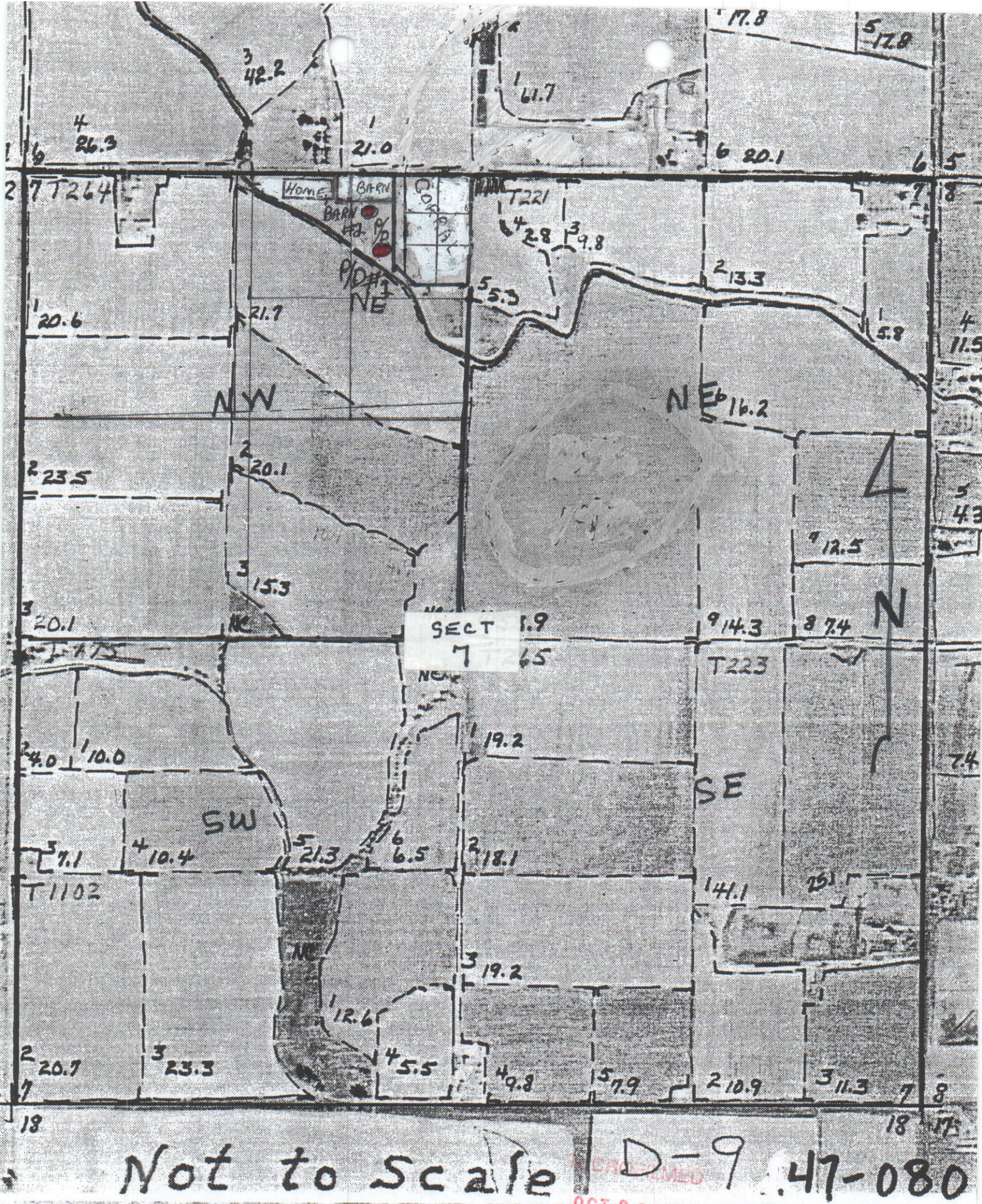


D-9 .47-080

RECEIVED
OCT 29 1987

PERMIT 47-08017 INIT JRF
T. R. S. Q/Q
P/D 10S 14E 7 NE/4NE/4NW
SCALE
PHOTO ID.

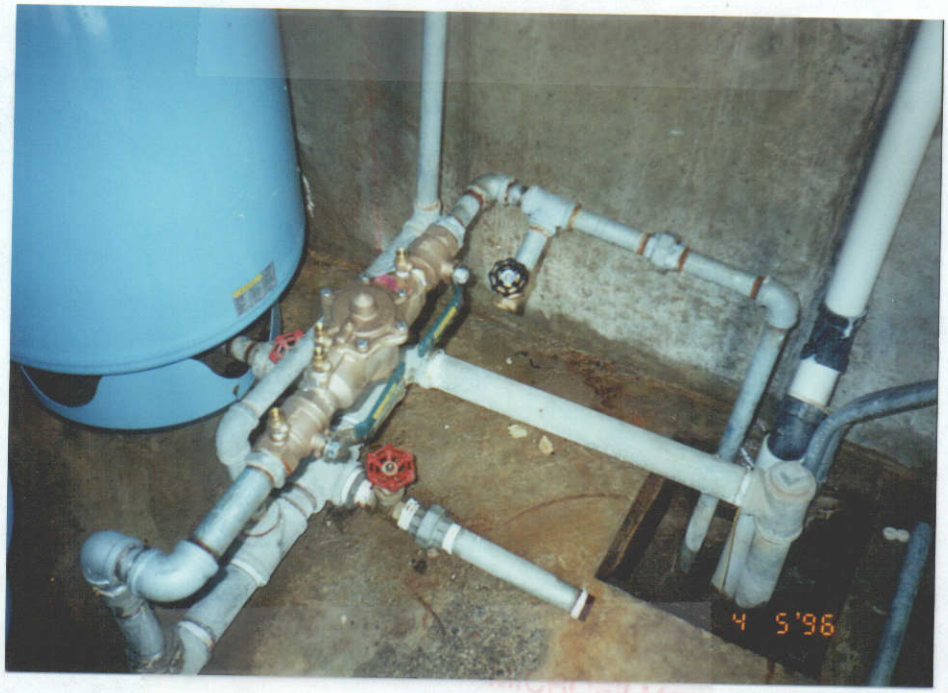
WELL + HOUSE
2
3 of 3

WELL
HOUSE
2

FILMED
OCT 29 1997

PERMIT 47-08017 INIT dst
T. R. S. Q/Q
P/D 10S 14E 7 NE/NE/NW
SCALE
PHOTO ID.

WELL HOUSING
#1
5 HP



DIVERTING WORKS

MICROFILMED
OCT 29 1997

PERMIT 97-0807 INIT drt
T. R. S. Q/Q
P/D 10S 14E 7 NE/NE/NW
SCALE
PHOTO ID.

A.O.D.
#10 HP
BOOSTER
FOR
WASH DOWN
&
Cleaning
BARN

DIVERTING
WORKS

MICROFILMED
OCT 29 1997

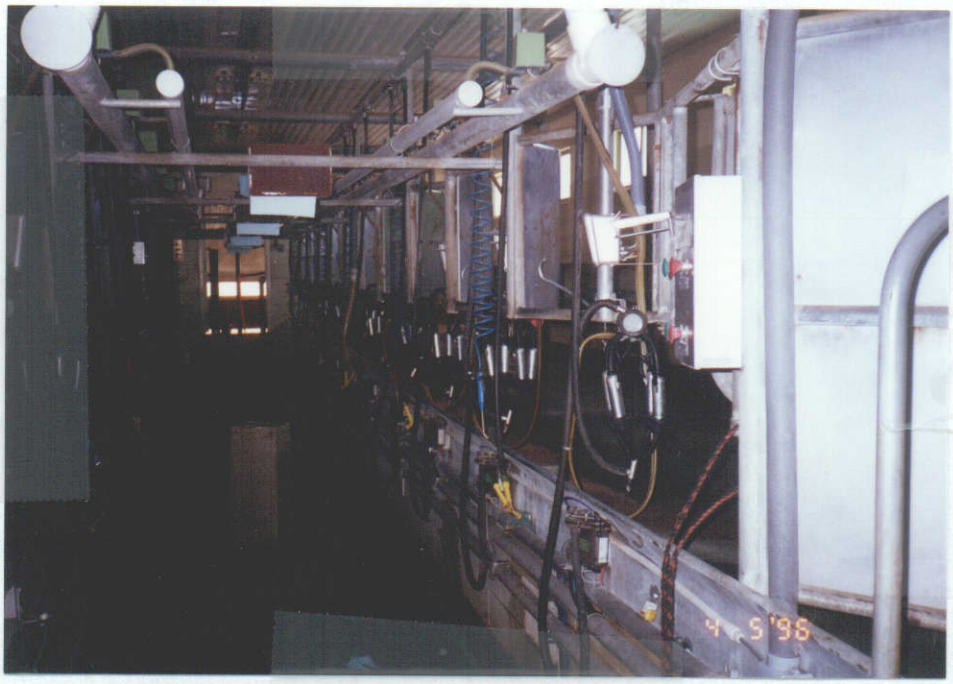
Nance's

PERMIT 47-0807 INIT _____
T. R. S. Q/Q
P/D ___ ___ ___ _____
SCALE _____
PHOTO ID. _____

MICROFILMED
OCT 2 9 1997

Nunes

PERMIT A7-08017 INIT _____
T. R. S. Q/Q
P/D ___ ___ ___ _____
SCALE _____
PHOTO ID._____



MICROFILMED
OCT 2 9 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-08017

Priority: June 13, 1985

Maximum Diversion Rate: 0.43 CFS
Maximum Diversion Volume: 26.0 AF

This is to certify, that MARY NUNES
NORTHWEST FARM CREDIT SERVICES ACA
JOHN NUNES
937 E 4000 N
BUHL ID 83316 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 13, 1985; and has submitted Proof of Beneficial Use on November 24, 1986. An examination indicates that the works have a diversion capacity of 0.440 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	0.41 CFS	24.8 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	1.2 AF
	Totals	0.43 CFS	26.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 7, Township 10S, Range 14E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN	RGE	SEC	
10S	14E	7	NENW

PLACE OF USE:
COMMERCIAL, same as STOCKWATER 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. Consumptive use of water under this right shall not exceed 2.0 acre feet per day.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-08017

CONDITIONS OF APPROVAL AND REMARKS

6. Two points of diversion are located in the NENW, S7, T10S, R14E.
7. Commercial use is for a dairy.

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 22ND day of SEPTEMBER, 1997.

Acting for KARL J. DREHER, Director

RECEIVED
SEP 12 1997
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08017

Date of Priority: June 13, 1985

Maximum Diversion Rate: 0.43 CFS
Maximum Diversion Volume: 26.0 AF

Comes now MARY NUNES
NORTHWEST FARM CREDIT SERVICES ACA
JOHN NUNES
937 E 4000 N
BUHL ID 83316 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. 47-08017, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	0.41 CFS	24.8 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	1.2 AF
	Totals	0.43 CFS	26.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 7, Township 10S, Range 14E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN	RGE	SEC	
10S	14E	7	NENW

PLACE OF USE:
COMMERCIAL, same as STOCKWATER use

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 970E 4000N Buhl ID, this 9 day of July, 1997.

Mary Nunes
(Signature)

MICROFILMED
OCT 29 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08017

****

FOR DEPARTMENT USE ONLY

Preliminary check by SVK Fee = 50.00 Receipted by bb # 000020 Date 9/12/97

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. 47-08017 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. Consumptive use of water under this right shall not exceed 2.0 acre feet per day.
6. Two points of diversion are located in the NENW, S7, T10S, R14E.
7. Commercial use is for a dairy.

Witness my hand this 22ND day of SEPTEMBER, 1997.

Acting for KARL J. DREHER, Director

MICROFILMED
OCT 29 1997

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~47-08017~~	~~Harder, Howard~~	~~1.46~~
~~Full Assignment~~	~~47-08017~~	~~Brubaker, John Barbara~~	~~1.46~~
~~Full Assignment~~	~~47-08017~~	~~Brubaker, John Barbara Northwest Farm Credit Services ACA~~	~~1.46~~
~~Full Assignment~~	~~47-08017~~	~~Nunes, John Mary~~	~~1.46~~
Full Assignment	47-08017	Nunes, John Mary Northwest Farm Credit Services ACA	1.46

[illegible]

MAR 2 8 1996

$25 PD 5018900 CW

RECEIVED
MAR 04 1996
Department of Water Resources
Southern Region

RECEIVED
FEB
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, John Nunes and Mary Nunes, hereby assign to John Nunes and Mary Nunes and Northwest Farm Credit Services, ACA

of	PO Box 266	Ripon	CA	95366
	Address	City	State	Zip
of	1363 Fillmore, PO Box 288	Twin Falls	ID	83303-0288
	Address	City	State	Zip

X All my right, title, and interest in and to Permit No. 47-08017 to appropriate the public waters of the State of Idaho.

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

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

Made this January 26, 1996

John Nunes
Permit Holder

Mary Nunes
Spouse of Permit Holder

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 26th day of January, 1996, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

SEAL

Notary Public State of Idaho
Residing at Twin Falls ID
My commission expires 5-28-97

(37834-441) MAR 28 1996
1

#25 PD
5018900

RECEIVED
MAR 04 1996
Department of Water Resources
Southern Region

RECEIVED
FEB
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources

Assignment of Permit

I, John A Brubaker and Barbara A Brubaker, husband and wife, hereby assign to John Nunes and Mary Nunes, husband and wife, of P O Box 266, Ripon, CA 95366

X All my right, title, and interest in and to Permit No. 47-08017 to appropriate the public waters of the State of Idaho.

Dated this 21 day of February, 1996.

John A Brubaker

Barbara A Brubaker

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 21 day of February, 1996, personally appeared before me the signer(s) of the above instrument, who duly acknowwledged to me that they executed the same.

Notary Public for the State of Idaho
Residing at Twin Falls Idaho
My Commission expires 11-16-2000

2 8 1996

RECEIVED
FEB 01 1993
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

We, John A. Brubaker and Barbara A. Brubaker,
hereby assign to (name and address)
John A. Brubaker and Barbara A. Brubaker, and NORTHWEST FARM CREDIT SERVICES, ACA, 129 Eastland Drive, P. O. Box 288, Twin Falls ID 83303-0288

All our right, title and interest in and to Permit No. 47-08017 to appropriate the public waters of the State of Idaho.

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 application 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 22 day of December, 1992.

John A. Brubaker

John A. Brubaker

Barbara A. Brubaker

Barbara A. Brubaker

STATE OF IDAHO)
ss
County of Twin Falls)

On this 22nd day of December, 1992, personally appeared before me the signers of the above instrument, duly acknowledged to me that they executed the same.

Notary Public for Idaho
Residing at Twin Falls, ID
My Commission Expires 5-28-93

MAR 28 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR - 9 1993
Department of Water Resources

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Howard Harder, hereby assign to John and/or Barbara Brubaker

of, 937 E 4000 N, Buhl, ID 83316 Ph. 543-6917
(Full Address)

All my right, title, and interest in and to Application for Permit No. 47-8017 to appropriate the public waters of the State of Idaho.

or (for partial assignments)

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

Describe portion of the application 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 8th day of April, 1990.

x Howard Harder
Applicant

State of Idaho)
ss
County of Twin Falls)

On this 8th day of April, ~~1990~~ 1993, personally appeared before me the signer of the above instrument, duly acknowledged to me that he (she) (they) executed the same.

Lorie Tash
Notary Public
Residing - Idaho

seal

My commission expires: 1-16-94

MAR 2 8 1993

Form 217
03/86

RECEIVED
NOV 24 1986
Department of Water Resources

For Office Use Only
Fee Received $125.00
Date 11-24-86
Receipt # 40835
Receipt by
Reviewed by
Sent to region 12-11-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 47-8017

Name(s) of Permit Holder: HOWARD HARDER

Post Office Address: Rt 2 Box 77

BUHL IDAHO 83316 Telephone No. 543-4932

Source of Water: GROUND WATER

Extent of Use:

Domestic _____ (number of households) Stockwater 1000 (number and type of stock)

Irrigation _____ (acres) Other/Remark COMMERIAL DAIRY

Total rate and/or volume for which proof is submitted 4 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? __ Yes __ No
Installed? __ Yes __ No

Fee enclosed $ 125.00
(See License Examination Fee Schedule)

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

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

HOWARD HARDER 543 4932
(Name) (Telephone Number)

Rt 2 Box 77 BUHL IDAHO 83316
(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.

11/21/86 Howard Harder
Date Signature of Permit Holder (and title, if appropriate)

RECEIVED
OCT 28 1985
Department of Water Resources
Southern District Office

Ident. No. 47-8017

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 HOWARD HARDER Phone 543-4932

   Post office address RTE. 2BX. 77 BUHL, IDAHO 83316

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

3. Location of point of diversion is NE ¼ of ~~NW~~ NE ¼ of NW ¼, Govt. Lot _____

   Sec. 6 & 7 Township 10S Range 14E B.M. TWIN FALLS County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 1.0cfs for COMMERCIAL purposes from JAN 1 to DEC 31 (both dates inclusive)
   (cfs ~~or acre-feet per annum~~)

   Amount 0.46 cfs for LIVESTOCK 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) 1.46 cfs and/or (b) _____
   (cubic feet per second) (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc WELL, MOTOR, & PUMP (EXISTING FACILITIES)

   _____

   _____

   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? _____

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

   1 years (*minimum 1 year*).

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8. Description of proposed uses (*if irrigation only, go to item 9*):
   a. Hydropower; show total feet of head and proposed capacity in KW. _____
   b. Stockwatering; list number and kind of livestock. 700hd DAIRY CATTLE
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. _____
   e. Other; describe fully. DAIRY OPPERATION (CLEANING FACILITIES)

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 S	14E	7					x												

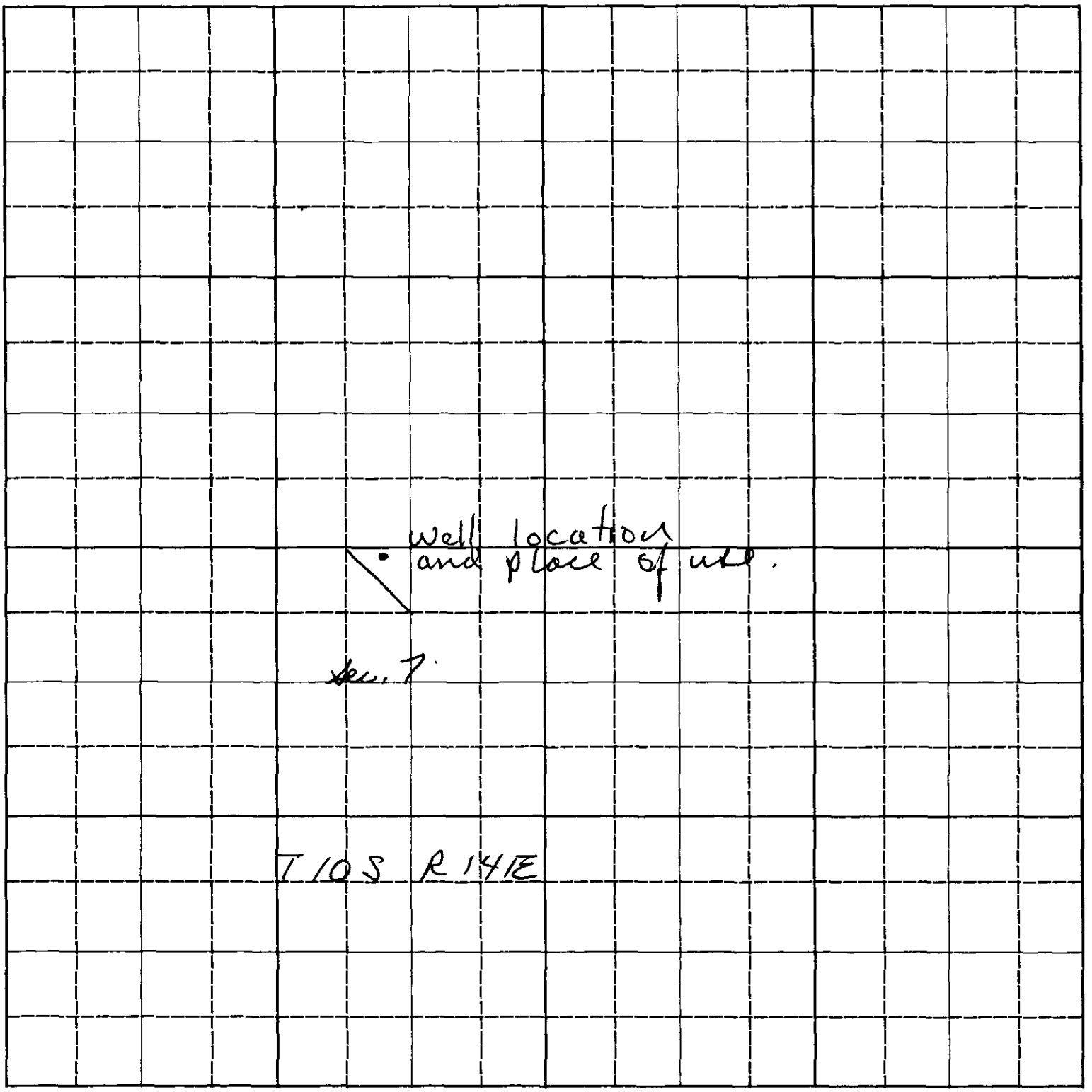
Total number of acres to be irrigated _____

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

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: _____

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



Scale: 2 inches equal 1 mile.

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

Howard Harder
(Applicant)

Received by maryc 10-28-85 8:31 a Proposed Priority 6/13/85

Received by [illegible] Date 6-13-85 Time 3:20 PM Preliminary check by [illegible] MICROFILMED

Fee $ 65.00 Receipted by maryc # 36764 Date 10/28/85

Publication prepared by maryc Date 10/31/85 Published in Times News

Publication approved maryc Date 11/4/85

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. 47-8017, 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 January 1, 19 87.

   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: A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

   Consumptive use of water under this permit shall not exceed 2.0 acre feet per day.

Witness my hand this 27th day of December, 1985.

L. Glen Saxton

Chief, Operations Bureau

Form 202
3/78

Ident. No. _____

Void - see corrected application

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Howard Harder Phone 543-4932

   Post office address Rte 2 Bx 77 Buhl, Idaho

2. Source of water supply groundwater which is a tributary of —

3. Location of point of diversion is NE ¼ of NW ¼ of Section 7 Township 10S

   Range 14E B.M. Twin Falls County, additional points of diversion if any: —

4. Water will be used for the following purposes:

   Amount 3.33 (cfs or acre-feet per annum) for Commercial purposes from Jan 1 to Dec 31 (both dates inclusive)

   Amount 0.46 (cfs or acre-feet per annum) for Livestock purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 3.33 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

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

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

      Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: NE ¼ of NW ¼ of Section 7 Township 10S

      Range 14E B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered 700 Hd of Dairy Cattle.

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: Dairy use, cleaning ect.

MICROFILMED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	14E	7					X												

Total number of acres to be irrigated _____

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

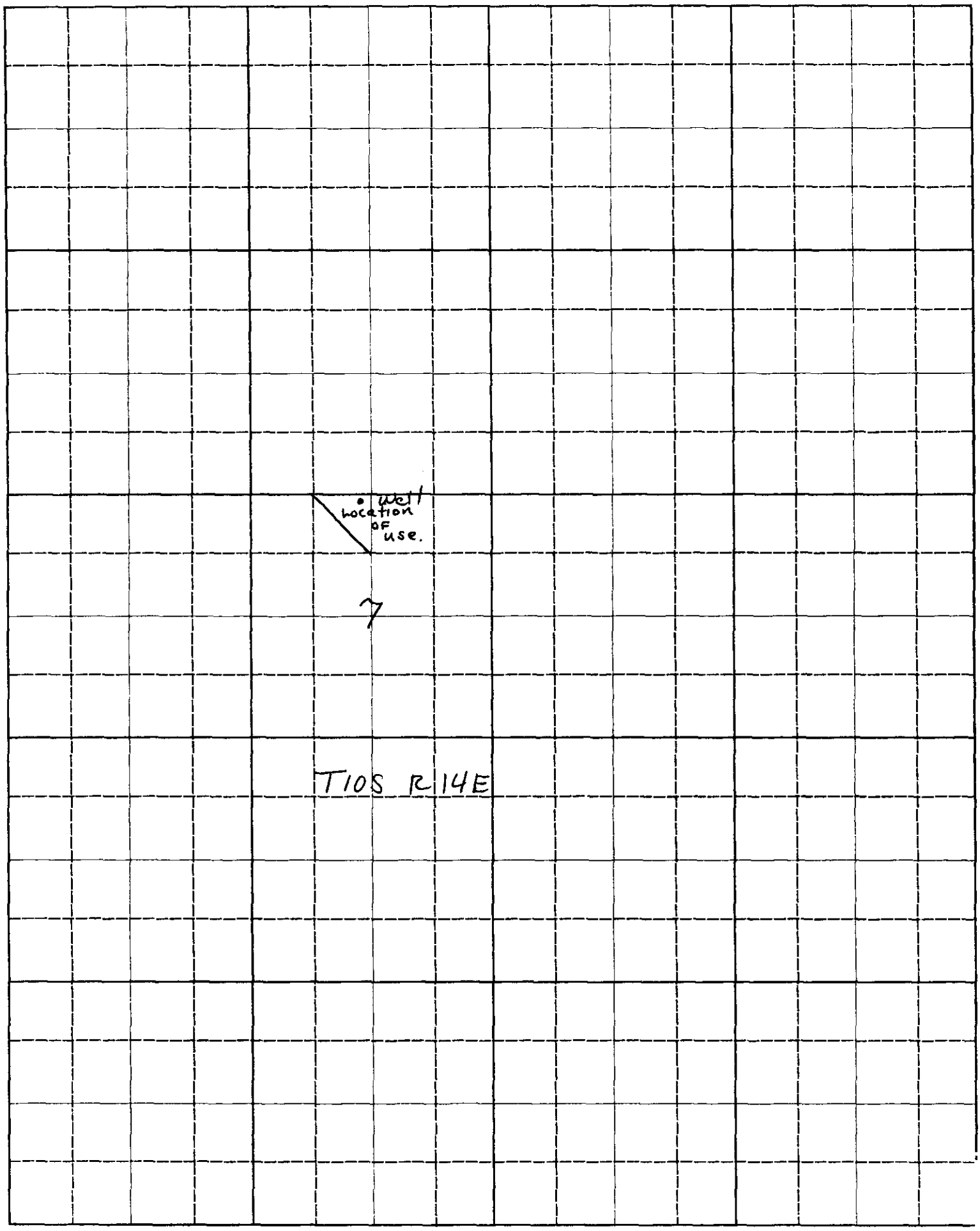
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks _____

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



Scale: 2 inches equal 1 mile.

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

Howard Hawkins
(Applicant)

MICROFILMED

MICROFILMED

Received by LJ Date 6-13-85 Time 3:20 P.M.

Preliminary check by TGB Fee $ 105.00 #36616

Receipted by mary Date 6/20/85

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. _____ , and said application is hereby _____ .

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 _____ , 19 ____ .

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

   d. Other:

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

47-8017
HARDER, HOWARD
Rt. 2 Box 77, BUHL, ID 83316
Source: Ground water
Date Filed: 06/13/1985
Diversion Pt: NENW Sec 07 T 10S R 14E
Use: Stockwater (0.46 CFS)
Commercial (1.00 CFS)
In: NENW Sec 07 T 10S R 14E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 2, 1985.

A. KENNETH DUNN
Director

PUBLISH: Thursdays, November 14 and 21, 1985.

Affidavit of Publication

STATE OF IDAHO,)
COUNTY OF TWIN FALLS) ss.

No 15689

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Princ 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 November 14, 1985, and ending with the issue dated November 21, 1985.

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.

Linda Capps McGuire

Subscribed and sworn to before me on this 22 day of November 1985.

Dianne Kraus

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

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

September 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARY NUNES
NORTHWEST FARM CREDIT SERVICES ACA
JOHN NUNES
937 E 4000 N
BUHL ID 83316

RE: WATER RIGHT NO. 47-08017

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **It 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 this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED
OCT 29 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

MICROFILMED
OCT 29 1997

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **22nd** day of **September, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 47-08017

MARY NUNES
NORTHWEST FARM CREDIT SERVICES ACA
JOHN NUNES
937 E 4000 N
BUHL ID 83316

Kari Lynn Townsend
Secretary

OCT 29 1997

MICROFILMED

OCT 29 1997

September 9, 1997

State of Idaho
Dept. of Water Resources
Shelley W. Keen
Water Rights Supervisor
RE: Water Right No. 47-08017

RECEIVED
SEP 12 1997
Department of Water Resources

Dear Ms. Keen:

Enclosed are the Applications for Amendment Information Sheet and Conditions of Approval and Remarks, and check #2141.

Thank you for your consideration and time, with this matter. We are new to Idaho and wish to learn and comply with all rules and regulations.

Sincerely,

Mary Nunes
J & M Nunes Dairy

MICROFILMED
OCT 29 1997

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C040122

Date: 9/12/1997
Time: 09:13:58

Received From: NUNES, MARY/JOHN

Type of Payment	Program Acct		Amount
APPL FOR AMENDMENT 47-08017	56105	229 21 1155	50.00

CHECK 02141

Total $ 50.00

Region: STATE

Signature:

MICROFILMED

OCT 2 9 1997

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 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARY NUNES
NORTHWEST FARM CREDIT SERVICES ACA
JOHN NUNES
937 E 4000 N
BUHL ID 83316

RE: WATER RIGHT NO. 47-08017

Dear Permit 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 depict your water right as it has actually been developed.

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. 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 of Approval and Remarks proposed for the license when it is issued. These conditions of approval and 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:klt

Enclosure

MICROFILMED

OCT 2 9 1997

MEMORANDUM

TO: File 47-08017

FROM: Sharla Curtis

DATE: August 25, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 47-08017 are based on the following:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.41 cfs	24.8 afa
Commercial	1/1 - 12/31	0.02 cfs	1.2 afa
	TOTALS	0.43 cfs	26.0 afa

Using the dairy spreadsheet prepared by the examiner, the rate for stockwater is 0.41 cfs; the volume for 600 milking cows and 100 non-milking cows is 24.8 afa (600 X 35 X 365/325850 + 100 X 12 X 365/325850 = 23.5 af + 1.3 af = 24.8 af.

Examiner: ?
Exam Date: ?

OCT 2 9 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 47-08017 DATE 8/22/97 REVIEWER: *SHARLA*

	Change	OK	
NAME	__	✓	Address Change ✓
SOURCE	__	✓	Is change clarification of originally intended source? __
POINT OF DIV	✓ add 2nd	~~✓~~	If not, prepare Notice of Intent to Void __ Amendment required ~~__~~ yes
PLACE OF USE	__	✓	Amendment required NO

Does map agree with written description? ✓ yes __ no

OVERLAPS __ P/D __ P/U

RATE OF DIV

Permitted Rate 1.46 cfs
Fee limit 2.0 cfs $1250.00
Measured ~~__~~ cfs
Theoretical .44 cfs

Recommended Total Div Rate .43 cfs

ANNUAL VOLUME/ NATURE OF USES		Use	cfs	Volume Calc	
__	__	Stock	.41	24.8	af
		Comm	.02	1.2	af
					af
					af
		SUBTOTAL	.43	26.0	af

Flow rate .41 (2 wrs) cfs X 365 days X 1.98 = 24.7 af

Total volume recommended _____ af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS 2 p/d in NENW, S7. B/Dairy.

CONDITIONS
___ Watermaster Control WD# ____
___ GW Measurement/Measuring Device
___ Overlap spec. 2.0 af/day cons. volume
___ Use-specific conditions

Advancement of Priority Date Required ___ yes ✓ no

SRBA Claim Filed ✓
Adjustment Memo rate volume

1st Amend Letter P39, P38
2nd Amend Letter ~~P42~~

./Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
APR 2 : 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-08017

1. Owner: John Nunes Phone No. (208) 543-2221/ 536-6519

   Current Address: 937 East 4000 North Buhl ID 83316

2. Accompanied by: John Nunes EXAM DATE :

   Address: Same Phone No. Same

   Relationship to Permit Holder: Owner

3. Source: Groundwater Tributary to None

B. OVERLAP REVIEW

1. Other water rights with the same place of use: A47-08017

2. Other water rights with the same point of diversion: A47-08017

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1		ne	ne	nw	07	10s	14e	Twin Falls	Aerial Photo & USGS Quad Map
2		ne	ne	nw	07	10s	14e	Twin Falls	Aerial Photo & USGS Quad Map

2. **Place(s) of Use:** Indicate Method of Determination

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	14e	07					C												
10s	14e	07					S												

MICROFILMED
OCT 29 1997

E. NARRATIVE/REMARKS/COMMENTS

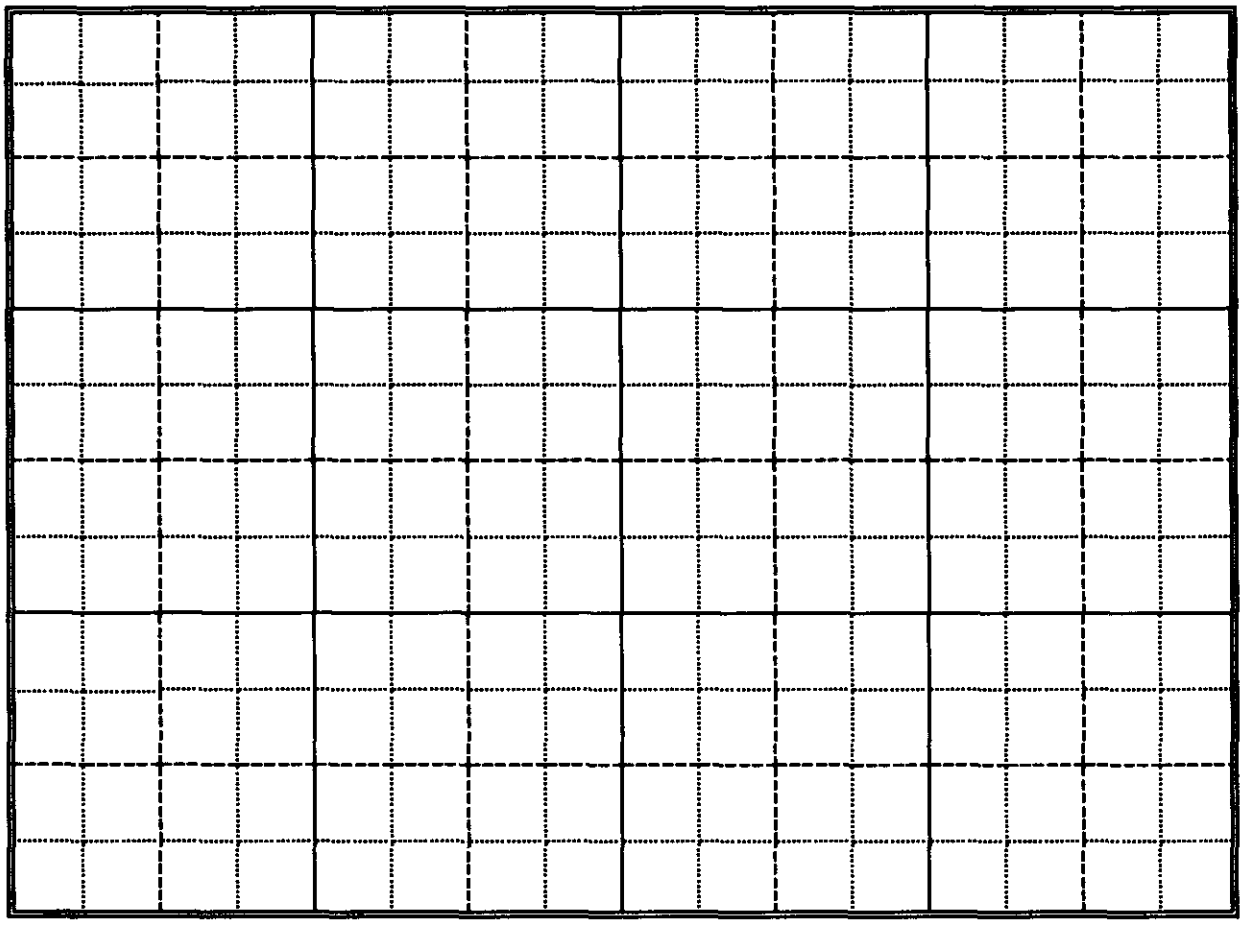
This system consists of two wells; Well #1 drilled to 150ft with a dynamic pumping level of 10ft. Well # 2 drilled to approximately 150 ft with a 39 ft pumping level. Water is diverted to two 65 gallon pressurized tanks and a 6000 gallon storage tank used for system cleaning.

AJ A47-08017 has been filed on this WR but has not been followed-up on.

Have conditions of permit approval been met? X yes ___ no

OCT 29 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. **SEE ATTACHED BARN FLOOR PLAN DRAWING.**



Scale: 1" = Not to Scale.

___ 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
# 1	Franklin	5	Unknown Submersible	Sta-Rite	Submersible
#2	Franklin	3	Unknown Submersible	Sta-Rite	Submersible

**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:** None Taken

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method: Theoretical equations accomplished by utilizing Lotus Generated Dairy Worksheet.

Worksheet shows system capacity at 0.44cfs and 319.6 afa

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

$$C = \frac{1.2 \times 43500}{(365)\ 2)\ (60)} = 0.02\text{cfs}$$

See Dairy Worksheet

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Stockwater	01-01	12-31	0.44cfs	25.3
Commercial	01-01	12-31	0.02cfs	1.2
Totals:			0.44cfs	26.5afa

2. Recommended Amendments

__ Change P.D. as reflected above __ Add P.D. as reflected above X None

__ Change P.U. as reflected above __ Add P.U. as reflected above __ Other

I. AUTHENTICATION

Field Examiner's Name K Clayton Date 04-23-96

Reviewer _____ Date _____

SEAL

APR 29 1997

IDAHO DEPARTMENT OF WATER RESOURCES

FILE # or NAME ----- 47-08017
REVIEWER ---------- drt
DATE -------------- 15-Apr-96

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE	600
NUMBER OF NONMILKING CATTLE	100
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO	0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR)	0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS	1
NUMBER OF MILKINGS PER DAY	2

CALCULATIONS

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

MILKING CATTLE @35 GPD/HD	0.39
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.39
NONMILKING CATTLE @12 GPD/HD	0.02
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.02
TOTAL (BASED UPON ROUNDED NUMBERS)	0.41

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD	23.5
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	24.0
NONMILKING CATTLE @12 GPD/HD	1.3
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	1.3
TOTAL (BASED UPON ROUNDED NUMBERS)	25.3
COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT	0.4
PARLOR FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	0.7
TOTAL	1.2
TOTAL DIVERSION VOLUME	26.5

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING	3.5
NONMILKING	0.0
TOTAL	3.5
COMMERCIAL	0.0
TOTAL CONSUMPTIVE USE	3.5

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

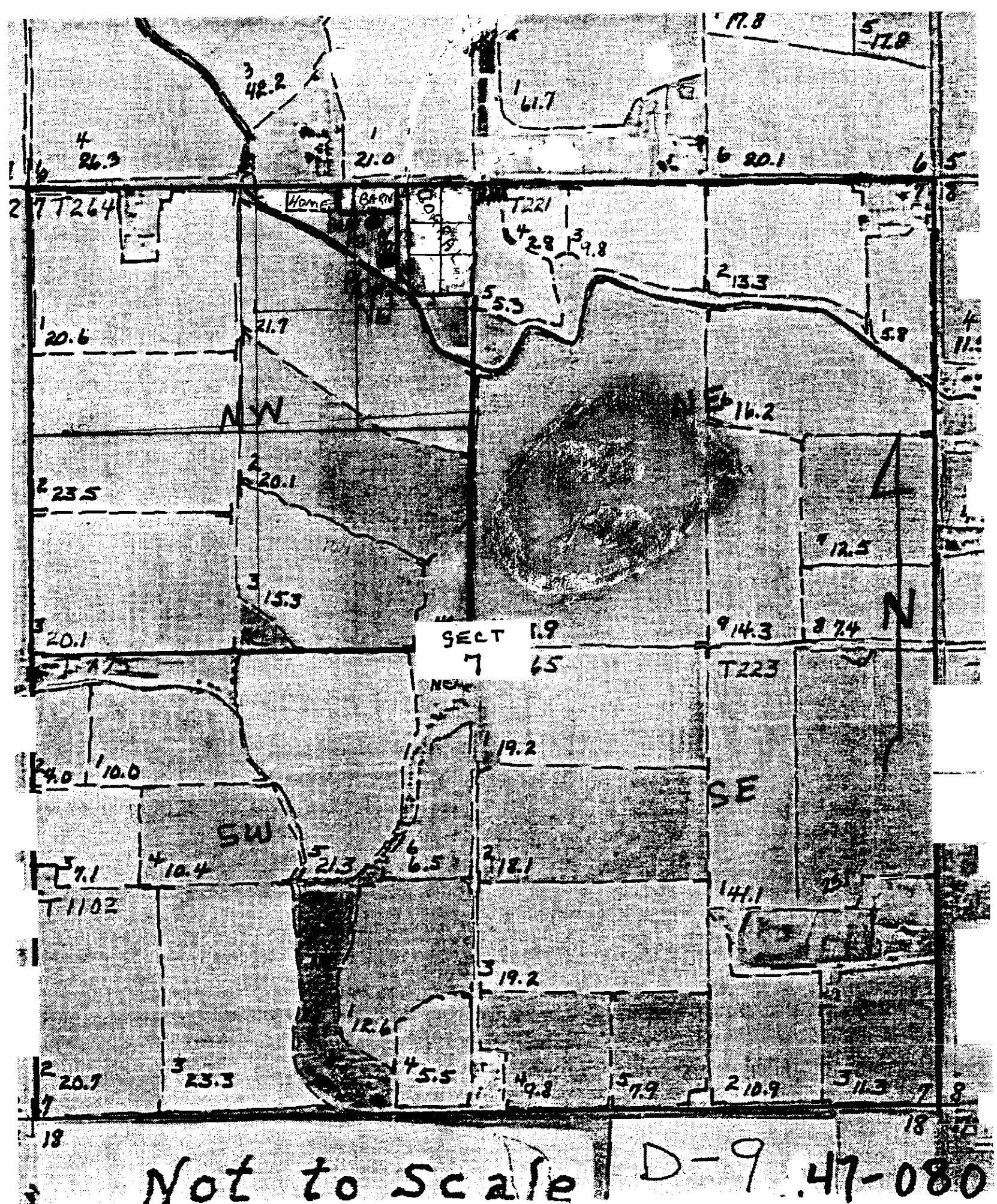
	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	5.00	3.00	
LIFT (FT)	10	39	
DISCHARGE PRESSURE (PSI)	40	40	
FRICTION LOSSES (FT)	0.0	0.0	

CALCULATIONS

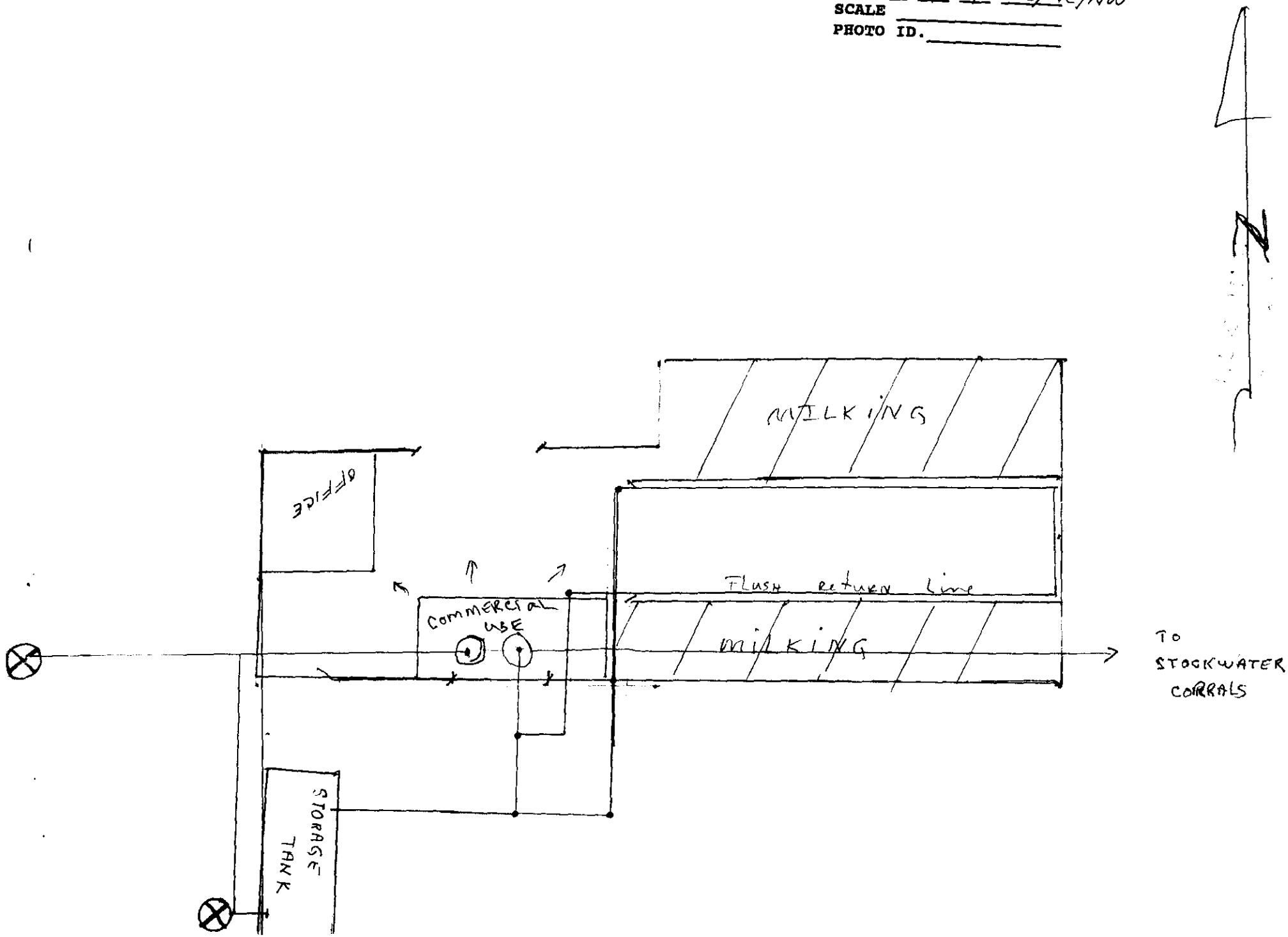
THEORETICAL FLOW RATE (CFS) **	0.30	0.14	0.00
DIVERSION VOLUME (AFA) ***	217.8	101.8	0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.
** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.
**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

Dev.: MSterling
Mod.: ADM & KKC
Mod.: 8/5/94 DRJ


T264
T221
T223
T102
SECT 19
7 65
NW
NE
SW
SE
N
Home
BARN
Not to Scale
D-9.47-080

PERMIT 97-08017 INIT dgt
T. R. S. Q/Q
P/D 10S 14E 7 NE/NE/NW
SCALE
PHOTO ID.



PERMIT 47-02017 INIT lrf
T. R. S. Q/Q
P/D 105 NE 7 NE/NE/NW
SCALE
PHOTO ID.

WELL + HOUSE
2
3MP

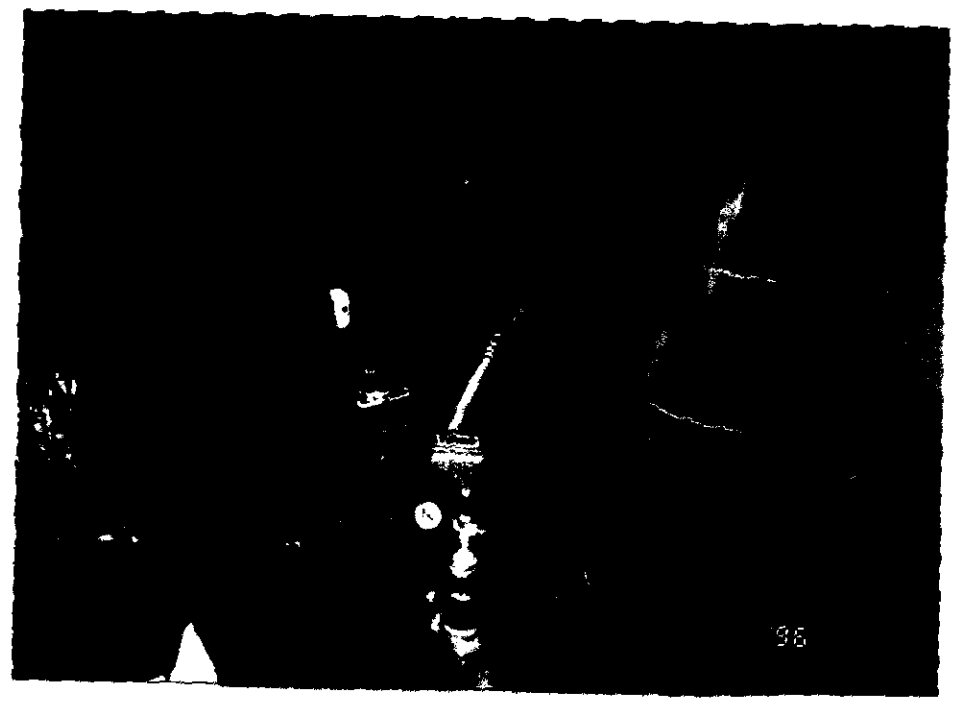
WELL
HOUSE
2

PERMIT 47-09017 INIT dkt
T. R. S. Q/Q
P/D 102 14E 7 NE/4 NE/4 NW
SCALE
PHOTO ID.

WELL HOUSING
#1
5 HP

DIVERTING
WORKS

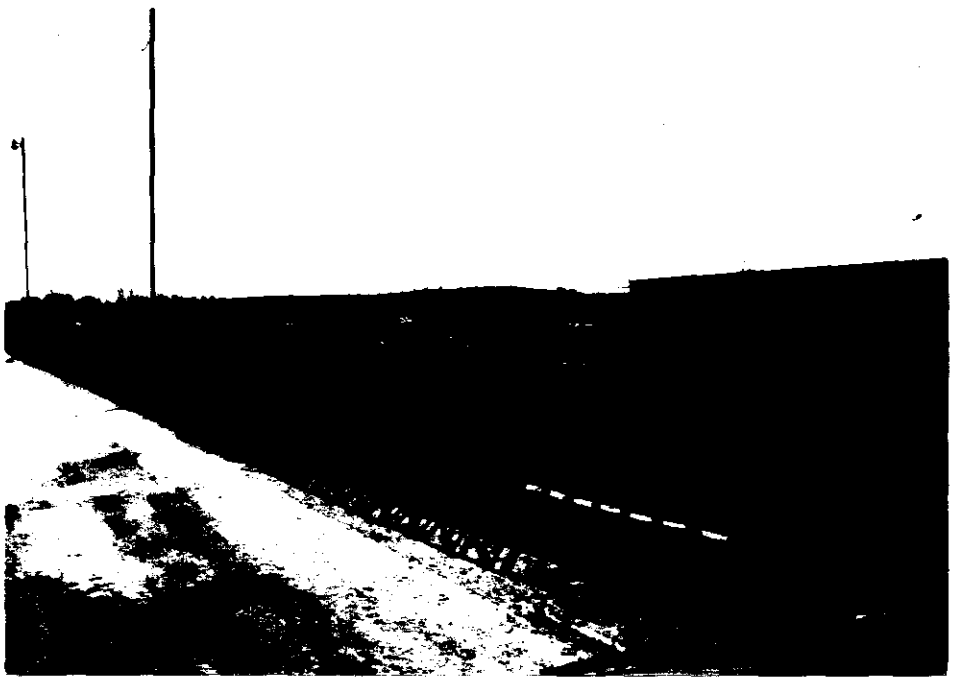
PERMIT 47-08017 INIT dft
T. R. S. Q/Q
P/D 10S 14E 7 NE/NE/NW
SCALE _____
PROTO ID._____



P.O.D.
#10 HP
BOOSTER
FOR
WASH DOWN
&
CLEANING
BARN

DIVERTING
WORKS

PERMIT 47-0817 INIT _____
T. R. S. Q/Q
P/D ___ ___ ___ _____
SCALE _____
PHOTO ID._____



PERMIT A7-08017 INIT ____
T. R. S. Q/Q
P/D ___ ___ ___ _____
SCALE _____
PHOTO ID._____

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

March 7, 1996

JOHN NUNES
MARY NUNES
PO BOX 266
RI PON CA 95366

RE: Permit No. 47-08017

Dear Permit Holder(s):

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you and Northwest Farm Credit Services ACA. 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,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

c: Northwest Farm Credit Services

RECEIVED

MAR 2 8 1996

Farm Credit Services

1363 Fillmore Street
P.O. Box 288
Twin Falls, Idaho 83303-0288
208/733-2577

RECEIVED
MAR 04 1996
Department of Water Resources
Southern Region

February 26, 1996

RECEIVED
FEB
Department of Water Resources
Southern Region

Department of Water Resources
222 Shoshone Street East
Twin Falls Id 83301

RECEIVED
MAR 0 6 1996
Department of Water Resources

RE: Water Permit #47-08017
John Nunes

Dear Sir:

This letter will serve as notice to the Department of Water Resources that Northwest Farm Credit Services, ACA, has a security interest in the above Permit and a real estate mortgage has been filed on property where the wells are located Enclosed is an Assignment from John A. Brubaker to John Nunes and from John Nunes to Northwest Farm Credit Services, ACA.

We request copies of all notices and correspondence mailed to John Nunes regarding the above described permit number be sent to our office address.

Please acknowledge below and return this letter to our office. WE appreciate your cooperation in this matter.

Sincerely,

Larie Hash

Larie Hash
Customer Service Representative

ACKNOWLEDGED this 05 day of March, 1996.

Department of Water Resources

By Georgia L. Satterlee
Authorized Agent
Water Resource Agent

RECEIVED
MAR 8 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 28, 1993

NORTHWEST FARM CREDIT SERVICES ACA
129 EASTLAND DR
PO BOX 288
TWIN FALLS ID 83303-0288

Re: Permit Nos. 47-07861 and 47-08017

Dear Permit Holder(s):

We acknowledge receipt of assignments of permit adding you as part owner of the above referenced water rights. We have modified our computer records to add you as part owner.

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

Sincerely,

JIM JOHNSON
Water Right Supervisor

JJ:cz

c: John A. Brubaker

MICROFILMED

MAR 2 8 1996

RECEIVED
APR - 9 1993
Department of Water Resources

Farm Credit Services

129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288
208/733-2577

April 8, 1993

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Assignment of Permit Nos. 47-08017 & 47-07861 Addition of Lienholder

Gentlemen:

Enclosed is an Assignment of Application for Permit from Howard Harder to Mr. and Mrs. John A. Brubaker per your letter dated March 15, 1993, a copy of which is enclosed. This should complete the transfer of this permit.

If you need anything further, please advise our office.

Sincerely,

Ellen Fischer
Senior Clerk

8 1993

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 15, 1993

JOHN A BRUBAKER
BARBARA A BRUBAKER
937 E 4000 N
BUHL ID 83314

RE: Assignment of Permit Nos. 47-08017 & 47-07861
Addition of Lienholder

Dear Mr. and Mrs. Brubaker:

We acknowledge receipt of the correspondence concerning your lienholder's interest in the above referenced permits.

A permit is considered personal property and only the holder(s) of record can take action on the right. Permit No. 47-07861 had been assigned to you by Mr. Howard Harder; however, we have no record on file of Mr. Harder assigning 47-08017 to you.

I will keep the original documents and send you an assignment form for Mr. Harder to complete on Permit 47-08017. I will update the database as soon as we receive the form.

If you have any questions, please contact our office.

Sincerely,

Brenda L. Chapman

BRENDA L. CHAPMAN
Water Resource Agent

Enclosure

c: Northwest Farm Credit Services

RECEIVED
MAR 28 1996

Farm Credit Services

129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288
208/733-2577

February 3, 1993

RECEIVED
FEB 04 1993
Department of Water Resources
Southern Region Office

Department of Water Resources
222 Shoshone Street East
Twin Falls ID 83301

pf 2/4/93
7861

RE: Water Permit 47-08017 and Permit 47-~~08017~~
John A. Brubaker

Gentlemen:

pf 2/4/93
7861

This letter will serve as notice to the Department of Water Resources that Northwest Farm Credit Services, ACA, has a security interest in Permit Nos. 47-08017 and 47-~~08017~~ and a real estate mortgage has been filed on property where the wells are located. Enclosed are Assignments of Permit from John A. Brubaker and Barbara Brubaker, husband and wife, and Northwest Farm Credit Services, ACA.

We request copies of all notices and correspondence mailed to Mr. and Mrs. John A. Brubaker regarding the above-described permit number be sent to our office address.

Please acknowledge below and return this letter to our office. We appreciate your cooperation in this matter.

Sincerely,

Ellen

Ellen Fischer
Senior Clerk

ACKNOWLEDGED this 4th day of February, 1993.

DEPARTMENT OF WATER RESOURCES

By L. Foster

2 8 1996

MEMORANDUM

TO: FILE/PERMIT NO. 47-8017

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 10-2-89

Licensing of this permit has been delayed due to the Swan Falls litigation. The permit number is listed on our Swan Falls PC database list by virtue of the fact that it is a DCMI use with a proposed diversion of more than 1.00 cfs. The file indicates however that the permit was never identified in the Swan Falls suit. Furthermore, proof of benficial use was submitted at the time of the original proof due date (filed 11-24-86). The proof form states that the use commenced in 1978 and lists commercial dairy and 1000 head of livestock as the only uses. The permit was conditioned for consumptive use not to exceed 2 acre-feet per day. Commercial dairies of this size (1000 head) generally have a consumptive use volume of less than 100 acre-feet/yr. This use certainly meets the 2 af/day condition.

Based on the above informatiion, I recommend that this permit be exempt from the review requirements of Section 42-203D and removed from our Swan Falls process list. The department should proceed with conducting a field exam and issuing a license.

copy: Southern Region

RECEIVED

MAR 2 8 1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

JAN 1 3 1987
Department of Water Resources

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

JANUARY 13, 1987

HOWARD HARDER
RT. 2, BOX 77
BUHL ID 83316

RE: Permit No. 47-8017

Dear Permit Holder:

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

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

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

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

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 2148 4th Ave. East Twin Falls, Idaho.

Sincerely,
s/Mary A. Baldwin
Secretary/Office Coordinator

MAR 2 8 1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

- -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
OCTOBER 31, 1986

138436

HARDER, HOWARD
RT. 2 BOX 77
BUHL, ID 83316

PROOF DUE NOTICE

RE: PERMIT NO. 47-8017

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 JANUARY 1, 1987. (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 COMPLETED 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

MICROFILMED

JAN 29 1987

ENCLOSURES

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

- -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
JANUARY 04, 1986

HARDER, HOWARD
RT. 2 BOX 77
BUHL, ID 83316

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-8017

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE FLOW MEASUREMENT PORT.

YOU SHOULD BE AWARE THAT THE GROUNDWATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUNDWATER ARE NOT ALLOWED TO DEPLETE FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL OF INTERFERENCE.

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 THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

DRT: SC
ENCLOSURES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 31, 1985

Gary Burkett
Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-8017

Dear Mr. Burkett:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

OCTOBER 31, 1985

Times News
P. O. Box 548
Twin Falls, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 2, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

47-8017

HARDER, HOWARD

RT. 2 BOX 77, BUHL, ID 83316

Source: GROUNDWATER

Date Filed: 06/13/1985

Diversion Pt: NENW Sec 07 T 10S R 14E

Use: STOCKWATER (0.46 CFS)
COMMERCIAL (1.00 CFS)

In: NENW Sec 07 T 10S R 14E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 2, 1985.

A. KENNETH DUNN

Director

Published 11/14 & 11/21/85.

MICROFILMED

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47-8017

HARDER, HOWARD
Rt. 2 Box 77, BUHL, ID 83316
Source: Ground water
Date Filed: 06/13/1985
Diversion Pt: NENW Sec 07 T 10S R 14E
Use: Stockwater (0.46 CFS)
Commercial (1.00 CFS)
In: NENW Sec 07 T 10S R 14E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 2, 1985.

A. KENNETH DUNN
Director

PUBLISH: **Thursdays,** November 14 and 21, **1985.**

11/4/85

INTER-DEPARTMENT MEMO — 1

DATE October 30, 1985

FROM Southern

TO Russ Bosch

SUBJECT Refund

Please refund $105.00 as per letter to Mr. Harder dated October 22, 1985 -

Send to: Howard Harder
Rt. 2 Box 77
Buhl, Idaho 83318

SIGNATURE

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 22, 1985

Howard Harder
Rt. 2 Box 77
Buhl, Idaho 83318

Re: Application for Permit

Dear Mr. Harder

On July 1, 1985 we received from you a application for permit and a check in the amount of $105.00. On July 9, 1985 we wrote you a letter requesting justification for the amount of water you filed for commercial use at your dairy, and as of this date have received no response.

We have taken the liberty of re-typing a new application, please find enclosed, adjusting the quantiy of water. If this application meets your approval, please sign and return it to this office with a filing fee of $65.00. We will refund your original filing fee of $105.00 as soon as we have received your signed application.

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

Very truly yours,

Gary L. Funderburg
Sr. Water Resource Agent

Encl:

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 9, 1985

Howard Harder
Route 2 - Box 77
Buhl, Idaho 83318

Re: Application for Permit

Dear Mr. Harder:

Before we can proceed further with processing of your application for permit, jusitification for the amount of water you filed for commercial use at your dairy is needed.

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

Very truly yours,

GARY L. FUNDERBURG
Sr. Water Resource Agent

LOH:GLF:marya

MICROFILMED