

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 45-07335

Priority: September 19, 1978

Maximum Diversion Rate: 6.68 CFS
Maximum Diversion Volume:¹ 2492.0 AF

This is to certify, that W. B. WHITELEY
P.O. BOX 218
OAKLEY, ID 83346

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 11, 1978; and has submitted Proof of Beneficial Use on March 29, 1983. An examination indicates that the works have a diversion capacity of 6.680 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	03/01 to 11/15	6.68 CFS	2492.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 23, Township 12S, Range 21E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S 21E 23	NENE 38	NWNE 38	SWNE 40	
	SENE 39	NENW 39	NWNW 38	
	SWNW 39	SENW 40	NESW 40	
	NWSW 39	SWSW 38	SESW 39	
	NESE 39	NWSE 40	SWSE 39	
	SESE 38			623

Total number of acres irrigated: 623

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 use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery 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.

MICROFILMED

SEP 41 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 45-07335

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 18th
day of SEPTEMBER, 1989.

Acting for *Norm C. Young*
R. Keith Higginson, Director

MICROFILMED

SEP 21 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 45-7335 IN THE NAME OF)
W.B. WHITELEY)

ORDER ADVANCING
DATE OF PRIORITY

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 45-7335 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 45-7335 to appropriate the public waters of the State of Idaho with a proposed priority of January 11, 1978.
2. On August 12, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on October 11, 1986.
3. The license examination fee was received on June 19, 1987, 251 day(s) late.

MICROFILMED

SEP 21 1989

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 45-7335 should be advanced 251 day(s).

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 45-7335 is advanced to September 19, 1978.

Dated this 16th day of August, 1989.

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

SEP 21 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 45-7335

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

Identification No. _____

Application No. 45-7335

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant W. B. Whiteley Phone: 862-3229 off 3377
post office address Oakley, Idaho
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 12 S
Range 21 E B.M. Cassia County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 12.80 for Irrigation purpose from March 1 to Nov. 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .20 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 13 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drilled well, pump, motor,
pipe-sprinkler and/or surface irrigation.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 24 inches; proposed depth of well is 1200 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 30,000.
8. Description of proposed uses:
a. If water is **not** for irrigation: all
(1) Give the place of use of water: all $\frac{1}{4}$ of all $\frac{1}{4}$ of Section 23 Township 12 S
Range 21 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 15,000 Sheep 1500 Cattle
(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.	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	
12 S	21 E	23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Total number of acres to be irrigated 640

c. Describe any other water rights used for the same purposes as described above. none

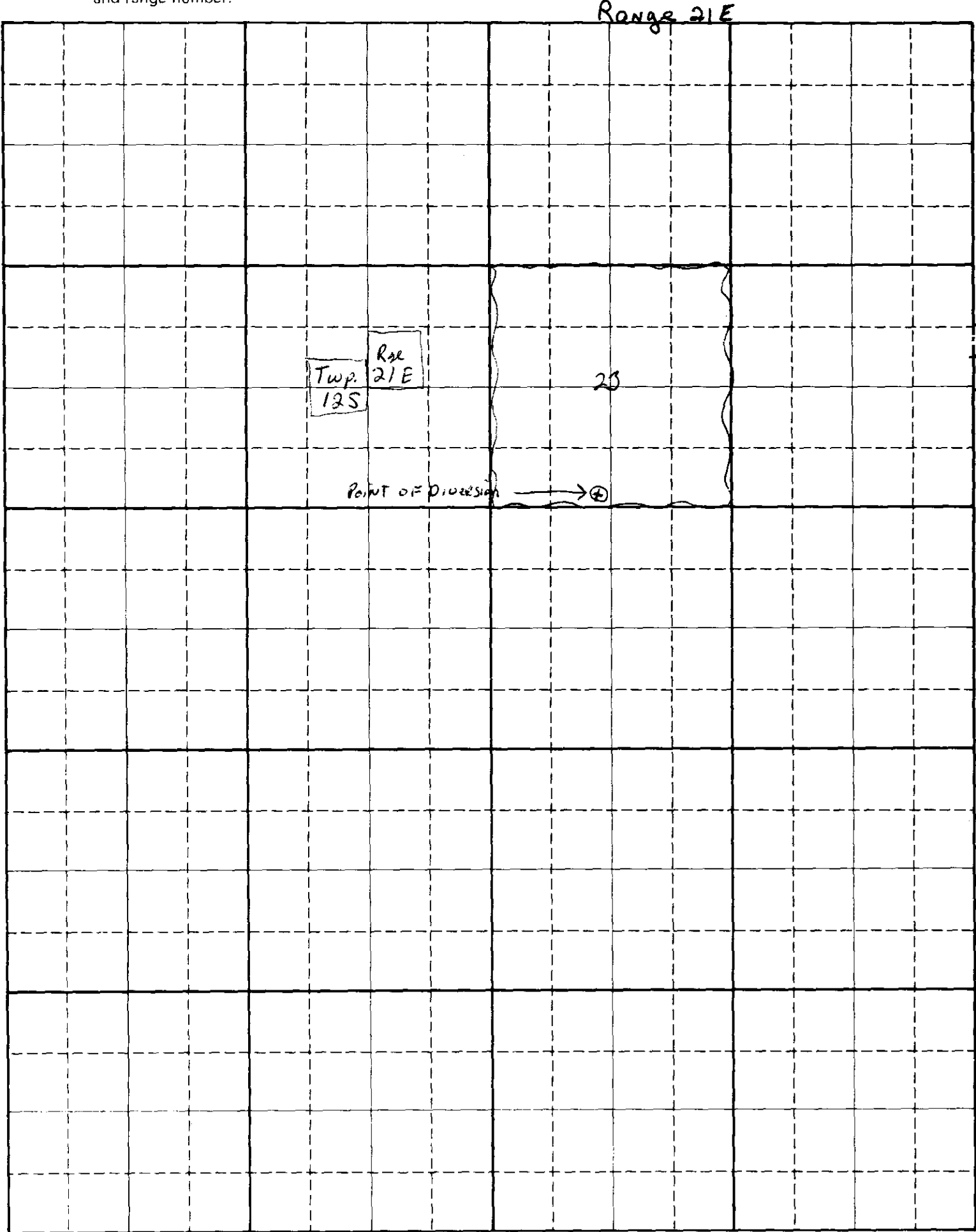
9. a. Who owns the property at the point of diversion W B Whiteley

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.

H. B. Whiteley
(Applicant)

Proposed Priority 1/11/78

Received by TB Date 1-11-78 Time 5:00
Preliminary check by Q Fee \$ 145⁰⁰ # 7493
Receipted by Sm Date 4/20/78
Publication prepared by Sm Date 1/23/78
Published in South Idaho Press
Publication dates 1/31 & 2/7/78
Publication approved ACj Date 2/10/78
Priority reduced to _____ Reason _____

Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by jc

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. 45-7335, 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 April 1, 1983.
 - c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.
2. Denial of said application is for the following reasons: _____

Witness my hand this 7TH day of April, 19 78.

Norman C. Young
Administrator

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

Cindy Duffin 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 *2 times*
consecutive weeks, commencing with the issue

dated *Jan 31* 1978, and ending

with the issue dated *Feb. 7* 1978

Cindy Duffin

Subscribed and sworn to before me

this *8th* day of *Feb.*

19 *78*

Norma M. Peterson Notary Public

Cost of Publication *9.45*

Notary Fee

Total Cost *9.45*

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

oj OK
2/10/78

78-25
**NOTICE OF APPLICATION
FOR WATER PERMIT**
Notice is hereby given that W.B.
Whitely, Oakley, ID has on 1/11/78
submitted Application No 45-7335 for a
permit to appropriate 13 cubic feet per
second of water from ground water by
means of drilled well, pump, motor,
pipe-sprinkler &/or surface irrigation
within the SE 1/4 SW 1/4, Sec. 23, Twp. 12S,
Rge. 21E., S.M., Cassia County, to be
used from Jan. 1 to Dec. 31 for stock-
water and from Mar. 1 to Nov. 30 for
irrigation purposes of 640 acres within
all of Sec. 23, Twp. 12S, Rge. 21E., S.M.
If issued, this permit will be subject
to all prior water rights. Protests against
the granting of the permit must be
filed with the Idaho Department of
Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho, 83301
on or before February 17, 1978.
C. STEPHEN ALFRED
Director
Published in the South Idaho Press on
January 31 and February 7, 1978.

MICROFILMED

RECEIVED

FEB 9 1978

Department of Water Resources
Southern District Office

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

Andy Luffin, being first
duly sworn, deposes and says that he is the

clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2 times
consecutive weeks, commencing with the issue
dated Jan 31 1978, and ending
with the issue dated Feb 7, 1978

Andy Luffin
Subscribed and sworn to before me
this 8th day of Feb.

19 78

Therese M. Peterson Notary Public
Cost of Publication 9.45
Notary Fee
Total Cost 1.45

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

78-25

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that W.B. Whiteley, Oakley, ID has on 1/11/78 submitted Application No 45-7335 for a permit to appropriate 13 cubic feet per second of water from ground water by means of drilled well, pump, motor, pipe-sprinkler &/or surface irrigation within the SE 1/4 SW 1/4, Sec. 23, Twp. 12S, Rge. 21E., B.M., Cassia County, to be used from Jan. 1 to Dec. 31 for stock-water and from Mar. 1 to Nov. 30 for irrigation purposes of 640 acres within all of Sec. 23, Twp. 12S, Rge. 21E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before February 17, 1978.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on
January 31 and February 7, 1978.

RECEIVED

NOV 21 2000

MEMO

FROM: Allen Merritt

Department of Water Resources

DATE: November 20, 2000

TO: Jeff Peppersack/ Pam Skaggs/ Debbie Allen

SUBJECT: Withdrawal of "Stouder Holsteins" three transfer applications

On 1/11/2000 our office receipted two transfers applications in the name of "Stouder Holsteins". The two applications were prepared and filed by Brockway Engineering and the \$200 fees were receipted under S022747 and were paid by Brockway Engineering. The applications proposed a dairy near Murtaugh Lake. Due to the controversial nature of the two applications, protests were filed by Tom High with the law firm of Benoit, Alexander, Sinclair, Harwood & High on behalf of Gerald and Wanda Sievers. The \$50 protest fee was paid by the attorneys and receipted under S022827. At that time the applicant through his representative, Brockway Engineering, requested that processing of the applications be held up since they were battling out the county CAFO permit. Ultimately the CAFO permit was denied and the applicant indicated that they may withdraw the applications or amend them.

On 5/24/2000 a third transfer application was filed in the name of "Stouder Holsteins" by Brockway Engineering. This application was prepared by Brockway Engineering and the fees were paid by a check from Stouder Holsteins and receipted under S023125 for \$100. This application was again asked to be held due to negotiations over land purchase and other issues.

NONE OF THESE THREE APPLICATIONS HAVE BEEN ADVERTISED.

On 11/16/2000 we received letters from Brockway Engineering acting as agent for Stouder Holsteins to withdraw all three applications and requesting that the fees paid be refunded.

I recommend that these applications be voided and that refunds be sent to:

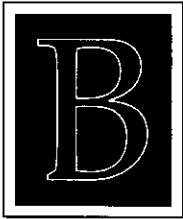
Brockway Engineering..... \$200
2106 North Washington St
Suite 4
Twin Falls, ID 83301

Benoit, Alexander, Sinclair, Harwood & High..... \$50
PO Box 366
Twin Falls, ID 83303-0366

Stouder Holsteins..... \$100
3507 S 2000 E
Wendell, ID 83355

MICROFILMED

JAN 30 2001



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

NOV 21 2000

Department of Water Resources

November 15, 2000

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
NOV 16 2000
Department of Water Resources
Southern Region

Re: Water Right Transfers – Stouder Holsteins-Cassia Site

Dear Allen:

Stouder Holsteins submitted an application for transfer of water rights for a proposed dairy in Cassia County. The land exchange for the proposed dairy was not consummated so I am requesting, on behalf of the applicant, that the applications be withdrawn.

I understand that the application for transfer for the dairy water supply was not advertised. I am therefor requesting a refund of any applicable fees associated with the transfer.

Please call if you have any questions.

Sincerely,



Charles E. Brockway

cc: Stouder Holsteins, Gary Stouder

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED

JAN 30 2001

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

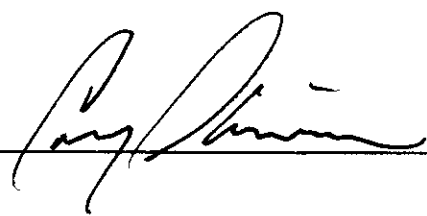
Receipt No: S023125

Date: 5/24/2000
Time: 14:23:39

Received
From: STOUDEH HOLSTEINS

Type of Payment	Program A cct	Amount
TRANSFER APPLICATION (45-07335)	64106 229 21 1155	100.00
CHECK 4181		
	Total	\$ 100.00

Region: SOUTHERN

Signature: 

MICROFILMED
JAN 30 2001

APPLICANT:

FILE PROGRESS SUMMARY

Stroud & Halsten WATER RIGHT NO. 45-07335

[illegible]

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

**RECEIVED
MAY 24 2000
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant Stouder Holsteins Phone 208 536 6592
Post Office address 3507 South 2000 East Wendell ID 83355

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other SPLIT RIGHT P.S.
2. Describe the reason for the proposed changes To remove dairy site from irrigated area and transfer water to dairy- Cassia County

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- 45-07335 9-19-1978 .756/225 Stock/comm. 1-1 to 12-31
- _____ to _____
- _____ to _____
- _____ to _____
2. Total amount of water being transferred .756 cubic feet per second and/or 225 acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	SW	23	12S	21E	Cassia	2 (two) New Wells (Dairy)

5. Lands irrigated or place of use: p=Location of application of lagoon water from dairy

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	21E	23	P	P	P	c/sp	P	c/sp	c/s	c/sp	c/sp	c/s	p	p	p	c/sp	p	p	

MICROFILMED

JAN 30 2001

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

RECEIVED
MAY 24 2000

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Name of applicant _____
Southern Region _____

Stouder Holsteins

Phone 208 536 6592

Post Office address	3507 South 2000 East Wendell ID 83355
---------------------	---------------------------------------

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other SPLIT RIGHT 1.5.
2. Describe the reason for the proposed changes To remove dairy site from irrigated area and transfer water to dairy- Cassia County

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--------------|-----------|-----------------------|------------------|---------------|
| 45-07335 | 9-19-1978 | .756/225 | Stock/comm. | 1-1 to 12-31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred .756 cubic feet per second and/or 225 acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: p=Location of application of lagoon water from dairy

[illegible]

MICROFILMED

JAN 31 2004

PART 1**6. General Information:**

- a. Description of diversion system Wells, pipes to dairy
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
None
- d. Remarks:
Two wells (primary and backup) for dairy
75 acres will no longer be irrigated

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

WITHDRAWN

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

JAN 30 2001

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
MAY 24 2000
Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 45-07335 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.☐ Tax notice☒ Warranty Deed☐ Other _____**3. Source of water** Ground water **tributary to** _____**4. Date of priority** 9/19/1978 P.S.**5. Water is used for the following purpose:**

Amount 6.68/2492 for Irrigation purposes from 3-1 to 11-15
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.68 **cubic feet per second and/or** 2492 **acre-feet per annum.****7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	23	12S	21E	Cassia	

8. Lands irrigated or place of use:

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	21E	23	38	38	40	39	39	38	39	40	40	39	38	39	39	40	39	38	623

MICROFILMED

JAN 30 2001

Total acres 623

9. Describe any other water rights used for the same purpose as described above Oakley Canal Co listed as
place of use but no canal water used for irrigation in this section

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount .756/225 for Irrigation purposes from 3-1 to 11-15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	23	12S	21E	Cassia	

3. Lands irrigated or place of use:

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	21E	23							18			39	18						75

Total acres 75

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 5.52/2267 for Irrigation purposes from 3-1 to 11-15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	23	12S	21E	Cassia	

3. Lands irrigated or place of use:

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	21E	23	38	38	40	39	39	38	21	40	40		20	39	39	40	39	38	548

MICROFILMED

JAN 30 2001

Total acres 548

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

A. Draw a map or attach a

USGS map indicating the new

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

MICROFILMED

SCALE: 2 inches equals 1 mile. Draw plan in ink.

JAN 30 2001

Stouder Holsteins
3507 South 2000 East
Wendell, ID 83355
208-536-6592
208-536-5791 FAX

Purchase Proposal To Gary and Robert Whiteley

Stouder Holsteins propose to purchase 640 acres from Shoulder Three Ranches, Inc. near Oakley, Idaho owned by Gary and Robert Whiteley. The legal description of this property is Township 12S, Range 21E, Section 23 in Cassia County.

The purchase price will be \$2,000 per acre for a total purchase price of \$1,280,000.

Payment in full will be made in cash.

The following contingencies will be met before the sale is completed:

- Buyer obtains proper financing
- Buyer obtains a siting permit to build a dairy with a maximum density of 6,400 animal units.
- In compliance with the Cassia County Zoning Ordinance, Chapter 11-9; Stouder's need to contact a farmer(s) that will sign an agreement to accept solid waste from the Stouder CAFO with enough acreage to meet their requirements for solid waste under their Nutrient Management Plan designed by the Idaho Department of Agriculture.

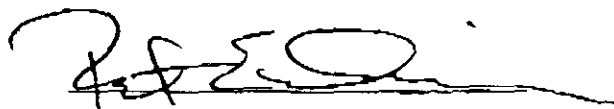
The closing date of this agreement will be no later than October 15, 2000. Closing can occur as soon as the above contingencies have been met. Farming receipts will be pro-rated to each party depending on the closing date with the farming season determined as April 15, 2000 to October 15, 2000.

If this proposal is accepted by both seller and buyer, a formal agreement will be prepared by the attorney for the buyer at their expense which will include the above conditions and contingencies.



Stouder Holsteins by Gary Stouder

Date: 4-13-00



Shoulder Three Ranches, Inc. by Robert Whiteley

Date: 4-13-00

MICROFILMED
 JAN 30 2001

Livestock Confinement Operations

Water Requirements and Consumptive Use Worksheet

Copyright 1998 by Brockway Engineering, PLLC

The information, data, or computational procedures herein may not be duplicated without the express written consent of Brockway Engineering.

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for:

Revision: 9801

Run Date:

Remarks:

Herd Information - User Input

Number of milking cows

Number of dry cows

Number of other adult dry animals

Breed:

Calves at age:

1 month

2 months

3 months

4 months

Heifers at age:

5 months

15 - 18 months

18 - 24 months

ANIMAL INFORMATION

Use defaults or enter values if known

Average body weight

Milk fat percentage

Average days dry

Annual milk yield per animal

Percent dry matter in ration

1000 lbs

3.5 %

60

25000 lbs/year

90 %

Nearest weather station

Number of milkings/day

3

Check: Total herd size based on days dry

3042

Lagoon Information - User Input

Lagoon Number	Top width	Top length	SS (h.v)	Max depth	Average depth factor	% days with water	Top Area	Bottom Area	Average Area
1							422500	396900	409700
2							0	0	0
3							0	0	0
4							0	0	0
5							0	0	0
6							0	0	0
7							0	0	0
8							0	0	0
9							0	0	0
TOTAL ACRES							9.70	9.11	9.41

Facility Information - User Input

	Holding Pen 1	Holding Pen 2
Holding pen active	1	0 (0 = not used or nonexistent)
Number of sprinklers in pen	100	0
Average line pressure	50	60 psi
Sprinkler nozzle size - primary	5/32	5/32 inches
Sprinkler nozzle size - secondary	9/32	0 (enter 0 for single-nozzle sprinklers)
Daily operation time of sprinklers	90	0 minutes
Percent of days per year cows are washed	100	0 %
Number of free stalls	2	
Length of each free stall	1000 feet	
Width of each free stall	100 feet	
Is the feeding area flushed to lagoon?	Yes	
Is this housing area flushed to lagoon?	No	

	Barn	Feeding	Housing
Flushing recycle rate	0.5	0.5	

CLEANING / FLUSHING VOLUMES

Use defaults or enter manufacturer volumes

Cleaning parlor floor	18000 gal	Cleaning pipeline	450 gal
Cleaning milkroom	50 gal	Cleaning equipment	50 gal
Cleaning bulk tank	150 gal		
Additional flush of holding pen (opt.)	gal		

Land Application Information - User Input

Type of system	Center Pivot
Predominant cropping	Alfalfa
Percent of waste water which goes to meet crop irrigation requirement	90 %

MICROFILMED

JAN 30 2001

Stockwater Component

Drinking Water Calculation for Lactating Cows

4% fat-corrected milk yield	24440 lbs/year
Daily average FCM yield	80.13 lbs/day
Daily average milk yield	85.25 lbs/day
Estimated DMI	53.18 lbs/day

METHOD 1: Kertz

Estimated total water intake (TWI)	318.4 lbs/day or 38.2 gal/day
As-fed feed daily intake	59.1 as-fed lb/day
Water content of feed	5.91 lb/day in feed
Drinking water intake	312.5 lb/day or 37.5 gal/day
Drinking water requirement for lactating cows	112425 gal/day 125.9 ac-ft/year

METHOD 2: Holter and Urban

Regression equation with DMI, milk production, and dry matter %

Drinking water intake	111.0 liters/day 29.3 gal/day
	87954 gal/day 98.5 ac-ft/year

Maximum drinking water requirement **125.9 ac-ft/year**

Drinking Water Calculation for Dry Cows

Estimated DMI	26.6 lbs/day
Average drinking water intake	13 gal/day

Average drinking water requirement 6500 gal/day
7.3 ac-ft/year

Drinking Water Calculation for Replacement Herd (Calves and Heifers)

Age	GPD	Ac-Ft/year
1 mo	578	0.65
2 mo	683	0.76
3 mo	858	0.96
4 mo	1138	1.27
5 mo	1260	1.41
15-18 mo	4550	5.10
18-24 mo	9295	10.41
Drinking water requirement for replacement herd	18360 gpd	20.57 ac-ft/year

TOTAL STOCKWATER COMPONENT 153.8 AC-FT/YEAR

MICROFILMED

JAN 30 2001

Commercial Component

Milking Parlor Water Usage Calculation

Volume needed *per milking* in each parlor for:

Cleaning parlor floor	18060 gal	Cleaning pipeline	450 gal
Cleaning milkroom	50 gal	Cleaning equipment	50 gal
Cleaning bulk tank	150 gal	Cleaning cows	1500 gal

Total milking parlor volume	60780 gal/day
Second milking parlor volume	0 gal/day
Recycled water	30390 gal/day
	34.04 ac-ft/year

Holding Pen Water Usage Calculation

	Pen 1	Pen 2
Output of primary nozzle	5.02	5.5 gpm
Output of secondary nozzle	4.07	0 gpm
Holding pen flushing volume	3000	0 gal
Additional flush volume	0	0 gal
Sprinkler volume	104717	0 gal/day
Total holding pen volume	107717	0 gal/day
Recycled water	53858	0 gal/day

60.33 ac-ft/year

Other Flushing Water Calculation

Daily volume needed for:

Feeding area flushing	2000 gal/day
Housing area flushing	0 gal/day

Total other flushing volume	2000 gal/day
Recycled water	1000
	1.12 ac-ft/year

TOTAL COMMERCIAL COMPONENT 95.5 AC-FT/YEAR

MICROFILMED
JAN 30 2001

Consumptive Use Calculation

A. Lagoon Evaporation

Annual reference ET (Allen & Brockway , 1983)	4.34 feet	
Annual open water coeff (Kohler Nordenson Fox)	0.90	
Annual open water (lagoon) evaporation	3.91 feet	
Manual override: Input annual lagoon evap	feet	
Total lagoon water surface area at full	422500 sq. ft.	
Total lagoon bottom area	396900 sq. ft.	
Average surface area when water is present	409700 sq. ft. =	9.41 ac

Total lagoon evaporation **36.77 ac-ft/year**

B. Animal usage: milk, metabolism, and excretion loss

	Milking	Dry
Waste excretion volume per cow	1.3	1.3 ft ³ /day/1000lb
Water content	87.5	88.4 %
Total water volume in excrement	35736	6017 gal/day
Percent of excrement flushed to lagoons	55 %	(based on areas which are flushed)
Consumptive use (evap.) of water in excrement	45 %	
Consumptive use (evap.) volume	18789 gal/day	
Excrement c.u. attributable to drinking water	18440 gal/day	
Total milk production - assume 100% leaves site	255738 lbs/day or	30664 gal/day
Water content of milk	26678 gal/day	
Water content attributable to drinking water	26183 gal/day	
Water use for animal metabolism	52620 gal/day	
Metabolism water attributable to drinking water	51643 gal/day	
Consumptive use - replacement herd (100%)	18360 gal/day	
Total animal consumptive use from drinking water	114626 gal/day or	~~128.4 ac-ft/year~~
Percent of drinking water intake	96.4 %	

C. Parlor/holding pen cleanup

Average sprinkler washing system evap loss	2 %	
Free stall total area	200000 sq. ft. =	4.59 acres
Length of time free stall concrete is wet	1 hr/day	
Average evaporation from wet concrete	0.15 in./day	
Sprinkler system loss volume	2.35 ac-ft/year	
Free stall evaporation volume	0.87 ac-ft/year	
Total cleanup loss	3.22 ac-ft/year	

D. Land application site

Crop evapotranspiration	3.15 ac-ft/ac/year	
Irrigation diversion volume	3.94 ac-ft/ac/year	
System efficiency	80 %	
Waste water volume to lagoons	117.7 ac-ft/year	
Waste water volume available for land application	80.9 ac-ft/year	
Total crop consumptive use of waste water	58.2 ac-ft/year	

Summary

Drinking Water

Milking herd	125.9
Non-milking herd (dry cows)	7.3
Replacement herd (calves and heifers)	20.6
Total drinking water volume	153.8 ac-ft/year

Commercial

Milking parlor	34.04
Holding pen and cleanup	60.3
Other flushing water	1.12
Total commercial volume	95.5 ac-ft/year

TOTAL DIVERSION VOLUME REQUIREMENT 249.3 AC-FT/YR

Consumptive Use

Lagoon evaporation	36.77
Animal milk, excretion, & metabolism	128.4
Parlor and holding pen cleanup	3.22
Crop consumptive use on land application	58.2

Total consumptive use 226.6 ac-ft/year

Percent of diversion volume consumed 90.9 %

Annual crop consumptive use - IDWR allowable 3.0 afa

Equivalent irrigated acres 75.5 acres

Diversion volume to acres conversion factor 3.30 ac-ft/ac

MICROFILMED

JAN 30 2001

IDAHO DEPARTMENT OF WATER RESOURCES

DAIRIES: WATER USE WORKSHEET

FILE # or NAME ---- Stouder Dairy-Cassia
 REVIEWER ----- CEB
 DATE ----- 22-May-00

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 3000
 NUMBER OF NONMILKING CATTLE ----- 500
 IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
 IF ANAEROBIC, ENTER ZERO ----- 9.3
 EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 4
 ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, R AUTOMATIC, OR 3 IF
 SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS - 3
 NUMBER OF MILKINGS PER DAY ----- 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS): ****

MILKING CATTLE @35 GPD/HD ----- 1.95
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * -- 1.95
 NONMILKING CATTLE @12 GPD/HD ----- 0.11
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.11
 TOTAL (BASED UPON ROUNDED NUMBERS) ----- 2.06

DIVERSION VOLUME (AF/YEAR):

STOCKWATER

MILKING CATTLE @35 GPD/HD ----- 117.6
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * -- 118.0
 NONMILKING CATTLE @12 GPD/HD ----- 6.7
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 6.7
 TOTAL (BASED UPON ROUNDED NUMBERS) ----- 124.7

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.5
 PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
 CATTLE WASHING BASED UPON METHOD OF WASHING ----- 158.4
 TOTAL ----- 159.1

TOTAL DIVERSION VOLUME -----

283.8

Dev.: M Sterling

Mod.: ADM & KKC

Mod.: 8/5/94 DRJ

Format only modified by C.E. Brockway P.E. 10/15/94

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
		Emerg.	Emerg.
PUMP HORSEPOWER (HP) -----	2.0		
LIFT (FT) -----	22		
DISCHARGE PRESSURE (PSI) -----	50		
FRICTION LOSSES (FT) -----	2.0		

CALCULATIONS

	PUMP 1	PUMP 2	PUMP 3
		Emerg.	Emerg.
THEORETICAL FLOW RATE (CFS) ** -----	0.09	0	0
DIVERSION VOLUME (AFA) *** -----	63.9	0.0	0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.

**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

CONSUMPTIVE USE VOLUME (AF/YEAR):

STOCKWATER

MILKING -----	17.4
NONMILKING -----	0.0
TOTAL -----	17.4

COMMERCIAL

COMMERCIAL -----	37.2
TOTAL CONSUMPTIVE USE -----	54.6

EQUIVALENT IRRIGATED ACREAGE-DIVERSION

NORMAL IRRIGATION DIVERSION RATE MINERS INCHES /ACRE	1
AREA SEASONAL IRRIGATION DIVERSION VOL. AF/ACRE	4.9
EQUIVALENT IRRIGATED ACREAGE ACRES	57.91
MAXIMUM EQUIVALENT DIV. RATE	57.91 IN. OR CFS= 1.16

EQUIVALENT IRRIGATED ACREAGE-CONSUMPTIVE USE

AREA AVG. ALFALFA CONSUMPTIVE USE INCHES/YEAR	39.4
EQUIVALENT ALFALFA ACREAGE C.U. FOR DAIRY C.U.-ACRES	16.63

12S

P = Liquid waste application

Place of Use (Dairy)
Point of Diversion
(2 wells)

Cottonwood Creek

Oak Creek

Pine Creek

Goose Creek

Well 1

Well 2

Well 3

Well 4

Well 5

Well 6

Well 7

Well 8

Well 9

Well 10

Well 11

Well 12

Well 13

Well 14

Well 15

Well 16

Well 17

Well 18

Well 19

Well 20

Well 21

Well 22

Well 23

Well 24

Well 25

Well 26

Well 27

Well 28

Well 29

Well 30

Well 31

Well 32

Well 33

Well 34

Well 35

Well 36

Well 37

Well 38

Well 39

Well 40

Well 41

Well 42

Well 43

Well 44

Well 45

Well 46

Well 47

Well 48

Well 49

Well 50

Well 51

Well 52

Well 53

Well 54

Well 55

Well 56

Well 57

Well 58

Well 59

Well 60

Well 61

Well 62

Well 63

Well 64

Well 65

Well 66

Well 67

Well 68

Well 69

Well 70

Well 71

Well 72

Well 73

Well 74

Well 75

Well 76

Well 77

Well 78

Well 79

Well 80

Well 81

Well 82

Well 83

Well 84

Well 85

Well 86

Well 87

Well 88

Well 89

Well 90

Well 91

Well 92

Well 93

Well 94

Well 95

Well 96

Well 97

Well 98

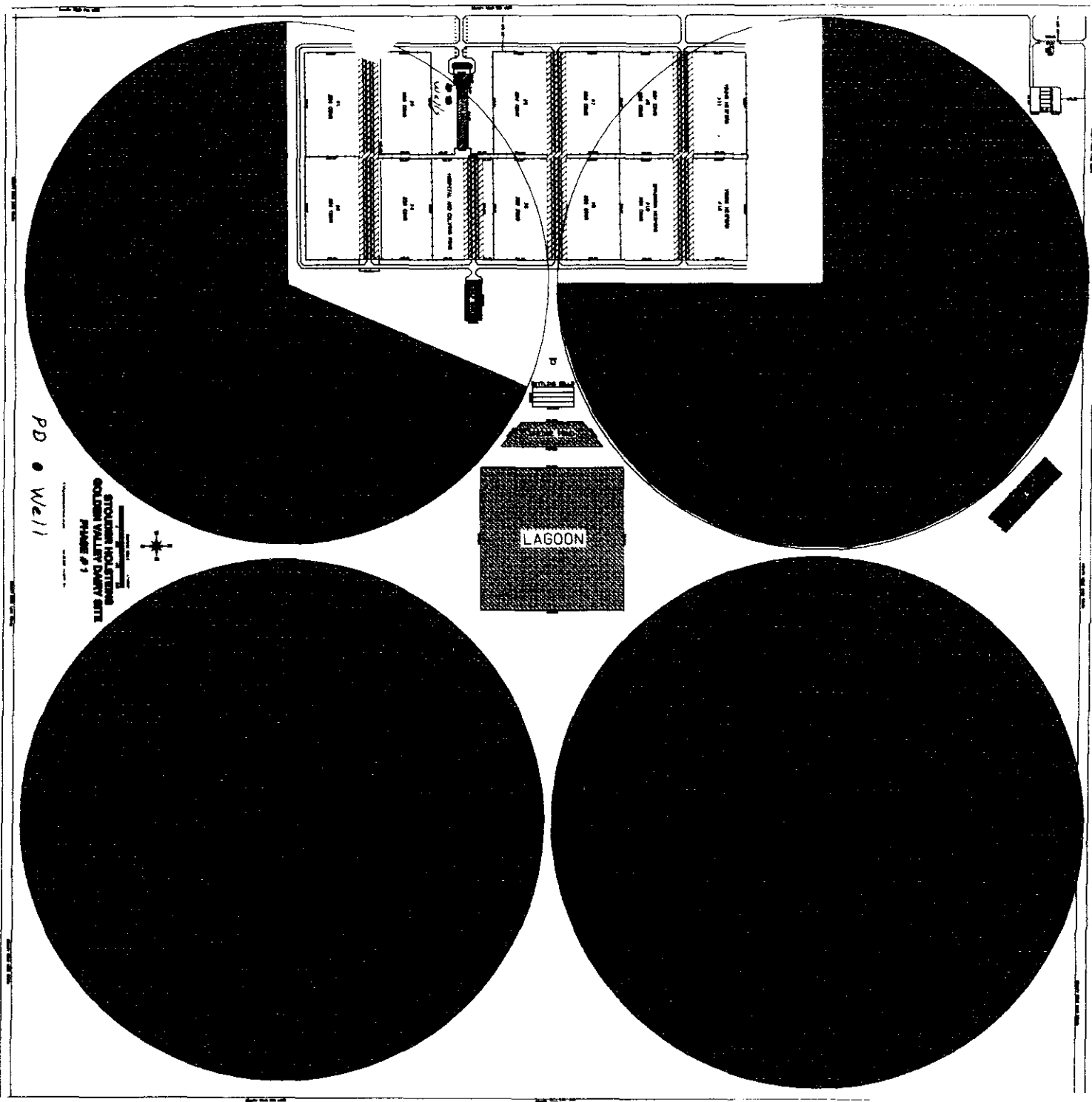
Well 99

Well 100

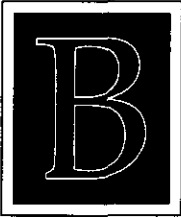
Church Hill (Site)

12S

Brockway Engineering PLLC 5/23/00



PHOTOFILM



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 23, 2000

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Water Right Transfers – Stouder Holsteins-Cassia Site
Project No. 398-02-2000

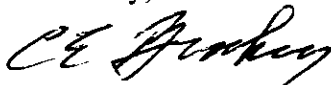
Dear Allen:

Enclosed is a water right transfer application for Stouder Holsteins for a proposed dairy site in Cassia County. The area is currently irrigated with ground water and the transfer proposes to dry up 75 acres of land which will be occupied by the dairy. The water supply will be supplied by two new wells near the dairy barn with facilities located as shown on the attached site plan.

Enclosed is Stouder Holstein's check #4181 for \$100 for the transfer application fee.

Please call if you have any questions.

Sincerely,


Charles E. Brockway

Enclosures

cc: Stouder Holsteins, Gary Stouder
Cassia County Planning & Zoning

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
MAY 24 2000
Department of Water Resources
Cassia County

MICROFILMED

JAN 30 2001

September 20, 1989

W. B. WHITELEY
P.O. BOX 218
OAKLEY, ID 83346

RE: PERMIT NO. 45-07335

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

NOT FILMED

SEP 21 1989

August 22, 1989

W. B. WHITELEY
P.O. BOX 218
OAKLEY, ID 83346

RE: PERMIT NO. 45-07335

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

Also enclosed is an order advancing the date of priority of this right due to late submittal of the examination fee.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 21 1989

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 45-7335

FROM: JOHN MCLEOD

RE: PRIORITY ADVANCE REVIEW

DATE: 6-MAR-1989

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	JANUARY 11 1978	11
EXAM FEE NOTICE		
Exam Fee Notice Date:	AUGUST 12 1986	224
Exam Fee/Info Sheet Received Date:	JUNE 19 1987	535
Exam Fee or Info Due Date:	OCTOBER 11 1986	284
Days Late:		251 DAY(S)
NEW PRIORITY DATE		
Total Days Late:		251 DAY(S)
New Priority Date:	SEPTEMBER 19 1978	262

Microfilm
SEP 21 1989

RECEIVED

Form 219
6/86

FEB 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources **BENEFICIAL USE FIELD REPORT**

A. GENERAL INFORMATION

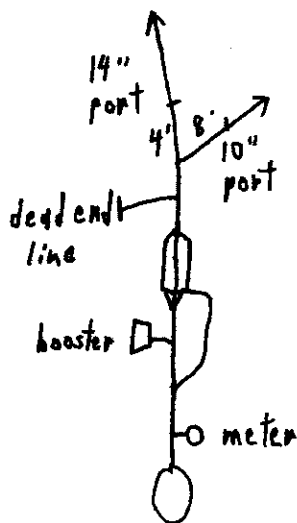
1. Owner: Shouder 3 Ranches, Inc. Permit No. 45-733⁵
Current Address: P.O. Box 218, Oakley, ID 83346 Phone No. 862-3377
2. Accompanied by: Mike Cranney EXAM. DATE: 7-6-87
Address: Oakley, ID Phone No. 862-3480
Relationship to Permit Holder: farm operator
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ 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 ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

MICROFILMED

SEP 21 1989

System Description (continued)

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

Well, motor, pump, booster motor & pump, mainline to 4 pivots and corner handlines. Well measured with 3 pivots on end risers open to simulate normal operating conditions when handlines are attached. Corners are in set-aside, so no handlines are used at this time. Aerial photo shows that all corners can be watered.

System ran at 90 psi with 3 pivots only on, 65 psi (normal operating pressure) with some risers open.

☐ 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	GE	400	ELJ507022	Gayne & Bowler	~~FD 96677-4/25-15~~
Booster	Marathon	150	FD 96644-4/25-	Aurora	77-14433-2
					28374

*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
		SE	SE	SW	23	12S	21E	Cassia	

6. **Place(s) of Use:**

Indicate Method of Determination _____

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	21E	23	38	38	40	39	39	38	39	40	40	39	38	39	37	40	39	38	623

MICROFILMED

SEP 21 1989

Do not use this space

CALCULATION OF NEW PRIORITY DATES
LATE EXAM FEES

FOR PERMIT NO. 45-7335

BY:

	<u>DATE</u>	<u>NUMBER OF DAYS</u> <u>(From Table of Days</u> <u>Between Two Dates)</u>
A. EXAMINATION FEE NOTICE SENT	<u>8-12-86</u>	<u>224</u>
B. DATE FEE DUE (60 days)	<u>10-11-86</u>	<u>284</u>
C. DATE FEE RECEIVED	<u>6-19-87</u>	<u>170</u>
D. NUMBER OF DAYS LATE (C - B)		<u>251</u>
E. ORIGINAL PRIORITY DATE (Check Reinstatement, etc.)	<u>1-11-78</u>	<u>11</u>
F. NEW PRIORITY DATE (D + E)	<u>09-19-78</u>	<u>262</u>

REMARKS:

MICROFILMED

SEP 21 1989

OK
AD~

TABLE OF DAYS BETWEEN TWO DATES

FOR LEAP YEAR, ONE DAY MUST BE ADDED TO NUMBER OF DAYS AFTER FEBRUARY 28

Day No.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
1	1	32	60	91	121	152	182	213	244	274	305	335
2	2	33	61	92	122	153	183	214	245	275	306	336
3	3	34	62	93	123	154	184	215	246	276	307	337
4	4	35	63	94	124	155	185	216	247	277	308	338
5	5	36	64	95	125	156	186	217	248	278	309	339
6	6	37	65	96	126	157	187	218	249	279	310	340
7	7	38	66	97	127	158	188	219	250	280	311	341
8	8	39	67	98	128	159	189	220	251	281	312	342
9	9	40	68	99	129	160	190	221	252	282	313	343
10	10	41	69	100	130	161	191	222	253	283	314	344
11	11	42	70	101	131	162	192	223	254	284	315	345
12	12	43	71	102	132	163	193	224	255	285	316	346
13	13	44	72	103	133	164	194	225	256	286	317	347
14	14	45	73	104	134	165	195	226	257	287	318	348
15	15	46	74	105	135	166	196	227	258	288	319	349
16	16	47	75	106	136	167	197	228	259	289	320	350
17	17	48	76	107	137	168	198	229	260	290	321	351
18	18	49	77	108	138	169	199	230	261	291	322	352
19	19	50	78	109	139	170	200	231	262	292	323	353
20	20	51	79	110	140	171	201	232	263	293	324	354
21	21	52	80	111	141	172	202	233	264	294	325	355
22	22	53	81	112	142	173	203	234	265	295	326	356
23	23	54	82	113	143	174	204	235	266	296	327	357
24	24	55	83	114	144	175	205	236	267	297	328	358
25	25	56	84	115	145	176	206	237	268	298	329	359
26	26	57	85	116	146	177	207	238	269	299	330	360
27	27	58	86	117	147	178	208	239	270	300	331	361
28	28	59	87	118	148	179	209	240	271	301	332	362
29	29	--	88	119	149	180	210	241	272	302	333	363
30	30	--	89	120	150	181	211	242	273	303	334	364
31	31	--	90	--	151	--	212	243	--	304	--	365

*****LEAP YEARS*****

1952
1956
1960
1964
1968
1972
1976
1980
1984
1988

TABLE OF DAYS BETWEEN TWO DATES



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

June 22, 1987

Shoulder 3 Ranches, Inc.
P.O. Box 218
Oakley, ID 83346

Re: Permit No. 45-7335

Dear Mr. Whiteley:

Please find enclosed receipt No. 45040 in the amount of \$250.00 for examination fee received in this office 06/19/87 for the above referenced permit.

Please feel free to contact this office if you have any questions.

Very truly yours,

Lori A. Graves

Lori A. Graves
Clerk

Encl:

MICROFILMED

SEP 21 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

June 8, 1987

W.B. Whiteley
P.O. Box 218
Oakley, ID 83346

Re: Permit 45-7335

Dear Mr. Whiteley:

Per our conversation of 6/9/87, we are forwarding an Examination Fee Information Sheet to you for completion.

Since it appears that the output of your well is about 4 cfs, the correct examination fee is \$175.00.

Please return the completed Information Sheet and exam fee to this office. Once this is received, we can schedule the licensing exam for this permit.

If you have any questions or if this office can be of assistance, please feel free to contact us.

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosure

MICROFILMED

SEP 21 1989

ANNUBAR Flow Sensors

Quick Size Chart

U.S. GALLONS PER MINUTE FLOW¹²

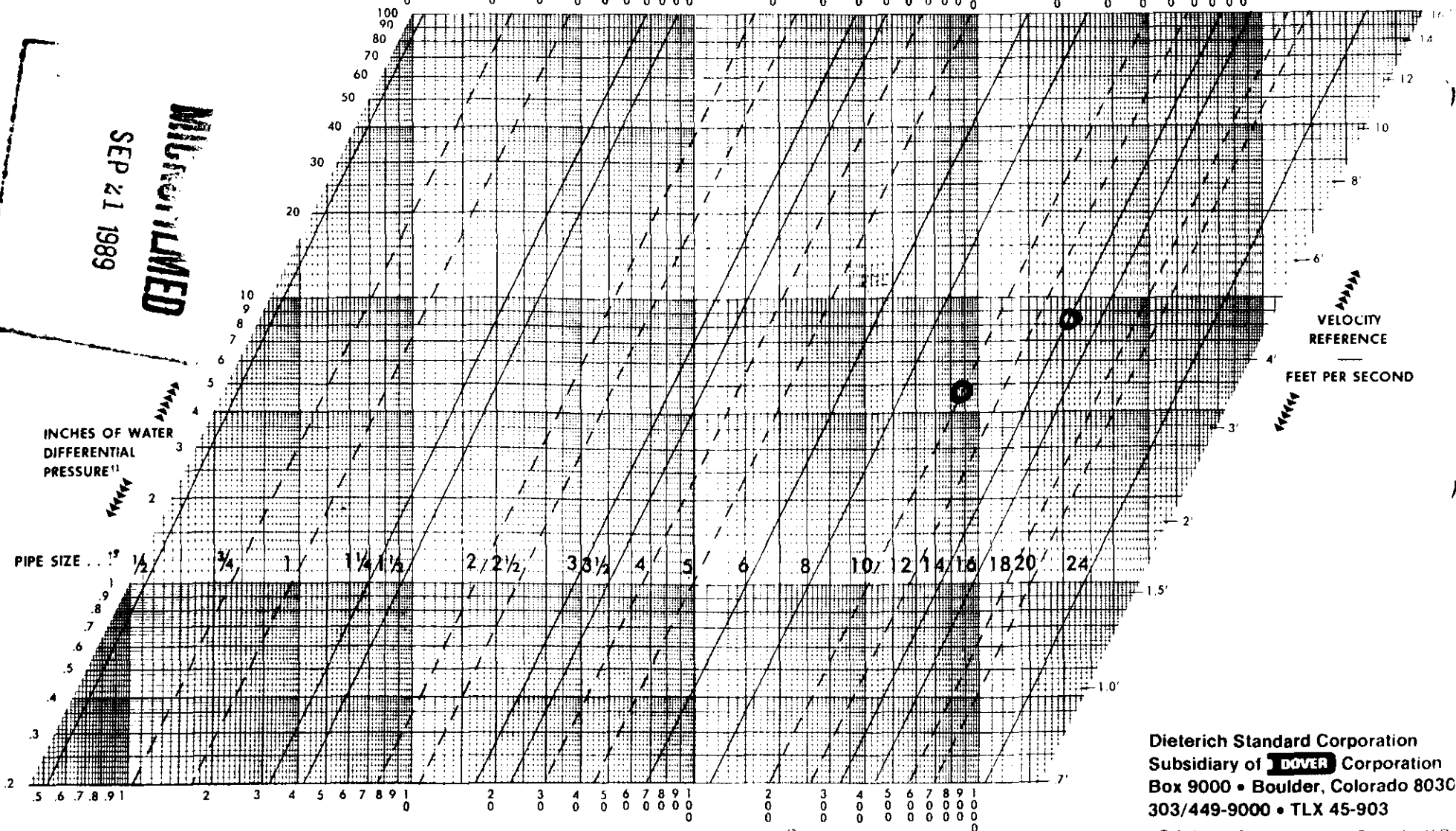
1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

SEP 21 1989
MILWAUKEE

INCHES OF WATER
DIFFERENTIAL
PRESSURE¹¹

PIPE SIZE . . .¹³

VELOCITY
REFERENCE
FEET PER SECOND



U.S. GALLONS PER MINUTE FLOW¹²

Dieterich Standard Corporation
Subsidiary of **DOVER** Corporation
Box 9000 • Boulder, Colorado 8030
303/449-9000 • TLX 45-903

DS-7401 (6/78)

Printed in U.S.

15 14

22
A
5.8

23

P
4.8

O
11.8

23 24

38

39

38

39

39

R
12.6

S
19.4

36.7

F 376

39

40

W
124.7

38

39

X
6.7

Y
9.0

22 23

27 26

23 2

26 2

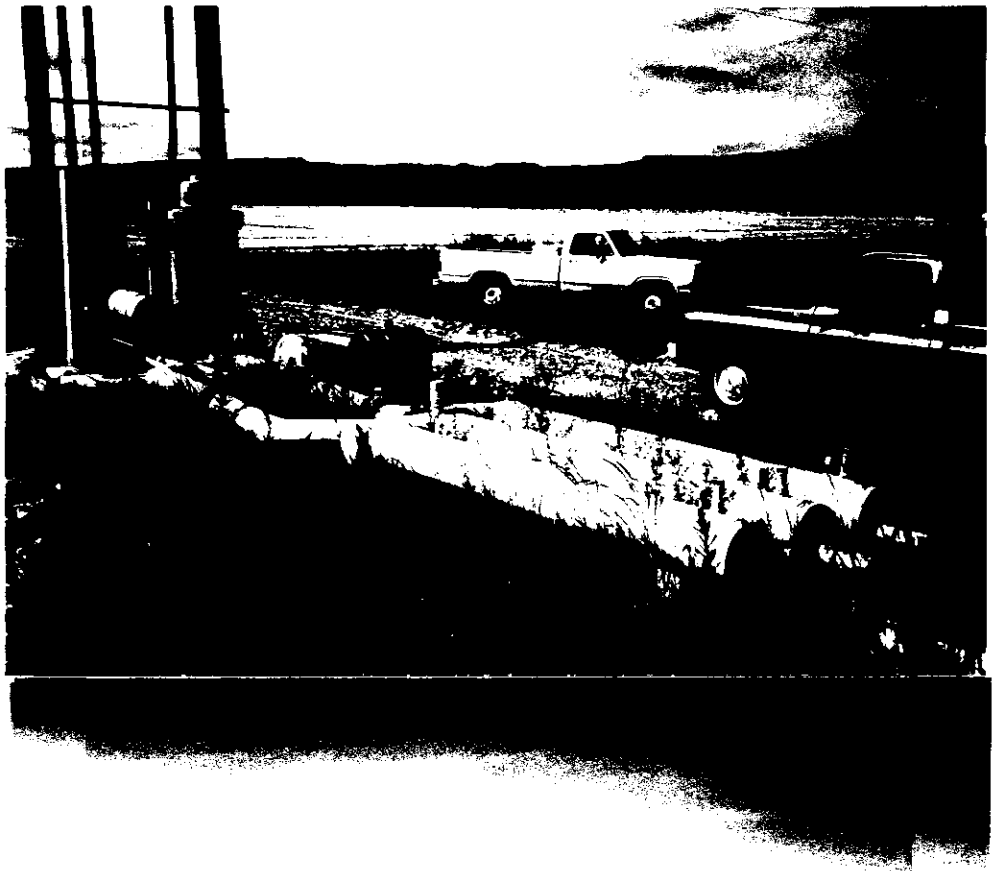
REPRODUCED

SEP 21 1983

NOT TO SCALE

45-7335

Well & pump
looking SW



Pivot, P/U
looking NE from
Well.



45-7335

M.P. north of well.



M.P. east of well.
Annubar in place.



Same w/o Annubar.



Do not use this space

RECEIVED

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annuhdt				195490	10"	
Annuhdt "				none	14"	
Manometer						
McGrometer				none		

2. Measurements:

Annuhdt owned by Mike Cranney, Sliding model with square shaft.
 10" - 29.0" - 24.3" = 4.7" pressure = ~~200~~ 3000 gpm per Annuhdt chart
 14" - 31.5" - 23.1" = 8.4" " = ~~2100~~ 2100 gpm = 6.68 cfs
 McGrometer - .01 AF/77.4 sec = 252.6 = 5.63 cfs, McGrometer not working properly.

E. FLOW CALCULATIONS

☐ Additional Data Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

meter 3-269/X
50 688 407

F. PUMP EFFICIENCY DATA (Optional)

unable to measure

Discharge Pressure: 65 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 4.8 KH x _____ CTR or 120 MULT x _____ PTR x 10 N/ 42.9 sec = _____ (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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 623 \times 4.0 = 2492 \text{ AFA}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.68 \times 259 \text{ days} \times 1.9835 = 3434.0 \text{ AFA}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2492 \text{ AFA}$

2. Volume Calculations for Other Uses:

MICROFILMED

SEP 21 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Stock were previously watered during non-irrigation season by using irrigation well to fill a pond in the north center of the section. No stock use at this time, and none shown on exam information sheet. Fencing to hold cattle has been removed, and would have to be reinstalled before this use could start again. Up to 400 beef cattle had been watered according to Mike Cranney.

Bill Cranney stated that irrigation has occurred as early as the end of February and as late as November 15. Suggest period of use be March 1 - November 15.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-1	11-15	~~6.95~~ 6.68	2492
Totals:			~~6.95~~ 6.68	2492

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

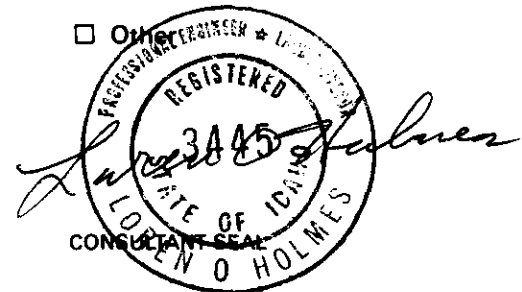
☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name J.E. Stanton
Signature J.E. Stanton
Certification Date 4/6/87
Field Report Preparation Date 7-20-87



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

JOM 3/6/89

MICROFILMED

SEP 21 1989

4/86
RECEIVED

JUN 23 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 250
Date 6/19/87
Receipt # 45040
Receipt by UG
Sent to S.O. 6/22/87

1. Permit No. 45-7335

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Shoulder "3" Ranches, Inc. (W.B. Whiteley)

3. Post Office Address: P.O. Box 218 Oakley, Idaho 83346
Telephone No. 208-862-3377

4. Source of Water: Well - Deep

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 640 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 7 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

8. Person to contact to accompany the department representative during the field examination:

Michael Cronney (Name) **MICROFILMED**

Oakley, Idaho 83346 (Address) 208-862-3480 (Telephone Number)
SEP 21 1989

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6-17-87
Date

Shoulder "3" Ranches Inc (W.B. Whiteley)
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

File



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

June 8, 1987

RECEIVED
JUN 10 1987

W.B. Whiteley
P.O. Box 218
Oakley, ID 83346

Department of Water Resources

Re: Permit 45-7335

Dear Mr. Whiteley:

Per our conversation of 6/9/87, we are forwarding an Examination Fee Information Sheet to you for completion.

Since it appears that the output of your well is about 4 cfs, the correct examination fee is \$175.00.

Please return the completed Information Sheet and exam fee to this office. Once this is received, we can schedule the licensing exam for this permit.

If you have any questions or if this office can be of assistance, please feel free to contact us.

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosure

MICROFILMED

SEP 21 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

45-7335
WHITELEY, W.F.
P.O. BOX 218
OAKLEY, ID 83346

138088

CERTIFIED MAIL

August 12, 1986

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

RECEIVED
SEP 21 1989

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,

Loren Holmes
LOREN HOLMES
Southern Regional Manager

Enclosures

REPROFILMED
SEP 21 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 19, 1983

C/O W. B. WHITELEY SHOULDER 3 RANCHES, INC.
BOX 218
DARLEY ID 83346

RE: Permit No. 45-7335

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

SEP 21 1989

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card statement that the permit holder(s) has completed development to the extent shown below on permit No. 45-7335.

Name(s) of Permit Holder: Shoulder 3 Ranch Inc.

Post Office Address: Box 218 - Oakley Idaho. 83346

Tel. No. 862-3377

Source of Water: Well

Extent of Use:

☐ Domestic	_____	(number of households)
☐ Stockwater	_____	(number and type of stock)
☒ Irrigation	<u>640</u>	(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.

3-28-83

Date

Shoulder 3 Ranch Inc
P. B. Whitehead
 Signature of Permit Holder

W. W. Luntley
Osby

Idaho 83246

PLACE
3 CENT
STAMP
HERE

RECEIVED

MAR 1983



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

March 31, 1983

RE: Permit No. 45-7335

W. B. Whiteley
Oakley,
Idaho 83346

Dear Mr. Whiteley:

Enclosed is your \$15.00 Check No. 3850, 92-264/1241 in which you had submitted with your request for extension of time on Permit No. 45-7335.

The Department can accept only a proof to beneficial use statement or an extension request and based upon the information you provided on the extension request form it appears we can accept the proof to beneficial use statement.

You will be receiving additional correspondence from the Department in reference to the beneficial use statement shortly.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:lw
Enclosure

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

December 13, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138201

WHITELEY, W.B.
OAKLEY, ID 83346

PROOF DUE NOTICE

JANUARY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 45-7335 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1983. (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
JAN 31 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

April 10, 1978

Re: Permit No. 45-7335

W. B. Whiteley
Oakley,
Idaho 83346

Dear Mr. Whiteley:

Your approved copy of Application for Permit No. 45-7335 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

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.

MICROFILMED

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,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

UNRECORDED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that W. R. Whiteley
Oakley, ID
has on 1/11/78 submitted Application No. 45-7335
for a permit to appropriate 13. cubic feet per second ~~more or less~~ per annum
of water from ground water
by means of drilled well, pump, motor, pipe-sprinkler &/or surface irrigation.
within the SE 1/4, Sec. 23, Twp. 12S, Rge. 21E., B.M., Cassia County

to be used from Jan. 1 to Dec. 31 for stockwater and from Mar. 1 to Nov. 30
~~for irrigation purposes of 640 acres~~
for irrigation purposes of 640 acres

within ~~the~~ all of Sec. 23, Twp. 12S, Rge. 21E., B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or be-
fore February 17, 1978.

C. STEPHEN ALLRED

Director

Published in the South Idaho Press

1/31 and 2/7/78

MICROFILMED

78-25

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that W.B. Whiteley, Oakley, ID has on 1/11/78 submitted Application No. 45-7335 for a permit to appropriate 13 cubic feet per second of water from ground water by means of drilled well, pump, motor, pipe-sprinkler &/or surface irrigation within the SE 1/4 SW 1/4, Sec. 23, Twp. 12S, Rge. 21E, B.M., Cassia County, to be used from Jan. 1 to Dec. 31 for stock water and from Mar. 1 to Nov. 30 for irrigation purposes of 640 acres within the SE 1/4 SW 1/4, Sec. 23, Twp. 12S, Rge. 21E, B.M. If issued, this permit will be subject to all other water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before February 17, 1978.

D/OK
C. STEPHEN ALLRED, Director
Published in the South Idaho Press on
January 31 and February 7, 1978.

January 23, 1978

South Idaho Press
Box 190
Burley, ID 83318

Re: Application for Permit No. 45-7335 - W. B. Whiteley

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enc.

Bill submitted: _____

MAIL ROOM



File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

RECEIVED

JAN 20 1978

Department of Water Resources
Southern District Office

January 13, 1978

Mr. Michael Cranney
Oakley, Idaho 83346

Dear Mr. Cranney:

I am writing in regards to your recent visit to this office at which time you brought in a Application for Permit for W. B. Whiteley, you also left a check in payment of the application in the amount of \$155.00. The fee that you were charged was \$10.00 in excess of the amount that should have been charged. I am returning your check for \$155.00. I would appreciate your returning the receipt for the check and a check for \$145.00 from you or Mr. Whiteley. You will receive a receipt in return by mail. I will hold your application pending the receipt of the corrected amount.

Sincerely,

Terry G. Blau
Senior Water Resource Agent

TGB:dj

*Sent Receipt #7493 to Mr. Whiteley for \$145.00
1/20/78 Sm*

MICROFILMED

January 13, 1978

Mr. Michael Cranney
Oakley, Idaho 83346

Dear Mr. Cranney:

I am writing in regards to your recent visit to this office at which time you brought in a Application for Permit for W. B. Whiteley, you also left a check in payment of the application in the amount of \$155.00. The fee that you were charged was \$10.00 in ^{ex}cess of the amount that should have been charged. I am returning your check for \$155.00. I would appreciate your returning the receipt for the check and a check for \$145.00 from you or Mr. Whiteley. You will receive a receipt ^{by} in return ~~by~~ mail. I will hold your application pending the receipt of the corrected amount.

Sincerely,

Terry G. Blau
Senior Water Resource Agent

TGB:dj

MICROFILMED