

16E 17E

6-22-87

NOTE
DATE

PLACE
OF
USE

MICROFILMED

47-08425

FEB 20 1988

10S16E013000

1323'

Tax 1448

10S16E015400

10S16E014200

10S16E015402

Rock Creek

614.1'

465.93'

338.52'

322.47'

352.61'

58.23'

10S16E015425

Tax 1468

10S16E016000

10S16E016630

MICROFILMED
SEP 29 1988

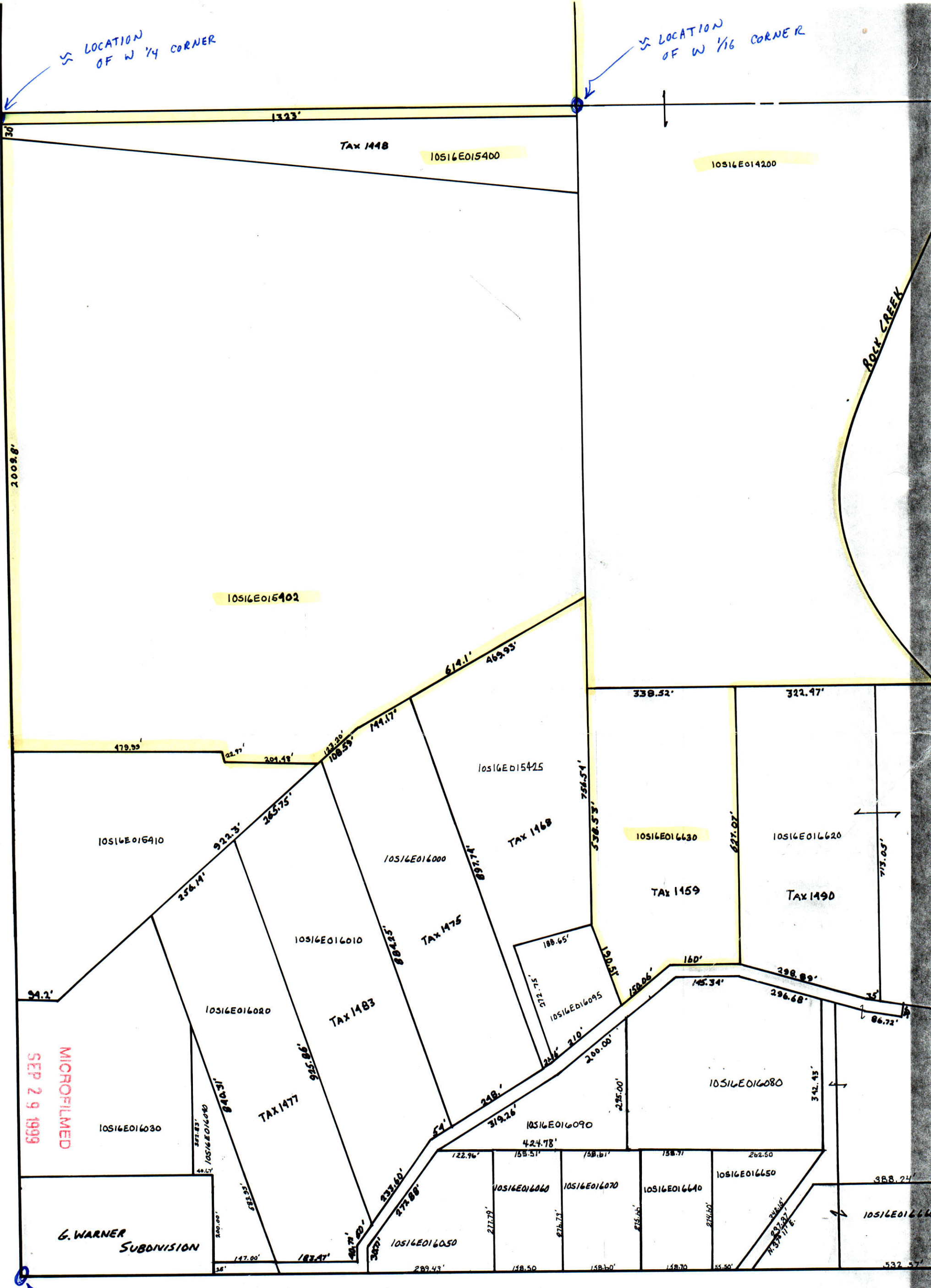
10S16E016620

Tax 1460

10S16E016600

LOCATION OF W 1/4 CORNER

LOCATION OF W 1/16 CORNER



MICROFILMED
SEP 29 1999

G. WARNER
SUBDIVISION

SW CORNER
OF SECTION 01 (T10S, R16E)

MICROFILMED
SEP 29 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-08425	)	ORDER OF
	)	
IN THE NAME OF JAY, BARBARA AND DEAN)	)	REINSTATEMENT
MOYLE	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before April 1, 1999; and,

WHEREAS, the Department notified the permit holder on January 31, 1999, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request. However the department discovered the permit holder may not have received the certified notice; and,

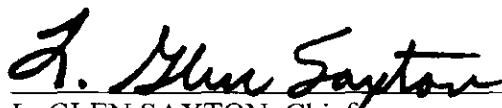
WHEREAS, the permit lapsed on May 6, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 12, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-08425 is **REINSTATED** with no advance in priority.

DATED this 17th day of August, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

NOTED
AUG 17 1999

RECEIVED

MAY 12 1999

Department of Water Resources
Southern Region

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 19 1999

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

- Permit No. 41-08425 Telephone No. 208-733-4440
- Name(s) of Permit Holder(s): Jay Moyle, Barbara Moyle, Dean Moyle
- Mailing Address: 4052N, 2600E Filer, ID 83328
- Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 1 yr. 1972-66
 - Well Driller: Rexweech Drilling Permit Number: unknown
 - OPTIONAL:
 Pump Horsepower: 2 and 2 Pressure (psi): Dynamic pumping level (ft):
- Use(s) (as authorized by the water right permit):
 Domestic (No. of households): 3 Stockwater (No. and type of stock): 18,000 munda
 Irrigation (No. of acres): 8 Other: Commercial
- Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR acre feet
- Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
 (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?	Yes <u> </u> or No <u>✓</u>
Has the measuring device been installed?	Yes <u> </u> or No <u>✓</u>
Flow Measurement Port: Is a flow measurement port required?	Yes <u> </u> or No <u>✓</u>
Has the measurement port been installed?	Yes <u> </u> or No <u>✓</u>
- Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.
 Name: Barbara Moyle Telephone Number: 208-733-4440
 Address: 4052N 2600E Filer, ID 83328
- The Information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Barbara Moyle Date: 5-12-99
 (include your title, if on behalf of company or organization)

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SEP 29 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08425

Proposed Priority: September 3, 1998 Maximum Diversion Rate: 0.20 CFS

This is to certify, that JAY MOYLE
BARBARA MOYLE
DEAN MOYLE
4052 N 2600 E
FILER ID 83328

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.16 CFS
STOCKWATER	01/01 to 12/31	0.20 CFS
COMMERCIAL	01/01 to 12/31	0.20 CFS
DOMESTIC	01/01 to 12/31	0.08 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 1, Township 10S, Range 16E
TWIN FALLS 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>
10S	16E	1	SENW 7.0	NESW 1.0		8.0

Total number of acres irrigated: 8.0

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
10S	16E	1

SENW

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
10S	16E	1

SENW

NESW

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
10S	16E	1

NESW

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.
2. Subject to all prior water rights.
3. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
4. This right does not authorize the irrigation of land not previously irrigated.

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

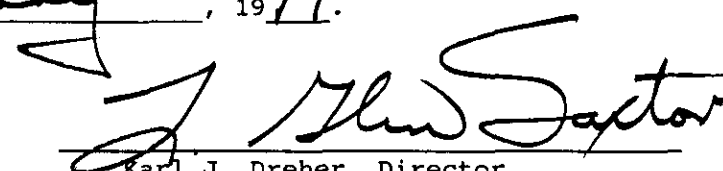
NO. 47-08425

CONDITIONS OF APPROVAL AND REMARKS

5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Two points of diversion are located within SENW, S01, T10S, R16E.
9. Stockwater use is for 18,000 mink.
10. Commercial use is for cooling, wash-up for processing mink feed and related uses, as well as flow during winter to prevent freezing pipes.
11. Domestic use is for 3 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

11th day of January, 1999.


Karl J. Dreher, Director
for

Ident. No. 47-08425RECEIVED
SEP 03 1998Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 22 1998

Department of Water Resources

1. Name of Applicant Jay, ^{OR} Barbara, ^{OR} Dean Moyle Phone 733-4440
Mailing address 4052 N. 2600 E. Filer, ID 833282. Source of water supply GROUNDWATER which is a tributary of _____3. Location of point of diversion is Township 10S Range 16E Sec. 01 in the SW 1/4
SE 1/4, NW 1/4, Govt. Lot _____, B.M., TWIN FALLS Countyadditional points of diversion if any: TWO WELLS IN SWSE NW OF SECTION 01
(TOTAL)

4. Water will be used for the following purposes:

Amount 0.08 cfs for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.20 cfs for STOCKWATER purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.20 cfs for COMMERCIAL purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.16 cfs for IRRIGATION purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.20 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source TWO INTER CONNECTED WELLS
WITH 2 HP. PUMPS, PIPELINES) TO SYSTEM.b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is 8" or 10" inches; proposed depth of well is 300 and 150 feet APPROXIMATEd. Is ground water with a temperature of greater than 85°F being sought? NOe. If well is already drilled, when? 1966 and 1972; Drilling firm REX WEECHWell was drilled for (well owner) JAY MOYLE; Drilling Permit No. ?7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): (EXISTING DEVELOPMENT)

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. 18,000 MINK

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. THREE HOUSEHOLDS (TWO HOMES, ONE APARTMENT)e. Other; describe fully. COMMERCIAL - COOLING AND WASHUP FOR PROCESSING MINK FEED
AND RELATED USES. ALSO TO ACCOUNT FOR FLOW THAT IS USED TO KEEP STOCK
(MINK) WATER FRESH AND TO KEEP WATER LINES FROM FREEZING WINTER

SEP 29 1998

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	16E	01								S	D	D							
										C	C								
										7.0	1.0								8.0

Total number of acres to be irrigated 8.0

10. Describe any other water rights used for the same purposes as described above. 47-11092 and 47-11090

11. a: Who owns the property at the point of diversion? APPLICANTS

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

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

12. Remarks: SYSTEM CONSISTS OF TWO WELLS THAT DIVERT WATER 24 HOURS A DAY, THROUGH OUT THE YEAR, TO SUPPLY WATER FOR A MINK FARM AND THREE DOMESTIC RESIDENCES. EXCESS (WASTE) WATER FROM MINK FARM IS USED TO IRRIGATE PASTURE AND ORCHARD BELOW FARM, TOWARDS ROCK CREEK. THIS APPLICATION IS MADE TO COVER PRE 1987 DEVELOPMENT. NOTHING HAS CHANGED WITH THIS SYSTEM.

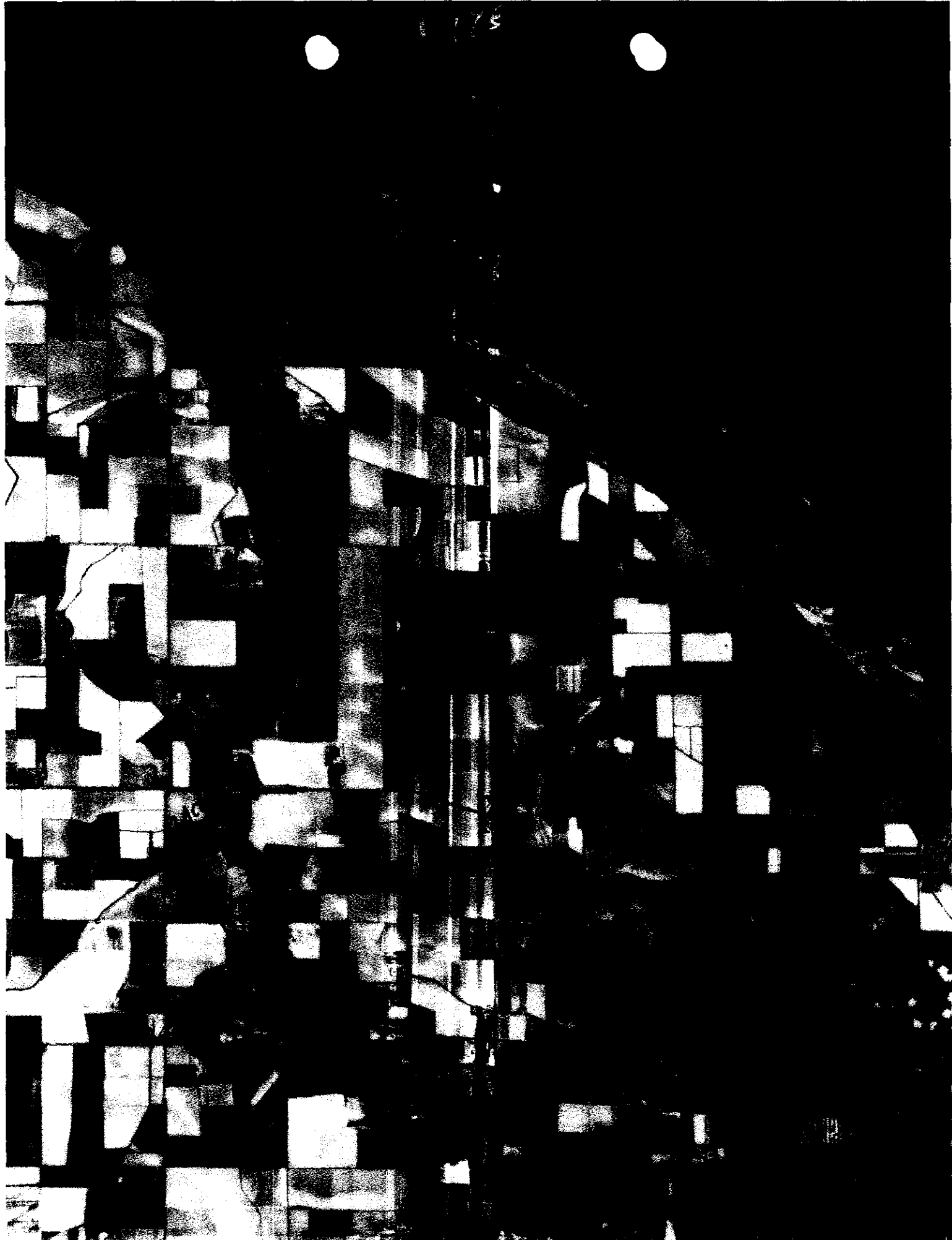
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jay Mable
Signature of Applicant (and title, if applicable)

Received by P. SKINNER Date 09/03/1998 Time 11:00 Preliminary check by P. SKINNER
Fee \$ 50.00 Receipted by P. SKINNER # 5021469 Date 09/03/98
Publication prepared by mb Date 9/15/98 Published in Times News
Publication approved mb Date 10/19/98

NOT RECORDED
SEP 29 1998

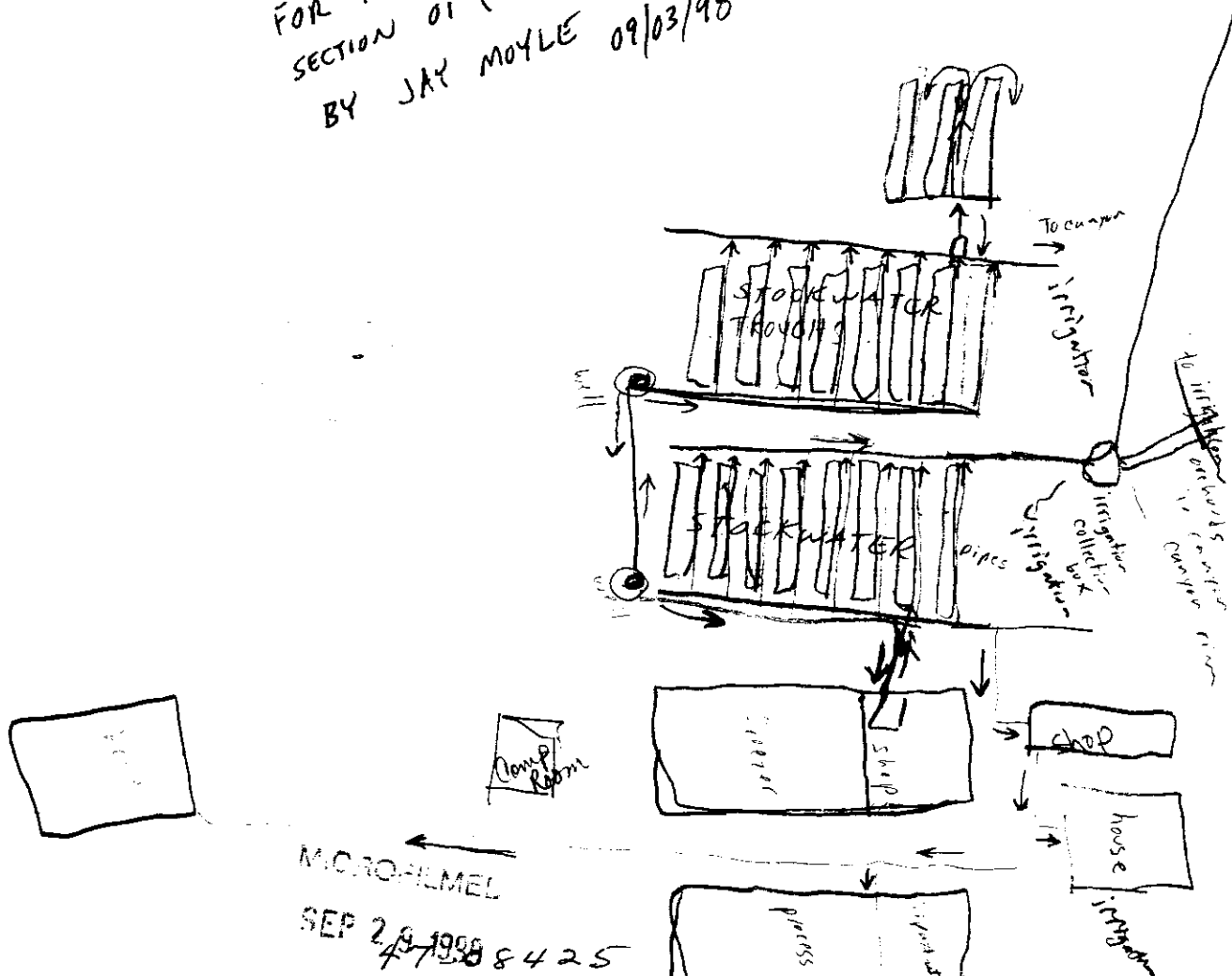


MICROFILMED

47-08425

SEP 2 1964

SKETCH OF
 PLACE OF
 USE & SYSTEM
 FOR MOYLE MINK FARM
 SECTION 01 (T10S, R16E)
 BY JAY MOYLE 09/03/98



MICROFILMEL

SEP 28 1998 8425

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 47-08425 Reviewed by Quf Date 8-11-99

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom. irr., comm., stock

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

NO Drilling permit required? pre 87

 f Copy in the file? Drilling Permit No.

 f Amount paid for permit Correct?

 f Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

NO Required?

 f Installed?

 f Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Reinstate w/ no advance in priority
Proof Acceptable

DATA ENTRY

New Address X Proof Made 5-12-99



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

August 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jay Moyle
Barbara Moyle
Dean Moyle
4052 N 2600 E
Filer ID 83328

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-08425

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. The department feels you may not have received the certified Proof Due Notice in the mail, therefore, the priority date has not been advanced.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, you may contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

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SEP 29 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

May 6, 1999

JAY MOYLE
BARBARA MOYLE
DEAN MOYLE
4052 N 2600 E
FILER ID 83328

LAPSE NOTICE

RE: PERMIT NO. 47-08425

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/99
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

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SEP 29 1999

January 31, 1999

JAY MOYLE
BARBARA MOYLE
DEAN MOYLE
4052 N 2600 E
FILER ID 83328

PROOF DUE NOTICE

RE: PERMIT NO. 47-08425

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

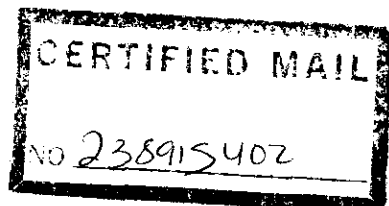
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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SEP 29 1999





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 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

January 12, 1999

JAY MOYLE
BARBARA MOYLE
DEAN MOYLE
4052 N 2600 E
FILER ID 83328

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08425

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

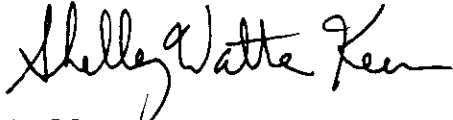
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's website for more information.

FILED
SEP 29 1999

homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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SEP 29 1999

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 47-08425

JAY MOYLE
BARBARA MOYLE
DEAN MOYLE
4052 N 2600 E
FILER ID 83328


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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 a 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.

MICROFILMED

SEP 29 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a 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.

RECORDED
SEP 29 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*

No.: 47-8425 Name: Moyle Date: 10/26/98 Ad OK? ☒ ☒ Gvmt Lts: None

AREA OF CONCERN: Pre-87 uses No/Yes: ESRP Mor / T.F. GWMA / Trust / Non-trust Not in Aquifer

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 01S-P23 *new wells*

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

FISH & GAME CONTACTED:

- YES / NO; RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-072

Fire Protection

- 077

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

- 7

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

- 068

STANDARD REMARKS:

- 068 074

BENEFICIAL USE DUE:

- 01W02/Link 02Comm 03W35 04W32 05W85/3

COMMENTS:

Hold needs add info to establish pre-87 use of well for irr.
add info add co.

MEMORANDUM

DATE: January 7, 1999
TO: File No. 47-08425
FROM: Cindy Zimmerman *CZ* .
SUBJECT: Additional Information Received

On December 31, 1998, I received additional information requested in my November 13, 1998. The information included with statements from Nellie Holden, Scott Sherman, and Benjamin Perez confirming the well was used to irrigate since 1972. Barbara Moyle also sent copies of ledgers recording payments to Idaho Power in October 1972, January 1973, May 1973, and June 1973.

The file contains 1987 NAPP photos confirming irrigation occurred. The statements from the individuals clarify the 8 acres of sprinkler irrigation occurred from the well before the onset of the SRBA. The ledger entries bear little weight since no statements identifying type of power usage were included. There is no information in the file to suggest surface water used in conjunction with groundwater. On December 29, 1998, Barbara Moyle called to say the information was in the mail. Ms. Moyle confirmed canal water was not used through the pressurized sprinkler system since there is not enough shares to go around.

The region identified two overlapping SRBA beneficial use claims, 47-11090 and 47-11092, each for stockwater for 18,000 mink and 1 domestic (see attached profile reports). The Moyle's filed objections to the recommendations on these claims (see attached SRBA subcase summary reports). This application is intended to cover existing uses in excess of the beneficial use claims.

I recommend that this application be approved based on pre-1987 use. Since the use is existing, proof of beneficial use should be due within 120 days. Allen Merritt recommended a condition be included limiting the use of this right with 47-11090 & 47-11092 to the system capacity of 0.20 cfs. Since the file does not contain evidence of a measurement of the system's capacity, I did not include Allen's recommended condition on the permit.

MICROFILMED
SEP 29 1999

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BARBARA MOYLE	06/09/1966	STOCKWATER	01-01 12-31	0.180 CFS	
C	JAY MOYLE RT 1 FILER ID 83328 (208) 733-4440		DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.180 CFS	

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE
 Point(s) of Diversion: T10S R16E S01 SENW TWIN FALLS County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
10S	16E	1	:	:	:	:	S	:	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
10S	16E	1	:	:	:	:	D	:	:	:	:	:	:	:	:

POU County: TWIN FALLS

Non-Irrigation Uses: 2 HOUSES

Other Rights: A47-11092

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP 18,000 MINK
 10S16E014200

Dates: Exam Made Date: Verified Date: Objection Filed Date: 09/09/1998

Misc: Water District Number: Field Inspection Flag:
 Presumption Flag:

Audit: 01/24/97 CORR2 08/11/98 CPD SHAFF 09/18/98 CM1-SEGB 10/25/98 ADT-DSHA

MICROFILMED
 SEP 29 1999

SRBA SUBCASE SUMMARY REPORT 47- 11090

Return to SRBA Home Page

SRBA
01-07-1999

SUBCASE SUMMARY REPORT

SUBCASE: 47-11090 FILE#: 00006
CLAIMANT: MOYLE, BARBARA
STATUS: RESPONSES DUE
WATER SOURCE: GROUNDWATER,
ISSUES: NAME AND ADDRESS DESCRIPTION
POINT(S) OF DIVERSION DESCRIPTION
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
WATER RIGHT RECOMMENDATION

**** PARTIES INVOLVED ****

BARBARA MOYLE	PRO SE
JAY OR BARBARA MOYLE	PRO SE
JAY MOYLE	PRO SE

**** ROA ENTRIES ****

09-09-1998 OBJ 01 F/B MOYLE, JAY OR BARBARA

RB 04-16

Return to SRBA Home Page

NOT REFILED
SEP 29 1999

AJ5809WP
No. 47-11092

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/07/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAY MOYLE	09/14/1972	STOCKWATER	01-01 12-31	0.180 CFS	
C	BARBARA MOYLE RT 1 FILER ID 83328 (208) 733-4440		DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.180 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R16E S01 SENW

TWIN FALLS County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
10S	16E	1	:	:	S	:	:								

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
10S	16E	1	:	:	D	:	:								

POU County: TWIN FALLS

Non-Irrigation Uses: 2 HOUSES

Other Rights: A47-11090

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP 18,000 MINK
A47-11090

Dates: Exam Made Date: Verified Date: Objection Filed Date: 09/09/1998

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/24/97 CORR2 02/04/97 CORR5 08/11/98 CPDSHAFF 09/18/98 CM1-SEGB
10/25/98 ADT-PSHA

MICROFILMED
SEP 29 1999

SRBA SUBCASE SUMMARY REPORT 47- 11092

Return to SRBA Home Page

SRBA
01-07-1999

SUBCASE SUMMARY REPORT

SUBCASE: 47-11092 FILE#: 00005
CLAIMANT: MOYLE, JAY
STATUS: RESPONSES DUE
WATER SOURCE: GROUNDWATER,
ISSUES: NAME AND ADDRESS DESCRIPTION
POINT(S) OF DIVERSION DESCRIPTION
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
WATER RIGHT RECOMMENDATION

**** PARTIES INVOLVED ****

JAY MOYLE	PRO SE
JAY OR BARBARA MOYLE	PRO SE
BARBARA MOYLE	PRO SE

**** ROA ENTRIES ****

09-09-1998	OBJ	01 F/B MOYLE, JAY OR BARBARA	RB	04-16
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Return to SRBA Home Page

1.070-11092
SEP 24 1999

RECEIVED

DEC 31 1998

DEPARTMENT OF WATER RESOURCES

To whom it may concern,

I have personal knowledge that the well water has been used to irrigate the eight acres since 1972. That year is revelant to me because that is when Jay and Barbara Moyle built their house and the sprinklers were installed to irrigate that eight acres that same year.

Nellie M. Harder
12-9-98

STATE OF IDAHO

County of Cassia

On the 9th day of Dec, 1998, before me, a
Notary Public in and for the State of Idaho, personally appeared Nellie M. Harder
known to me to be the person whose
name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Larry Harold
Burley

My Comm. Expires 5-15-2004

MICROFILMED

SEP 29 1999

RECEIVED

DEC 31 1998

DEPARTMENT OF WATER RESOURCES

To whom it may concern,

I have personal knowledge that the well water has been used to irrigate the eight acres since 1972. That year is revelant to me because that is when Jay and Barbara Moyle built their house and the sprinklers were installed to irrigate that eight acres that same year.

Scott Sherman

STATE OF IDAHO
COUNTY OF TWIN FALLS

Before me appeared Scott Sherman who is known
by me who signed the above on Dec 4, 1998

Mac Hatch
MY COMMISSION EXP 11/20/02

RECORDED

DEC 4 1999

I have personal know-
ledge that the well
water on Jay Mayles
ground has been used
to irrigate the eight
acres since 1972. That
is when the house was
built and the sprinkles
were installed to irrigate
with.

RECEIVED

DEC 31 1998

12-4-98 DEPARTMENT OF WATER RESOURCES

Benjamin Perez MED

STATE OF IDAHO

DEC 24 1998

COUNTY OF TWIN FALLS

Before me appeared Benjamin Perez
known by me who signed above. 12/4/98

MICHAEL
MY COMMISSION EXP 11/24/99

Dec.

12-7	Kul-Wilkinson	3.25
12-7	Buhl Coop.	14.85
12-7	Clyde Bishop	392.09
	Standard Plumbing	2.80
12-12	Standard Plumbing	5.95
12-12	Overhead Door Co.	1,368.00
12-12	Western Bearings	15.50
	Shooting Irons	2.97
12-12	Ruth Jones Tapes	620.27
		<u>3,418.39</u>

336 147
167
69

Jan. 1973

1-2	Sports Afield	2.50
1-2	Moyle Mink farm	81.25
1-2	Wilkinson Pitting	5,542.40
1-2	Idaho Pumps	236.26
1-2	Commons Pathy	23.60
1-2	Youngs	31.19
1-2	Quality Products	455.00
1-2	Mountain Bell	80.68
1-2	Idaho Hide & Tallow	7.00
1-2	Valentine Equipment	991.07
1-2	Nationwide Insurance	49.47
1-2	Kul-Wilkinson	4.35
1-2	Bean Drawers	202.07

1-16	Sauthe	
1-15	Nebeons	1.
1-45	Western Outdoor	
1-15	Kendricks Oil	

1-15	Bill Workman Ford	7
1-15	Juin Fells Canal Co.	
1-15	Overhead doors	
1-10	Orland Bateman Fox set.	
1-15	Hude Blacksmith	
1-15	Orland	
1-15	Valentine Eq.	
1-15	United Automobile	
1-15	Wilson-Bates	
1-15	Bean Drawers	
1-15	Fairbank	
1-15	Western Bearings	
1-15	Col-Gas	
1-15	Mountain Bell	
1-17	Hausel	

RECEIVED

DEC 31 1998

1-19 Hausel Joe Owens supplies
1-19 R. H. Owens 171 hr

56
41 237
20 37
36
114

7

Continental Life Acc.	10.50
Mountain Bell	102.66
Western Bearings	7.8
Burley	
Burley	
Leland Slater	141.05
Paul Bach	122.50
Joe Owens	151.05
Jack Tussey	117.50
Konick Tree & Crane	287.50
Terry Insurance Agency	164.00
Joan Servis	5.00
Eileen Bailey	10.00
Fur Age Weekly garage	1200
State Farm Insurance	1200
Paul Bach	122.50
Jack Tussey	117.50
Leland Slater	141.05
Terry Palmer	50.00
Gene Daniels	1,000.00
Butcher	1,000.00
Lewis Brothers	5,302.38
Paul Bach	20.81
(feed) Burley	435.25

Oct 1972

Oct. 9 - Idaho Power Co.	104.86
9 - Times News	15.00
10-9. Fairbanks	1,985.75
10-9 Standard Plumbing	46.74
10-9 Bill Workman Ford	62.00
10-9 Bean Drawers	467.07
10-9 Fisheries Supply Co.	18.75
10-9 Nelson Builders Centre	6,002.72
10-9 Dan Daniels Roofing	882.00
10-9 Kendrick Oil Co.	158.96
10-9 Clyde Bishop's	10.85
10-9 Magic Valley Memorial Hospital (ph)	80.60
10-9 Hud's Blacksmith Shop.	110.98
10-9 Colonial Concrete Inc.	25.52
10-9 Waite Electric Co.	55.2
10-9 Keel-Willison-Strank Lumber	120.55
10-9 Nationwide Insurance	44.28
10-9 Blackens (plz)	11.28
10-9 Falls Brand	707.72
10-9 United Automotive	6.83
10-9 Western Bearings, Inc.	14.67
10-9 Diesel Electric Co.	8.46
10-9 Boy-O-Sires	2.50
10-9 W. H. Reman	2.00

RECEIVED
DEC 31 1998
DEPARTMENT OF WATER RESOURCES

May 30 Idaho Power 365.¹⁴₁₀₀
 30 P.E. Concrete Co. 27.⁰⁰
 30 Alpine Clean → 1999.75
 June 5 Idaho Power Trust Co 20.⁰⁰
 June 1 Title Jacks → June 82.⁰⁰
 June 5 Late Furniture 61.80
 5 Brake & Petroleum 7.83
 5 United Automotive 111.69
 5 Huda 136.96
 5 Standard 37.
 5 Fairbanks Excavating 101.00
 5 Cal Gas 28.44
 5 Keel Wilkison Strout 87.4
 5 Purity Water Service 27.36
 5 Independent Meat Co. 310.46
 Nelsons Inc. 432.41
 Floyd Lilly Co. 129.40
 Philma Kendricks Oil 105.69
 Recording fees for (Huda) 2.⁰⁰
 Young 28.83
 fed truck Bill Workman Ford 563.24
 Auto Co. 68.65
 Ruth & Jones Tax on hay 594.12
 5 Alpine Clean food → 220.00
 Moose Supply Co. 106.80
 104.00

June 11 Title Jack Escrow Dept house payment
 Whitmore Oxygen Co.
 Dean Growers
 June 11 - Western Bearings 22.
 Barger - Matton 3.
 Summer Weekly 1.
 Links Florists 6.
 Full Circle, Inc. 14.
 Magic Valley Ref. 30.
 June 11 Bell Insurance 12.
 Common Poultry 2.
 Mountain Bell 11.
 George H. Roberts 3.
 Dr. Daniel H. Haymore 3.
 Dennis L. Clarke fire 10.
 National Life Insurance &
 Idaho Power Semblekorden
 2 - Idaho Power 3.
 Jimmy Neun
 2 - Cliff Auall's freezer 3.
 Cal Gas
 Mayle Fair Farm Vaccine
 2 - Briggs Equipment
 5 - Huda

RECEIVED
 DEC 31 1998



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

November 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jay Moyle
Barbara Moyle
Dean Moyle
4052 N 2600 E
Filer ID 83328

Re: Application for Permit No. 47-07425

Dear Moyle's,

The above application has been forwarded to the State Office for final review. Your proposed use of groundwater is located within the Eastern Snake River Plain Moratorium Area and within the service area of Twin Falls Canal Company. Your application has been processed based on pre-1987 development. The infrared photo accompanying your application confirms the place of use was irrigated prior to 1987. However, there is no evidence in the file confirming the irrigation was from groundwater. To continue processing this application, I need evidence clarifying the source of water used for the irrigation shown in the 1987 infrared photo.

On October 29, 1998, I called the phone number on your application and talked with Kelly Moyle. I explained the need for evidence clarifying the source of water used for the irrigation shown in the 1987 infrared photo. Kelly agreed to pass the request for information on to her husband and mother-in-law. I agreed to hold processing on your application for two weeks pending your response. As of this afternoon, I have not received a reply.

The purpose of this letter is to request you submit evidence clarifying the source of water used for irrigation in and prior to 1987. I will hold processing on this application for two weeks pending your reply. If I do not hear from you by November 30, 1998, I will place this application on hold pending the outcome of the Eastern Snake River Plain Moratorium.

If you have any questions, you may contact me directly at (209) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'. The signature is written in dark ink and is positioned above the printed name.

Cindy Zimmerman
Water Resource Agent

MICROFILMED

SEP 29 1998

MEMORANDUM

DATE: October 29, 1998
TO: File No. 47-08425
FROM: Cindy Zimmerman ~~43~~.
SUBJECT: Telephone Conversation

There is no evidence in this file confirming use of groundwater on the irrigated place of use prior to 1987. Per Twin Falls Canal Co., the applicants hold 70 shares of water as of 1987. Per county assessor the applicants had 91.25 acres as of 1987.

I spoke with Kelly Moyle today to requests evidence that groundwater was used to irrigate the place of use, either by itself or with TFCC water. Kelly agreed to pass the request onto her mother-in-law, Barbara, and expected an answer to be forth coming within 2 weeks.

I agreed to hold processing on this application until November 13, 1998. At that time I will write a letter requesting the information.

10/29/98

SEP 29 1998

RECEIVED

OCT 28 1998

Department of Water Resources

MEMORANDUM

TO: Cindy Zimmerman, ³FILE 47-8425

FROM: Corey Skinner /5

DATE: October 27, 1998

SUBJECT: Additional Information Regarding Application 47-08425

I have enclosed some information that may be helpful in the processing of Application 47-08425 (in the name of Moyle). I have included information regarding the number of acres that the Moyles own and the number of shares that the Moyles have in the Twin Falls Canal Company in Section 01 (T10S, R16E).

Twin Falls County Assessor records indicate that the Moyles currently have four parcels of land located in Section 01 (T10S, R16E). The four parcels are as follows:

Parcel # 10S16E015400 consisting of 1.0 acre.

Parcel # 10S16E014200 consisting of 45.0 acres.

Parcel # 10S16E016630 consisting of 5.0 acres.

Parcel # 10S16E015402 consisting of 40.25 acres.

Twin Falls County Assessor records indicate that the Moyles have owned all four of these parcels prior to November of 1987. The total amount of acres that the Moyles own in Section 01 (T10S, R16E) is 91.25 acres.

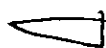
Twin Falls Canal Company records indicate that the Moyles have a total of 70 shares of TFCC water for land located in Section 01 (T10S, R16E). It was reported from the canal company that most farmers use one share of TFCC water per acre, but the canal company will allow up to $1\frac{1}{2}$ shares per acre.

MICROFILMED

OCT 29 1998

10/26/98 P. SKINNER
NOTES PER

TWIN FALLS
COUNTY ASSESSOR
RECORDS



10S16E015400

had since
at least
'83

1 acre

* 10S16E014200

owned since 1966

45 acres



10S16E016630

owned
since
1973

5 acres

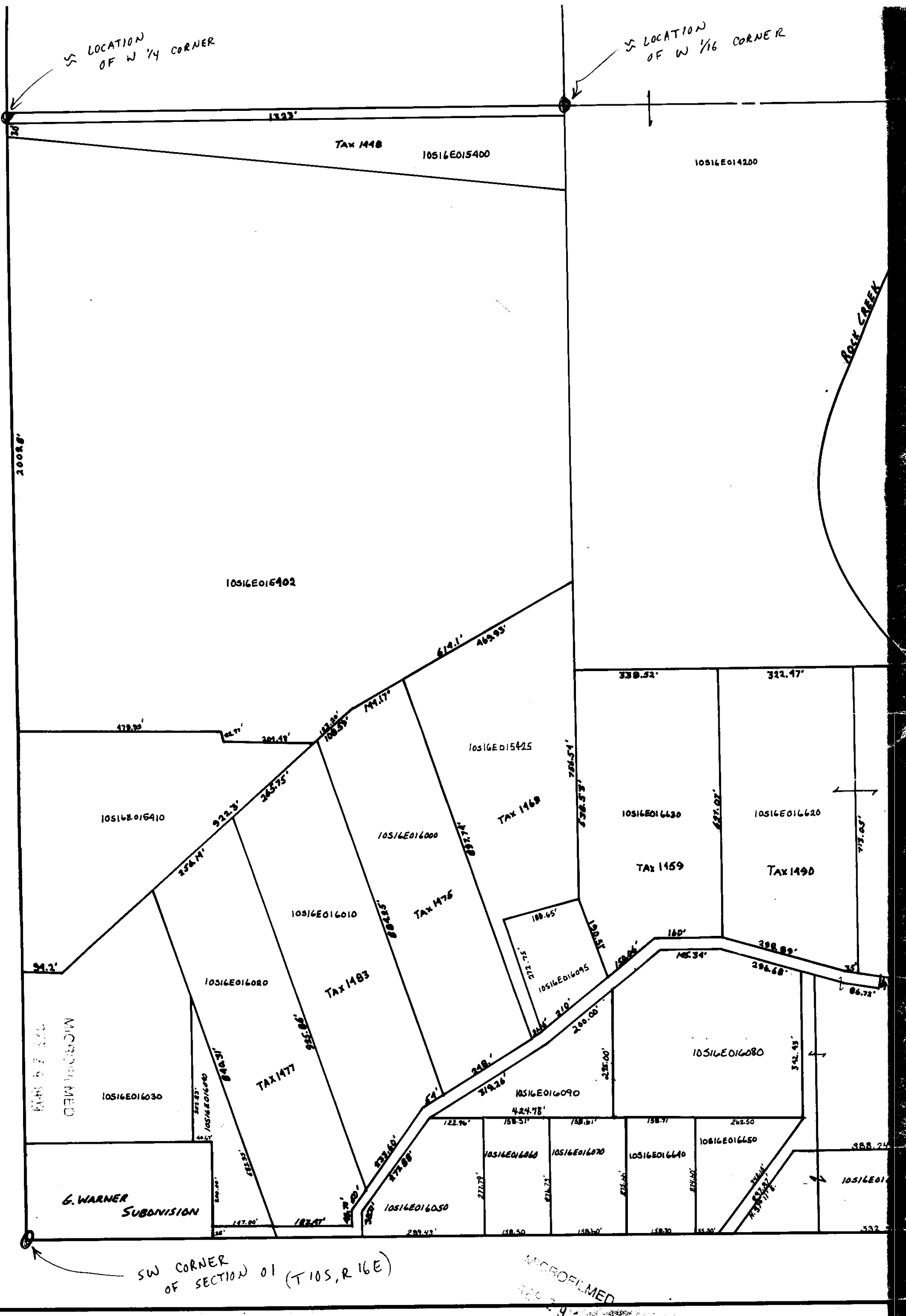


10S16E015402

owned since '83

40.25 acres

LOCATION
OF W 1/16 CORNER



10S16E013000

1323'

Tax 1448

10S16E015400

10S16E014200

10S16E016402

614.1' 465.93'

10S16E015425

Tax 1468

10S16E016000

338.52'

322.47'

382.61'

382.61'

10S16E016630

10S16E016620

RECORDED
24 MAR 1990

Rock Creek

To: Cory Skinner
IDWR

Fax: 736-3037

3 pages

1.0m. TFCC - Chris
FAX: 733-1958

Certificate
No 28594

For 36/36⁰⁰ Shares
Issued To

Ray & Wright and Linda
E. Wright, husband and wife,
as individuals and one-half

Moyle & Sons
Fur Farm

part w¹/₂ SW
1-10-16
Dated March 29, 1983

NO. ORIGINAL CERTIFICATE	NO. ORIGINAL SHARES	NO. OF SHARES TRANSFERRED
22846	46.50	36.00

Received Certificate No. _____

For _____ Shares

this _____ day of _____, 19____

Mailed: Jay & Barbara Moyle
Rt. 2
Elmer

A 5.
70809

NOV 11 1998

OCT 29 1998

RECEIVED

OCT 26 1998

Department of Water Resources
Southern Region

28594
B:11.1937

Person
Moyle + Sons Fur Farm
B:11. Jay Moyle

RECEIVED
OCT 26 1998

Department of Water Resources
Southern Region

Shares

OC
22926

3 29 83 Pt. W 1/2 SW 1-10-16

certif.
date

36.00

2LL-P2-1

2LL L24 01

CR # 1013 98

24449

B:11.1937

Person
Ronnie Pope

1711 Borah Ave. E., City

OC
22159

4 26 73 Pt. SE SW, 1-10-16

16J222

certif.
date

1973	11.25	11	45	12	12	73	492
1974	13.75	13	75	12	12	73	492
1975	13.75	18	25	1	15	75	559
1976	16.25	16	25	7	26	76	636
1977	17.50	17	50	11	10	76	649
1978	17.50	17	50	12	14	77	713
1979	22.50	22	50	11	3	78	749
1980	26.25	26	25	12	7	79	821

5.00

2LL-P1-1

#10 12000

STC 111 L24 01

19307

Person
Asa H. Bowen

4652 N 2600 E 6-93
Box 1063

Rt. 1, Filer, Idaho 83328

OC
10874

3 4 54 Pt. NE SW & SE NW: 1-10-16
W. of Rock Creek

16J110

Certificate
date

1981	232.00	232.00	11	12	80	2
------	--------	--------	----	----	----	---

Shares

733-4440

29.00

2LL-P2-1

#10 12000

STC 111 L24 01

MICROFILMED

SEP 29 1993

P.02

733 1958

Oct-26-98 04:21P twin falls canal

OCT 26 1998

RECEIVED

NO. 351

Certificate
No. 19307A

For = 29.00 = Shares
Issued To

Ava M Brown
The Pt 2 Pt 2
NE SW & SE NW
West of Rock Creek in

Dated Nov 4, 1954

No. ORIGINAL CERTIFICATE	No. ORIGINAL SHARES	No. OF SHARES TRANSFERRED
10874	29.00	29.00

Received Certificate No. 19307

For = 29.00 = Shares

this 4 day of Nov, 1954

Ava M Brown
by J R Keenan

Certificates are still in previous
owners Name - We bill Jay Moyle
for the water assessments.

NO. 351.

Certificate
No. 24449A

For 5.00 Shares
Issued To

Ronnie Pope

Part SE SW, 1-10-16

Dated 4-19, 1973

No. ORIGINAL CERTIFICATE	No. ORIGINAL SHARES	No. OF SHARES TRANSFERRED
22159	63.93	5.00

Received Certificate No. 24449

For 5.00 Shares

this 19 day of April, 1973

mailed

Zimmerman, Cindy

From: TPlatt1070 [TPlatt1070@aol.com]
Sent: Thursday, June 04, 1998 2:21 PM
To: Zimmerman, Cindy
Subject: request for info

To:

Cindy Zimmerman
IDWR, Boise ID 83720

I received your request (via email, 5/19/98) for information regarding how much water a mink consumes per day. Although it varies depending on the type of feeder used and the type of diet (wet or dry), I have been told 1/2 gallon per mink per day should be adequate.

Let me know if I can help with anything else.

Sincerely,

Teresa Platt
Fur Commission USA
826 Orange Avenue, #506
Coronado, CA 92118
(619) 575-0139
(619) 575-5578/fax
tplatt1070@aol.com
www.furcommission.com

-

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmmsgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1998Jun04.141731.1128.427950; Thu, 04 Jun 1998 14:17:32 -0600
Received: from imo12.mx.aol.com ([198.81.17.34]) by adm-smtp.state.id.us
(Post.Office MTA v3.1.2 release (PO205-101c) ID# 0-0U10L2S100)
with ESMTP id AAA247 for <czimmerm@idwr.state.id.us>;
Thu, 4 Jun 1998 14:17:43 -0600
Received: from TPlatt1070@aol.com
by imo12.mx.aol.com (IMOV14_b1.1) id SAKFa29071
for <czimmerm@idwr.state.id.us>; Thu, 4 Jun 1998 16:20:36 -0400 (EDT)
From: <TPlatt1070@aol.com>
Message-ID: <8b7d418.35770195@aol.com>
Date: Thu, 4 Jun 1998 16:20:36 EDT
To: czimmerm@idwr.state.id.us
Mime-Version: 1.0
Subject: request for info
Content-type: text/plain; charset=US-ASCII
Content-transfer-encoding: 7bit
X-Mailer: AOL 3.0 for Windows 95 sub 104

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

FORM NO.202A
REVISED 7/31/98

APPLICATION NO. 47-68425

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

OCT 22 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY P. SKINNER DATE 09/03/98

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water. EXISTING DEVELOPMENT
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++ PROPOSED PRIORITY DATE 09/03 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. 47-11090 and 47-11092
- ☒ Overlapping point of diversion.
- Yes ☒ No ☐ Is Source Surface Water? SEE SRBA RECORDS
- If Yes Send Copy to F&G. R47-11090 and R47-11092
- If Yes Field check/memo required.
- Field check/memo by _____
- Yes ☒ No ☐ Field report attached?
- Yes ☒ No ☐ Critical Ground water area?
- Yes ☒ No ☐ Groundwater management area?
- Yes ☒ No ☐ Measurement District or Groundwater District?
- What District? _____
- Yes ☒ No ☐ Send Dam safety information?
- Yes ☒ No ☐ Send power requirement letter?
- Yes ☒ No ☐ Send fish farm requirement letter?
- Yes ☒ No ☐ Power residency affidavit attached?
- Yes ☒ No ☐ Power efficiency form?
- ☒ Yes ☐ No ☐ Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☒ Yes ☐ No ☐ Is Application made to record Pre Nov 1987 Development?
- If Yes then request clear evidence of when use started. SEE 6-22-87 NAPP PHOTO

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?

☐ Yes ☒ No Statewide Advertising?

☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?

If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?

☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☒ Yes ☐ No Protests received?

☒ Yes ☐ No Protested?

Describe Resolution: _____

☒ Yes ☐ No Measuring device required?

☒ Yes ☐ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? _____

☒ Yes ☐ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 10/20/98

Date of priority recommended: 9/3/98

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By AD Date 10/20/98

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/09/98 13:41:31
Page 1

Water Right Number - R47-11090

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MOYLE

BARBARA

1 - 4052 N 2600 E

2 -

3 -

City- FILER

State- ID Zip- 83328

Phone - 208-733-4440

MOYLE

JAY

1 - 4052 N 2600 E

2 -

3 -

City- FILER

State- ID Zip- 83328

Phone - 208-733-4440

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/09/1966 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
10S 16E 1 SW SE NW (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.180

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
10S 16E 1 SE NW 04 STOCKWATER (83) TWIN FALLS
10S 16E 1 NE SW 43 DOMESTIC (83) TWIN FALLS

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use - A47-11092

+ - - - - Remarks - - - - - +

EXP 18,000 MINK
10S16E014200

OVERLAPPING
WATER RIGHT

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/09/98 13:41:32
Page 2

Water right number - R47-11090 Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 09/09/1998 User Id: CSKINNER Subject: OBJECTION FILED
CLAIMANTS IDENTIFIED THE USE FOR DOMESTIC AS ONE HOME ONLY AND IN A DIFFERENT LEGAL DESCRIPTION. THE POINT OF DIVERSION WAS ALSO
IDENTIFIED DOWN TO THE 10 ACRE TRACT. DATA ENTRY BY KKC

+ - - Audit Fields - - +

09/09/98 CSKINNER

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/31/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S003384	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/09/98 13:43:59
Page 1

Water Right Number - R47-11092

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MOYLE

JAY

1 - 4052 N 2600 E

2 -

3 -

City- FILER

State- ID Zip- 83328

Phone - 208-733-4440

MOYLE

BARBARA

1 - 4052 N 2600 E

2 -

3 -

City- FILER

State- ID Zip- 83328

Phone - 208-733-4440

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/14/1972 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

10S 16E 1 SW SE NW (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.180

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 16E 1 SE NW 04 STOCKWATER (83) TWIN FALLS
10S 16E 1 NW SW 43 DOMESTIC (83) TWIN FALLS

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use - A47-11090

+ - - - - Remarks - - - - - +

EXP 18,000 MINK
A47-11090

OVER-APPLYING WATER RIGHT

47-08425

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/09/98 13:43:59
Page 2

Water right number - R47-11092 Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 09/09/1998 User Id: CSKINNER Subject: OBJECTION FILED
CLAIMANTS NOTED THAT THIS CLAIM SHOULD BE FOR ONE HOME ONLY AND THAT THE LEGAL DESCRIPTION FOR THIS HOME WAS INCORRECT. THE
POINT OF DIVERSION WAS ALSO IDENTIFIED TO THE 10 ACRE DESIGNATION DATA ENTRY BY KKC.

+ - - Audit Fields - - +
09/09/98 CSKINNER

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/31/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S003384	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

FROM: Allen Merritt 

DATE: October 20, 1998

TO: Application No. 47-08425
In the Name of: Moyle

SUBJECT: Review and Recommendation

This application was processed for pre-1987 development not covered under other rights or filings. (See memo dated 9/9/98 by Corey Skinner) Evidence supports pre 1987 use.

RECOMMENDATION

I recommend that the application be approved subject to the following conditions:

- This right when combined with 47-11090 and 47-11092 shall not exceed a system capacity of 0.20 cfs.
- No new wells or new uses that have not existed since 1987 are authorized to be developed.
- Proof of beneficial use must be submitted ASAP.

MICROFILMED

OCT 29 1999

NOTICE OF
APPLICATION FOR
WATER PERMIT

The following application
has been filed to appropriate
the public waters of the
State of Idaho:

JAY MOYLE OR
BARBARA MOYLE OR
DEAN MOYLE
4052 N 2600 E
FILER ID 83328

Application for Permit No.
47-08425

Source: groundwater
(existing development)

Division Pt(s):)
SE1/4NW1/4, S01, T10S,
R16E (Two wells); Twin
Falls County.

Use: 01/01-12/31

Domestic-3 homes(0.08 cfs)

Stockwater (0.20 cfs)

Commercial (0.20 cfs)

irrigation (0.16 cfs)

Total Diversion: 0.20 cfs

In: irrigation of 8 acres
and other uses within Parts
of S01, T10S, R16E; Twin
Falls County.

Date Filed: 09/03/98

The application proposes to
divert groundwater from the
"Eastern Snake River Plain
Aquifer" presently under a
moratorium order dated
April 30th, 1993. The
order allows the Director to
consider on a case-by-case
basis applications; if it can
be shown the development
will have no effect on prior
surface and groundwater
rights because of its
location, insignificant
consumption, or mitigation
by the applicant to offset
injury to other rights. The
applicant has submitted
material as evidence of pre-
1987 development as part of
the application. Any

protest against the proposed
application must be filed
with the Department of
Water Resources, Southern
Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID
83301 together with a
protest fee of \$25.00 on or
before October 19, 1998 to
be considered by the
Department in its decision
to grant or deny any part of
the proposed application.

The protestant must also send
a copy of the protest to the
applicant.

Karl J. Dreher, Director

Published in the Times News
on 10/01 & 10/08/98.

Affidavit of Publication

STAT F IDAHO }
COUNTY OF TWIN FALLS } SS.

No 31055

I, Emily McKnight being first duly sworn upon oath, depose
and say that I am principal Clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for two consecutive weeks,
commencing with the issue dated October 1, 19 98,
and ending with the issue dated October 8, 19 98.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
Monday, both of which newspapers prior to consolidation had been published under said names in said city and county
continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of Oct in the year of 1998, before me,

a Notary Public, personally appeared Emily McKnight,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

OK MB
10/18/98
FILMED
SEP 29 1999

Shirley R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

DEPT WATER RESOURCES

191246 0050 LEGAL

5 10/08/98 0

WATER RIGHT MOYLE

10/01/98 10/08/98

4 THE TIMES NEWS LEGAL
FLAT CHARGE
TOTAL AD CHARGE

2	LGL	
	FC	76.80
		76.80

legal

76.80

76.80*

47-08425

RECEIVED
OCT 13 1998
Department of Water Resources
Southern Region

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

191246 050
LEGAL

10/01/98	10/08/98	GROSS AMOUNT OF
		76.80
10/08/98	208-736-3033	DUE AFTER

VISA MASTERCARD

[illegible]

EXPIRATION DATE: ___/___/___

SIGNATURE: _____

76.80

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID

83301

NOFORNAMES

SEP 29 1999

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 10

204000000019124600000000000000000768000000076806

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1987 development as part of
the application. Any
protest against the proposed
application must be filed
with the Department of
Water Resources, Southern
Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID
83301 together with a
protest fee of \$25.00 on or
before October 19, 1998 to
be considered by the
Department in its decision
to grant or deny any part of
the proposed application.

The protestant must also send
a copy of the protest to the
applicant.

Karl J. Dreher, Director

Published in the Times News
on 10/01 & 10/08/98.

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SEP 29 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

September 25, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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SEP 29 1999

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

JAY MOYLE OR
BARBARA MOYLE OR
DEAN MOYLE
4052 N 2600 E
FILER ID 83328

Application for Permit No. 47-08425

Source: groundwater (existing development)

Diversion Pt(s): SE1/4NW1/4, S01, T10S, R16E (Two wells); Twin Falls County.

Use: 01/01-12/31
Domestic-3 homes (0.08 cfs)
Stockwater (0.20 cfs)
Commercial (0.20 cfs)
irrigation (0.16 cfs)

Total Diversion: 0.20 cfs

In: irrigation of 8 acres and other uses within Parts of S01, T10S, R16E; Twin Falls County.

Date Filed: 09/03/98

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application. Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 19, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 10/01 & 10/08/98.

ENCLOSURE

SEP 29 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

September 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY MOYLE ET AL
4052 N 2600 E
FILER ID 83328

Re: Application for Permit No. 47-08425

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Times News for 10/01 & 10/08/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

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SEP 24 1998

MEMORANDUM

TO: Moyle (Jay, Barbara, or Dean) Application for Permit File
FROM: Corey Skinner *CS*
DATE: September 9, 1998
SUBJECT: Staff Review

The enclosed Application for Permit, filed in the name of Jay or Barbara or Dean Moyle, seeks to record a pre November of 1987 water development. The Application for Permit seeks to record water uses associated with a mink farm and three domestic residences. A June 22, 1987 Napp photo shows the mink farm and buildings in place. A similar application, 36-08768, was recently approved for a mink farm owned by Jay and Barbara's son, Allen Moyle.

The Moyles have two interconnected wells with 2 horsepower pumps that supply water to the mink farm and three domestic residences. Mr. Moyle filed two SRBA claims, A47-11090 and A47-11092, for the water use on his mink farm. These two claims were recommended as domestic claims and were limited to the diversion of 13,000 gallons per day. However, Mr. Moyle diverts a lot more water than what would be allowed under these domestic claims. Mr. Moyle said that one well diverts about 40 gallons a minute 24 hours a day, all year long, and the other well diverts an additional 40 gallons a minute 24 hours a day, about six months out of the year. Mr. Moyle filed the enclosed application to adequately cover his mink farm.

The water diverted from these two wells is used for stockwater purposes to supply drinking water to about 18,000 mink. In addition, water is used for commercial purposes associated with the mink farm for wash up, food preparation, and other uses. Part of the commercial use, includes the large amount of water diverted for stockwater purposes. Water is continuously ran through the mink watering system (troughs and pipes) in order to keep the mink water fresh and to prevent it from freezing in the winter time. The wells also provide water for three domestic residences (two homes and an apartment). Mr. Moyle said that after the water runs through the system that supplies drinking water to the mink, it is collected and used to irrigate portions of his property. The water is used to irrigate pasture from the mink farm down to Rock Creek in the canyon below. In addition, Mr. Moyle irrigates an orchard in the Rock Creek canyon below the mink farm. The application for permit reflects 8.0 total acres of irrigation, which may be on the high side, and may need to be adjusted when the licensing exam is

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Moyle Application For Permit Memo
September 9, 1998

completed (if the enclosed application is approved). Some of the irrigation, includes yard irrigation associated with the domestic use(s). Mr. Moyle said that Twin Falls Canal Company water is used to irrigate the yard around the west most home (located in the NWSW $\frac{1}{4}$) so no irrigation use was shown in the NWSW $\frac{1}{4}$ of Section 01.

The points of diversion and water uses described on the enclosed Application for Permit overlap completely with recommended SRBA claims 47-11090 and 47-11092. The recommendations for these two claims have been objected to by the Moyles in order to correct the legal descriptions and to more accurately reflect these claims/rights. "Standard Form 5s" have been submitted to the state office in Boise regarding these two claims. The probable final recommendation of these two claims is best represented by records R47-11090 and R47-11092. If the enclosed application for permit is approved, appropriate conditions and remarks addressing the overlap(s) should be implemented. In addition, since the application is to record pre November 1987 development, Proof of Beneficial Use should be filed as soon as possible.

47-11090

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MEMORANDUM

TO: SRBA Claim Files A47-11090 & A47-11092

FROM: Corey Skinner *CS*

DATE: September 9, 1998

SUBJECT: Objection & Stipulation of Claims

On September 3, 1998 Jay and Barbara Moyle came by the Southern Region Office inquiring about the recent Director's Report mailings they had received regarding claims A47-11090 and A47-11092. They were specifically inquiring about the 13,000 gallon a day limitations that were part of the recommendations. Mr. Moyle said that they have two wells that are used to supply water for his mink farm and domestic residences. Mr. Moyle said that one of his wells diverts about 40 gallons a minute, 24 hours a day, all year long. Mr. Moyle also said that his other well diverts about 40 gallons a minute, 24 hours a day, about six months out of the year. Mr. Moyle was concerned because the two recommended claims, A47-11090 and A47-11092, would not adequately cover his water use practice(s).

I assisted Mr. and Mrs. Moyle in submitting an Application for Permit to cover their water use(s) on their entire mink farm operation, including their domestic use(s). The Application for Permit was filed, and should be processed despite the moratorium, based on the concept of pre November of 1987 development.

On September 8th, while reviewing the Application for Permit that the Moyles submitted, I noticed that the domestic use(s) on the two recommended claims (A47-11090 & A47-11092) were listed in the wrong 40 acre tracts. The correct (actual) domestic locations were identified when I assisted the Moyles with submitting their Application for Permit. I called Mr. Moyle and let him know that the domestic locations on the recommended claims were incorrect and should probably be corrected. Mr. Moyle said that he would be in the office the next morning to correct the claims.

On September 9th, Mr. and Mrs. Moyle came by the office to pursue correcting their two recommended claims. Kelly Christensen, SRBA agent, and I assisted Mr. and Mrs. Moyle with completing the necessary forms and letting them know who they needed to mail copies of the documents to. An objection to each of the two recommended claims (A47-11090 & A47-11092) was filed. The objections related to correcting, or more accurately defining, the claimants' address, the point of diversion description, and the place of use for the domestic use. In addition, a Standard Form 5 was completed and a "R-Record", showing the corrections, was created on the database for each of the recommended claims. The two claims were originally recommended with the remark of "2

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A47-11090 & A47-11092 Memo

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houses" on each of the claims. Since there are only two houses on the Moyles' property, and they were developed in different years, the "R-Records" reflect one home each. The "R-Records" are a more accurate representation of what actually exists on the Moyles' property. These more accurate records will enable the Department to appropriately condition the recent Application for Permit that the Moyles submitted, if it is approved.

ALC 20-11090
SEP 29 1998