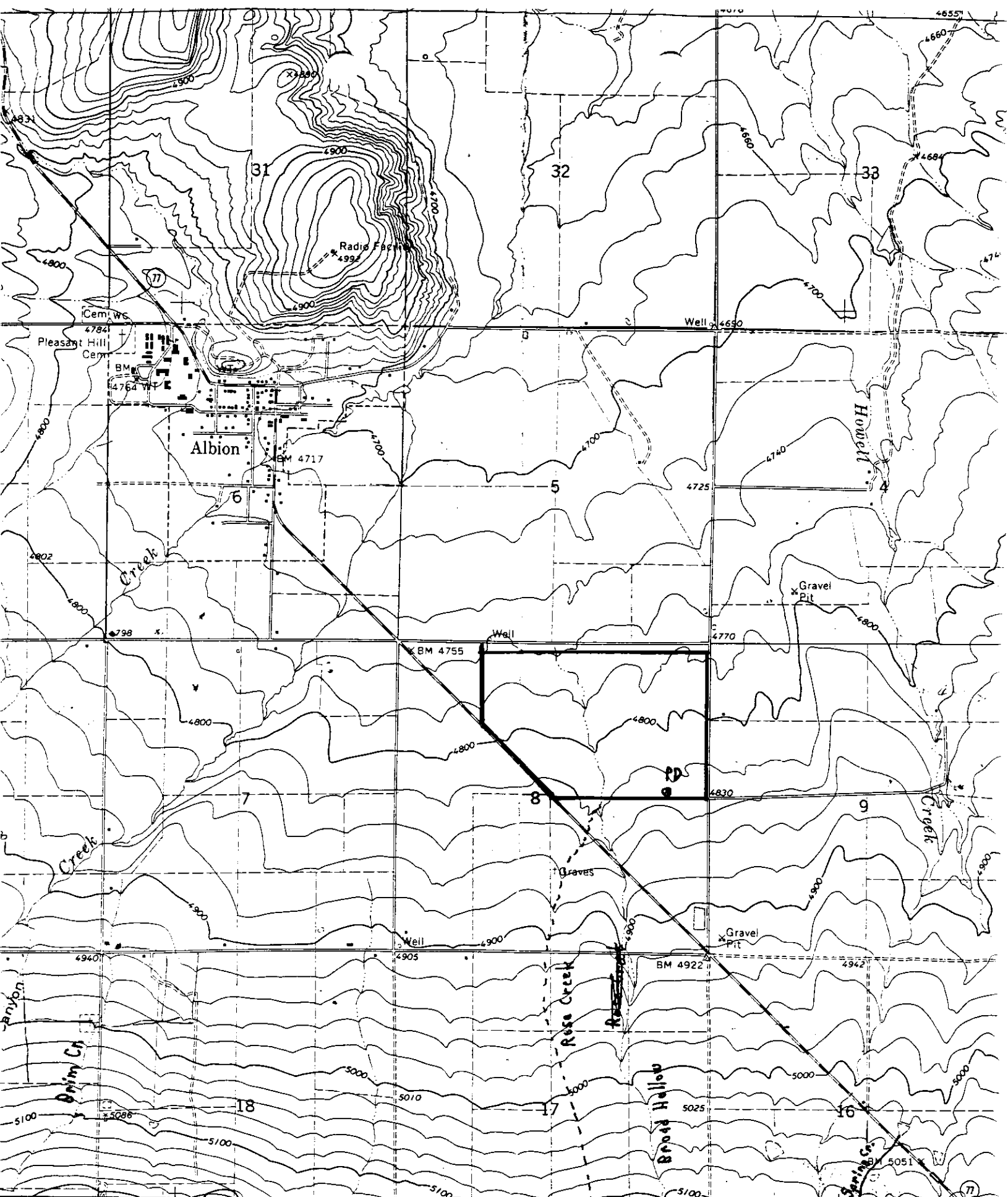
$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

554
476 gpm

$$Q = \frac{(5.5496)^2 \cdot (\sqrt{23}) \cdot (3.75)}{448.8} = \underline{1.23} \text{ cfs}$$

SKETCH (if not shown on Field Report)

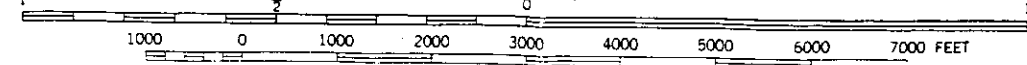
DEC 19 1994

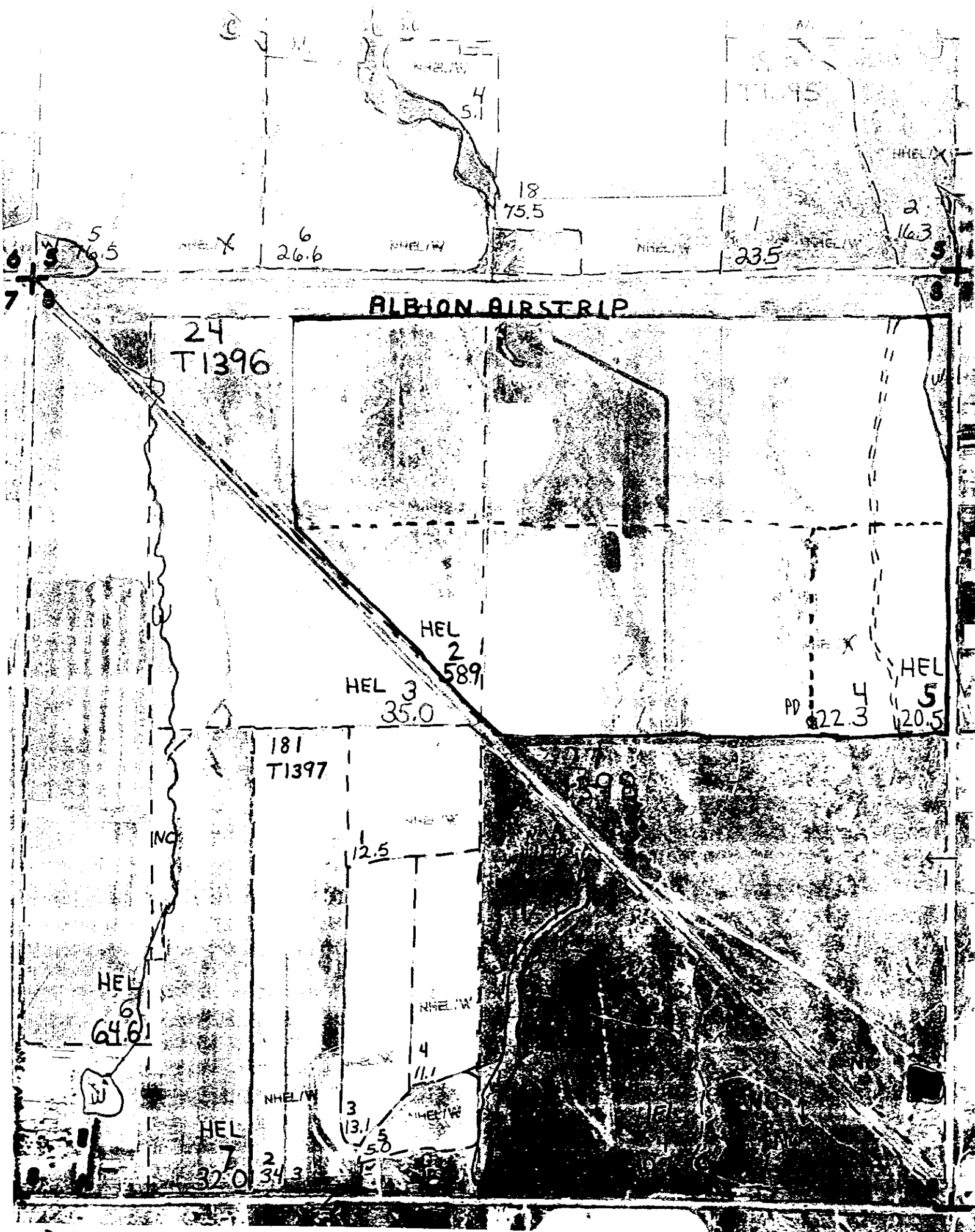


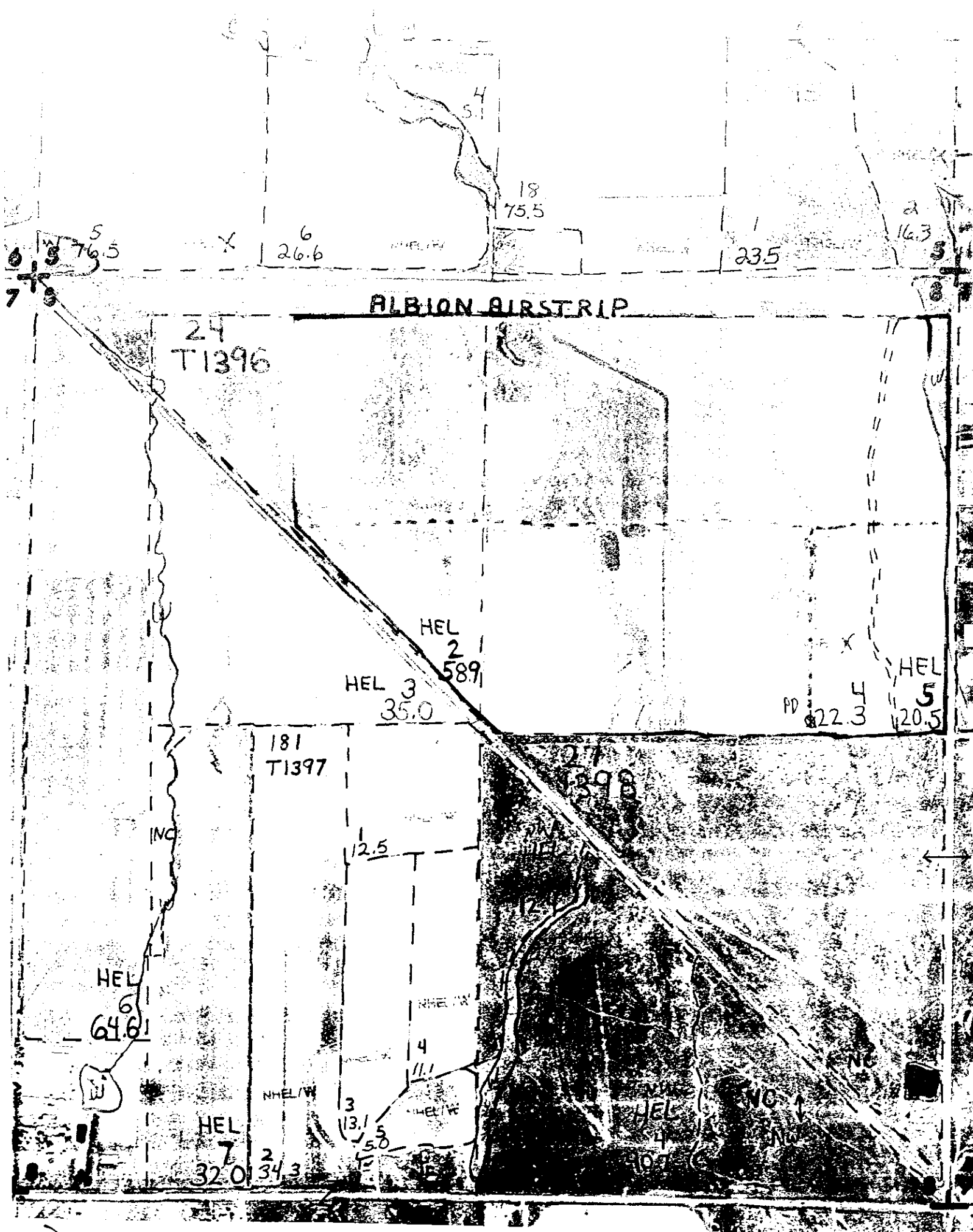
T125

(CONNOR RIDGE)
3268' SE
SCALE 1:24,000

DEC 19 1994
1 MILE







ALBION AIRSTRIP

24
T1396

HEL 2
58.9
HEL 3
35.0

PD 4
22.3
HEL 5
20.5

181
T1397

27
T1398

HEL 6
64.6

HEL 7
32.0
34.3

3
13.1
5.0

HEL 8
107

NC 1
NC 2

INC

NHEL/W

4
11.1

NHEL/W

NC

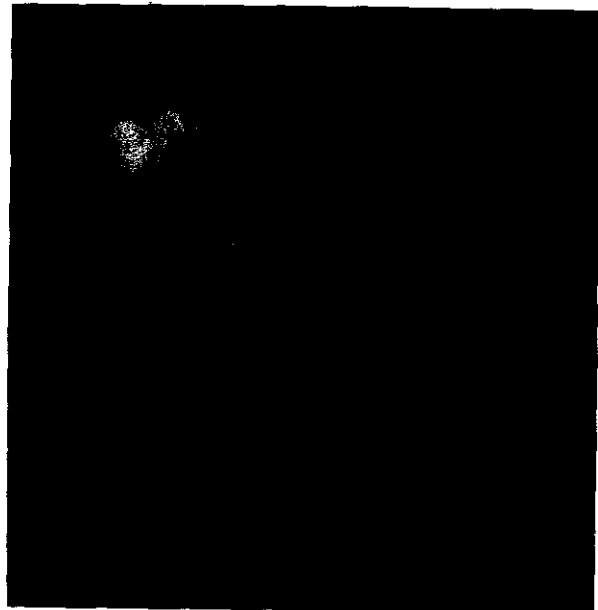
NC



45-7385



P/U Looking North From
Well



P/U Looking NW

DEC 19 1994

HS-7386

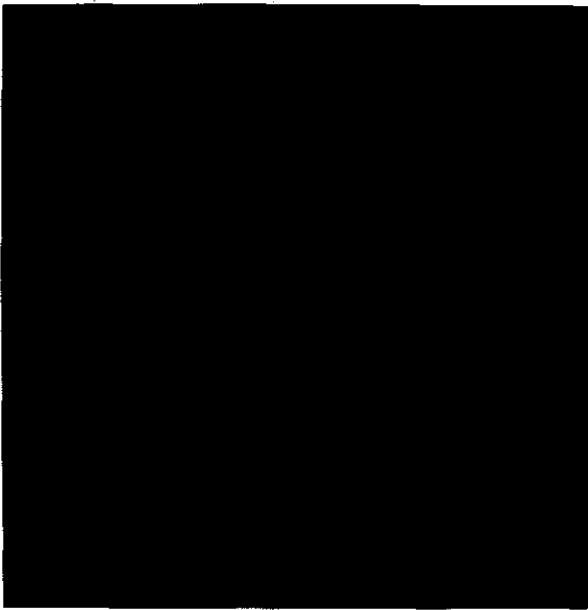


F/U looking North from
Well

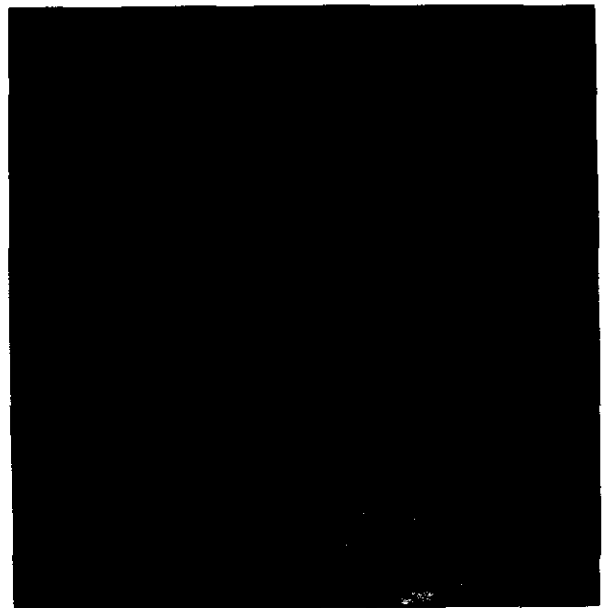


F/U looking NW

45-7385



Booster, measuring point



Diversion Works

DEC 19 1994

45-7885



Booster measuring plot



Division Works

January 27, 1992

RE: Permit No. 45-07385

Jimmy D. Kempton
Star Route Box 28
Albion, ID 83311

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED

FEB 10 1992

To: Jim Smith
RECEIVED
Jim

DEC 19 1991
PER OUR TELEPHONE
CONVERSATION OF 12/17/91:
I CHANGED THE

SIGNATURE DATES TO
REFLECT INFORMATION IN
YOUR LETTER OF 11/25/91
AND INITIALED THE DATE
CHANGES.

Jim Langston

RECEIVED

FEB 10 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jimmy D. Kempton
Star Rt. Box 28
Albion, ID
83311

November 25, 1991

RE: Application for Amendment of Water Permit 45-07385

Dear Mr. Kempton;

We are getting ready to advertise the above-referenced amendment, but a problem has arisen. Once a licensing examination is conducted on a water permit, the examiner's findings set the upper limit of the water right. The exam, which was done last April, found a flow rate of 1.68 cfs diverted onto 124 acres under this permit. The proposed amendment could not be fully approved without affecting the priority date of the permit.

Since it appears that the purpose of this amendment is to bring the permit in line with actual field conditions, we have prepared a new amendment that agrees with the licensing exam. If this is satisfactory, the signed amendment should be returned to this office for advertising. Since a licensing amendment would eventually be required anyway, this step will not be needed later on in the licensing process. Licensing amendments are usually not advertised, however.

If you have any questions, please feel free to contact this office.

Sincerely,

Jim
James E. Stanton
Sr. Water Resource Agent

RECORDED

FEB 10 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 7, 1991

Jimmy D. Kempton
Star Route, Box 28
Albion, ID 83311

RE: PERMIT NO. 45-7385

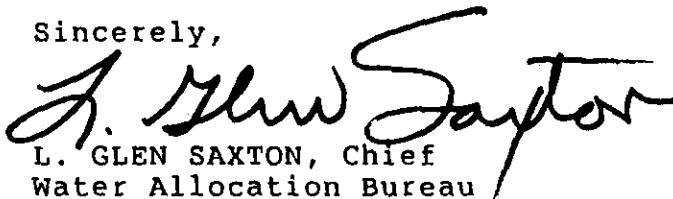
Dear Representative Kempton:

Thank you for your recent return of a duplicate \$5 state warrant in connection with the licensing fee you submitted to the department for permit 45-7385.

The water right file shows that our regional office in Twin Falls noticed the overpayment and requested a refund in April 1991 from the state office in Boise. When the exam and related information was forwarded from our Twin Falls office to Boise, this office also noted the overpayment of \$5 but apparently did not notice that the refund had already been requested from fiscal section by the Twin Falls office.

The department will review our procedures to prevent any similar future oversights.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

REGISTERED

FEB 10 1992

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

Date	5077
Code	05/06/91
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
TO

JIMMY D. KEMPTON
START ROUTE BOX 28
ALBION, ID 83311

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 40 121	1238	8831		REFUNDS PER RITA FLECK WR #45-7385 RECEIPT #S013287 5/ 1/91 5.00	5.00	
TOTAL						5.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

4988
Date 05/01/91
Code 193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME:

DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

CHECK ONE:

- (1) MISCELLANEOUS EXPENDITURE
() STATE CONTRACT

PAY
TO

EMBER HILL RANCH
STAR RT., BOX 28
ALBION, ID 83311

- () PURCHASE ORDER
() MISCELLANEOUS ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 40 121	1238	8831		REFUNDS PER D. JONES RECEIPT #5013287 4/26/91 5.00	5.00	
TOTAL						5.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service; that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

S013287

4/26/1991

EMBER HILL RANCH

PROOF(45-7385)	540121 1238 6390	130.00
AMMEDEMENT (45-7385)	540199 1238 6390	20.00

CHECK	2471	\$150.00
-------	------	----------

Region: SOUTHERN

Signature: _____

RECEIVED
FEB 10 1992

MBER
HILL

RANCH

4/17/91

I would like to get a water flow measurement as soon as possible. I still need to hook up lines so there is time to discuss a good date. I'll call in the near future - but would like to plan a date toward the end of this month.

Sincerely,
Jim Keypson

RECEIVED

APR 18 1991

Department of Water Resources
Southern Region Office

MICROFILMED

FEB 10 1992

May 1, 1991

JIMMY D. KEMPTON
STAR ROUTE BOX 28
ALBION ID 83311

Dear Mr. Kempton:

Re: Permit No. 45-7385

PROOF ACKNOWLEDGEMENT LETTER

The department received the proof of beneficial use form and fees. The fee for the proof of beneficial use form has been overpaid by \$5.00. That amount will be refunded to you shortly.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Southern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Fiscal
S. Region

MICROFILMED
MAY 08 1991

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

USE TYPEWRITER OR
BALLPOINT PEN

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

1. WELL OWNER Name <u>Jim D. Kempton</u> Address <u>Star Route Box 28, Albion Id. 83311</u> Phone (Home) <u>45-905-004</u>, <u>45-2731</u>	7. WATER LEVEL Static water level <u>98.8</u> feet below land surface. Flowing? ☒ Yes ☒ No G.P.M. flow Artesian closed in pressure <u>0.51</u> Controlled by ☒ Valve ☐ Plug Temperature <u>55.5</u> OF at bottom, <u>55.5</u> at 98 feet Describe artesian or temperature zones below																																																																																																																													
2. NATURE OF WORK New well ☒ Deepened ☐ Replacement ☐ Also indicate any other abandonment procedures such as materials or depths etc. in the following space	8. WELL TEST DATA <u>Not tested</u> ☐ Pump ☐ Bailor ☐ Air ☐ Other <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																										
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3. PROPOSED USE Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection (specify type) Other ☐	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Bore Diam.</th> <th>Depth From</th> <th>To</th> <th>Material</th> <th>Water Yield</th> </tr> </thead> <tbody> <tr><td>12"</td><td>292</td><td>305</td><td>Coarse sand (Fill)</td><td>✓</td></tr> <tr><td>12"</td><td>305</td><td>316</td><td>Set sandstone</td><td>✓</td></tr> <tr><td>12"</td><td>316</td><td>328</td><td>Gray sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>328</td><td>376</td><td>Tan sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>376</td><td>379</td><td>Gray clay</td><td>✓</td></tr> <tr><td>12"</td><td>379</td><td>392</td><td>Hard sandstone</td><td>✓</td></tr> <tr><td>12"</td><td>392</td><td>426</td><td>Packed brown sand - 10% coarse sand</td><td>✓</td></tr> <tr><td>12"</td><td>426</td><td>443</td><td>Tan sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>443</td><td>451</td><td>Gray sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>451</td><td>460</td><td>Gray clay</td><td>✓</td></tr> <tr><td>12"</td><td>460</td><td>476</td><td>Gray sand (loose)</td><td>✓</td></tr> <tr><td>12"</td><td>476</td><td>504</td><td>Gray sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>504</td><td>528</td><td>Set sandstone</td><td>✓</td></tr> <tr><td>12"</td><td>528</td><td>539</td><td>Tan sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>539</td><td>576</td><td>Greenish gray sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>576</td><td>604</td><td>Brown sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>604</td><td>627</td><td>Sandstone</td><td>✓</td></tr> <tr><td>12"</td><td>627</td><td>657</td><td>Tan sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>657</td><td>667</td><td>Gray sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>667</td><td>675</td><td>Brown sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>675</td><td>707</td><td>White sandstone</td><td>✓</td></tr> <tr><td>12"</td><td>707</td><td>716</td><td>Yellow sandy clay</td><td>✓</td></tr> <tr><td>12"</td><td>716</td><td>728</td><td>Sandstone</td><td>✓</td></tr> <tr><td>12"</td><td>728</td><td>745</td><td>Quartz layite</td><td>✓</td></tr> </tbody> </table>	Bore Diam.	Depth From	To	Material	Water Yield	12"	292	305	Coarse sand (Fill)	✓	12"	305	316	Set sandstone	✓	12"	316	328	Gray sandy clay	✓	12"	328	376	Tan sandy clay	✓	12"	376	379	Gray clay	✓	12"	379	392	Hard sandstone	✓	12"	392	426	Packed brown sand - 10% coarse sand	✓	12"	426	443	Tan sandy clay	✓	12"	443	451	Gray sandy clay	✓	12"	451	460	Gray clay	✓	12"	460	476	Gray sand (loose)	✓	12"	476	504	Gray sandy clay	✓	12"	504	528	Set sandstone	✓	12"	528	539	Tan sandy clay	✓	12"	539	576	Greenish gray sandy clay	✓	12"	576	604	Brown sandy clay	✓	12"	604	627	Sandstone	✓	12"	627	657	Tan sandy clay	✓	12"	657	667	Gray sandy clay	✓	12"	667	675	Brown sandy clay	✓	12"	675	707	White sandstone	✓	12"	707	716	Yellow sandy clay	✓	12"	716	728	Sandstone	✓	12"	728	745	Quartz layite	✓
Bore Diam.	Depth From	To	Material	Water Yield																																																																																																																										
12"	292	305	Coarse sand (Fill)	✓																																																																																																																										
12"	305	316	Set sandstone	✓																																																																																																																										
12"	316	328	Gray sandy clay	✓																																																																																																																										
12"	328	376	Tan sandy clay	✓																																																																																																																										
12"	376	379	Gray clay	✓																																																																																																																										
12"	379	392	Hard sandstone	✓																																																																																																																										
12"	392	426	Packed brown sand - 10% coarse sand	✓																																																																																																																										
12"	426	443	Tan sandy clay	✓																																																																																																																										
12"	443	451	Gray sandy clay	✓																																																																																																																										
12"	451	460	Gray clay	✓																																																																																																																										
12"	460	476	Gray sand (loose)	✓																																																																																																																										
12"	476	504	Gray sandy clay	✓																																																																																																																										
12"	504	528	Set sandstone	✓																																																																																																																										
12"	528	539	Tan sandy clay	✓																																																																																																																										
12"	539	576	Greenish gray sandy clay	✓																																																																																																																										
12"	576	604	Brown sandy clay	✓																																																																																																																										
12"	604	627	Sandstone	✓																																																																																																																										
12"	627	657	Tan sandy clay	✓																																																																																																																										
12"	657	667	Gray sandy clay	✓																																																																																																																										
12"	667	675	Brown sandy clay	✓																																																																																																																										
12"	675	707	White sandstone	✓																																																																																																																										
12"	707	716	Yellow sandy clay	✓																																																																																																																										
12"	716	728	Sandstone	✓																																																																																																																										
12"	728	745	Quartz layite	✓																																																																																																																										
4. METHOD DRILLED Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☒ Dog ☐ Other ☐	5. WELL CONSTRUCTION Casing schedule Steel ☐ Concrete ☐ Other ☐ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>250 inches</td> <td>10 3/4 inches</td> <td>280 feet</td> <td>456 feet</td> </tr> <tr> <td>250 inches</td> <td>9 3/4 inches</td> <td>420 feet</td> <td>620 feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch Size of perforation 3/16 inches by 8 inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>450 perforations</td> <td>287 feet</td> <td>451 feet</td> </tr> <tr> <td>24 perforations</td> <td>614 feet</td> <td>619 feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Diameter</th> <th>Slot size</th> <th>Set from</th> <th>feet to</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth _____ Material used in seal: ☐ Cement grout ☐ Bentonite ☐ Pudding clay ☐ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>pipe welded in side of casing - extending above cement seal</u>	Thickness	Diameter	From	To	250 inches	10 3/4 inches	280 feet	456 feet	250 inches	9 3/4 inches	420 feet	620 feet	Number	From	To	450 perforations	287 feet	451 feet	24 perforations	614 feet	619 feet	Diameter	Slot size	Set from	feet to	_____	_____	_____	_____																																																																																																
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_____	_____	_____	_____																																																																																																																											
6. LOCATION OF WELL Sketch map location must agree with Section _____ Subdivision Name _____ Lot No. _____ Block No. _____ County <u>CASSIA</u> SE 1/4 NE 1/4 Sec. 8 T. 135 N. R. 25 E.	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Jim D. Kempton W.D.</u> Firm No. <u>32</u> Address <u>PO Box 43 Albion 83311</u> <u>3/14/80</u> Signed by (Firm Official) <u>Jim D. Kempton</u> and (Operator) <u>Jim D. Kempton</u>																																																																																																																													

INTER-DEPARTMENT MEMO — 1

FROM D JonesDATE 4/26/91TO FiscalSUBJECT ReFund.

State Rep. Jim Kempton Filed a proof of B/U and an amendment recently (4/18/91) along with an incorrectly added fee check. Please refund \$5.00 to Ember Hill Ranch, Star Rt, Box 28, Albion, ID 83311. Attached are 2 copies of receipt # 5013287. The correct fees are \$125 for B/U proof and \$20 for amendment.

Douglas Jones
SIGNATURE

MICROFILMED

MAY 08 1991

Drilling Permit 45-88-S-013
Water Permit No. 45-2732
Injection Permit No. _____

State of Idaho
Department of Water Resources

DRILLING PERMIT

RECEIVED
MAR 17 1988

(Authorizing Construction of a Well)*

Department of Water Resources

1. Applicant Jim Kempton

2. Address STAR ROUTE BOX 28

ALBION, ID. 83311

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

3. Water right permit no. 45-2732; Injection well permit no. _____

4. Proposed well location 1/4 SW 1/4 SW 1/4, or Gov't lot No. _____

Sec. 8, Twp. 12S, Rge. 25E County CASSIA

Lot, block and subdivision _____

5. Proposed use of well: (Check all that apply)

☒ Domestic ☒ Stockwater () Monitoring

☒ Irrigation () Industrial () Municipal

() Injection () Other, Specify _____

6. Well construction information:

() New well ☒ Deepen () Replace from 367' to

Proposed surface diameter AS BEFORE Proposed depth APPROX 500'

Anticipated bottom hole temperature:

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

7. Anticipated construction start date COMPLETING AT THIS TIME.

8. Well Driller (if known) TOM MACKENZIE #037

Address ALBION ID.

Date MAR 11, 1988 Applicant's signature Jim Kempton

Title Owner

ACTION OF IDWR

☒ Approved () Denied

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

SPECIFIC CONDITIONS:

Dated this 16 day of March, 19 88.

Signed Larry O. Halpin

Title Southern Region Mgr

Received by M. Baldwin Fee \$100. Date 3/15/88

Receipt No. 45564 Construction start date MAY 08 1991

Construction start extension to _____

Extension approved by _____

October 4, 1989

Jimmy D. Kempton
Star Box 28
Albion, Id 83311

Dear Mr. Kempton:

Re: Permit No. 45-7385

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1991.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions concerning these permits, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

July 31, 1989

138478

Jimmy D. Kempton
Star Route Box 28
Albion, ID 83311

PROOF DUE NOTICE

RE: PERMIT NO. 45-7385

Dear Mr. Kempton:

Enclosed is an order that authorizes you to continue development under your permit to appropriate water No. 45-7385. Note the conditions for continuance.

One of the conditons of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.
..... Cheryl Blauer being first
duly sworn, deposes and says that she 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 (2)
consecutive weeks, commencing with the issue
dated June 22, 1989, and ending
with the issue dated June 29, 1989.
..... Cheryl Blauer

STATE OF IDAHO

COUNTY OF

On this 7th day of July in the year of 1989, before me,
a Notary Public, personally appeared Cheryl Blauer,
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.

Margaret Barndt
Notary Public for Idaho
Residing at Burley, Idaho
My commission expires: 2-1-94

Cost of Publication 30.72
Notary Fee 50
Total Cost 31.22

JUL 19 1989

MICROFILMED

Department of Resources

OCT 19 1989

AFFIDAVIT OF PUBLICATION

Cost of Publication	30.72
Notary Fee	50
Total Cost	31.22

Published in the South Idaho Press on
June 22 and 29, 1939.



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

June 14, 1989

South Idaho Press
Box 190
Burley, ID 83318

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on June 22 and June 29 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of June 19 and June 26. 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 billing to the office below before July 10.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

HEIDI M. MIKEL
Secretary

RECEIVED
OCT 19 1989

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 45-7385
Presently Recorded as Follows:

Name: JIMMY D. KEMPTON
Address: STAR RT., BOX 28
ALBION, ID 83311
Source: GROUNDWATER
Diversion Pt.: SWNE, NWSW SEC. 8 T12S R25E
CASSIA COUNTY
Use: IRRIGATION (3.00 CFS)
Priority: AUGUST 20, 1979
Place of Use: NW1/4, W1/2NE SEC. 8 T12S R25E
Total Acres: 215

Of the 215 acres described, this permit proposes supplemental supply to 92 acres and full supply to 123 new acres. This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before July 10, 1989. A protest must overcome the presumption of Water Appropriation Rule 5,2,1.

R. Keith Higginson, Director

MICROFILMED

OCT 19 1989

4/8/81

MBER
HILL

RANCH

Tenir

*Please note reduced average
coverage from 215 to 190.*

Jim Kingston

SEP 10 1981

RECEIVED

MICROFILMED

OCT 19 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

JUL 06 1989

Department of Water Resources

PERMIT NO. 45-7385

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes No

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1985. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. NONE

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 190

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

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

33230/33231 REF. EXPANSION CLAIM A45-10497

Use the reverse side of this form if you wish to add any comments.

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.

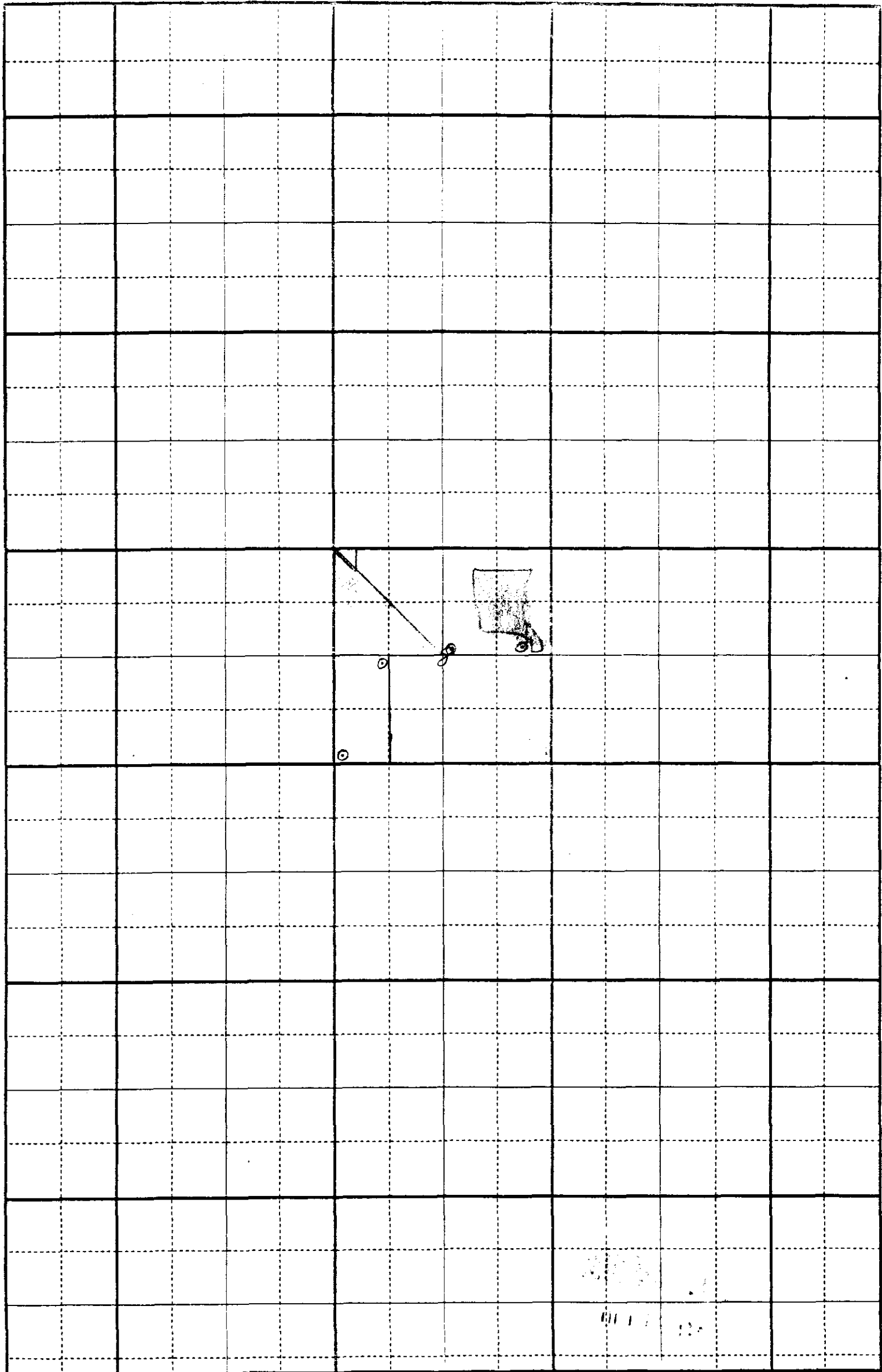
Permit Holder

James H. Kempton

Date

June 8, 1989

RECEIVED
OCT 19 1989

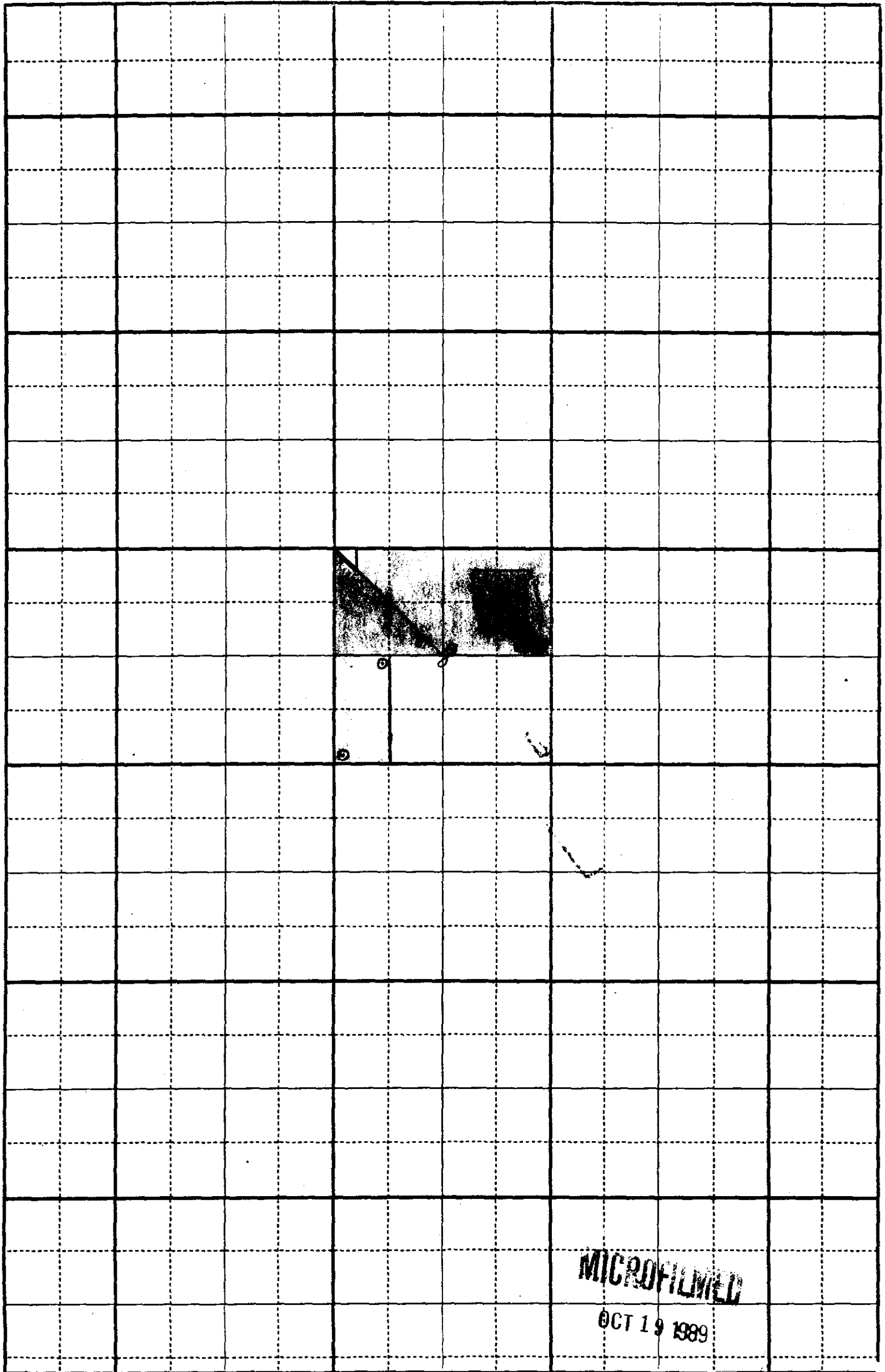


SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

45-151
45-213
45-151

NAME OF APPLICANT.....

Form No. 0



MICROFILMED
OCT 19 1989

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

45-2734
45-2732
45-7385



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

M. Alvin Kempton
Star Route 27
Albion, ID 83311

Re: Permit No. 45-7385

Dear Mr. Kempton:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On October 31, 1979, the Department of Water Resources (Department) issued Permit No. 45-7385 which authorized the diversion of 3.0 of water from a groundwater source for the irrigation of 215 acres.

The Department mailed a letter and questionnaire to you on April 6, 1989 in connection with the permit. The letter provided notice that the Department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the Department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a re-advertisement fee in the amount of twenty dollars (\$20) and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within thirty (30) days of the date of the letter was cause for the Department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE

Sr. Water Resource Agent

MICROFILM
OCT 19 1989

Enclosure
cc: Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 45-7385

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5, (see enclosed).

RECEIVED

OCT 19 1989

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 must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

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

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

RECEIVED

OCT 19 1987

RECEIVED

JAN 03 1989

INTER-DEPARTMENT MEMO — 1

DATE 12-29-88

FROM Jim Stanton

TO File

Department of Water Resources

SUBJECT Permit 45-7385

The permit holder was in the office today to discuss this permit. He stated that he was told a long time ago that he could not proceed with development of this system due to the Swan Falls litigation; he wasn't sure who told him. He did clear some of the land, as he expected to eventually develop this system. He has not done any development since the extension of time was granted. Tim Luke of the Boise office said that this permit was still in the Swan Falls lawsuit, and would not be let out of the lawsuit until it was re-processed under the new rules; with the 1979 priority, this should occur within a year or two. Tim recommended that Mr. Kempton proceed with development of the permit, as this would help them to get another extension of time. I told this to Mr. Kimpton, and also said that he might be able to get another extension even without doing additional work under the permit. I gave him a blank drilling permit in case he wanted to drill a well to irrigate this ground, which he said would actually be well under 200 acres due to a lack of water in the aquifer. The land under the permit is all new ground (no existing water rights).

Michael L. Leland

OCT 19 1989



SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

OCT 19 1985

September 5, 1984

M. Alvin Kempton
Star Route Box 27
Albion, ID 83311

Dear Mr. Kempton:

Re: Extension of Time for Permit No. 45-7385

Enclosed is the statement of beneficial use postcard. Since the project is not complete and you have also submitted a request for extension of time, the Department has approved the extension request and returned the postcard to you to be resubmitted at such time in the future when the project is completed.

A copy of the extension of time request is enclosed. The time within which to submit the statement of beneficial use is extended to October 1, 1989. The request has also been approved with the following condition:

The Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.

Such conditions may be necessary due to statutory or regulatory changes occurring after the date of the extension and before the date that beneficial use is made. However, if conditions are added to your permit, you will be given an opportunity to object to them.

Even though the Swan Falls dispute has not been settled, it has been determined that a decision is now necessary on your request for extension to clarify for you and all other parties to the Idaho Power lawsuit the status of the permit you hold. If the permit is valid, the extension request can be approved under existing law, but development and continued use of water under terms of the permit may be adversely affected when the Swan Falls litigation is ultimately resolved.

UNRECORDED

In 1982 the Idaho Legislature added a requirement that as a permit holder you should commence the excavation or construction of diverting works within one year of the date a permit is issued or in the case of this extension, within one year of the date the extension is signed. The enclosed blue postcard must be completed and returned to this office as soon as you commence construction. The commencement of works requirement and the approval of this extension of time should not, however, be considered as encouraging you to commence construction. The Swan Falls litigation is still pending and there are inherent risks in making expenditures on a project that is subject to litigation. Pending litigation will be considered as a cause for delaying the commencement of works construction and applying for and receiving additional extensions of time for the proof of beneficial use submittal if the Swan Falls matter is not resolved in the near future.

If you have questions on this extension approval, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

EXTENSION OF TIME

August 17, 1984

M. Alvin Kempton
Star Route Box 27
Albion, ID 83311

PERMIT NO. 45-7385

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 35001.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138071

KEMPTON, M. ALVIN
STAR ROUTE BOX 27
ALBION,, ID 83311

PROOF DUE NOTICE

JULY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 45-7385 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 3, 1979

M. Alvin Kempton
Star Route Box 27
Albion, Idaho 83311

Dear Mr. Kempton

RE: Permit No. 45-7385

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

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

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. Tuttle

DAVID R. TUTTLE
Supervisor, Water Allocations Section

DRT:lr

Enclosures

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

) ss.

STATE OF IDAHO)

Donna Fitts being first

duly sworn, deposes and says that she is the

clerk 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 *Sept. 11* 19 *79*, and ending

with the issue dated *Sept. 18*, 19 *79*.

Donna Fitts

Subscribed and sworn to before me

this *18th* day of *Sept.*

19 *79*.

[Signature] Notary Public

Cost of Publication *10.66*

Notary Fee *10.66*

Total Cost *10.66*

*ok
macy
9/21/79*



RECEIVED

SEP 21 1979

Department of Justice
Southern District Office

MICROFILMED

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia.

ss.

STATE OF IDAHO

Sheila Mae being first
duly sworn, deposes and says that She is the

Editor 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 *one* consecutive weeks, commencing with the issue dated *September 11, 1979*, and ending with the issue dated *September 12, 1979*.

Subscribed and sworn to before me

this *18th* day of *September*
19 *79*.

Stephen Allred Notary Public

Cost of Publication *None*

Notary Fee, *None*

Total Cost *None*

79-270

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:

45-7385

KEMPTON, M. ALVIN, STAR ROUTE BOX 27, ALBION, ID 83311, Source: GROUNDWATER, Date Filed: 08/20/1979, Amount: 3.00 CFS, Diversion Point: SWNE NWSW Sec 08 T 12S R 25E, CASSIA Co., Use: IRRIGATION (3.00 CFS) from 03/15 to 11/15, Place of Use: NWNE SWNE NENW NWNW SWNW SENW Sec 08 T 12S R 25E FOR 215 ACRES, Diversion Means: WELLS AND PUMPS

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 SEPTEMBER 28, 1979.

C. STEPHEN ALLRED

Director

Published in the South Idaho Press on September 11, 18, 1979.

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:

45-2385-

KEMPTON, M. ALVIN

STAR ROUTE BOX 27, ALBION., ID 83311

Source: GROUNDWATER

Date Filed: 08/20/1979

Amount: 3.00 CFS

NWSW

Diversion Point: SWNE/Sec 08 T 12S R 25E, CASSIA Co.

Use: IRRIGATION (3.00 CFS) from 03/15 to 11/15

Place of Use: NWNE SWNE NENW NWNW SWNW SENW Sec 08 T 12S R 25E
FOR 215 ACRES

Diversion Means: WELLS AND PUMPS

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 SEPTEMBER 28, 1979.

C. STEPHEN ALLRED

Director

Published 9/11 & 9/18/79.

MAINTAINED

100-443886-10