

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Map grid showing township and range information. The grid is divided into sections. The following information is visible on the grid:

- Section number: 30
- Range: R. 17E
- Township: T. 10S
- County: P. 0, P. 1

A red stamp "MICROFILMED" is visible in the upper right corner of the grid area.

Scale: 2 inches equal 1 mile.

AUG 22 1989

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.

[Signature]
(Applicant)

47-08135

T10S-R17E-S2

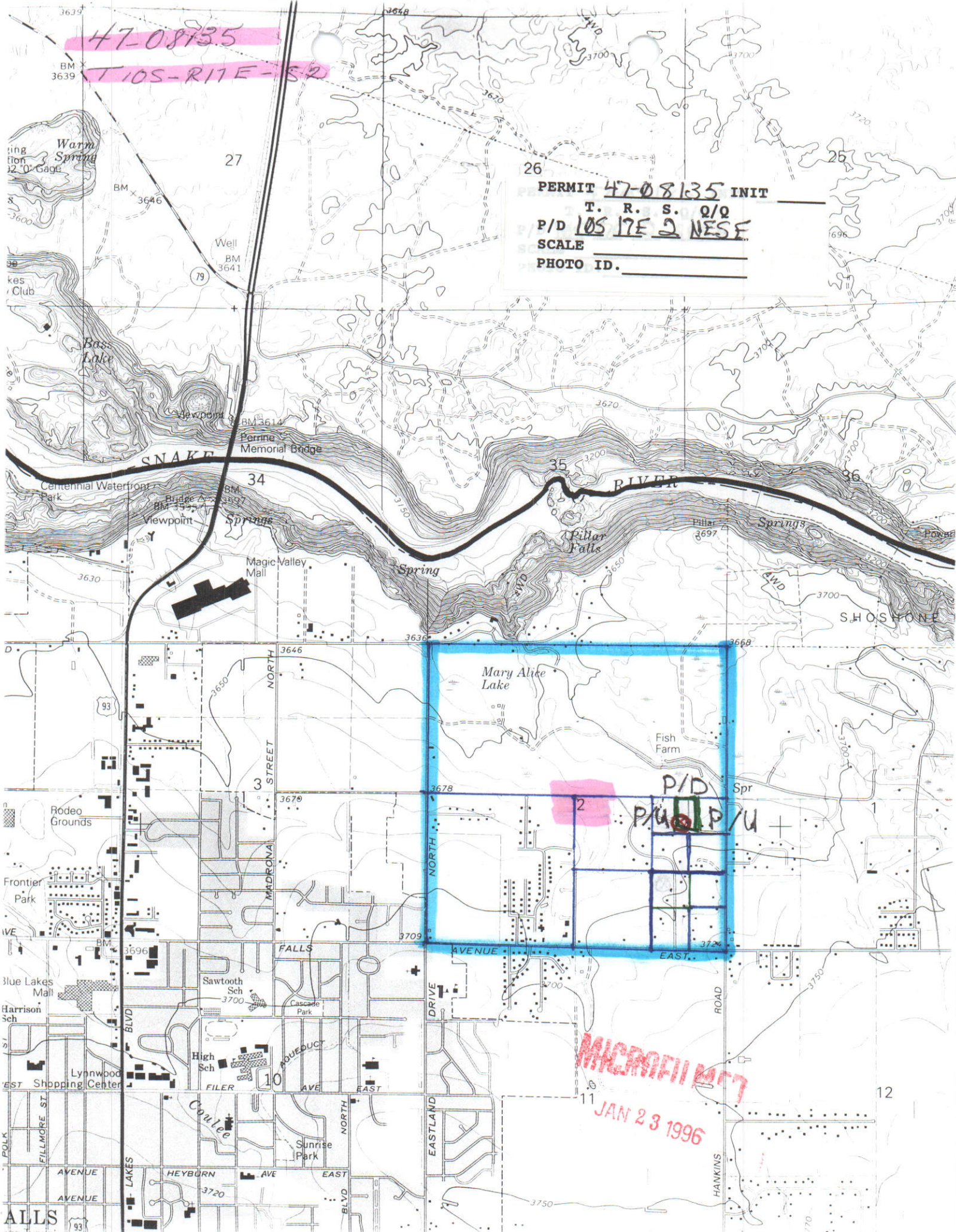
PERMIT 47-08135 INIT

T. R. S. Q/Q

P/D 10S 17E 2 NESE

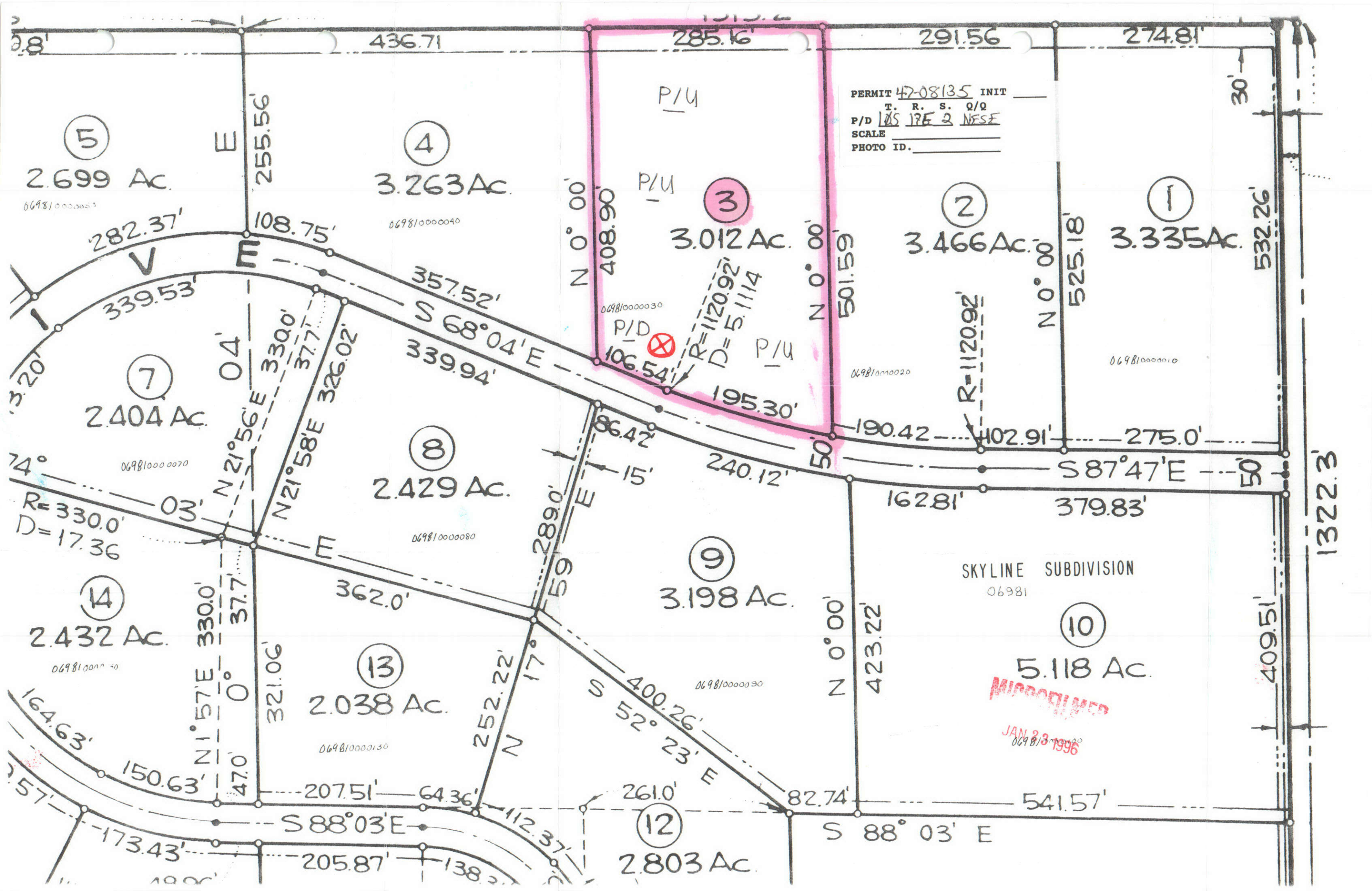
SCALE

PHOTO ID.



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JAN 23 1996



WR# 47-08135



P/D
(Well head;
located on
front lawn)



P/U
(front lawn
& trees of
house)

JAN 23 1996

WR# 47-0813



P/U
(east front
lawn & trees
of garage)



P/U
(Pasture;
west side
of property)

JAN 23 1996

WR# 47-08135



P/U
(back lawn
& trees of
house)



P/U
(Main
north
pasture;
wheel line
on far
north side)

JAN 23 1996

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 47-08135 in the name of William E. Babcock was advertised incorrectly on 2/16 and 2/23/89. The

quantity of use for domestic use was advertised as being .4 cfs.

WHEREAS, the actual amount of water for domestic use is .04 cfs.

Any protests to the above correction must be filed with the Idaho Department of Water Resources, 2148 Fourth Avenue East, Twin Falls, ID 83301 on or before 3/27/89.

R. Keith Higginson, Director

PUBLISH: Thursday, March 9, 16, 1989.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

MAR 23 1989

Nº 19602

Department of Water Resources

Southern Region Office

I, Linda Capps McSwine, first duly sworn upon

oath, depose and say that I am Print 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

March 9, 1989, and ending with the issue dated March 16, 1989.

STATE OF IDAHO
COUNTY OF

On this 16 day of March in the year of 1989, before me, a Notary Public, personally appeared Linda Capps McSwine 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.

Sheva R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

, effective February 16, at Sunday, and the Twin which newspapers prior to county continuously and onths, and said TIMES- paper except Saturday, ication under said name

, Thursday of each week der of any court of com, will be published; and, and in each issue theree published.

Linda
16 day of

County of Twin Falls,
win Falls, Idaho

AUG 22 1989

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-08135
BABCOCK, WILLIAM E.
Rt. 3 Box 6610
Twin Falls, ID 83301
Source: Groundwater
Diversion Pt: NESESE
Sec 2 T 10S R 17E
Use: Irrigation (.090 cfs)
Domestic (0.40 cfs)
Date Filed: 11/01/1988
In: T10S R17E S02 SESE
3.0 Acres Total

47-08136
OLLINGER, CRAIG E.
OLLINGER, DEBORAH L.
Rt. 4 Box 286A
Buhl, ID 83316
Source: Groundwater
Diversion Pt: SWNWSE
Sec 24 T 09S R 14E
Use: Irrigation (.090 cfs)
Date Filed: 11/01/1988
In: T09S R14E S24
NWSE
3.0 Acres Total

47-08137
MAGIC VALLEY BAPTIST
CHURCH INC.
PO Box 332
Buhl, ID 83316
Source: Groundwater
Diversion Pt: NWNWNW
Sec 31 T 09S R 15E
Use: Domestic (.080 cfs)
Irrigation (.020 cfs)
Date Filed: 11/02/1988
In: T09S R15E S31
NWNW
0.5 Acres Total

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before March 6, 1989.

R. Keith Higginson
Director
PUBLISH: Thursday,
February 16 and 23, 1988.

Affidavit of Publication

Nº 19534

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Linda Capps McSwine being first duly sworn upon oath, depose and say that I am Print 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 February 16, 1989, and ending with the issue dated February 23, 1989.

STATE OF IDAHO
COUNTY OF }

On this 23 day of February in the year of 1989, before me, a Notary Public, personally appeared Linda Capps McSwine, 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.

MICROFILMED

AUG 22 1989

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls County Idaho
My commission expires: 5/19/94

on, effective February 16, pt Sunday, and the Twin high newspapers prior to county continuously and months, and said TIMES- newspaper except Saturday, publication under said name

e, Thursday of each week order of any court of com- ly, will be published; and s, and in each issue there- be published.

1989 day of

County of Twin Falls, win Falls, Idaho

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WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	47-08135	William E. Babcock	0.13
Full Assignment	47-08135	Duane Kent	0.13
Full Assignment	47-08135	Scott Allan	0.13

RECEIVED
JAN 19 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-08135

Priority: November 15, 1990

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

11.0 AF

This is to certify, that SCOTT ALLAN
2923 SKYLINE DR
TWIN FALLS ID 83301

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 1, 1988; and has submitted Proof of Beneficial Use on November 15, 1990. An examination indicates that the works have a diversion capacity of 0.100 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.08 CFS	10.4 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.10 CFS	11.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 2, Township 10S, Range 17E
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	17E	2	NESE	2.6		2.6

Total number of acres irrigated: 2.6

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND 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 more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

State of Idaho
Department of Water Resources

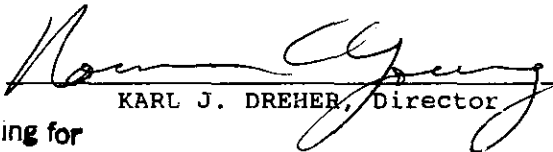
WATER RIGHT LICENSE

WATER RIGHT NO. 47-08135

CONDITIONS OF APPROVAL AND REMARKS

6. Irrigation use under this right is authorized only in connection with a domestic use.
7. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.
8. Domestic use is for 1 home.
9. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

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 11TH day of JANUARY, 1996.


KARL J. DREHER, Director
Acting for

47-08135

State of Idaho
Department of Water Resources

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DEC 28 1995

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08135

Department of Water Resources

Date of Priority: November 15, 1990

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 11.0 AF

Comes now SCOTT ALLAN
2923 SKYLINE DR
TWIN FALLS ID 83301

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 47-08135, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.08 CFS	10.4 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.10 CFS	11.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 2, Township 10S, Range 17E
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	17E	2	NESE	2.6		2.6

Total number of acres irrigated: 2.6

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

The county assessors office lists this only as SE, but I assume NE corner of SE Quarter is right.

JAN 23 1996

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

Signed at Twin Falls, this 26 day of December, 1995.

Scott E. Allen
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08135

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50⁰⁰ Received by QW #C034248 Date 12-28-95

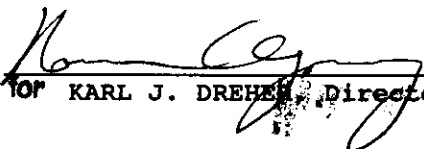
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 47-08135 with the following;

CONDITIONS OF APPROVAL AND 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 more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. Irrigation use under this right is authorized only in connection with a domestic use.
7. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.
8. Domestic use is for 1 home.
9. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 11TH day of January, 1996


Acting for **KARL J. DREHER**, Director

JAN 23 1996

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JAN 10 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 06 1994

Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources
Southern Region Office

I, DUANE KENT, hereby assign to Scott Allan
(Permit Holder)
of 2709 E. 800 S., Twin Falls, ID 83301
(Full Address)

All my right, title, and interest in and to Permit No. 47-8135
to appropriate the public waters of the State of Idaho.

RECEIVED

JAN 10 1994

Department of Water Resources

OR (for partial assignments)

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

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this 3 day of January, 1994.

Duane Kent
Permit Holder(s)

State of Colorado)
County of Aspen ss

On this 3 day of January, 1994, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Notary Public

Tami Booth
Signature

My commission expires: _____

TAMI BOOTH
Notary Public, State of Colorado
My Commission Expires July 16, 1995

JAN 19 1994

database updated 1/12/94 czg.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 47-8135 IN THE NAME OF	)	ORDER OF REINSTATEMENT
	)	
DUANE KENT	)	

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On May 30, 1989 the Director of the Department of Water Resources issued Permit No. 47-8135 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1990.
2. On March 31, 1990 the Department sent a proof due notice to the permit holder.
3. On June 13, 1990 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holder.
4. On July 10, 1990 the Department received an assignment of permit whereby the original permit holder, William Babcock, assigned the permit to Duane Kent. The Department returned the assignment since the permit had lapsed and informed Duane Kent to submit proof of beneficial use along with some

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JUL 21 1991

evidence of development prior to the proof due date.

5. On November 15, 1990 Proof of Beneficial Use was received by the Department from Duane Kent along with the assignment that was previously received on July 10, 1990.

6. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

7. The new permit holder, Duane Kent, has submitted evidence to confirm that water has been put to beneficial use prior to the proof due date. Evidence includes two affidavits from individuals attesting that the diversion works and uses described under the permit had been in place prior to the proof due date.

8. The new permit holder has stated that he submitted proof late because he was not aware that the permit had lapsed and thought that the former permit holder had complied with all of the terms of the permit.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

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JUL 21 1991

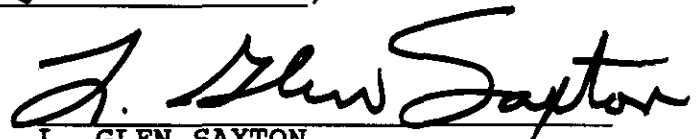
3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-8135 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to November 15, 1990.

Dated this 25th day of June, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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JUL 21 1991

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NOV 15 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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

Permit No. 47-08135 Telephone No. 438-5437 W
734-8083 H

Name(s) of Permit Holder(s): Duane L. Kent

Post Office Address: Rt 3, Box 6610, Twin Falls, ID 83301

Source of Water: WELL

If ground water, well driller's name: unknown to current owner Date drilled: 1975?

Extent of Use:
Domestic 1 (No. of households) Irrigation 3 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 0.13 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1975?

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Duane Kent 208-734-8083
Name Telephone No.

2923 Skyline Drive, Twin Falls, ID 83301
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

11-9-90
Date

Duane L. Kent
Signature (and title if on behalf of a company or organization)

JUL 21 1991

RECEIVED

JUL 10 1990

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Southern Region Office

William Babcock hereby assign to Duane Kent
of Route 3 Box 10000 Twin Falls
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 47-08135
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

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

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NOV 10 1990

Department of Water Resources
Southern Region Office

Made this 10 day of July, 19 90.

William Babcock
Permit Holder

Spouse of Permit Holder

State of Idaho

County of Twin Falls ss.

On this 10 day of July, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that: he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

Idaho

My commission expires:

2-13-93

JUL 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant William E. Babcock Phone 733-9469
Post office address Rt. 3 Box 6610, Twin Falls, ID 83301

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 2 Township 10S Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from Jan 1 to Dec 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) 0.13 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

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

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the project is _____
one years (minimum 1 year).

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AUG 22 1989

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. one
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	17E	2																D 3	3

Total number of acres to be irrigated 3

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

Canal water is available but not used

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

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

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

12. Remarks: Domestic use includes water for a few horses. This is an existing domestic well.

FILED

2002 1989

A. 17E

T. 10S

3

D.
P.D. PU

MICROFILMED

(Applicant)

Proposed Priority 11/1/88

Received by JP Date 11-1-88 Time 4:37pm Preliminary check by AKH

Fee \$ 80.00 Receipted by JA # 5003429 Date 11-1-88

Publication prepared by M. Baldwin Date 2/8/89 Published in Times News

Publication approved checked. M. Baldwin Date 2/27/89

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. 47-8135, 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 June 1, 19 90.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Irrigation use under this permit is authorized only in connection with a domestic use.

Witness my hand this 30th day of may 1989.

J. Howard Saylor

MICROFILMED

AUG 22 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 11, 1996

SCOTT ALLAN
2923 SKYLINE DR
TWIN FALLS ID 83301

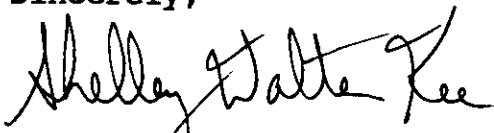
RE: WATER RIGHT NO. 47-08135

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

JAN 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 1995

SCOTT ALLAN
2933 SKYLINE DR
TWIN FALLS ID 83301

RE: Permit No. 47-08135

Dear Mr. Allan:

Thank you for sending the information about your irrigation system design. I have reviewed it made adjustments based on the following analysis.

Idaho Code §42-202 establishes that

no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second . . . for each fifty (50) acres of land to be so irrigated . . . unless it can be shown to the satisfaction of the department of water resources that a greater amount is necessary.

This direction has been interpreted to call for a limitation of .02 cfs per acre (1.0 cfs/ 50 acres) for irrigation purposes unless special circumstances warrant otherwise. A diversion rate of up to .03 cfs per acre for parcels of up to five acres is considered warranted and is routinely authorized. When permit 47-08135 was issued to William Babcock, it authorized the development of up to .03 cfs per acre for the three acres he proposed to irrigate. Any request for a diversion rate greater than .03 cfs per acre must be supported by information documenting the need for the higher rate. Mr. Babcock supplied no such information.

In addition, water right licenses cannot be issued for a diversion rate greater than the capacity of the water diversion and distribution system. The information you supplied indicates that your system was designed to produce 50 gallons per minute (gpm) based on 10 sprinkler heads simultaneously delivering 5 gpm apiece. System design and actual production often differ for a number of reasons. The IDWR field examiner who inspected your diversion system in August reported that your sprinkler heads have 9/64" nozzles operating at 35 psi, which produces about 3.5 gpm per nozzle, or 35 gpm (.078 cfs). If you are irrigating 2.6 acres as reported by the field examiner, then 2.6 acres * .03 cfs/acre also equals .078 cfs.

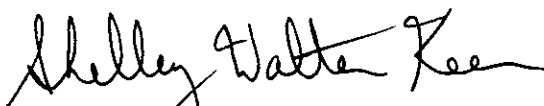
JAN 23 1996

Mr. Scott Allan
Re: Permit NO. 47-08135
December 15, 1995
Page 2

I have rounded up the .078 cfs and changed our recommendation for licensing your right to show 0.08 cfs for irrigation. I have also adjusted the total diversion rate recommendation to 0.10 cfs. In order to make any other recommendation, I will need stronger evidence to show both need and actual production. Meanwhile, before a license can be issued, your permit must be amended to show the correct locations for your point of diversion and place of use. I have enclosed a revised Application for Amendment for you. Please note that the filing fee for the amendment is \$50.00. Please respond within fourteen (14) days.

If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

SWK
Enclosures

RECEIVED

JAN 23 1996

RECEIVED

DEC 14 1995

Department of Water Resources



DAN'S SPRINKLER SYSTEMS

3032 Hill Crest Route 5
TWIN FALLS, IDAHO 83301
(208) 736-7264

please re-evaluate
my irrigation water
usage to reflect
increased pump
Capacity. My wheel
line uses ~~no~~ sprinklers
that produce 5 gal/min
and has 7 sprinklers.
I have a hand line
that has 3 heads
at 5 gal/min for
a total 50 gal/min.
If I do not run
50 gal/min then
my pump cycles
constantly. I ~~suppose~~
need more information
please contact me. I assume that the filing
fee of \$50.00 will be re-assessed when the the revised
water right is received. I assume the change in
property description is right.

SOLD BY		DATE Nov 22 1995	
NAME Scott Allan		PHONE	
ADDRESS			
CITY Twin Falls, Id			
☐ CASH	☐ CHARGE	☐ MDSE. RETD.	PREVIOUS BALANCE
☐ C.O.D.	☐ PAID OUT	☐ PD. ON ACCT.	
- NOTE -			
Your Sprinkler System was Installed by Kimberly Nursery At least 10 years Ago. It was designed to work AT 50 TO 55 gal. per. Minute AT 40 P.S.I.			
The Main Sprinkler line has Stayed the SAME Size (2") From original Installation			
Dan			
Thank You!		RECEIVED BY	

PRODUCT 690-1 (NEBS) Inc. Grafton, Mass. 01471. To Order PHONE TOLL FREE 1-800-226-6380

100 23 1995

Thank you,
Scott Allan
208-733-4160



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 11, 1995

SCOTT ALLAN
2923 SKYLINE DR
TWIN FALLS ID 83301

RE: Permit No. 47-08135

Dear Mr. Allan:

In September and again in October I forwarded to you an Application for Amendment so that you can amend Permit No. 47-08135 to correspond with the findings of the Department's field examiner. A Water Right License cannot be issued to you without the amendment. In October you requested and received additional time to submit information about your water use. On November 27, 1995, you contacted the Department to say that you would send the additional information and/or the amendment soon. I have not yet received your response.

If I do not receive your response by December 29, 1995, I will assume you no longer have any interest in this permit, and I will recommend that an order to void your permit be issued. In case the amendment form I sent you has been misplaced, a new one is enclosed.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosures

JAN 23 1996

MEMORANDUM

TO: File 47-08135 / Scott Allan
FROM: Brenda Chapman
DATE: November 15, 1995
RE: Telephone Conversation

=====

November 14, 1995

I telephoned Mr. Allan today to give him a deadline date of November 27th to send us the additional documentation he wanted Shelley to review.

He was not home and Mrs. Allan took the call. She was in a hurry, said thanks for reminding them and hung up. I did not get a chance to give them the deadline. We will hold the file until November 27th. If there is no response from the permit holder, we will proceed to void the permit for failure to provide requested documentation.

RECEIVED

JAN 23 1996

M E M O R A N D U M

DATE: October 11, 1995

TO: File 47-08135

FROM: Shelley W. Keen *SK*

RE: Phone call from Scott Allan

=====

Scott Allan called today (208-733-2400) to discuss the amendment request for permit 47-08135. I explained that the amendment is necessary to correct the point of diversion and place of use. Mr. Allan said he would check our findings against the property description on his deed.

We also discussed the rate of diversion. Mr. Allan thinks the diversion rate should be slightly higher based on the design of his sprinkler system. He is going to submit some additional documentation for me to review.

JAN 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 4, 1995

SCOTT ALLAN
2923 SKYLINE DR
TWIN FALLS ID 83301

RE: WATER RIGHT NO. 47-08135

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced. Please note that the filing fee for this amendment is \$50.00.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 5, 1995

SCOTT ALLAN
2923 SKYLINE DR
TWIN FALLS ID 83301

RE: WATER RIGHT NO. 47-08135

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

JAN 23 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 23 1995
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-08135

1. Owner: Dr. Scott Allan Phone No. (208) 733-4160

Current Address: 2928 Skyline Dr., Twin Falls, ID 83301

2. Accompanied by: Mrs. ^{Scott} Allan EXAM DATE: 8/01/95

Address: Same Phone No. Same

Relationship to Permit Holder: Wife

3. Source: Ground water tributary to None

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	SE	2	10S	17E	Twin Falls	Photo Quad

2. Place(s) of Use:

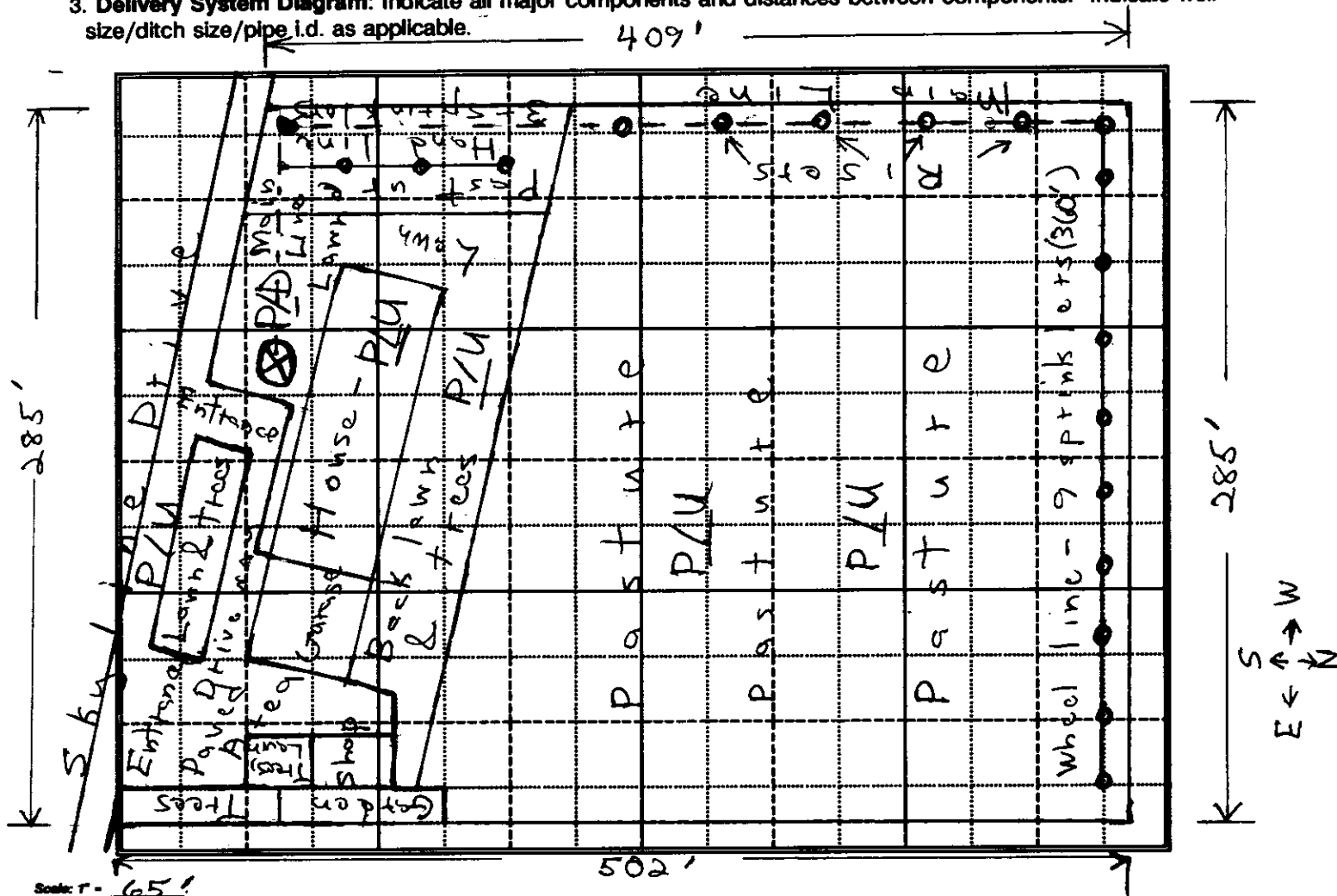
Indicate Method of Determination On-site exam

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	17E	2																	
11	11	11																	

MAINTAINED
AUG 23 1995

* See adjustment memo. LC

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



Scale: 1" = 65'

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin Electric	3.0	282-3021-201	VIP III	Unknown

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

JAN 23 1996

E. NARRATIVE/REMARKS/COMMENTS

A 6" well, with a 3.0 hp. submersible pump & motor, diverts water to 1-home with $\frac{1}{2}$ acre of trees & lawn for domestic use, and to 2.1 acres of irrigated pasture. A wheel line with 9 rainbird sprinklers, $\frac{9}{16}$ " nozzles, is used to irrigate the main pasture. A small (3-sprinklers) hand line irrigates the remainder (10%) of pasture. At capacity, the system can deliver about .07 cfs rate of flow to the wheel line, which is thus the recommended rate of diversion. Of the total area of pasture, lawn, & trees irrigated (2.6 acres), .5 acres/lawn are covered by the domestic use of this water right; 2.1 acres of pasture are recommended for the irrigation use.

The P/D listed on the permit is placed at NESESE, Section #2; the actual P/D is located at NWNESE.

The current owner of this property & permit is Dr. Scott Allan; the previous owner was a Duane Kent, and the owner previous to Duane Kent was William Babcock, who is listed on the permit.

No overlaps were found.

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

APPROVED

JAN 23 1995

Additional Computation Sheets Attached

Measured Method: $9 \text{ (sprinklers)} @ 35 \text{ (psi)} \frac{3}{4} \text{ (nozzles)} \times 3.5 \text{ (gpm)} = \frac{31.5}{447.0} = .07 \text{ cfs}$

$$Q = \frac{(3.0)(8.8)(0.7)}{[(2.31 \times 40) + 15]} = \frac{18.48}{107.4} = \underline{\underline{.17 \text{ cfs}}}$$

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2.1 \times 4.0 = 8.4 \text{ af}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (6.07)(214)(1.9835) = 29.7 \text{ afd}$$

$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} = 8.4 \text{ V}$

1. Recommended Amounts

	Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
		From	To	Q (cfs)	V (afa)
*	Domestic	1-1	12-31	.04	1.2
	Irrigation	4-1	10-31	.06	8.4
				Totals:	.07 9.6

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Don Campbell Date 8/21/95

Reviewer _____ Date _____

SEAL

MURDERERS

JAN 23 1996

* SEE adjustment memo. *BC*

MEMORANDUM

TO: File 47-08135 / Scott Allan
FROM: Brenda Chapman
DATE: August 29, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

Per telephone conversation today with Mrs. Allan, this permit will not be recommended as a supplemental groundwater right. She stated that they have lived there 2 full years and have not used any surface water for irrigation.

F. FLOW CALCULATIONS

The domestic and irrigation rates have been adjusted. Per current guidelines, the $\frac{1}{2}$ acre of domestic lawn and trees has been added to the irrigated acres. The domestic rate is for internal use only.

G. VOLUME CALCULATIONS

The domestic and irrigation volume recommendations have been adjusted. Per current guidelines, the $\frac{1}{2}$ acre of domestic lawn and trees has been added to the irrigated acres. The domestic volume is the standard, internal use recommendation.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-01 to 10-31	.07	10.4
Domestic	1-01 to 12-31	.02	.6

[Handwritten signature]

JAN 28 1996

47-08135

T10S-R17E-S2

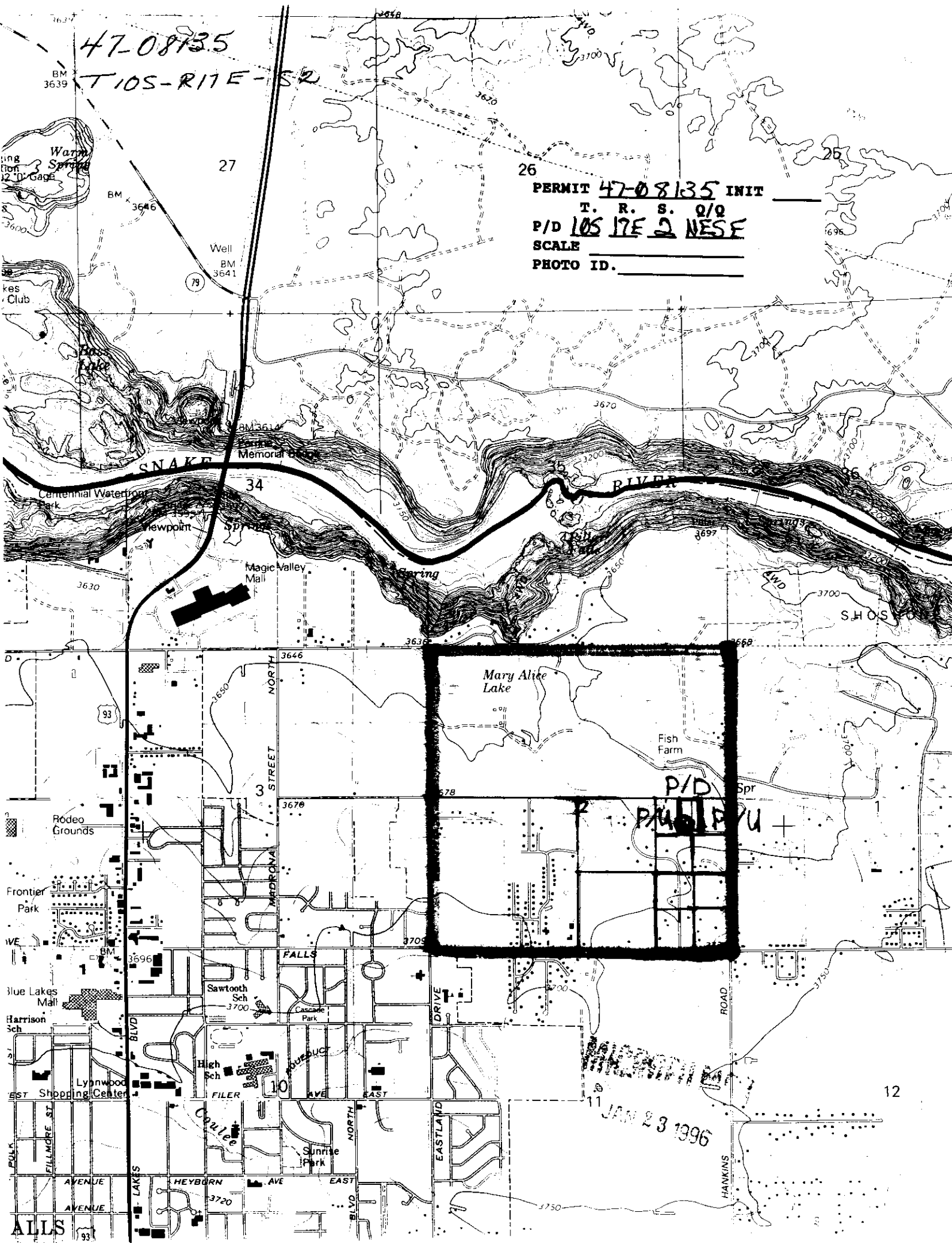
PERMIT 47-08135 INIT

T. R. S. Q/Q

P/D 10S 17E 2 NESE

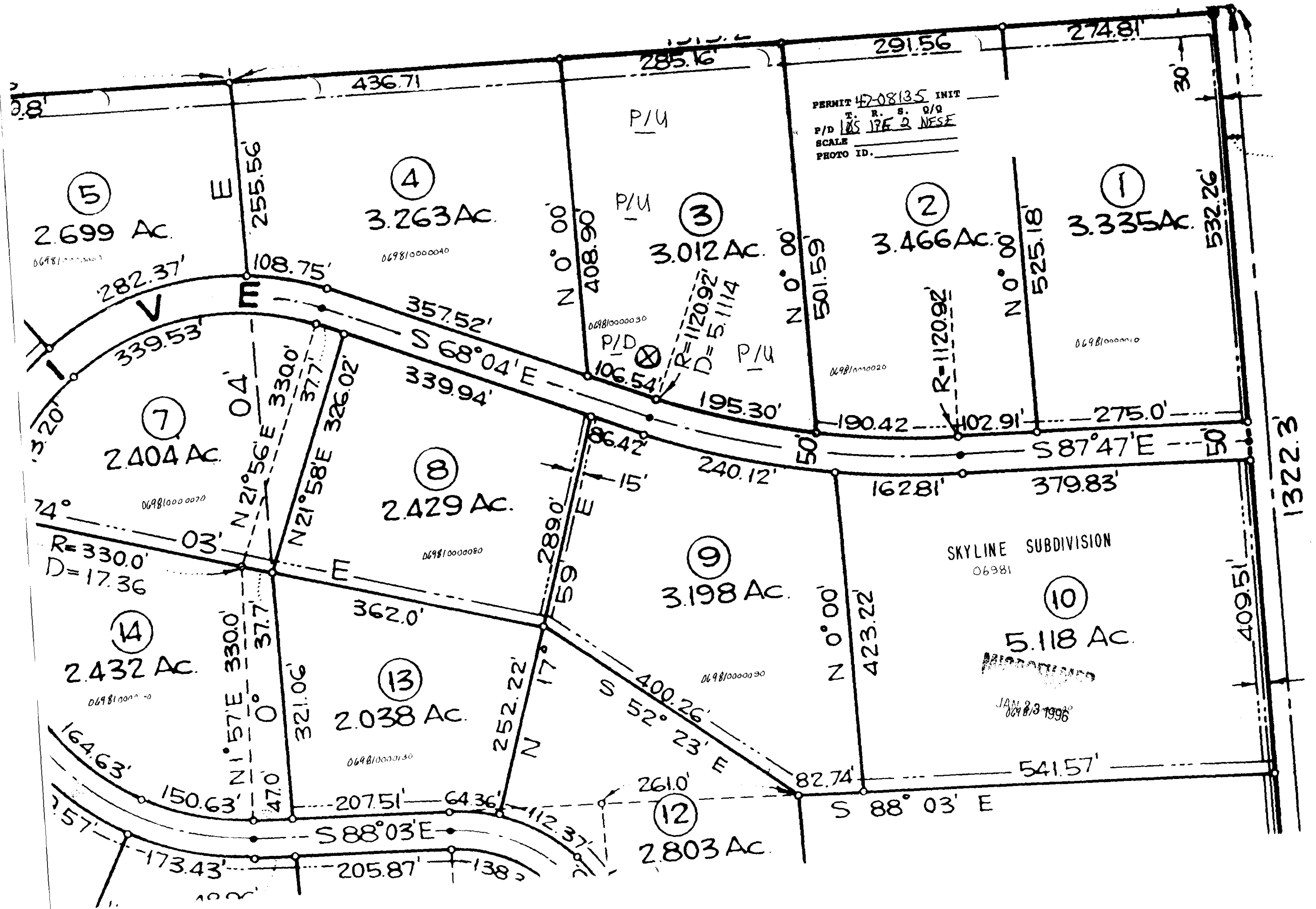
SCALE

PHOTO ID.



JAN 23 1996

12



- WR# 47-0813F



P/D
(Well head ;
located on
front lawn)



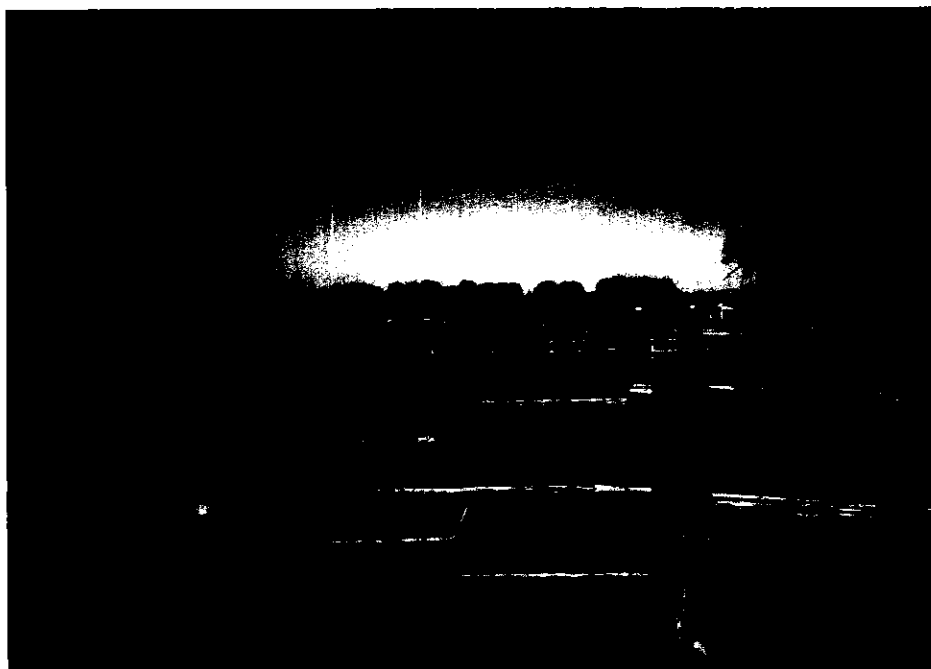
P/U
(front lawn
& trees of
house)

JAN 23 1995

-WR # 47-0813-



P/U
(east front
lawn & trees
of garage)



P/U
(Pasture;
west side
of property)

JAN 23 1996

-WR# 47-08135-



P/U
(back lawn
& trees of
house)



P/U
(Main
north
pasture;
wheel line
on far
north side)

JAN 23 1996

MEMORANDUM

DATE: February 18, 1994
TO: File No. 47-08135
FROM: Donna Corless
SUBJECT: RETURNED MAIL

=====

An assignment acknowledgement letter sent to the new owner of record, Scott Allan, at 2709 E 800 S, Twin Falls was returned by the U.S. Postal Service as:

Undeliverable as Addressed.

A call to the Twin Falls County Assessor revealed that their address of record for Mr. Allan is as follows:

Scott Allan
2923 Skyline Drive
Twin Falls ID 83301

The correspondence was forwarded to that address today.

MEMORANDUM

FEB 22 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 14, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SCOTT ALLAN
2709 E 800 S
TWIN FALLS ID 83301

Re: Permit No. 47-08135

Dear Mr. Allan:

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal flourish extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

RECEIVED

JAN 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

RECEIVED
AUG 10 1992

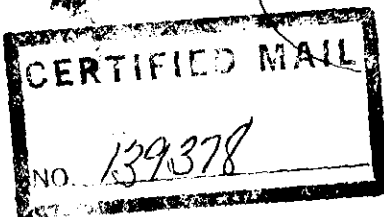
Department of Water Resources

Please change address to:
~~2709~~ 2923 Skyline Dr.
Twin Falls, ID 83301

47-08135
DUANE KENT
RT. 3 BOX 6610

TWIN FALLS

ID 83301



Computers updated
8/20/92
SC

BOISE ID 83707, DCRI ID 21 08 05 92



Name _____
1st Notice _____
2nd Notice _____
Return _____





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

DATE: JULY 31, 1992 139336

TO: WATER RIGHT HOLDERS AND APPLICANTS IN TWIN FALLS
LOW-TEMPERATURE GEOTHERMAL MORATORIUM AREA

FROM: NORM YOUNG

RE: EXTENSION OF MORATORIUM

Enclosed is a copy of an order extending the order designating the Twin Falls Low-Temperature Geothermal Moratorium Area. I appreciated the attendance of many of the users at the public information meeting on this matter held in Twin Falls last week. I understood those in attendance favored an extension of the moratorium, and some of the users were encouraging that the size of the area be increased and that additional actions be taken to protect artesian pressures. I indicated at the meeting that the moratorium would be extended without modification to keep its continuity and that IDWR will schedule as time and resources permit a review of the following matters:

- Expansion of the area.
- The need for repair or reconstruction of wells in and adjacent to the area.
- Evaluate the adequacy of the agreement to manage pumpage to prevent withdrawal in excess of the average rate of recharge or to maintain artesian pressures in the public interest.
- Review need for and adequacy of monitoring programs.

With respect to monitoring, the data recorded by the USGS from the well at the Nazarene Church is an important part of the information now being collected. The Church will soon be finished and will be using water from the well. Data from an unused well is more reliable for evaluating aquifer conditions. USGS and IDWR are evaluating alternatives for replacing this source of data. If you are aware of a well that is finished into the low-temperature geothermal aquifer and is not being used, please call Loren Holmes, IDWR Regional Manager at Twin Falls, a call at 736-3033.

RECEIVED

JAN 19 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE TWIN FALLS	)	ORDER EXTENDING A
GROUND WATER MANAGEMENT AREA	)	FIVE YEAR
	)	MORATORIUM

WHEREAS, on January 11, 1984 the director of the Idaho Department of Water Resources (IDWR) designated an area in Twin Falls and Jerome Counties as a ground water management area (GWMA) pursuant to Section 42-233B, Idaho Code, because the thermal - artesian ground water system appeared to be approaching the conditions of a critical ground water area; and

WHEREAS, on July 24, 1987 the director of the IDWR established a five year moratorium pursuant to Section 42-1805(7), Idaho Code, in the area within the GWMA lying within Townships 9 & 10 South and Ranges 16,17 and 18 East of Boise Meridian, because the area continued to experience significant interference between wells as evidenced by a continued decline in artesian pressures; and hydrogeologic data was not available to adequately evaluate the rate that thermal ground water is recharged to aquifers in the area; and

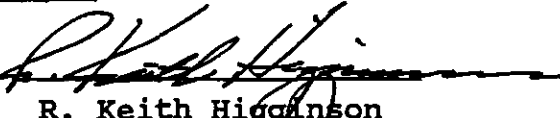
WHEREAS, hydrogeologic data collected over the past five years indicate artesian pressures have not reached equilibrium and continue to decline. Data needed to make an accurate determination of the average rate of recharge to the thermal aquifer are not yet available.

NOW, THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and Rule 7 of the adopted rules and regulations for water appropriation, it is hereby ordered that:

(1) The order which established a moratorium on applications for the use of low temperature geothermal ground water in the Twin Falls GWMA dated 22nd day of July, 1987 is extended.

(2) The provisions of this order are effective for five years from the date issued unless rescinded or modified by the order of a court of competent jurisdiction or unless extended by the order of the director.

Signed at Boise , Idaho this 24 day of July, 1992


R. Keith Higginson
Director

JAN 19 1994

June 27, 1991

RE: Permit No. 47-8135

Duane Kent
Rt. 3, Box 6610
Twin Falls, ID 83301

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to November 15, 1990.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JUL 21 1991

DUANE & PATTI KENT
2923 Skyline Drive, Twin Falls, Idaho 83301
(208) 734-8083

May 22, 1991

RECEIVED
JUN 03 1991

Department of Water Resources

Mr. Tim Luke
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

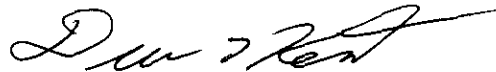
RE: Permit No. 47-8135

Dear Mr. Luke

Per your letter dated April 11, 1991 I have enclosed two affidavits from the former owner and a neighbor verifying that the well covered under the permit has been used for both domestic use and pasture irrigation in past years.

If you have any further questions please contact me at your convenience.

Sincerely,



Duane L. Kent

RECEIVED

JUL 21 1991

AFFIDAVIT

This affidavit is prepared for the sole purpose of verifying the water use on the property covered by water permit 47-8135 for the Idaho Department of Water Resources.

I, William Babcock, occupied the house located at 2923 Skyline Drive, Twin Falls, Jerome County, Idaho continuously from 1976 through June 30, 1990. During this period the pasture was irrigated annually with the deep well covered under permit number 47-8135. The only exception to seasonal pasture irrigation were a few years when the pasture was not stocked with horses or cattle.

5/22/91
Dated

William Babcock
William Babcock

State of Idaho)
County of Twin Falls: SS

Subscribed and Sworn to before me this 22 day of May 1991.
Mark D. Dole Notary Public for Idaho Residing at Jerome, Ida
Mark D. Dole My commission expires 2-13-93
Notary Public

RECORDED

JUL 21 1991

RECEIVED
JUN 24 1991

AFFIDAVIT

Department of Water Resources

This affidavit is prepared for the sole purpose of verifying the water use on the property covered by water permit 47-8135 for the Idaho Department of Water Resources.

I, David M. Cooper, have occupied the residence across the street from 2923 Skyline Drive, Twin Falls, Jerome County, Idaho continuously since 1979. During this period the pasture covered by permit number 47-8135 has been irrigated annually with the deep well. The only exception to seasonal pasture irrigation were a few years when the pasture was not stocked with horses or cattle.

6/19/91
Dated

David M. Cooper
David M. Cooper

State of Idaho)
County of Twin Falls) : ss

Subscribed and Sworn to before me this 19 day of June, 1991.
Laura Lewis Notary Public for Idaho Residing at Twin Falls

Laura H. Lewis My commission expires 10-06-93
Notary Public

Idaho
JUL 24 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 11, 1991

Duane L. Kent
2709 E. 800 S.
Hazelton, ID 83335

RE: Permit No. 47-8135

Dear Mr. Kent:

I have received a copy of your February 20, 1991 letter and your response to Pam Skaggs' letter of March 22, 1991. I do recall reviewing your February 20 letter, but that letter apparently got misplaced. I apologize for any confusion or inconvenience which may have been caused by the lost correspondence.

I can appreciate your frustration in not being able to locate well drilling records or aerial photos. I would like to suggest some other alternatives for documenting use under your permit prior to the proof due date. Other acceptable evidence may include utility records which document dates of original and continued use, and/or affidavits from neighbors or individuals knowledgeable of past operations. Submittal of several affidavits alone is probably sufficient evidence for reinstating the permit.

If you can not submit other documentation such as that exemplified above, then you may wish to consider filing a new application. Your \$50.00 exam fee can be refunded upon written request. Such request should be forwarded to my attention.

I will again hold your correspondence and the proof of beneficial use statement for 60 days to allow you time to gather the necessary evidence. If you have further questions concerning this matter, please feel free to contact me directly at 327-7864.

Sincerely,

Tim Luke
Sr. Water Resource Spec.

RECEIVED

JUL 21 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 22, 1991

Duane L. Kent
2709 E. 800 S.
Hazelton, ID 83335

*Attached is letter sent 2-20-91
to Mr. Luke. JMK & Kent*

RE: Permit #47-8135

Dear Mr. Kent:

On January 23, 1991 Tim Luke of the State Office sent you a letter requesting information concerning the proof of beneficial use statement that was submitted late on the above referenced permit. At this time, the Department has received no response to this request. This is a final attempt to complete the reinstatement of this permit.

I have enclosed a copy of the letter requesting additional information for your convenience. If no response is received this file will remain lapsed, null and void. Please feel free to contact this office if you have any additional questions.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Technical Records Specialist

Enclosure

MICROFILMED
JUL 21 1991

DUANE & PATTI KENT
2923 Skyline Drive, Twin Falls, Idaho 83301
(208) 734-8083

February 20, 1991

Tim Luke
Sr. Water Resource Specialist
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: Permit No. 47-8135

Dear Mr. Luke:

I am writing in response to your January 23, 1991 letter requesting evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period.

I have made two trips to the Twin Falls Water Resources office trying to find prior permit and well drilling information without much luck. The only items they have been able to provide me is the attached approved application for permit. I have also made two trips the local ASCS office to review aerial photos. The photo in 1974 doesn't show the pasture being watered and they are unable to locate their 1984 photo.

The only items I have been able to determine for sure is that the residence has been occupied since 1974 and that when I purchased the property in July 1990 the pasture had a wheel line in place with the prior owner indicating that the pasture had been watered from the well for as long as he was aware of.

At this point I do not know what other avenues I should pursue to try to prove beneficial use.

It is my understanding that if you denied the existing permit to include the three acre pasture that the \$50.00 fee I paid will be refunded since the well will be permitted for domestic use only.

Sincerely,



Duane L. Kent

JUL 21 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 22, 1991

Duane L. Kent
2709 E. 800 S.
Hazelton, ID 83335

RE: Permit #47-8135

Dear Mr. Kent:

On January 23, 1991 Tim Luke of the State Office sent you a letter requesting information concerning the proof of beneficial use statement that was submitted late on the above referenced permit. At this time, the Department has received no response to this request. This is a final attempt to complete the reinstatement of this permit.

I have enclosed a copy of the letter requesting additional information for your convenience. If no response is received this file will remain lapsed, null and void. Please feel free to contact this office if you have any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Skaggs".

PAMELA SKAGGS
Technical Records Specialist

Enclosure

NOT RECORDED

JUL 21 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 23, 1991

Duane L. Kent
2709 E. 800 S.
Hazelton, ID 83335

RE: Permit No. 47-8135

Dear Mr. Kent:

The Department received your proof of beneficial use statement for the above referenced permit on November 26, 1990. The permit lapsed June 1, 1990 so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

- a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.
- b) Reasonable cause why the proof of beneficial use was filed late.

A letter which we received on November 26, 1990 accompanying the proof of beneficial use statement does provide reasonable cause as to why proof was submitted late. You therefore have complied with part B. above. We still require that you submit the evidence requested under part A.

Your proof of beneficial use statement along with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

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

Sincerely,

TIM LUKE
Sr. Water Resource Spec.

[Handwritten signature]

JUL 21 1991

IDAHO CONSOLIDATED DAIRY FARMS

Duane L. Kent
*Managing
General Partner*

2709 E. 800 S., Hazelton, ID 83335
(208) 438-5437

November 21, 1990

Mr. Jim Stanton
Department of Water Resources
State of Idaho
222 Shoshone Street E.
Twin Falls, ID 83301

RECEIVED

NOV 26 1990

Department of Water Resources
Southern Region Office

RE: Permit No. 47-08135

Dear Mr. Stanton;

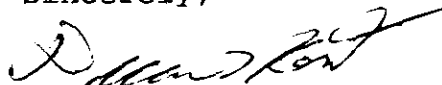
Per our telephone conversation I have enclosed \$50.00 for the permit inspection.

I understand that the permit lapsed on June 1, 1990. I purchased the home from William Babcock on July 1, 1990, and was not aware that anything needed to be done until I received a letter dated August 9, 1990, from Sharla Curtis, Technical Records Specialist, indicating that the permit had not been properly proved up.

Since that time I have written the Water Resource board for the proper filing forms and have tried to locate the original party that drilled the well in order to provide the depth and draw of the well. After several delays I have been unable to get any specific information and submitted the proof of beneficial use to you in mid November.

If you have any questions please contact me, 438-5437.

Sincerely,



Duane L. Kent

MICROFILMED

JUL 21 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 9, 1990

DUANE KENT
RT 3 BOX 6610
TWIN FALLS ID 83301

RE: Permit No. 47-08135

Dear Mr. Kent:

Please find enclosed the Assignment of Permit form you submitted for the above referenced permit. The original permit holder, William Babcock, failed to submit proof of beneficial use, so as of June 1, 1990, the above referenced permit lapsed and is of no further force nor effect.

The permit can only be reinstated if you submit an acceptable proof of beneficial use form (enclosed) to the Department along with evidence to show that water was beneficially used prior to June 1. If you desire to have the permit reinstated and supply this information, the assignment can also be resubmitted.

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

Respectfully,

SHARLA CURTIS
Technical Records Specialist

SC:js

Enclosure

NOT RECORDED

JUL 21 1991

June 13, 1990

WILLIAM E. BABCOCK
RT. 3 BOX 6610
TWIN FALLS, ID 83301

LAPSE NOTICE

RE: PERMIT NO. 47-08135

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 March 31, 1990. 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 fifteen dollar (\$15) 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

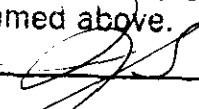
LGS:RF

MICROFILMED

JUL 21 1991

CERTIFICATION OF MAILING

I hereby certify that on 6-15-90
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



138570
March 31, 1990

WILLIAM E. BABCOCK
RT. 3 BOX 6610
TWIN FALLS, ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 47-08135

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 June 1, 1990.

(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,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED
JUL 21 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
June 2, 1989

WILLIAM E. BABCOCK
RT. 3 BOX 6610
TWIN FALLS, ID 83301

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 47-08135

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

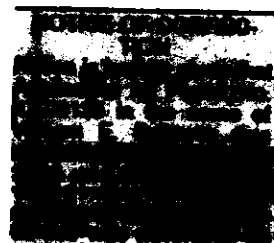
Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

AUG 24 1989



WHEREAS, the actual amount of water for domestic use is 24 cfs. Any provision for above correction shall be filed with the Idaho Department of Water Resources, 2148 Fourth Avenue, Twin Falls, ID 83420, or before the State Engineer, R. R. Rasmussen, Director, PUBLISHED: Thursday, March 9, 1989.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

MAR 23 1989 N° 19602

Department of Water Resources

I, Linda Capps McSwain, Southern Region Office first duly sworn upon oath, depose and say that I am Print 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 March 9, 1989, and ending with the issue dated March 16, 1989.

STATE OF IDAHO
COUNTY OF

On this 16 day of March in the year of 1989, before me, a Notary Public, personally appeared Linda Capps McSwain 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 that he executed the same.

NOTARY PUBLIC

AUG 22 1989

Theresa R. Feltman
Notary Public for Idaho

Residing at Twin Falls County, ID

My commission expires: 5/19/94

effective February 16, at Sunday, and the Twin Falls newspapers prior to county continuously and onths, and said TIMES-News except Saturday, publication under said name

Thursday of each week order of any court of appeal, will be published; and, and in each issue there published.

Linda 16 day of 1989

County of Twin Falls, Twin Falls, Idaho

MICROFILMED

01-Mar-1989

Times News
P.O. Box 548
Twin Falls, ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

It is our understanding that this publication of the correction notice will be at no charge to the Department. Enclosed please find copies of the legal notice originally submitted for publication and a copy of the actual publication with the errors circled in red.

Please send the affidavit of publication and publication billing to this office before March 27, 1989.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosures (3)
Original legal notice
copy of first publication affidavit
Notice of Correction legal

MICROFILMED

AUG 22 1989

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 47-08135 in the name of William E. Babcock was advertised incorrectly on 2/16 and 2/23/89. The quantity of use for domestic use was advertised as being .4 cfs.

WHEREAS, the actual amount of water for domestic use is .04 cfs.

Any protest to the above correction must be filed with the Idaho Department of Water Resources, 2148 Fourth Avenue East, Twin Falls, ID 83301 on or before 3/27/89.

R. KEITH HIGGINSON, DIRECTOR

Published in Times News on 3/9 & 3/16/89

MICROFILMED

AUG 22 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

February 8, 1989

R. KEITH HIGGINSON
Director

William E. Babcock
Rt. 3 Box 6610
Twin Falls, ID 83301

Re: Application for Permit No. 47-08135

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 will be advertising the application in the Times News on 2/16 & 2/23/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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. When 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.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

MICROFILMED

AUG 22 1989

Affidavit of Publication

Nº 19534

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

I, Linda Capps McSwine being first duly sworn upon oath, depose and say that I am Print 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 February 16, 1989, and ending with the issue dated February 23, 1989.

STATE OF IDAHO

COUNTY OF

On this 23 day of February in the year of 1989, before me, a Notary Public, personally appeared Linda Capps McSwine 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 she executed the same.

AUG 22 1989

Debra R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

on, effective February 16, 1989, at Twin Falls, Idaho, on the 16th day of February, 1989, and the Twin Falls Times-News, a daily newspaper published in Twin Falls, Idaho, continuously and without interruption for the past 10 months, and said TIMES-NEWS, except Saturday, Sunday, and the Twin Falls Times-News, published under said name

on, Thursday of each week, except the day of the week on which any court of the county is in session, will be published; and the same shall be published in each issue thereof.

16 day of February, 1989

County of Twin Falls,
Twin Falls, Idaho

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

FEBRUARY 8, 1989

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before MARCH 6, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

AUG 22 1989

47-08135

BABCOCK, WILLIAM E.
RT. 3 BOX 6610
TWIN FALLS, ID 83301

Source: GROUNDWATER

Diversion Pt: NESESE Sec 2 T 10S R 17E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.040 CFS)

Date Filed: 11/01/1988

In: T10S R17E S02 SESE

3.0 ACRES TOTAL

NOT RECORDED

AUG 22 1989

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before MARCH 6, 1989.

R. KEITH HIGGINSON, Director

Published 2/16/1989 & 2/23/1989

MICROFILMED

AUG 22 1989