

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 45-07366

Priority: December 14, 1978

Maximum Diversion Rate:

0.61 CFS

This is to certify, that EARL LAVELL WARTHEN

PO BOX 145

ALBION ID 83311

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1978; and has submitted Proof of Beneficial Use on January 25, 1984. An examination indicates that the works have a diversion capacity of 0.610 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.61 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 16, Township 12S, Range 25E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S	25E	16	NENW 37	NWNW 15	SENW 15	67

Total number of acres irrigated: 67

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

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State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 45-07366

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 268.0 af at the field headgate for the lands above.
8. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

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


Acting for

KARL J. DREHER, Director

MICROFILMED

NOV 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

Idaho Department of Water Resources
Boise, Idaho

1. Name of applicant Earl Lavell Warthen Phone 673-5385

Post office address Box 145, Albion, Idaho

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

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

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

4. Water will be used for the following purposes:

Amount 1.56 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. 1.56 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pump, sprinklers

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 250 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: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	25E	16					40	19		19									78

Total number of acres to be irrigated 78

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

63 inches Howell Creek decreed water

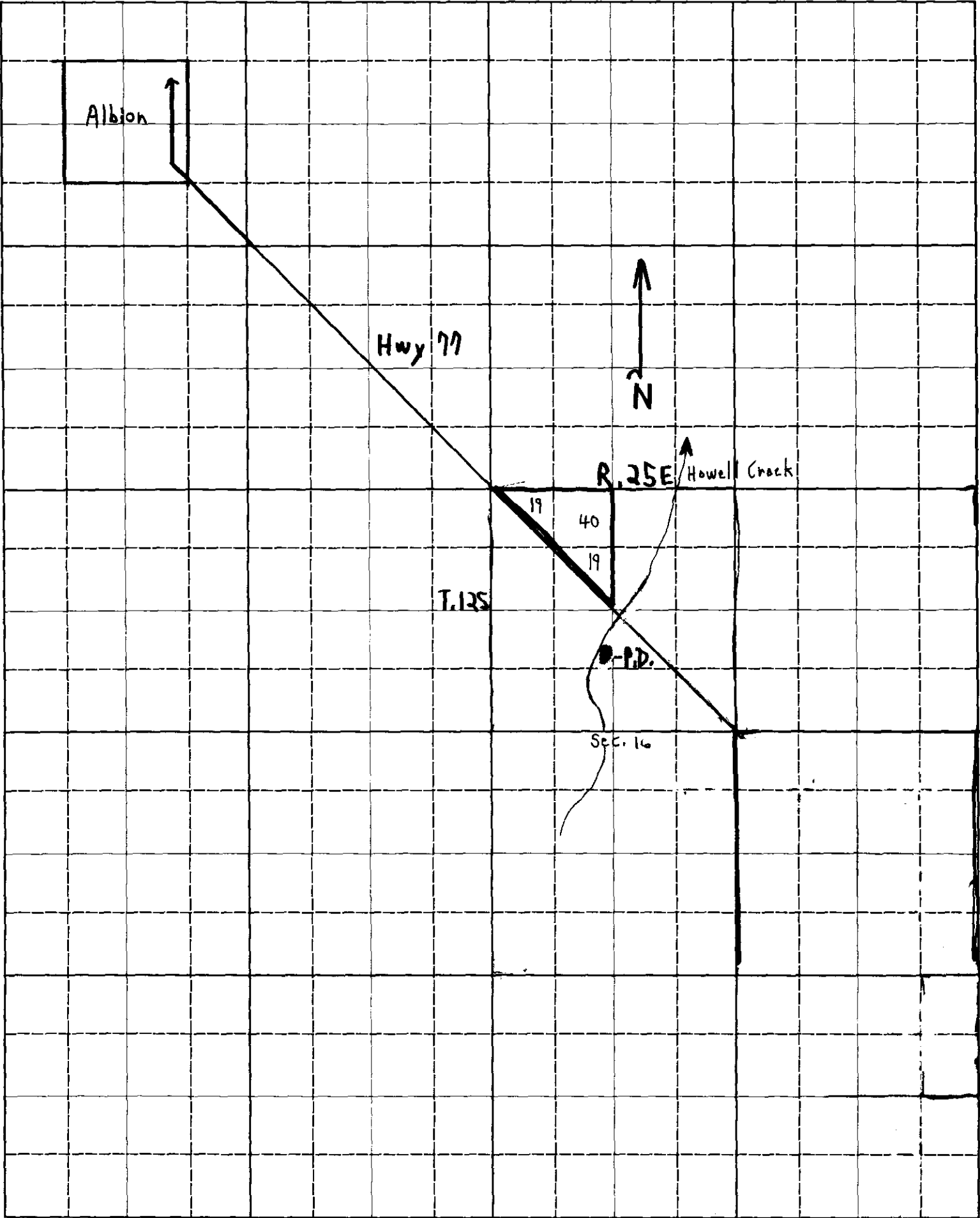
9. a. Who owns the property at the point of diversion Applicant

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.

Earl H. Matthews
(Applicant)
Earl Lowell Matthews

Proposed Priority 12-14-78

Received by J. Lunderby Date 12-14-78 Time 11:00 P.M.

Preliminary check by [initials] Fee \$ 45.00

Receipted by merja Date 12/14/78 # 12643-(92-178)

Publication prepared by ADM Date 12/22/78

Published in South Idaho Press

Publication dates 1/9/79 + 1/16/79

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LT J.S.

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. 45-7366, 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 February 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: 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 12 day of February, 19 79.

J. Glen Saxton
Chief, Operations Bureau

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

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

Janet Parker, being first

duly sworn, deposes and says that he is the

Clark 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 five consecutive weeks, commencing with the issue dated Jan 9 1979, and ending with the issue dated Jan 16 1979.

Janet Parker

Subscribed and sworn to before me

this 16 day of Jan

1979.

Notary Public

Cost of Publication 10.25

Notary Fee _____

Total Cost 10.25

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

78-541

**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:

46-7846

WARTHEN, EARL LAVELL, Box #145, Albion, Id. 83311, Source: Groundwater. Date Filed: 12/14/1978, Amount: 1.56 CFS, Diversion Point: NESW Sec. 16 T 12S R 25E, Cassia Co., Use: Irrigation (1.56 CFS) from 03/15 to 11/15, Place of Use: NENW, NWNW, SENW Sec. 16 T 12S R 25E for 78 Acres, Diversion Means: Well and 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 on or before January 26, 1979.

C. STEPHEN MILLER
Director

Published in the South Idaho Press on January 9 and 16, 1979.

RECORDED

Published in the South Idaho Press on January 9 and 16, 1979.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL LAVELL WARTHEN
PO BOX 145
ALBION ID 83311-0145

RE: Water Rights 45-07366/45-07538

Dear Water Right Holder:

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

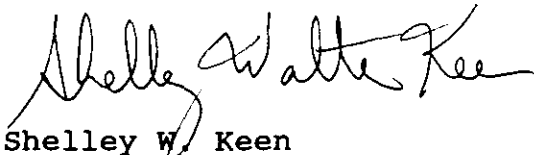
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is fluid and somewhat stylized, with the first and last names being more prominent than the middle initial.

Shelley W. Keen
Water Rights Supervisor

SWK:klt

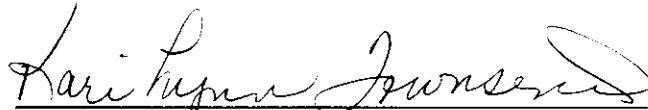
Enclosure

CERTIFICATE OF MAILING

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

Water Rights 45-07366/45-07538

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


Kari Lynn Townsend
Secretary

4
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JUL 16 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY 21 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 45-07366

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

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

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

Address: SAME AS ABOVE Phone No. SAME AS ABOVE

Relationship to Permit Holder: OWNER

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 45-07538 and adjudication claim A45-00327

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

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

2. Place(s) of Use:

Indicate Method of Determination visual inspection and

the use of a planimeter on an ASCS photo

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16					37	15		15									67 AC

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

SEE ATTACHED SHEET.

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

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

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D WELL	FRANKLIN	25 Hp	NOT AVAILABLE	PIONEER	4" DISCHARGE

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SEE ATTACHED SHEET						

2. **Measurements:** The measurement on this well was performed by Loren Holmes of the Southern Office of the Idaho Department of Water Resources on 8-17-84. The report by Mr. Holmes is included in this field exam to show the procedures of his measurements.

E. NARRATIVE/REMARKS/COMMENTS

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

450-0-6-1988

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

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

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

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1978

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

F. FLOW CALCULATIONSYES Additional Computation Sheets Attached

Measured Method:

.61 cfs (see attached field report from Loren Holmes who performed the measurements on 8-17-97)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{67 \text{ acres} \times 4.0 \text{ irrigation requirement} = 268 \text{ afa}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{.61 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 258.93}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{259 \text{ afa}}$$

B

2. Volume Calculations for Other Uses:

NONE

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
	From	To	Q (cfs)	V (afa)	
<u>IRRIGATION</u>	<u>APRIL 01</u>	<u>OCT. 31</u>	<u>.61 cfs</u>	<u>.61 cfs</u>	<u>259 afa</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Totals:			<u>.61 cfs</u>	<u>259 afa</u>	

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

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

Reviewer _____ Date _____

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SEAL

MAR 30 1998

RECOMMENDATIONS:

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

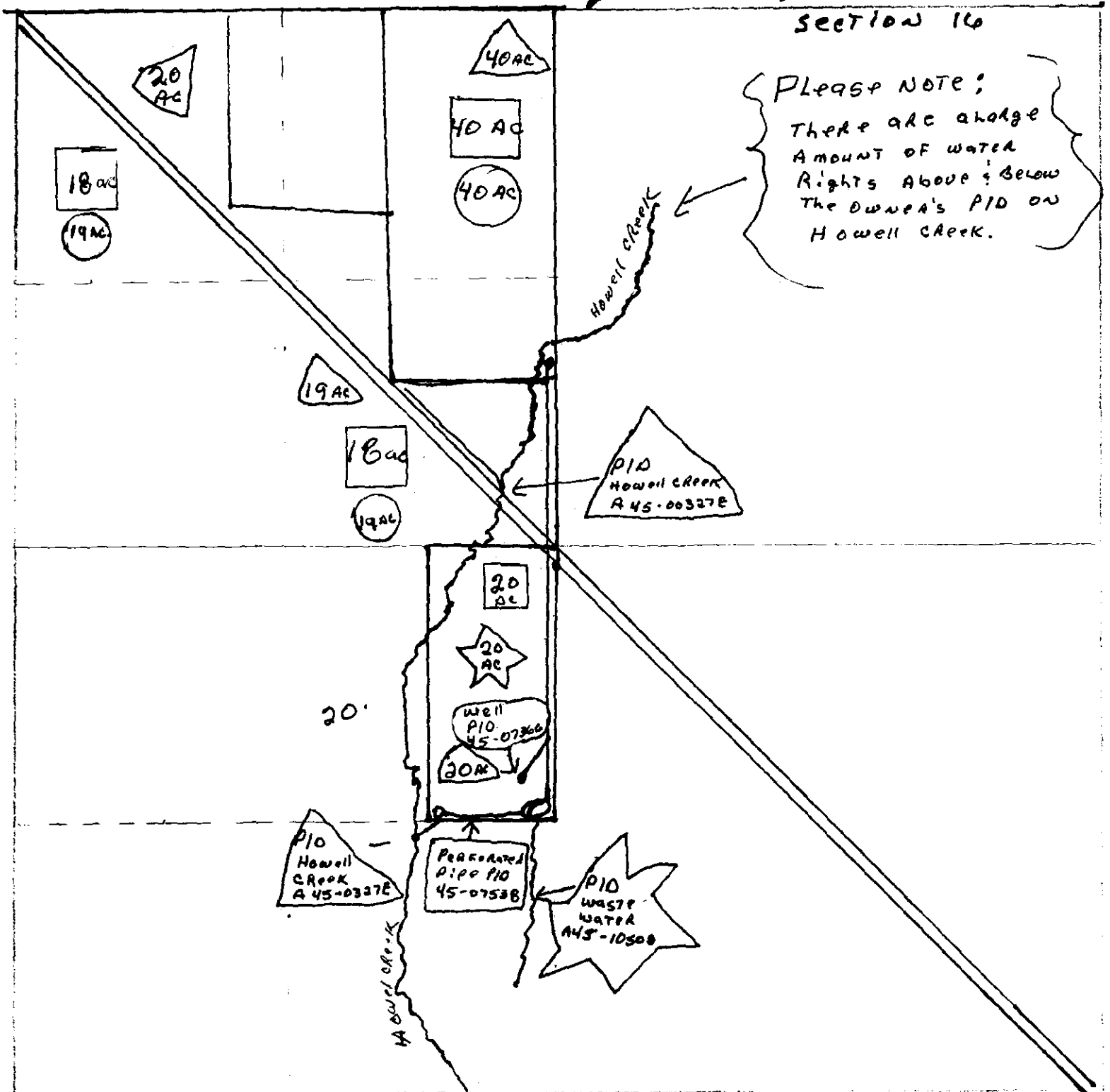
1. That when combined with all other water rights that the water use does not exceed .02 cfs per acre.
2. That this well be licensed for .61 cfs diversion rate and 259 afa annual volume. I recommend this on the basis that the water for these lands comes from this well, seep water (buried perforated pipe), Howell Creek water, and waste water which are all unreliable sources of water during low water years. Therefore, the owner must have the right to use the well as the sole source of irrigation if necessary.

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OVER LAPPING WATER RIGHTS

SECTION 16



Acres 45-07538

96 acres total (.20 CFS)

Acres 45-07366

78 acres total (.15 CFS)

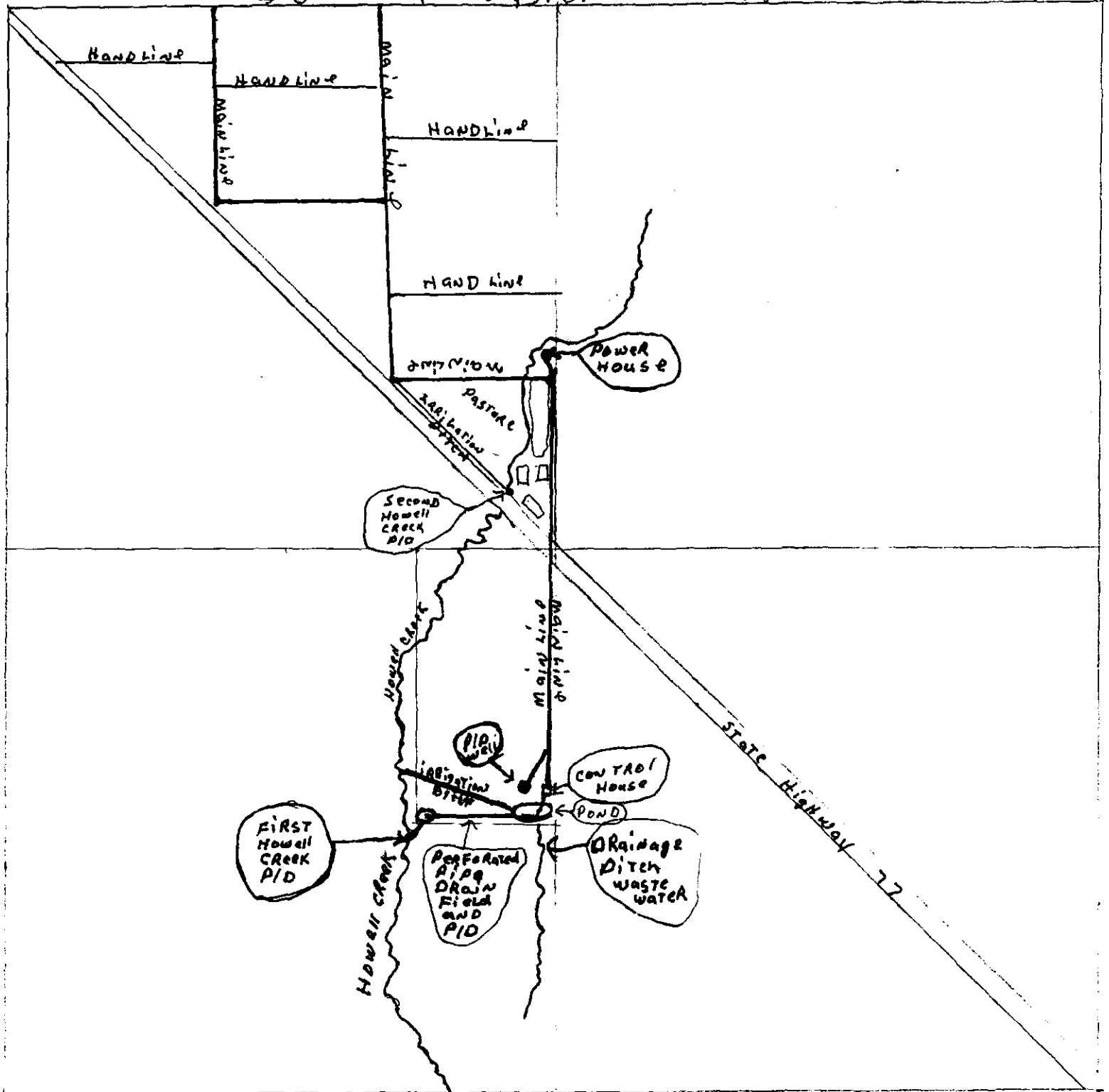
Acres A 45-10502

20 acres total (.40 CFS)

▲ A 45-00327E (1.25 CFS)

45-07642 (Power usage)
[Please note! This Right's PID Comes From Howell Creek and ONLY uses the conveyance system.]

Delivery System Diagram



Section 16 Township 12S Range 25E

RECORDED

1958

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Permit No. 45-7366
Phone No. 673-5285 Home

1. Owner: Earl Wathen Phone No. 213-5285 Home
Current Address: Box 142, Albion, ID 83201
2. Accompanied by: Earl Wathen EXAM. DATE: 8/17/84
Address: Same as above Phone No. _____
Relationship to Permit Holder: Permit Holder
3. Source: Groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
—	Franklin	25	Not Available	Pioncet	4" Discharge

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

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

12' x 600' well - 1" set at 240'
4" Discharge into 6" Aluminum Mainline - 4 sprinkler lines - 70 heads on
Submersible Pump - 25 HP
Annubar Port installed - 4" Annubar not available for measurement

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gage	—	Aghcraft	—	IDWR	D-100	(-LPSG) 3/24/84
Sug/Hose					1.35293	

7. Measurements ☐ Additional data/computation sheets attached

Pressure gauge Measurement (See Notes on Back of M.F.)
Average Corrected Pressure = 8 Nozzle = 59 PSI
Nozzle Size = $\frac{1}{8}$ " Nozzle Efficiency = 95%
 $Q = 29.837 (\frac{1}{8})^2 59 (.95) \times 50 \text{ Nozzles} = 2729 \text{ GPM} = .61 \text{ CFS}$

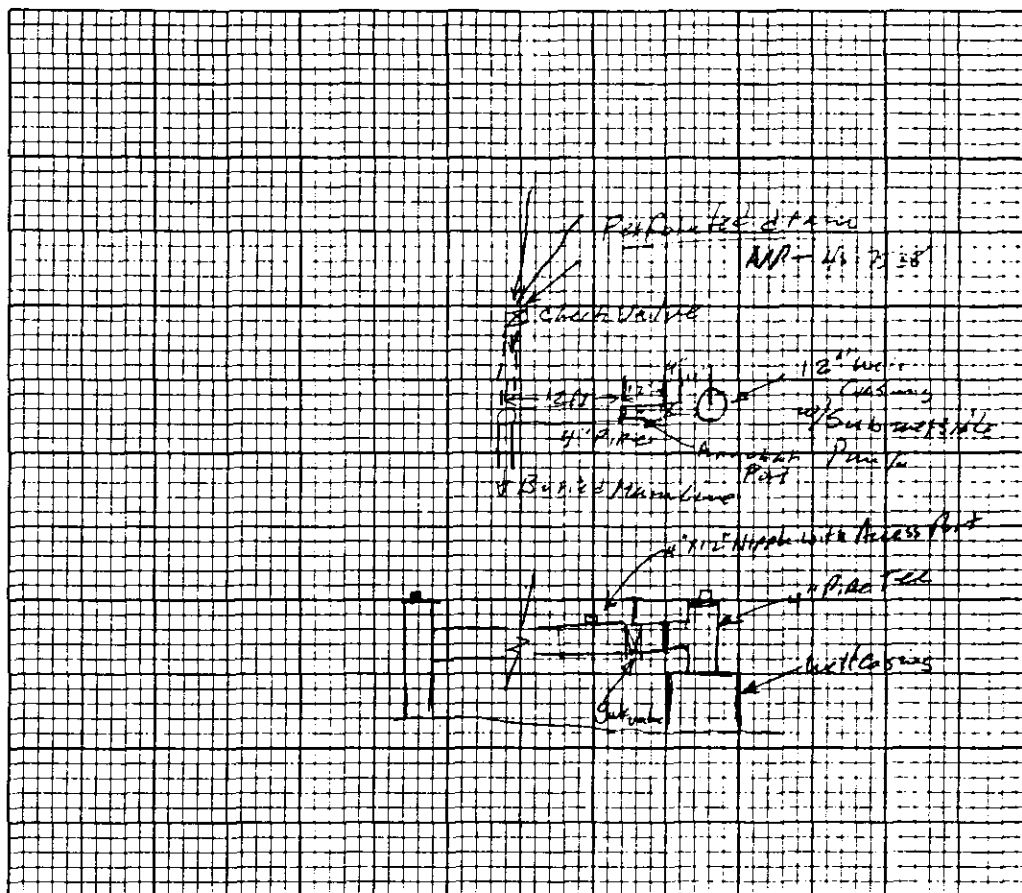
- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

[illegible]

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

[illegible]

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



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

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

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature Loren D. Hulman Date _____

Consultant's License Number _____

IDWR Director's Authorization to Conduct

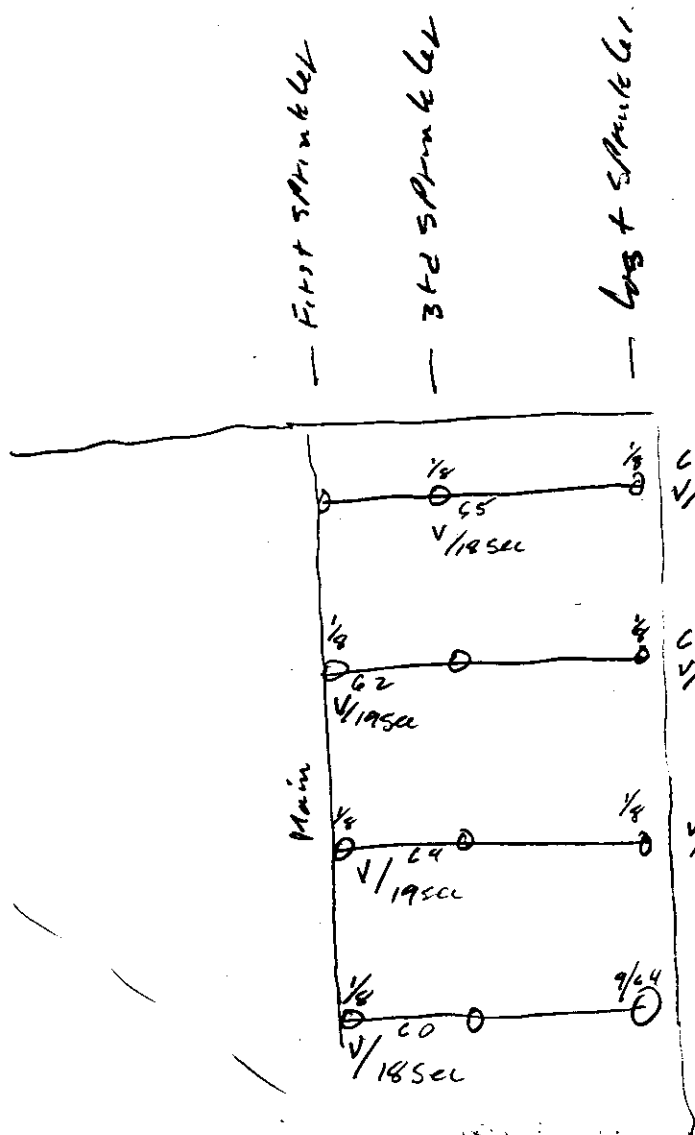
Beneficial Use Examination _____

Date

CONSULTANT SEAL

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AUG 3 6 1978



Gage correction -
 Subtract 2 PSI from
 all readings

$V = \text{volume of Jug} = .1352 \text{ ft}^3$

64 $\frac{1}{16} \text{ sec}$ $\frac{1}{8}$ " Nozzles
 20 Heads/Line

60 $\frac{1}{20} \text{ sec}$ 4 Lines

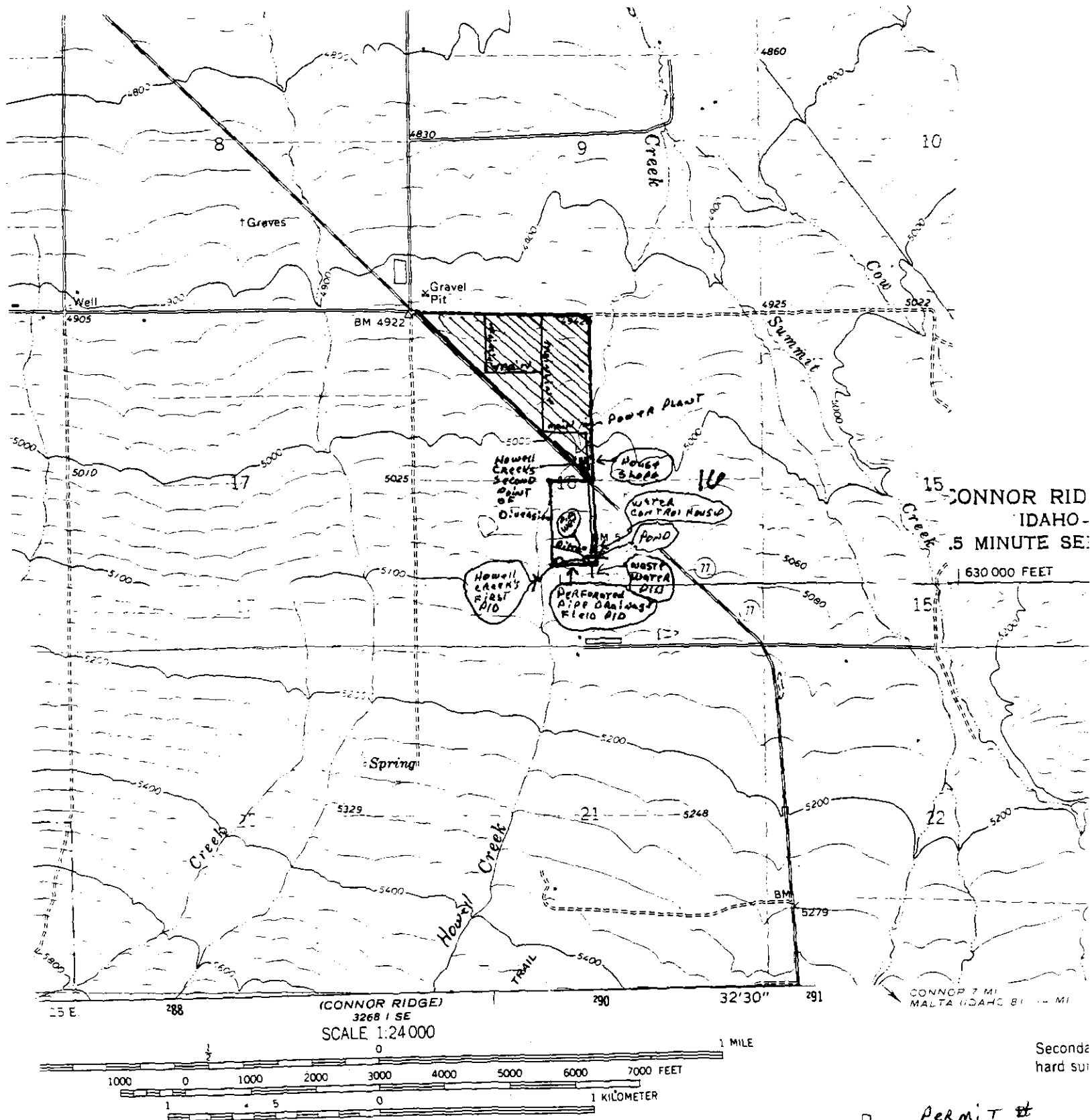
57 $\frac{1}{20} \text{ sec}$

56 $\frac{1}{13} \text{ sec}$

Corrected Average Pressure = 59 PSI

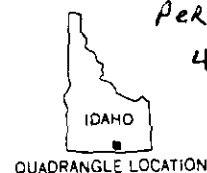
MICROFILMED

16 0 6 1958



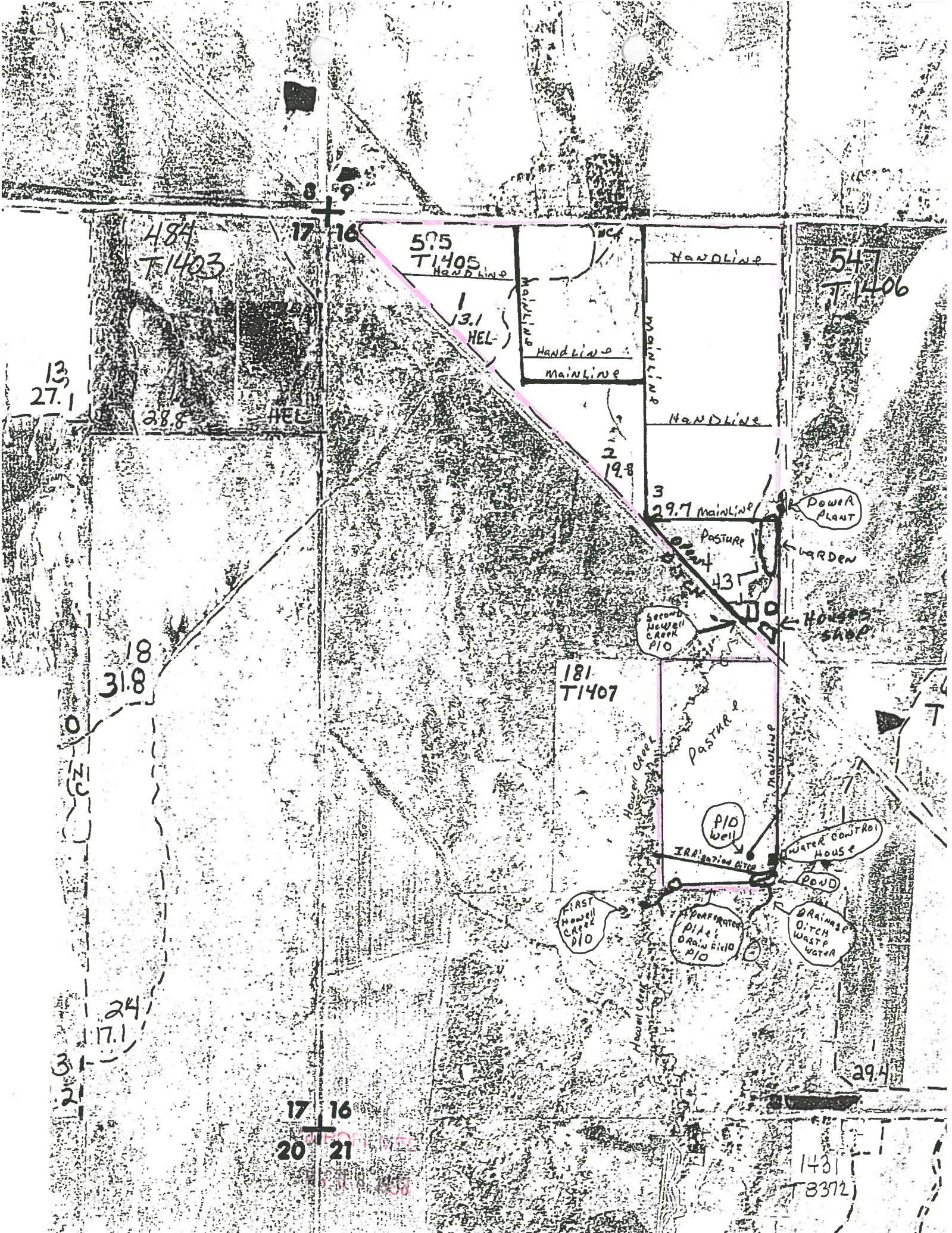
Seconda
hard suit

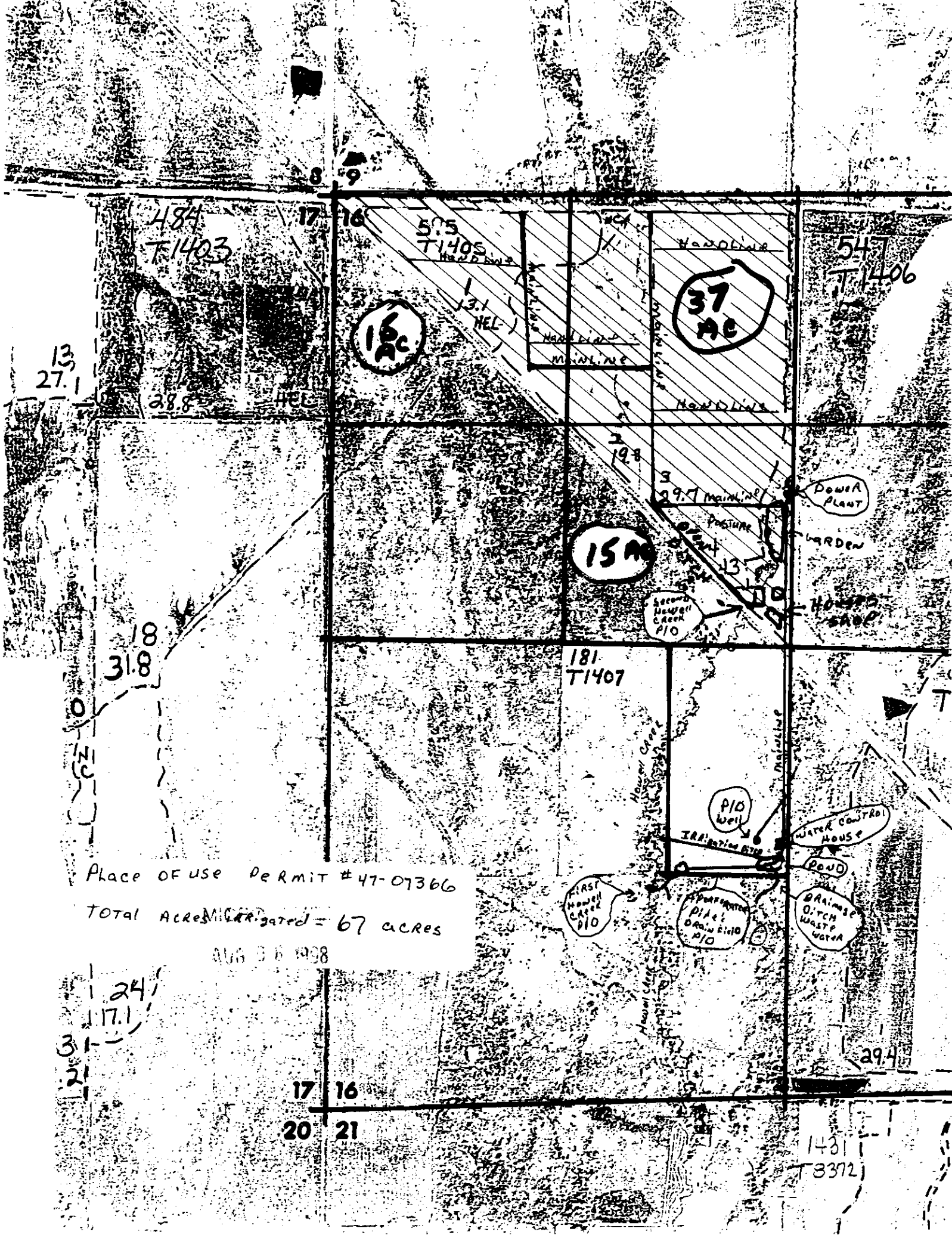
Permit #
45-07366



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

Combination of maps
CC 30 & CC 80





Place of use Permit #47-07366

Total Acres MIGR-gated = 67 acres

AUG 3 6 1998

24
17.1
31
2

17 16
20 21

29.4
143
3372

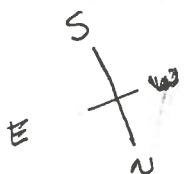
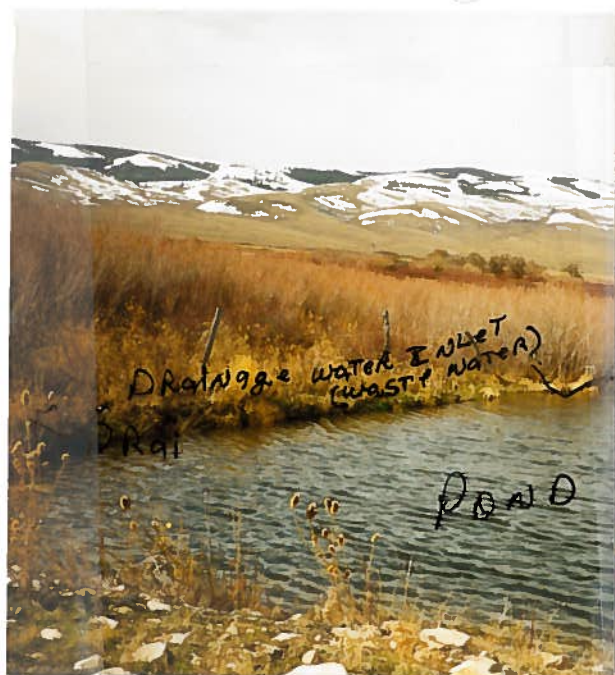
12S25E

GOVERNMENT LOTS

06 L704	06 L703	06 L702	06 L701	05 L704	05 L703	05 L702	05 L701	04 L704	04 L703	04 L702	04 L701	03 L704	03 L703	03 L702	03 L701	02 L704	02 L703	02 L702	02 L701	01 L704	01 L703	01 L702	01 L701
06 L705	06 SE7W	06 SW6E	06 SE7E	05 SW6W	05 SE7W	05 SW6E	05 SE7E	04 SW6W	04 SE7W	04 SW6E	04 SE7E	03 SW6W	03 SE7W	03 SW6E	03 SE7E	02 SW6W	02 SE7W	02 SW6E	02 SE7E	01 SW6W	01 SE7W	01 SW6E	01 SE7E
06 L706	06 NE3W	06 NW6E	06 NE3E	05 NW6W	05 NE3W	05 NW6E	05 NE3E	04 NW6W	04 NE3W	04 NW6E	04 NE3E	03 NW6W	03 NE3W	03 NW6E	03 NE3E	02 NW6W	02 NE3W	02 NW6E	02 NE3E	01 NW6W	01 NE3W	01 NW6E	01 NE3E
06 L707	06 SE3W	06 SW6E	06 SE3E	05 SW6W	05 SE3W	05 SW6E	05 SE3E	04 SW6W	04 SE3W	04 SW6E	04 SE3E	03 SW6W	03 SE3W	03 SW6E	03 SE3E	02 SW6W	02 SE3W	02 SW6E	02 SE3E	01 SW6W	01 SE3W	01 SW6E	01 SE3E
07 L701	07 NE7W	07 NW6E	07 NE7E	06 NW6W	06 NE7W	06 NW6E	06 NE7E	06 NW6W	06 NE7W	06 NW6E	06 NE7E	10 NW6W	10 NE7W	10 NW6E	10 NE7E	11 NW6W	11 NE7W	11 NW6E	11 NE7E	12 NW6W	12 NE7W	12 NW6E	12 NE7E
07 L702	07 SE7W	07 SW6E	07 SE7E	06 SW6W	06 SE7W	06 SW6E	06 SE7E	06 SW6W	06 SE7W	06 SW6E	06 SE7E	10 SW6W	10 SE7W	10 SW6E	10 SE7E	11 SW6W	11 SE7W	11 SW6E	11 SE7E	12 SW6W	12 SE7W	12 SW6E	12 SE7E
07 L703	07 NE3W	07 NW6E	07 NE3E	06 NW6W	06 NE3W	06 NW6E	06 NE3E	06 NW6W	06 NE3W	06 NW6E	06 NE3E	10 NW6W	10 NE3W	10 NW6E	10 NE3E	11 NW6W	11 NE3W	11 NW6E	11 NE3E	12 NW6W	12 NE3W	12 NW6E	12 NE3E
07 L704	07 SE3W	07 SW6E	07 SE3E	06 SW6W	06 SE3W	06 SW6E	06 SE3E	06 SW6W	06 SE3W	06 SW6E	06 SE3E	10 SW6W	10 SE3W	10 SW6E	10 SE3E	11 SW6W	11 SE3W	11 SW6E	11 SE3E	12 SW6W	12 SE3W	12 SW6E	12 SE3E
18 L701	18 NE7W	18 NW6E	18 NE7E	17 NW6W	17 NE7W	17 NW6E	17 NE7E	16 NW6W	16 NE7W	16 NW6E	16 NE7E	15 NW6W	15 NE7W	15 NW6E	15 NE7E	14 NW6W	14 NE7W	14 NW6E	14 NE7E	13 NW6W	13 NE7W	13 NW6E	13 NE7E
18 L702	18 SE7W	18 SW6E	18 SE7E	17 SW6W	17 SE7W	17 SW6E	17 SE7E	16 SW6W	16 SE7W	16 SW6E	16 SE7E	15 SW6W	15 SE7W	15 SW6E	15 SE7E	14 SW6W	14 SE7W	14 SW6E	14 SE7E	13 SW6W	13 SE7W	13 SW6E	13 SE7E
18 L703	18 NE3W	18 NW6E	18 NE3E	17 NW6W	17 NE3W	17 NW6E	17 NE3E	16 NW6W	16 NE3W	16 NW6E	16 NE3E	15 NW6W	15 NE3W	15 NW6E	15 NE3E	14 NW6W	14 NE3W	14 NW6E	14 NE3E	13 NW6W	13 NE3W	13 NW6E	13 NE3E
18 L704	18 SE3W	18 SW6E	18 SE3E	17 SW6W	17 SE3W	17 SW6E	17 SE3E	16 SW6W	16 SE3W	16 SW6E	16 SE3E	15 SW6W	15 SE3W	15 SW6E	15 SE3E	14 SW6W	14 SE3W	14 SW6E	14 SE3E	13 SW6W	13 SE3W	13 SW6E	13 SE3E
19 L701	19 NE7W	19 NW6E	19 NE7E	20 NW6W	20 NE7W	20 NW6E	20 NE7E	21 NW6W	21 NE7W	21 NW6E	21 NE7E	22 NW6W	22 NE7W	22 NW6E	22 NE7E	23 NW6W	23 NE7W	23 NW6E	23 NE7E	24 NW6W	24 NE7W	24 NW6E	24 NE7E
19 L702	19 SE7W	19 SW6E	19 SE7E	20 SW6W	20 SE7W	20 SW6E	20 SE7E	21 SW6W	21 SE7W	21 SW6E	21 SE7E	22 SW6W	22 SE7W	22 SW6E	22 SE7E	23 SW6W	23 SE7W	23 SW6E	23 SE7E	24 SW6W	24 SE7W	24 SW6E	24 SE7E
19 L703	19 NE3W	19 NW6E	19 NE3E	20 NW6W	20 NE3W	20 NW6E	20 NE3E	21 NW6W	21 NE3W	21 NW6E	21 NE3E	22 NW6W	22 NE3W	22 NW6E	22 NE3E	23 NW6W	23 NE3W	23 NW6E	23 NE3E	24 NW6W	24 NE3W	24 NW6E	24 NE3E
19 L704	19 SE3W	19 SW6E	19 SE3E	20 SW6W	20 SE3W	20 SW6E	20 SE3E	21 SW6W	21 SE3W	21 SW6E	21 SE3E	22 SW6W	22 SE3W	22 SW6E	22 SE3E	23 SW6W	23 SE3W	23 SW6E	23 SE3E	24 SW6W	24 SE3W	24 SW6E	24 SE3E
20 L701	20 NE7W	20 NW6E	20 NE7E	20 NW6W	20 NE7W	20 NW6E	20 NE7E	20 NW6W	20 NE7W	20 NW6E	20 NE7E	27 NW6W	27 NE7W	27 NW6E	27 NE7E	28 NW6W	28 NE7W	28 NW6E	28 NE7E	28 NW6W	28 NE7W	28 NW6E	28 NE7E
20 L702	20 SE7W	20 SW6E	20 SE7E	20 SW6W	20 SE7W	20 SW6E	20 SE7E	20 SW6W	20 SE7W	20 SW6E	20 SE7E	27 SW6W	27 SE7W	27 SW6E	27 SE7E	28 SW6W	28 SE7W	28 SW6E	28 SE7E	28 SW6W	28 SE7W	28 SW6E	28 SE7E
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20 L704	20 SE3W	20 SW6E	20 SE3E	20 SW6W	20 SE3W	20 SW6E	20 SE3E	20 SW6W	20 SE3W	20 SW6E	20 SE3E	27 SW6W	27 SE3W	27 SW6E	27 SE3E	28 SW6W	28 SE3W	28 SW6E	28 SE3E	28 SW6W	28 SE3W	28 SW6E	28 SE3E
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31 L703	31 NE3W	31 NW6E	31 NE3E	32 NW6W	32 NE3W	32 NW6E	32 NE3E	33 NW6W	33 NE3W	33 NW6E	33 NE3E	34 NW6W	34 NE3W	34 NW6E	34 NE3E	35 NW6W	35 NE3W	35 NW6E	35 NE3E	36 NW6W	36 NE3W	36 NW6E	36 NE3E
31 L704	31 SE3W	31 SW6E	31 SE3E	32 SW6W	32 SE3W	32 SW6E	32 SE3E	33 SW6W	33 SE3W	33 SW6E	33 SE3E	34 SW6W	34 SE3W	34 SW6E	34 SE3E	35 SW6W	35 SE3W	35 SW6E	35 SE3E	36 SW6W	36 SE3W	36 SW6E	36 SE3E

140000

• 1000



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



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NOV 16 1998

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



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



THIS IS RELATIONSHIP OF THE WATER CONTROL HOUSE TO THE POND

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AUG 06 1998

This pipe connects well
↓ TO the mainline



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



Picture of well
MICROFILMED
AUG 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 45-7366
Name(s) of Permit Holder(s): Earl L. Wachtman
Post Office Address: Box 145
Albion, Idaho 83311 Tel. No. 673-5385

☒ I hereby certify that construction of diversion works for the above referenced permit began on 5-13-79 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit. I am pumping about 35 inches but will try for 80 inches

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

MICROFILMED

*Note: A financing difficulty is not an acceptable reason.

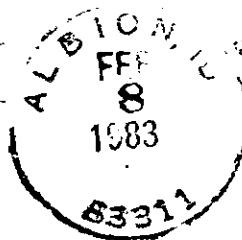
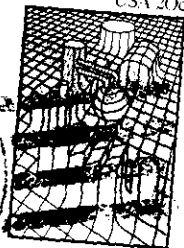
2-8-83
Date

Earl L. Wachtman
Signature of Permit Holder

06-06-1998

Earl H. Miller
Box 145
Millers, Idaho

Science & Industry
USA 20c



MICROFILMED
MAY 16 1988



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

FEB 9 1983

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



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

July 11, 1985

Earl Lavell Warthen
Box 145
Albion, ID 83311

Re: Water Right Identification No. 45-7366

Dear Wateruser:

The proof of beneficial use (Form A) which you recently submitted to the department is being returned to you for the following reason:

☒ Proof of beneficial use has already been submitted for the water right.

☐ Proof of beneficial use is not applicable for existing licensed rights.

☐ Proof of beneficial use is not applicable for existing decreed rights.

☐ Proof of beneficial use is not applicable for a right represented by a claim to a water right.

☐ Other:

Sincerely,

A handwritten signature in cursive script, reading "Rita I. Fleck", is written over the typed name.

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Region

MICROFILMED
AUG 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

POOR QUALITY

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

MARCH 22, 1984

EARL L. WARTHEN
BOX 145
ALBION

ID 83311

RE: Permit No. 45-7366

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

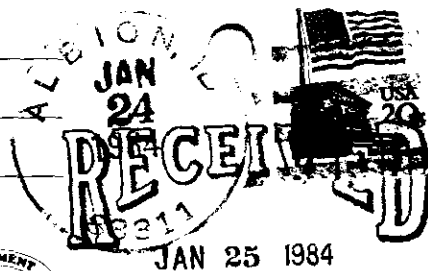
MICROFILMED

Aug 06 1998

Earl H. H. H.

Box 145

Albion, Idaho



JAN 25 1984

Department of Water Resources

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 45-7366

Name(s) of Permit Holder:

E. L. W. H. H.

Post Office Address:

Bx 145 Albion, Idaho

Tel. No.

673-5385

Source of Water:

Ground

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☒ Irrigation

80

(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.

1-24-84

Date

E. L. W. H. H.

Signature of Permit Holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138223

WARTHEN, EARL LAVELL
BOX #145
ALBION, ID 83311

PROOF DUE NOTICE

NOVEMBER 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 45-7366 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 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
NOV 30 1983



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

February 12, 1979

Re: Permit No. 45-7366

Earl Lavell Warthen
Box 145
Albion, Idaho 83311

Dear Mr. Warthen:

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

Please 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. The Department will provide the specifications for the installation to you.

- 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

Enclosure

*Access port
letter sent 8/9/79
Patterson*

FILED
DRT:lr

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

DECEMBER 22, 1978

South Idaho Press
P.O. Box 198
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 JANUARY 26, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

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:

45-2366-

WARTHEN, EARL LAVELL

BOX #145, ALBION, ID 83311

Source: GROUNDWATER

Date Filed: 12/14/1978

Amount: 1.56 CFS

Diversion Point: NESW Sec 16 T 12S R 25E, CASSIA Co.

Use: IRRIGATION (1.56 CFS) from 03/15 to 11/15

Place of Use: NENW N4NW SENW Sec 16 T 12S R 25E FOR 78 ACRES

Diversion Means: WELL AND 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 on or before

C. STEPHEN ALLRED JANUARY 26, 1979.

Director

Published 1/9 & 1/16/79.

RECEIVED

DEC 29 1978

Department of Water Resources
Southern District Office

78-541

**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:

45-7366

WARTHEN, EARL LAVELL, Box #145, Albion, Id. 83311, Source: Groundwater, Date Filed: 12/14/1978, Amount: 1.56 CFS, Diversion Point: NESW Sec. 16 T 12S R 25E, Cassia Co., Use: Irrigation (1.56 CFS) from 03/15 to 11/15, Place of Use: NENW, NWNW, SENW Sec. 16 T 12S R 25E for 78 Acres, Diversion Means: Well and 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 on or before January 26, 1979.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on January 9 and 16, 1979.

*cb
mupa
1/3/79*