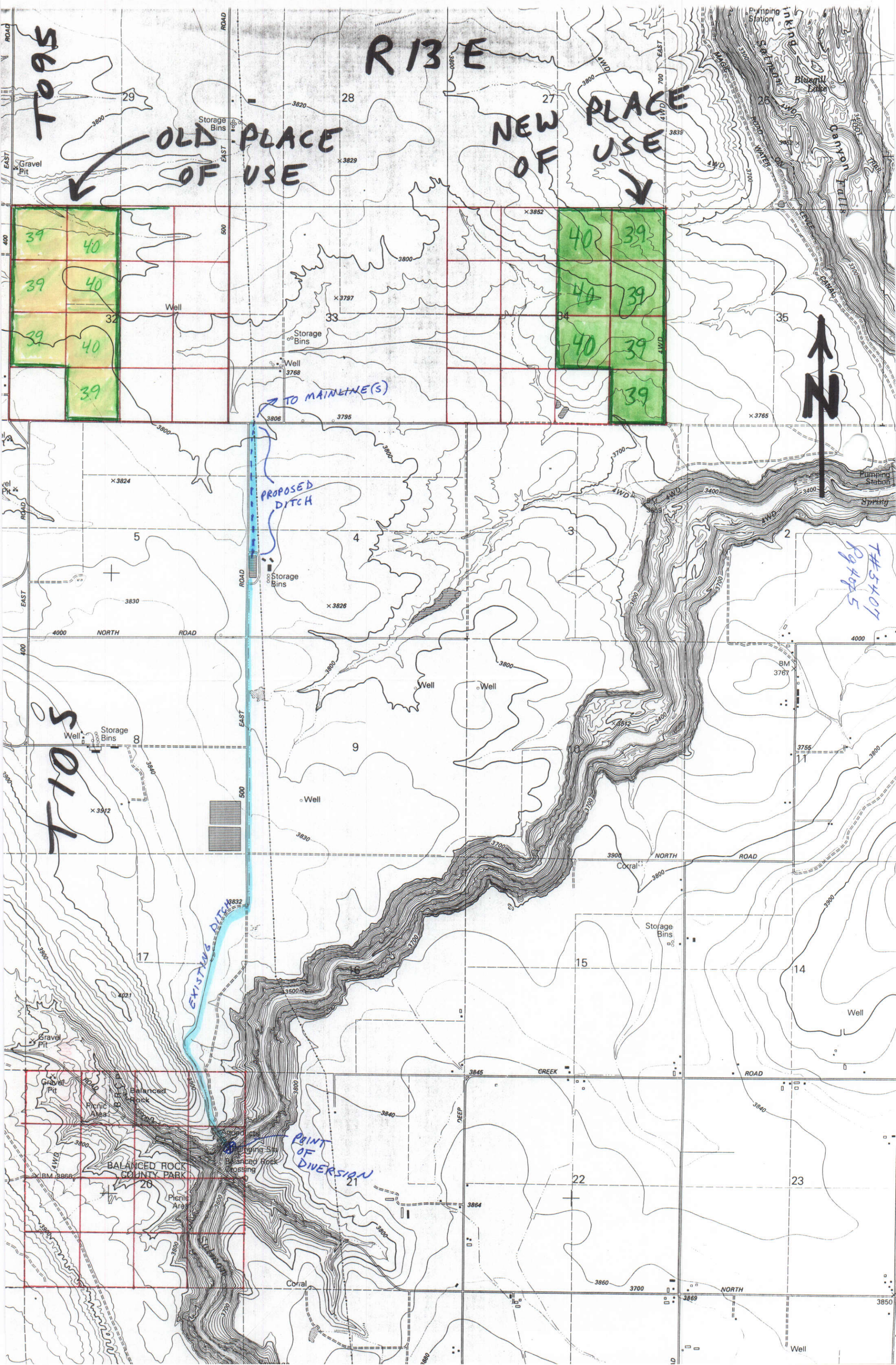
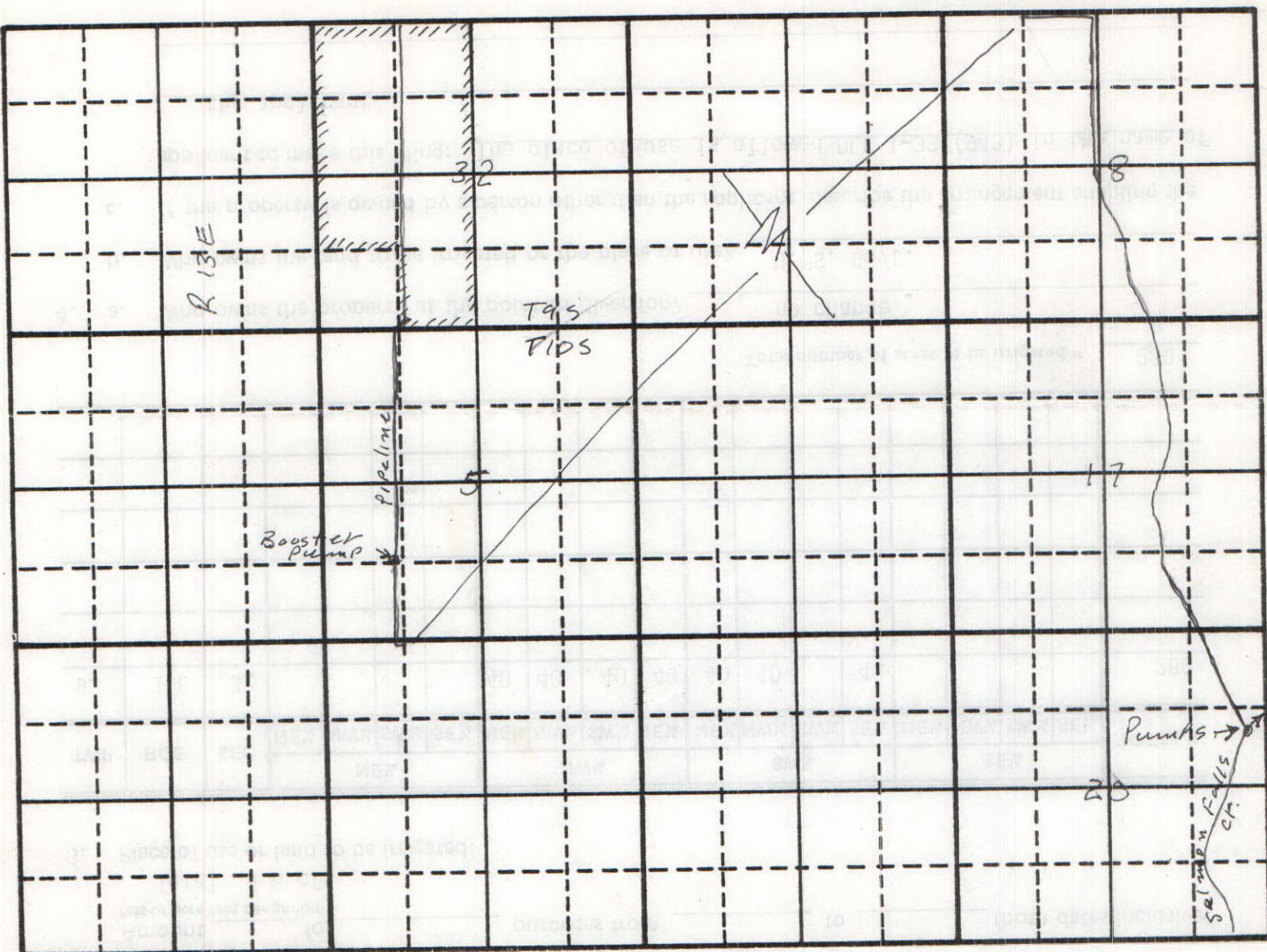




Show 40-acre subdivisions, townships, ranges and ditches.

MICROFILMED



Signed at Boise, this 28 day of May, 19 85.

Jean L. Diefpre
(Signature)

Preliminary check by IB Fee = \$20.00

Received by mace Date 5/2/85 # 35371

Publication prepared by _____ Date _____

Published in _____

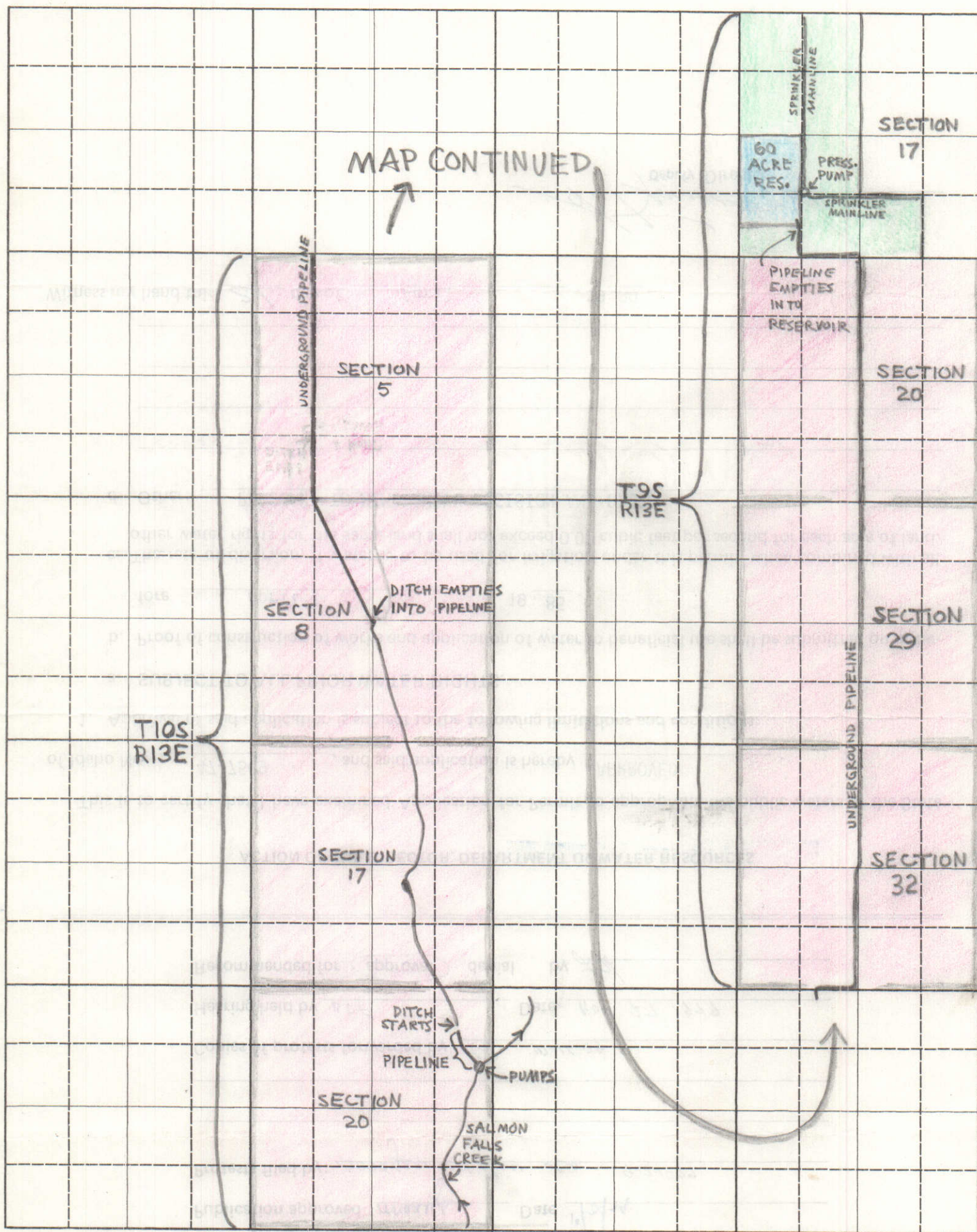
Publication dates _____

I, L. GLEN SAXTON, of the Department of Water Resources hereby
APPROVE the above referenced Amendment. Total volume diverted under this permit
shall not exceed 780 acre-feet/annum. Approval is subject to the conditions
of the Memorandum Decision and Order issued 4/21/1980.

Witness my hand this 17th day of October, 1985

19 85
A. Glen Saxton
Chief, Operations Bureau

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 D. Marshall
(Applicant)

Application prepared by

Received by

Preliminary check by

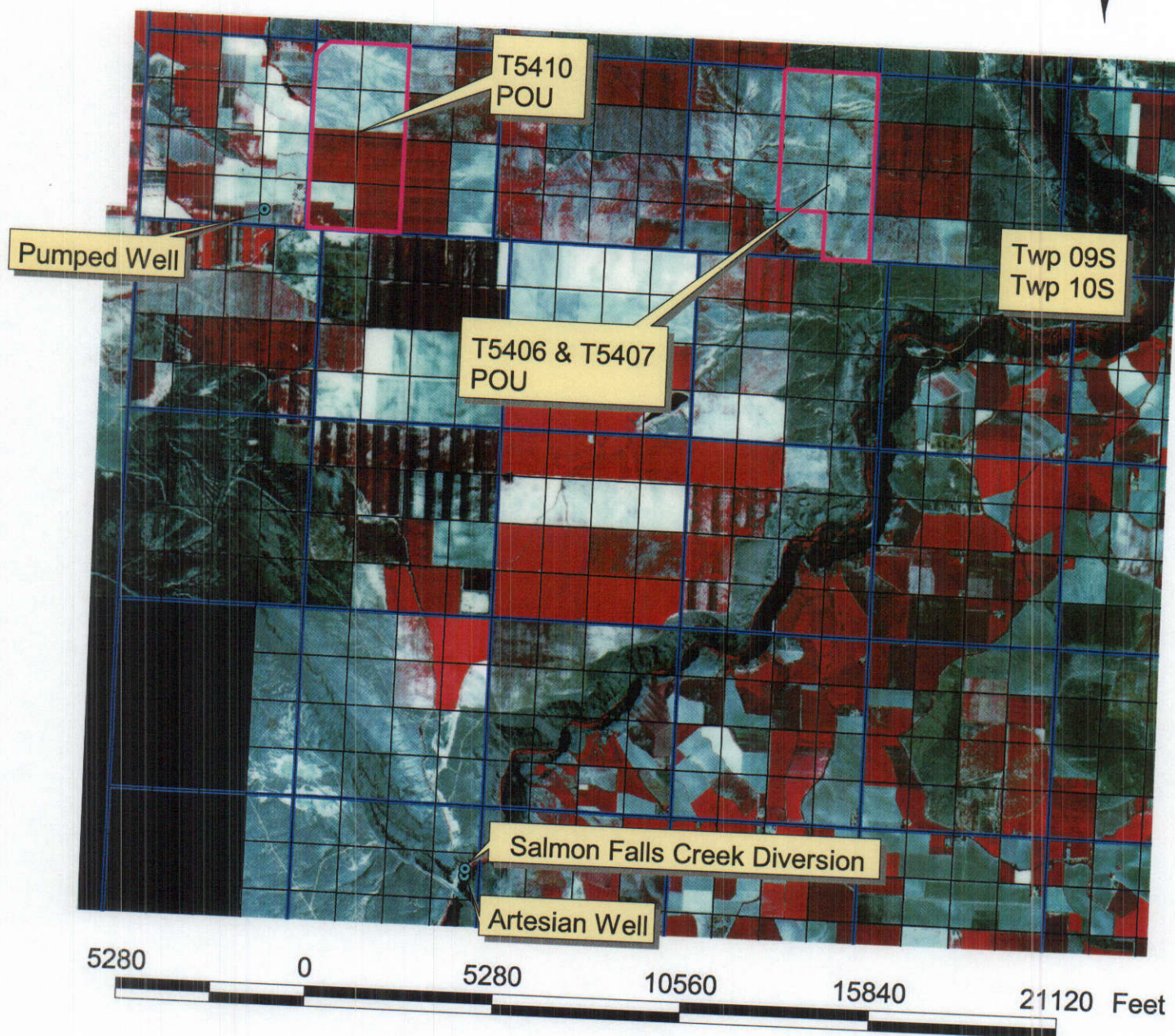
Received by

Date

Page

8-30-1916

IDAHO DEPARTMENT OF WATER RESOURCES
TRANSFER NO. 5406, 5407 & 5410
IN THE NAME OF : Driscoll



-  PLACE OF USE
-  POINT OF DIVERSION
-  SECTION LINES
-  QUARTER LINES

MICROFILMED
APR 28 2000

CREATED BY : ADM
May 25, 1999

*Shapes on TOWN 604
D: 621115 / 647 / transfers*

NAPP PHOTO CIRCA 1987 & 1988

Salmon Falls Creek Lift Pumps -- Near Balanced Rock

Right No.	Name	Stage	Priority	Source	Div. Rate	Sum Rates	Exam Data	M1	M2	M3	Relift Pumps			W1	W2	W3	Pumping Capacity
47-02316A	Keller	Decreed	1/12/59	Creek	10.50	10.50	1964								300hp	400 hp	10.50
47-04099	Wright	Claim	6/1/66	Creek	8.20	18.70								300 hp	300 hp	400 hp	
47-07252	Wright	License	4/2/74	Creek	16.00	34.70	1984							300 hp	300 hp	400 hp	16.00
47-02316B	Marshall	Decreed	1/12/59	Creek	3.33	3.33	1964	400 hp	250 hp								8.40
47-02316C	Marshall	Decreed	1/12/59	Creek	6.92	10.25	1964	400 hp	250 hp								8.40
47-02402	Marshall	License	4/5/65	Creek	6.40	16.65	1977			400 hp	250 hp	400 hp					16.89
47-02417	Marshall	License	4/19/66	Creek	16.89	33.54	1977			400 hp	250 hp	400 hp					16.89
47-07565	Giuffre	License	8/30/79	GW	4.47	38.01	1986	450 hp	300 hp*								7.82
47-07569	Giuffre	Permit	10/22/79	Creek	5.52	43.53	1986	450 hp	300 hp*								7.82
47-07618	Easterday	License	1/7/80	GW	4.88**	48.41	1987	450 hp	300 hp*	400 hp	400 hp	400 hp					24.71***
47-07642	Marshall	Permit	4/9/80	Creek	12.00	60.41	1981	400 hp	250 hp*	400 hp	250 hp	400 hp					22.48****
47-07615	Driscoll	Permit	9/24/80	GW	4.88**	60.41	1987	450 hp	300 hp*	400 hp	400 hp	400 hp					24.71***

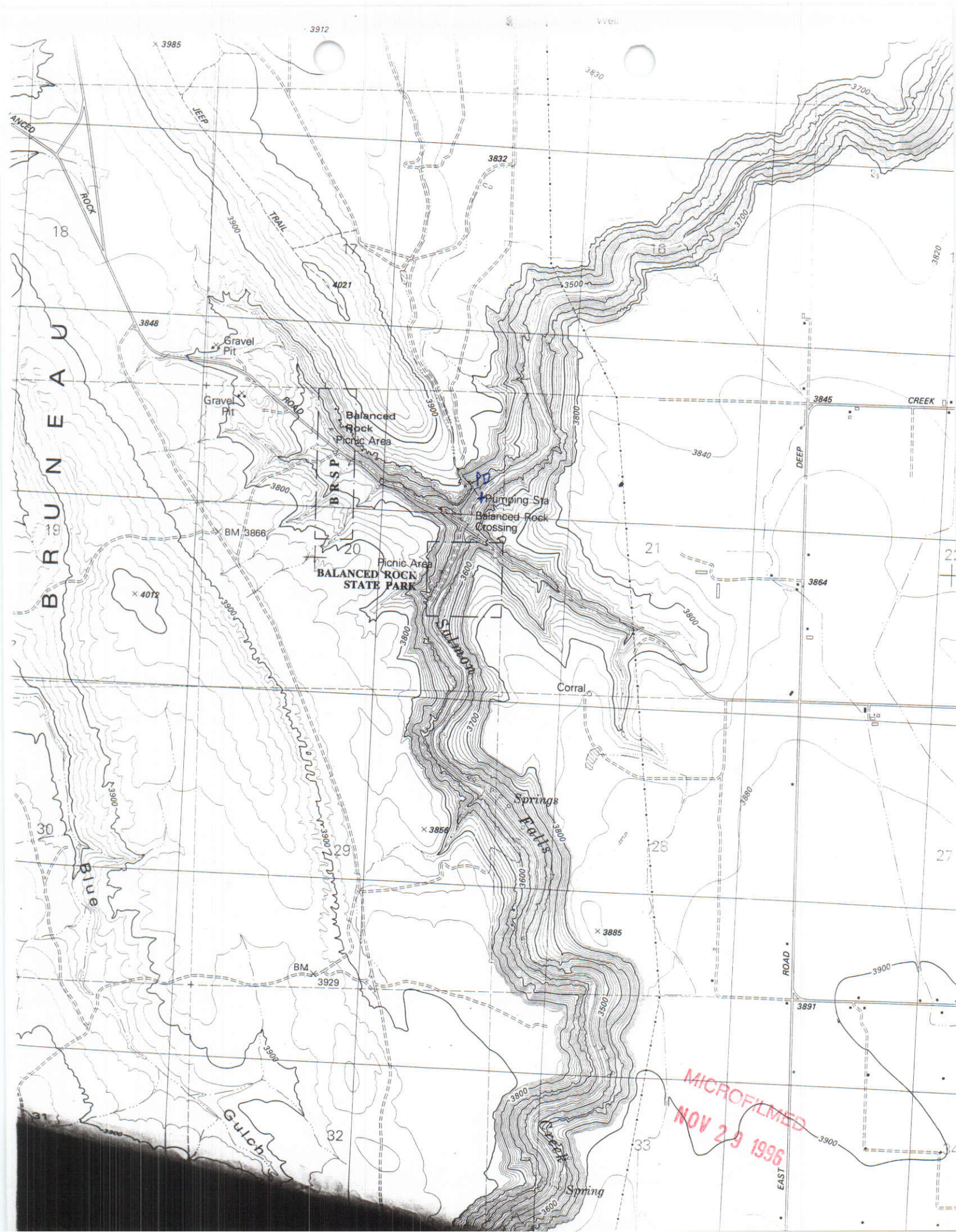
* Backup motor

** 47-07615 and 47-07618 are limited to a combined rate of 4.88 cfs.

*** $7.82 + 16.89$ or $[M1 + (M3 + M4 + M5)]$ See memo in files 47-07642.

**** $5.59 + 16.89$ or $[M1 + (M3 + M4 + M5)]$ Less than 24.71 cfs because the examiner relied on earlier data.

The combined diversion rate limitation of 24.71 cfs for rights 47-07569, 47-07615, 47-07642 47-02316B, 47-02316C, 47-02402, 47-02417, 47-07565, and 47-07618 is based on the pumping capacity of the diversion/rediversion plant as determined by reviewing information available in the water right files. Rights previously licensed do not carry the combined rate limitation. However, the need was recognized in 1981 as evidenced by Allen Merritt's memo in file 47-02402.



3912

VEN

x 3985

3430

3832

3700

3820

3500

3840

3845

CREEK

DEEP

3864

21

22

BALANCED ROCK STATE PARK

Corral

Springs Falls

28

27

x 3856

x 3885

BM

3929

ROAD

3891

EAST

3900

Spring

33

MICROFILMED
NOV 29 1996

BRUNEAU

18

19

30

32

Gulch

x 4012

Gravel Pit

Gravel Pit

Balanced Rock Picnic Area

Picnic Area

Pumping Sta
Balanced Rock Crossing

TRAIL

3900

3800

3800

3800

3800

3800

3800

3800

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OF THE INTERIOR
GICAL SURVEY

R 12 E R 13 E

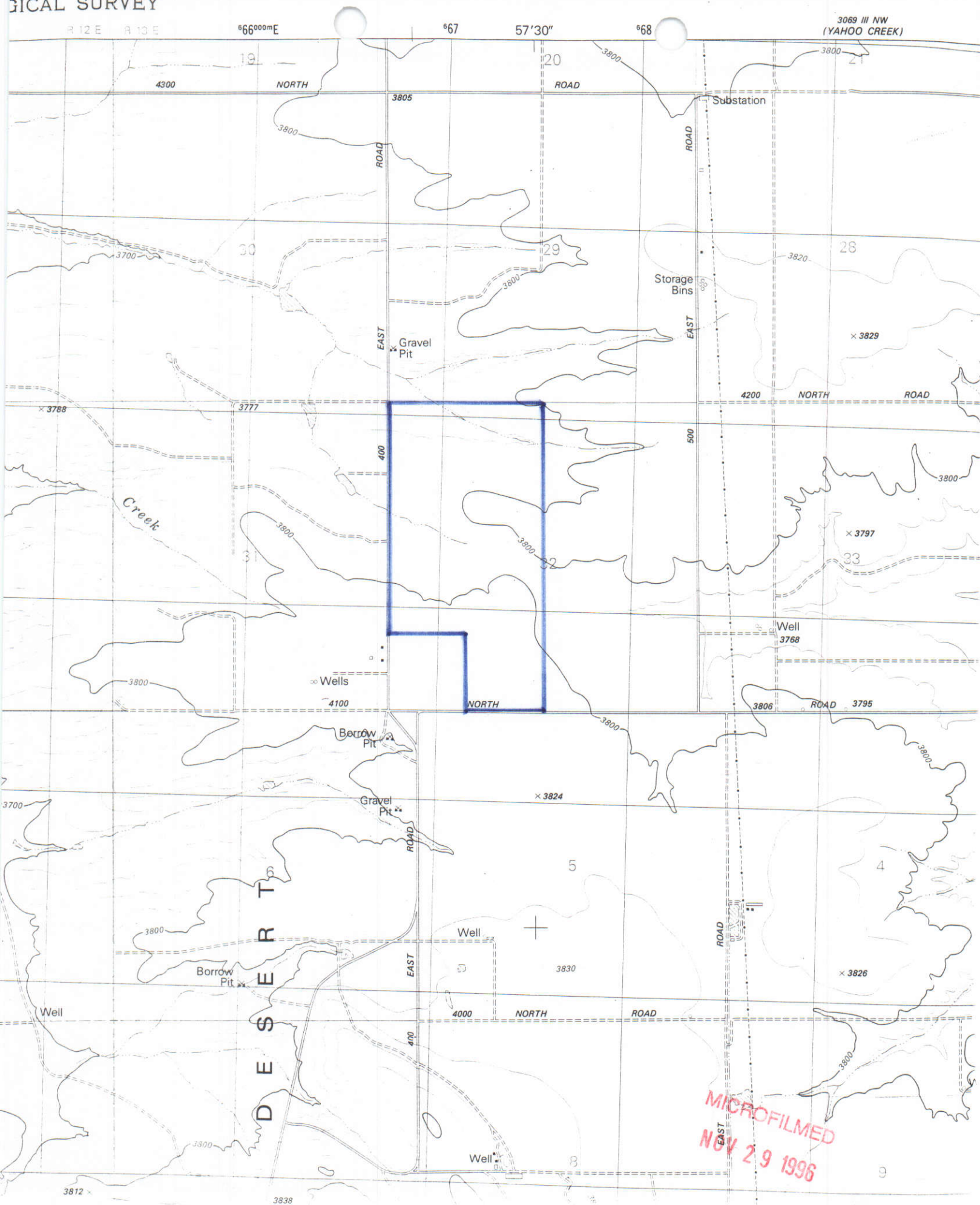
66000mE

667

57'30"

668

3069 III NW
(YAHOO CREEK)



R.13 E.

47-7565

T1317

30

29

29

28

31

32

T1320

6 ml 5

32

33

4
10.9

6.1

1
142.6

39

T1321

3
19.3

25

2
127.9

2
76.9

1
75.5

32

33

31

32

15.5

6

5

T1322

NOV 29 1996
FILMED

Ref # 40144 5/22/86 may

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: Jean Giffre Permit No. 47-7565
Current Address: 10945 Janic Road, Boise, ID 83703 Phone No. 939-8783
2. Accompanied by: Wayne Marshall EXAM. DATE: 5/23/86
Address: 185 Blair Drive, Twin Falls, ID. 83301 Phone No. 733-9649-13
Relationship to Permit Holder: Brother & Farm Operator
3. Source: Groundwater tributary to Salmon Falls Co.

B. OVERLAP REVIEW

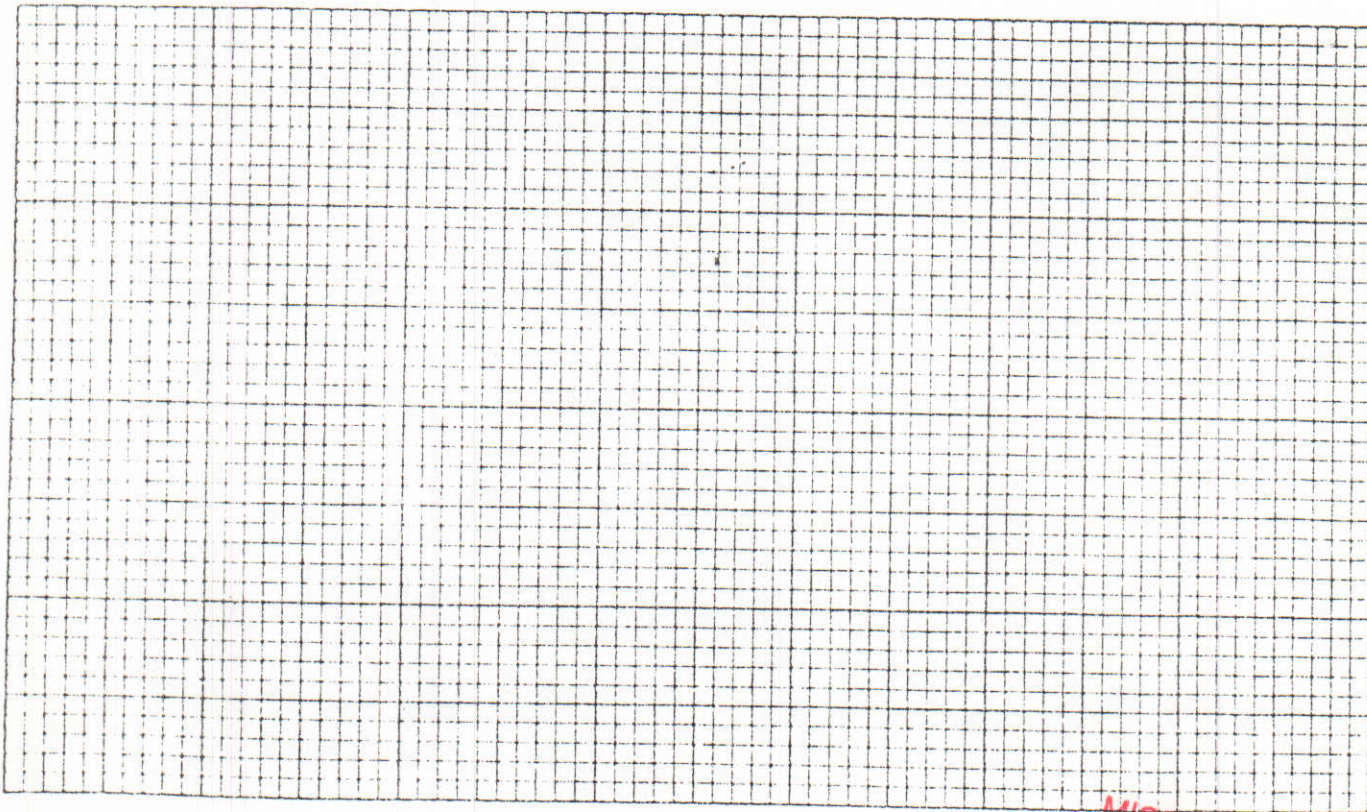
1. Other water rights with same place of use: 47-7100

☐ Copies Attached
2. Other water rights with same point of diversion: 47-7774

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



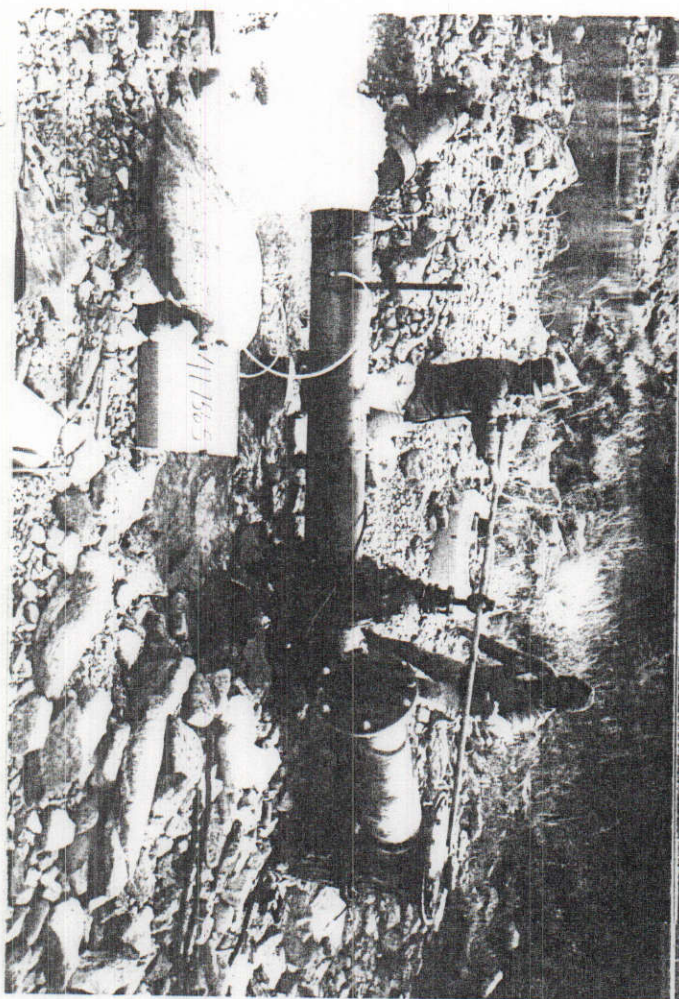
Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but household domestic groundwater, and stockwater)

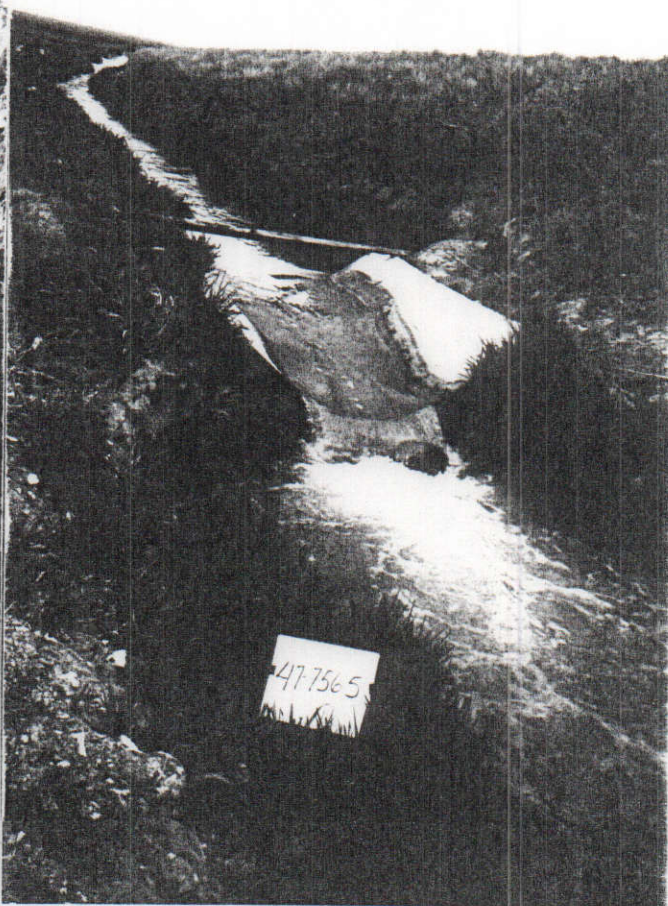
MICROFILMED
NOV 29 1996



Measurement
of Fluvial
Well Using
Annular and
Circles



Measurement using pipe coffee

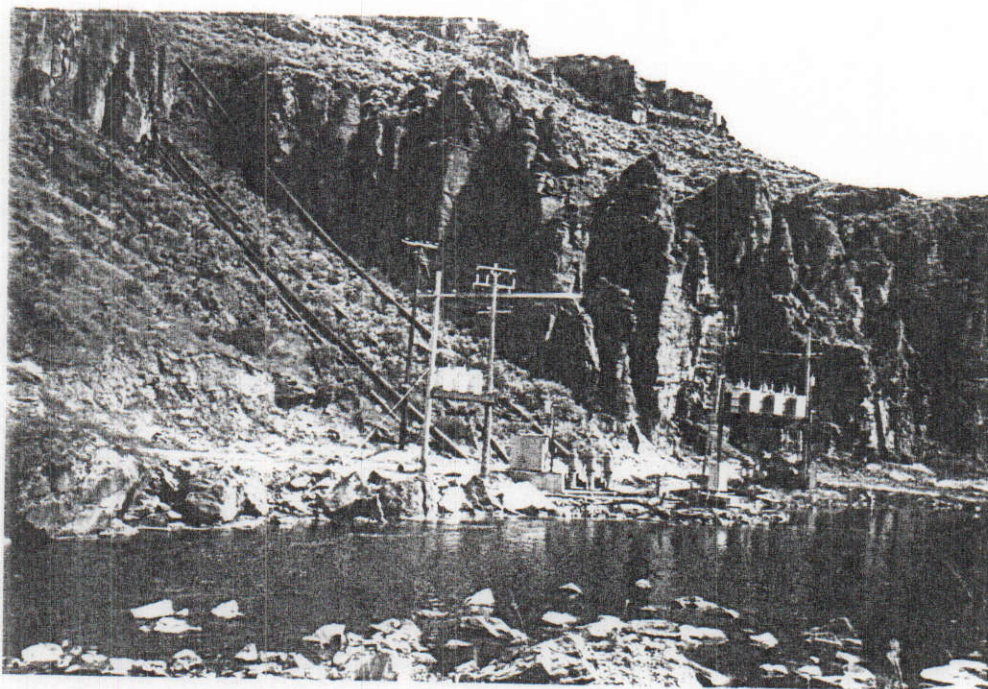


Measurement using T-shaped
at top of canyon

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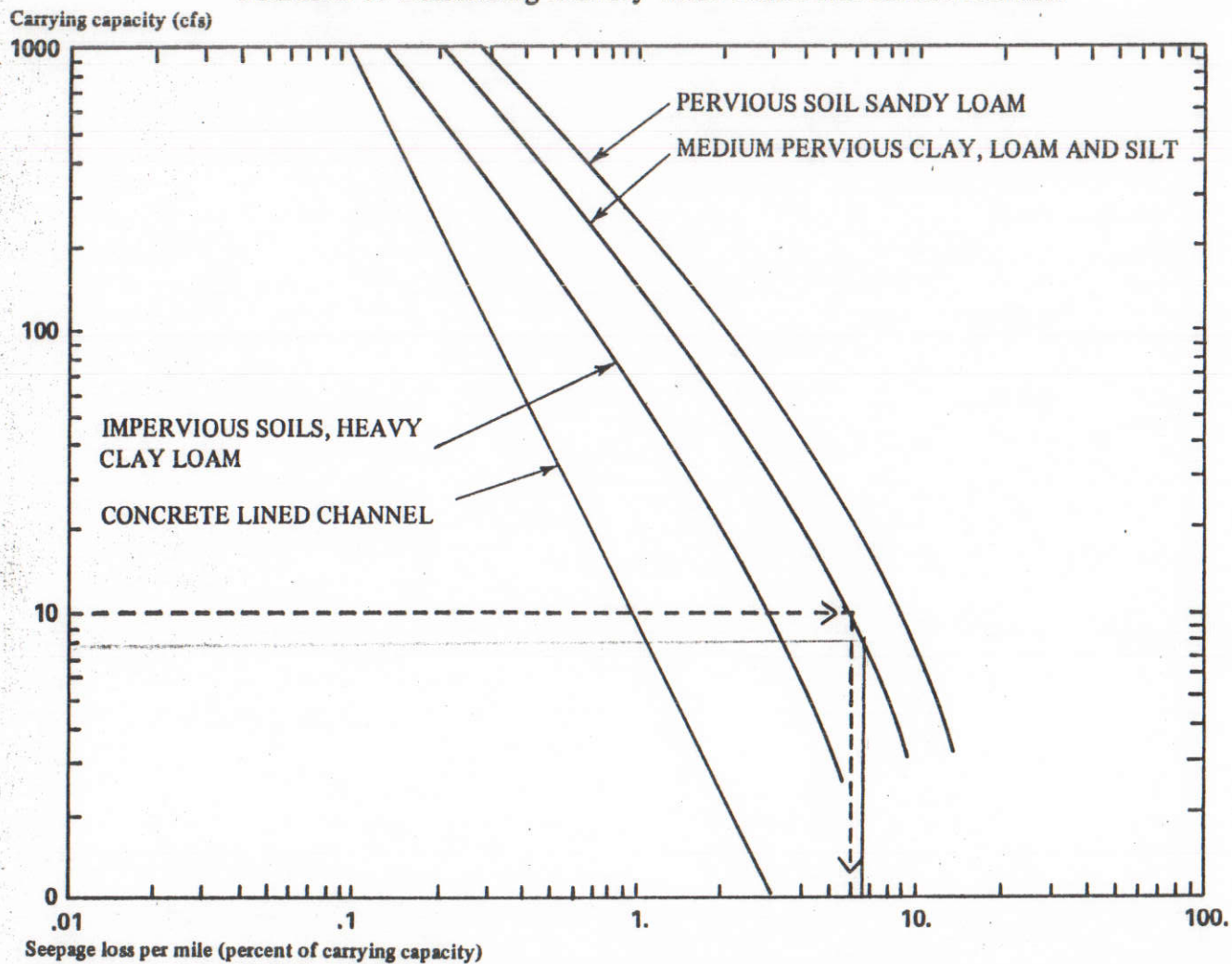
McCrometer Attachment with Straightening wires



Looking North west at Pumping plant

MICROFILMED
NOV 29 1996

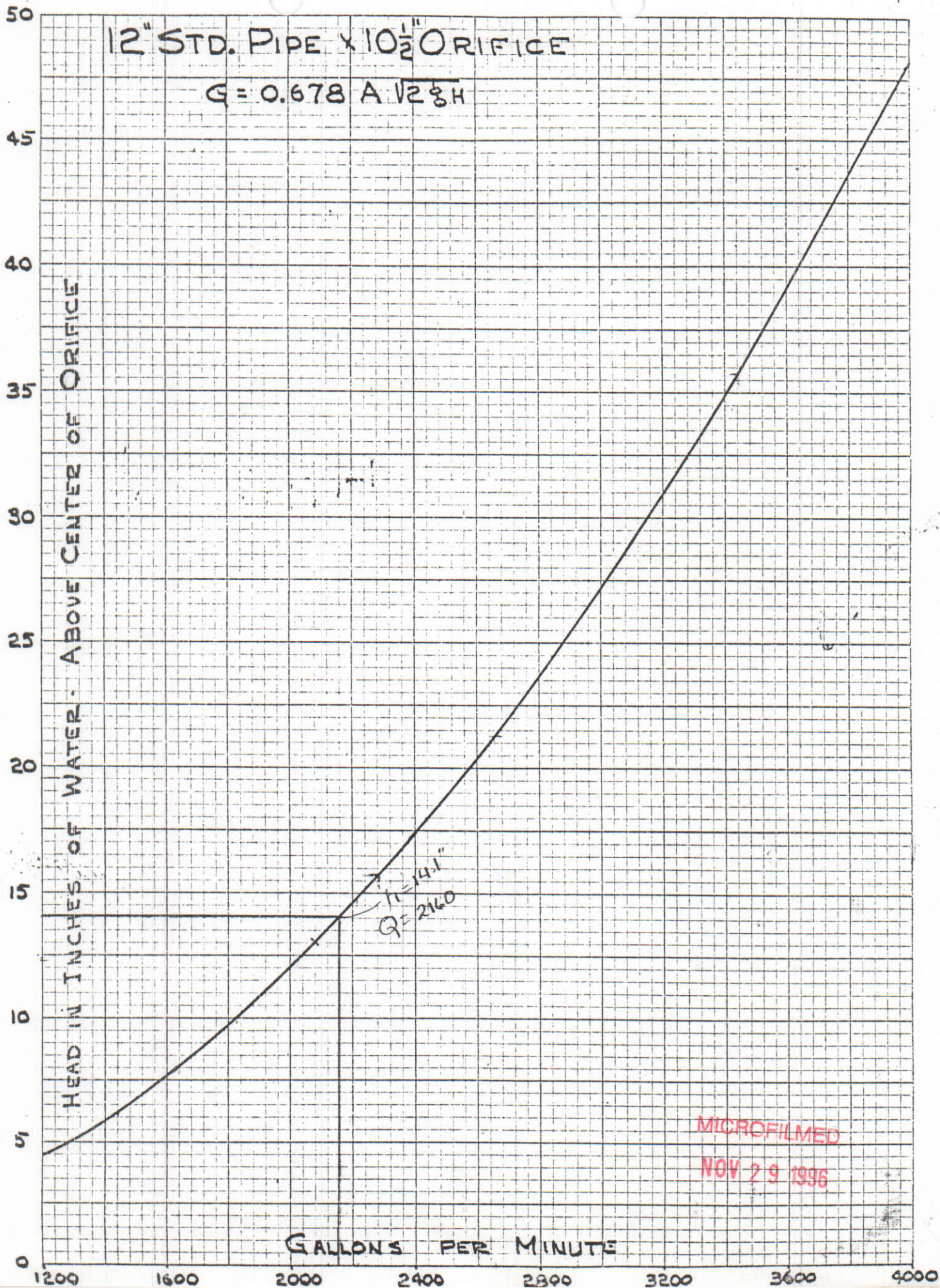
FIGURE 5. Estimating delivery water losses and Moritz formula



Estimated Seepage loss = $5.5\%/mi \times 2.6mi = 14.3\% \times 7.82cfs = 1.12cfs \times \text{prop share } \frac{5.41}{7.92} = .77cfs$

Total Allowable = $5.41cfs + .77cfs = 6.18$

NOV 29 1996 MICROFILMED



R. 13 E.

T. 9 S.
T. 10 S.

6
T
R
W
S
W
D
7
7
13
D
A
W
Z
D
19
R
B

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NOV 29 1996

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

Water is diverted from a 20" x 1280' Flowing Artesian Well into Salmon Falls Creek. It is then Rediverted via a 300hp and a 450 hp pump to the top of the canyon. Water is then transported via 2 1/2 miles of earth ditch and 1/4 mile of concrete ditch to a 50' x 180' x 4' earthen pond where 2 booster pumps (2-75hp and 1-60hp) or any combinations are used to pressurize the water into 1/4 mile of 12" ML, 1 1/2 mile 10" ML and 500' of 8" ML to 13 1/4 mile handlines with Nelson Flow Control Nozzle.

☐ See Remarks on page 4 for continuati

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Lift #1	CE	450	DSJ402614	Aurora	3X171503 3250 gpm @ 1000 RPM 440'
Lift #2	US	300	AC J11 8001	Aurora	3X172360 2500 gpm @ 480'
Booster #1	Westinghouse	75	7803	NORPAC	
Booster #2	US	60	1020944	L & Vertiline	D19758
Booster #3	CE	75	CLJ312505	Aurora Vertiline	V75 707015

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Well + Lift Pump		NE	SE	NE	20	10S	13E	T. F.	ASCS Photo
Booster		SE	NW	SW	5	10S	13E	"	USGS Quad

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	13E	32					40	39	39	40	40	39	39						276

REMARKS AND OVERLAP REVIEW ANALYSIS

Results of fluoride tests (Attached) show that the water coming from the well exceeds state water quality standards but after mixing with Salmon Falls Creek water it is well within limits.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afn)
	From	To		
Irrigation	3/15	11/15	6.0 cfs	1104 Afa
Totals:			6.0 cfs	1104 Afa

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name TERRY Blau
 Signature Terry Blau
 Certification Date _____
 Field Report Preparation Date _____

CONSULTANT SEAL

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

MICROFILMED
NOV 29 1996

Combined Meeting

47-7565 47-7573

47-7569 47-7571

47-7572

Informal Conference

Don Slavin Representing Howard & Jean Marshall

Existing Pumps & Ditches, Pipelines.

New Reservoirs, Pipelines will be Reg'd

} Howard Marshall
Filing

Jean Marshall Filing: well will be on East side
of Salmon Falls Creek

Wm Ringett Representing Easter Days & Thomas.

Diversion to Storage would be off-season

Estimates 40 Days of Diversion Required to Fill.

Q. bt Nungester: How many Reservoirs? A. 4 total

Nungester - water shortage mid June → mid July.

would off season Diversion reduce springs
& bank storage?

would well E of S.F. Cr., reduce creek
flows? Could water be bled out?

Could well affect Blue Gulch water table?

Magic water P.D. is 30 ft lower than Marshall Pumps.

Stream is replenished bt springs on east side.

Magic water Right is 94.57 cfs

Water Marshall: Existing Pumps have 27 cfs capacity

Elkon: Does S.F. Creek Replenish Ground water during winter

Min Diversion at Magic water was 85 cfs in 1977

Parties will try to reach Agreements on

Applications - bt 15 Jan 1980 on off-season

Pumping, 15 Feb 1980 on Jean Marshall well.

if no Agreement is reached, Dept will
make a decision Based upon Conference, taking

official notice of streamflow records submitted &
Bulletin #20 (Blue Gulch Study)

MLK

NOTICE OF
AMENDMENT TO A
WATER PERMIT
NO. 47-7569

Notice is hereby given that Jean L. Giuffre' of Boise, Idaho is the holder of approved permit No. 47-7569 authorizing the diversion of 20 cubic feet per second of water and/or 1500 acre-feet per annum from Salmon Falls Creek tributary of Snake River in the SENE, Sec. 20, T10S, R13E B.M., County of Twin Falls, to be used for diversion to storage (20 cfs) from September 1 to June 1; storage for irrigation (1500 af) from Jan 1 to Dec. 31; irrigation from storage (780 af) from March 15 to November 15, within NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SWSW, SWSE, Sec. 17, T9S, R13E for irrigation of 300 acres.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit to change the place of use and the amount as follows:

Point of diversion: No change

Place of Use: NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NWSW, Sec. 32, T9S, R13E for irrigation of 280 acres from

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 15265

I Linda Capps McSaurie being first duly sworn up-
oath, depose and say that I am Price 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
July 11, 1985, and ending with the issue dated
July 18, 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 McSaurie
Subscribed and sworn to before me on this 24 day of

July, 1985
Carolanne

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

Director
PUBLISH: **Thursdays,**
July 11, and 18, 1985.

**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:

47-7569

MARSHALL, HOWARD D.
185 BLAIR DRIVE, TWIN
FALLS, ID 83301

Source: SALMON FALLS
CREEK tributary to
SNAKE RIVER

Date Filed: 08/30/1979

Amount: 20.0 CFS 1500.0
AC-FT

Diversion Point: SENE Sec
20 T 10S R 13E, TWIN
FALLS Co.

Use: DIVERSION TO
STORAGE (20.0 CFS) from
09/01 to 06/01

IRRIGATION STORAGE
(1500.0 AC-FT) from 01/01
to 12/31

IRRIGATION FROM
STORAGE (780.0 AC-FT)
from 03/15 to 11/15

Place of Use: NENW NWNW
SWNW SENW NESW
SWSW SESW SWSE Sec
17 T 09S R 13E FOR 300
ACRES

Diversion Means: PUMPS,
PIPELINES AND DITCHES

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 re-
ceived on or before
OCTOBER 15, 1979.

STEPHEN ALLRED

Director

PUBLISH: **Thursdays,** Sept.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

N^o 8718

I, Linda L. Capps being first duly sworn
oath, depose and say that I am Public 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
September 27, 1979, and ending with the issue dated
October 4, 1979.

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 com-
petent 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 there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 5 day of

October, 1979.

Melba Rowlett-Smith
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

TRANSFER OF WATER RIGHT

TRANSFER NO. 5407
WATER RIGHT NO. 47-07569

This is to certify that: DRISCOLL BROTHERS PARTNERSHIP
C/O BROCK DRISCOLL
2250 S 3200 W
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	* 5.52 CFS	** 780.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON FALLS CREEK	SNAKE RIVER

Priority: 10/22/1979

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 20, Township 10S, Range 13E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 13E 34	NENE 39	NWNE 40	SWNE 40	
	SENE 39	NESE 39	NWSE 40	
	SESE 39			276
				Total number of acres irrigated: ** 276

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 47G.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

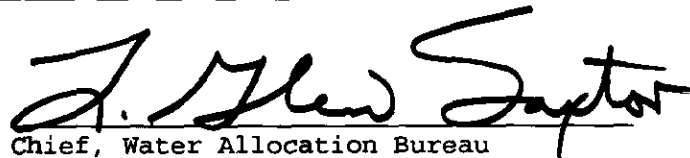
APR 28 2000

TRANSFER NO. 5407
WATER RIGHT NO. 47-07569

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. Rights 47-02316B, 47-02402, 47-02417, 47-07565, 47-07569, 47-07615, 47-07618 and 47-07642 when combined shall not exceed a total diversion rate of 24.71 cfs.
- ** 8. Rights 47-07565 and 47-07569 when combined shall not exceed a total annual maximum diversion volume of 1104.0 af at the field headgate and the irrigation of 276 acres.

Dated this 21st day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED
APR 28 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5407

RECEIVED

JUN 17 1999

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

DEC 14 1998

Department of Water Resources
Southern Region

Department of Water Resources

Name of applicant Driscoll Brothers Partnership % Brock Driscoll Phone 208-226-2168

Post Office address 2250 S. 3200 W. ABERDEEN, ID. 83210

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes TO MOVE WATER RIGHT TO
ANOTHER PART OF OUR FARM THAT DOES NOT CURRENTLY
HAVE A WATER RIGHT ON IT.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>47-07569</u>	<u>10/22/1979</u>	<u>5.52 cfs</u>	<u>IRRIGATION</u>	<u>04/01</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

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

3. Source of water SALMON FALLS CREEK tributary to SNAKE RIVER

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	20	10S	13E	TWIN FALLS	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
09S	13E	34	39	40	40	39									39	40		39	276

MICROFILMED
APR 22 2000

Total acres 276

PART 1

6. General Information:

- a. Description of diversion system PUMP FROM SALMON FALLS CREEK WITH
DITCH & PIPELINE(S) TO PLACE OF USE
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
CURRENT PLACE OF USE, WEST 1/2 SECTION 32 (T09S, R13E), WILL
NO LONGER BE IRRIGATED WITH THIS RIGHT. A COMPANION
TRANSFER IS BEING FILED TO MOVE WATER RIGHT 47-02369
TO THE WEST 1/2 OF SECTION 32 (T09S, R13E).
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

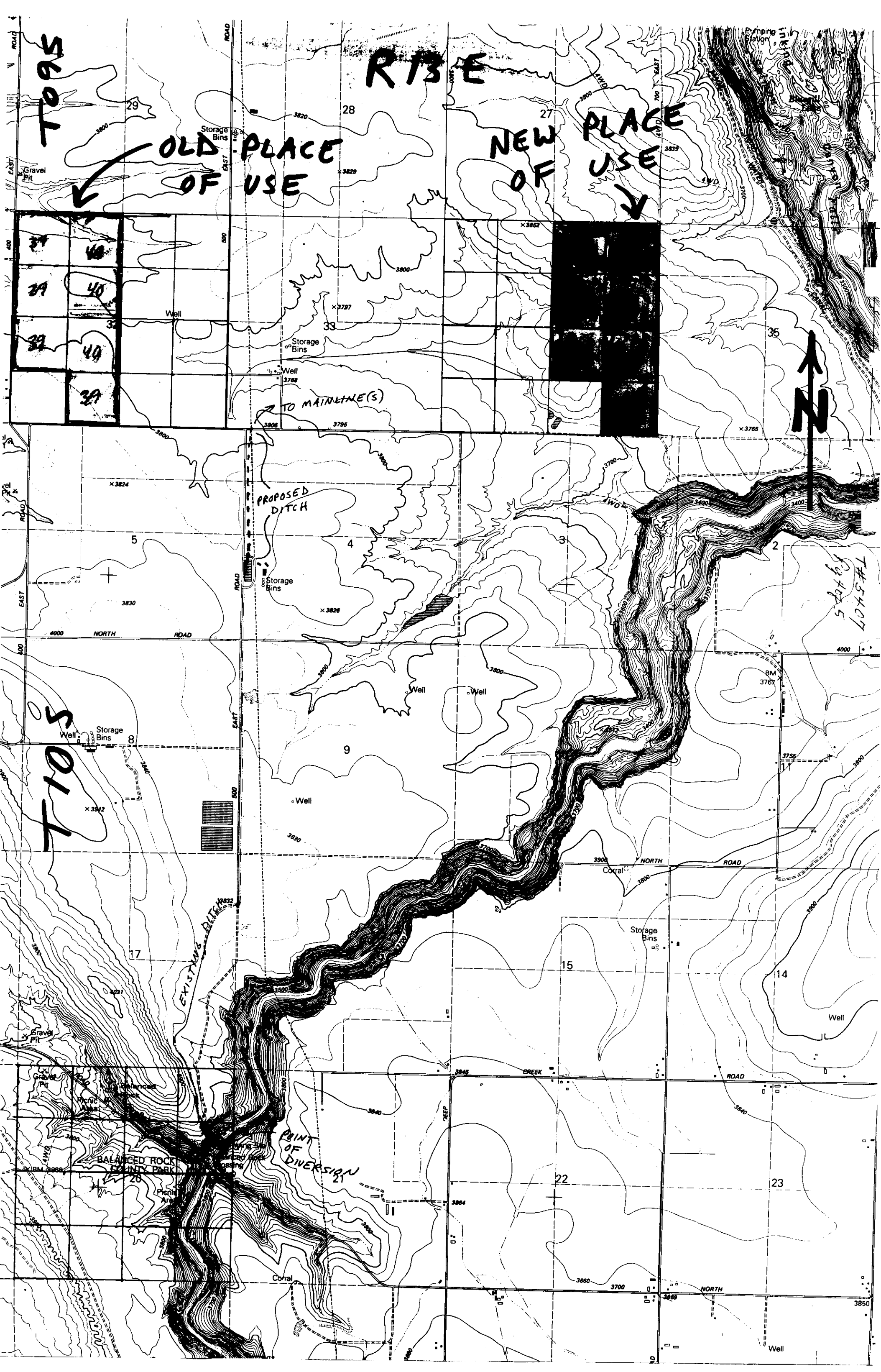
This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

APR 28 2000



TO 95

R13 E

OLD PLACE OF USE

NEW PLACE OF USE

PROPOSED DITCH

POINT OF DIVERSION

BALANCED ROCK COUNTY PARK

THE 5407
by 407.5

PART 2

TRANS NO. 5467

RECEIVED

DEC 14 1998

Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 47-07569

STAGE: LICENSE LICENSED 1979

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.52 CFS	780.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON FALLS CREEK	SNAKE RIVER

Priority: 10/22/1979

LOCATION OF POINT(S) OF DIVERSION:SENE , Sec. 20, Township 10S, Range 13E
TWIN FALLS CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 13E 32	NENW 40	NWNW 39	SWNW 39	
	SEnw 40	NESW 40	NWSW 39	
	SESW 39			276
				Total number of acres irrigated: 276

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 47G.
2. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 1104.0 af for the lands above.
5. This right when combined with Rights 47-02316B, 47-02316C, 47-02402, 47-02417, 47-07565, 47-07615, 47-07618, and 47-07642 shall not exceed a combined rate of diversion of 24.71 cfs.
6. This right is appurtenant to land designated as DLE No.
7. I-331(943).

MICROFILMED

APR 28 2000

RECEIVED

Transfer No. 5407

DEC 14 1998

Department of Water Resources
Southern Region

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

DRISCOLL BROTHERS & Brock Driscoll
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of December, 1998.

Steve Ollie
(Notary Public)

My commission expires 12/7/2000

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 2 attachments

Received by P. SKINNER Date 12/14/1998 Protest filed by None

Prelim. check by P. SKINNER Fee \$100.00 \$021676

Receipted by P. SKINNER Date 12/14/1998

Published in Buhl Herald, Times News Copies of protest forwarded by _____

Pub. dates March 10 & 17; 3/11 & 3/18/99 Hearing held by _____ Date _____

Watermaster recommendation requested on 2/24/99 Recommended for ☒ approval ☐ denial

_____ rec'd. by AD

Copy of transfer sent to lien holder _____

MICROFILMED
SEP 28 2000

EXHIBIT B

OPTION TO PURCHASE REAL ESTATE

This Option is given the 5th day of June, 1996, by Jean L. Giuffré and James V. Giuffré, wife and husband (the Optionors), to Driscoll Brothers Partnership, a partnership consisting of Brock Driscoll, Dirk Driscoll, Loraine Driscoll, and Thayne Driscoll (the Optionee).

1. Grant of Option. The Optionors, in consideration of the sum of \$20,000 received from the Optionee, give the Optionee the exclusive option to purchase, upon the following terms and conditions, that certain real estate and appurtenant water rights in Twin Falls County, Idaho (the real property) described in Exhibit "A."

2. Option Period. This Option shall run from the date hereof and shall terminate on November 1, 1997.

3. Exercise of Option. This Option may be exercised at any time during the aforementioned period by written notice to the Optionors, delivered or mailed by certified mail, return receipt requested, to the Optionors.

4. Price. The purchase price for the property is \$112,000.00, payable by the Optionee as follows:

(a) \$20,000, the sum paid for the Option, shall be credited against the purchase price. *Payment of \$20,000 Acknowledged.*

Herbert W. Marshall
(b) The balance of the purchase price, \$92,000, shall be deposited into escrow with the escrow agent in cash after the option is exercised and on or before the closing date.

5. Additional Consideration - CRP Program. The parties understand that the real estate described in Exhibit A is presently in the CRP program, under a contract running through 1997. *T# 5407*
~~\$13,750~~ due to Jean L. Giuffré under the CRP contract for

COPY

EXHIBIT A

NW¼, N½SW¼ and SE½SW¼, all in Section 32, Township 9 South, Range 13 East of
the Boise Meridian, Twin Falls, County, Idaho.

ON 12/28/1998
I CONTACTED THE
TWIN FALLS COUNTY
ASSESSOR'S OFFICE
AND VERIFIED THAT
DRISCOLL BROTHERS
OWNS THE WEST ½
OF SECTION 32 (T9S, R13E)


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SEP 28 2000

COPY

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-07569

Priority: October 22, 1979

Maximum Diversion Rate:

5.52 CFS

Maximum Diversion Volume:

780.0 AF

This is to certify, that JEAN L GIUFFRE
4027 SANDBAR LN
EAGLE ID 83616

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 30, 1979; and
has submitted Proof of Beneficial Use on February 28, 1986. An examination indicates
that the works have a diversion capacity of 24.710 cfs of water from:

SALMON FALLS CREEK

tributary to SNAKE RIVER

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	5.52 CFS	780.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 20, Township 10S, Range 13E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 13E 32	NENW 40	NWNW 39	SWNW 39	
	SENW 40	NESW 40	NWSW 39	
	SESW 39			276

Total number of acres irrigated: 276

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 that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
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. Use of water under this water right will be regulated by the watermaster of State Water District No. 47G.
6. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

MICROFILMED
NOV 29 1986

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 47-07569

CONDITIONS OF APPROVAL AND REMARKS

7. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 1104.0 af for the lands above.
9. This right when combined with Rights 47-02316B, 47-02316C, 47-02402, 47-02417, 47-07565, 47-07615, 47-07618, and 47-07642 shall not exceed a combined rate of diversion of 24.71 cfs.
10. This right is appurtenant to land designated as DLE No. I-331(943).

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 7th
day of November, 1996.


Acting for KARL J. DREHER, Director

MICROFILMED
NOV 29 1996

CONVERSATION MEMORANDUM

DATE 11-30-88FILE 47-7569NAME OF PARTY Jim JohnsonEMPLOYEE Terry Brun

RE: _____

Water 1st used 4/81 according to ProofAug-86 letter DLE Rejected Appealed - p-10-1-87 - Record of BLM June 9-1987 Patent issued.Needs Exam fee before Exam can be doneNo Exam fee Notice has been sent.8/4/89 Wayne called and letter sent to his sister dated 6/30/89Called Jim J. Their file did not show 12/15/88Proof. Sent Copy of same to sister.

RECEIVED

STATE OF IDAHO DEC 15 1988

Department of Water Resources
SOUTHERN REGION OFFICE

For Office Use Only
Fee Received 125.00
Date 12/15/88
Receipt # 500 4499
Receipt by M. Baldwin
Reviewed by _____
Sent to region 5.0. 12/15/88

This form has already
been filed but the
fee wasn't paid.
Consider the
original form as
the proof of beneficial
use form.

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. 47-7569

Name(s) of Permit Holder: Jean Giuffré

Post Office Address: Rt. 4, Box 100, Asotin, Wa. 99402

Telephone No. 509-243-4881

Source of Water: Salmon Falls Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation 280 (acres) Other/Remark _____

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: before October 1984

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Fee enclosed \$ 175.00
(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:

Wayne Marshall
(Name)

733-3983
(Telephone Number)

185 Blair Dr., Twin Falls, Id
(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.

Wayne R. Marshall (agent for permit holder)

Date

Signature of Permit Holder (and title, if appropriate)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7569 IN THE)
NAME OF JEAN L. GIUFFRE') ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before April 1, 1985; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

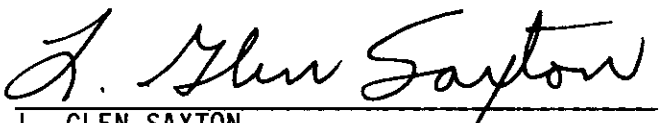
WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit the proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 24, 1985;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-7569 be REINSTATED and the priority advanced to October 22, 1979.

Dated this 27th day of March, 1986.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

FEB 28 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 47-7569

Name(s) of Permit Holder: Jean L. Giuffré

Post Office Address: 10945 Jamie Road, Boise, Id. 83703

Telephone No. 939-8783

Source of Water: Salmon Falls Creek

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 280 _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: ~ April 1981

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

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

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

Wayne Marshall
(Name)

185 Blair Dr, Twin Falls, Id. 83301 733-3983
(Address) (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

February 24, 1986
Date

Jean L. Giuffré
Signature of Permit Holder (and Title, if appropriate)

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3-26-86
JD

Girtle
10945 Janie Rd
Boise, ID 83703



**Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use

APPROVED

Comes now Jean L. Giuffre'

of (address) 10945 Janie Road - Boise, Idaho 83703, 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. 47-7569, and requests that the permit and permit map be changed as follows:

(no change)

1. Point of diversion: SE 1/4 NE 1/4, Section 20, Township 10S, Range 13E, B.M.,
County of Twin Falls. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 5.6 for irrigation purposes from Sept 1 to Nov 15 (both dates inclusive)
(cfs or acre feet per annum)

Amount 5.6 for irrigation purposes from Mar 15 to June 1 (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)

Total 5.6 cfs

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	13E	32					40	40	40	40	40	40		40					280

Total number of acres to be irrigated = 280

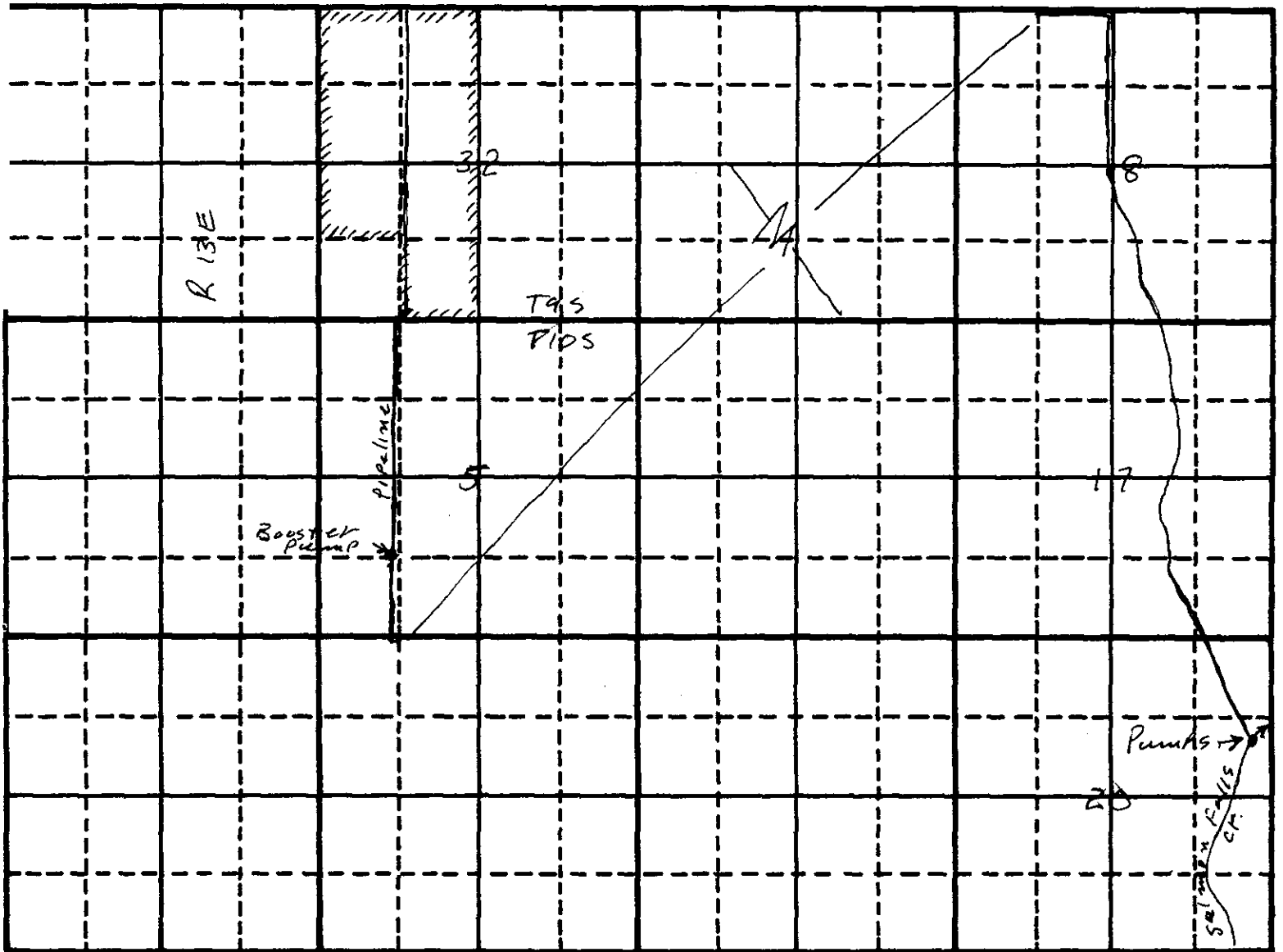
4. a. Who owns the property at the point of diversion? no change
b. Who owns the land to be irrigated or the place of use? U. S. Govt.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: The place of use is allowed DLE I-331(943) in the name of
the applicant

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

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Scale: 2 inches equal 1 mile.

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

Signed at Boise, this 28 day of May, 19 85.

Jean L. Siuffie
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by IB Fee = \$20.00

Received by mm Date 5/30/85 # 35371

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
APPROVE the above referenced Amendment. Total volume diverted under this permit
shall not exceed 780 acre-feet/annum. Approval is subject to the conditions
of the Memorandum Decision and Order issued 4/21/1980.

Witness my hand this 17th day of October

L. Glen Saxton
Chief, Operations Bureau

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	47-7569	Howard D. Marshall	20 cfs 1500 AF
Full Assignment	47-7569	Jean L. Giuffre	20 cfs 1500 AF
Amendment (change nature of right)	47-7569	Jean L. Giuffre	5.6 cfs

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RECEIVED

MAY 28 1985

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

RECEIVED

MAY 24 1985

Department of Water Resources

Howard D. Marshall, hereby assign to

Jean L. Marshall
Department of Water Resources
Southern District Office

of 10945 Janie Road, Boise, Idaho 83703

Address

TO RECORD

/XX/ All my right, title, and interest, in and to Permit No. 47-7569 to appropriate the public waters of the State of Idaho.

L. / 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 17th day of May 1985

x Howard D. Marshall

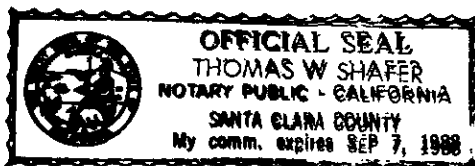
Permit Holder

x Jean L. Marshall

Spouse of Permit Holder

State of ~~Idaho~~ California)
County of SANTA CLARA) ss.

On this 17th day of MAY, 1985, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



My commission expires: 9/7/88

Thomas W. Shafer
Notary Public residing at

LOS CATOS, CALIF. 95030

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 47-7569 IN
THE NAME OF HOWARD D. MARSHALL

MEMORANDUM DECISION
AND ORDER

On the 30th day of August, 1979, Howard D. Marshall applied to the Department of Water Resources for the appropriation of public waters from Salmon Falls Creek, a tributary to the Snake River. The proposed point of diversion is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, Twp. 10S, Rge. 13E, B.M., Twin Falls County, Idaho and declares the intention to divert 20 cubic feet per second from Salmon Falls Creek from September 1 to the following June 1 of each year. Water so diverted is to be conveyed through existing pumps, pipelines and ditches and aided by a new buried pipeline. Once diverted, the same will be stored in an earth and plastic reservoir with a total capacity of 780 acre feet and will require the diversion of 1,500 acre feet to storage. The 780 acre feet are to be released from storage for irrigation purposes between March 15 and November 15 of each year. Water diverted is to be applied to 300 acres located in Sec. 17, Twp. 9S, Rge. 13E B.M. being allowed desert entry filing No. I-1995.

Notice of this Application for Permit to appropriate the Public Waters of the State of Idaho was published in the Twin Falls Times News on September 27 and October 4, 1979. A protest against the granting of said application for permit was received from Magic Water Company, Inc. on September 24, 1979. The protestant protested the granting of application to appropriate water on the grounds that it might interfere with the protestant's water and for the following reasons:

- 1) That the proposed well would reduce the quantity of water available to fulfill protestant's permit,
- 2) Would inhibit or reduce springs flowing into Salmon Falls Creek,
- 3) That the water supply is insufficient for the purpose for which it is sought to be appropriated,
- 4) That the application is not made in good faith,
- 5) That the application is made for delay and/or speculative purposes, and
- 6) That the application lacks sufficient financial resources to complete the work involved.

On the 27th day of November, 1979 a conference was held in Twin Falls, Idaho

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and was conducted in accordance with the rules and regulations and practices and procedures of the department. The applicant was represented by Daniel A. Slavin, his attorney, and Wayne Marshall. The protestant, Magic Water Company, Inc., was represented by William L. Nungester, an attorney, and Kenneth P. Elkin, a member of the Board of Directors who presented the protestant's concerns.

The primary concern of the protestant was that the diversion of waters by the applicant would not allow a sufficient downstream flow to supply protestant's water right because the water needs of the protestant cannot be anticipated and without an appropriate measuring gauge, the diversion of water by the applicant at the proposed point of diversion could deprive the protestant of permitted waters for two reasons:

- 1) The natural lag time between the diverse points of diversion; and
- 2) The time required to fill natural high water basins between applicant's point of diversion and protestant's point of diversion. Applicant responded that protestant's water right is adequately protected by its priority in time.

It was proposed that applicant and protestant have to and until January 15, 1980 in which to reach a satisfactory arrangement between themselves for the diversion of water to the applicant without interfering with protestant's rights under its prior water right. The department agreed to delay the determination until after January 15, 1980.

January 15, 1980, having passed without notice of any compromise agreement reached between protestant and applicant, and the department having taken the issues under consideration, and based upon the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- 1) Howard D. Marshall has an allowed desert entry filing No. I-1995 to 320 acres in Sec. 17, Twp. 9S, Rge. 13E, B.M., Twin Falls County, Idaho.
- 2) There is an adequate stream flow in Salmon Falls Creek from September 1 to June 1 of any year to allow for the diversion of 1,500 acre feet of water without interfering with existing and prior water rights.
- 3) The water will be diverted to storage through an existing pump and pipeline system.

CONCLUSIONS OF LAW

- 1) The proposed Application for Permit to Appropriate the Public Water of the State of Idaho during the months from September 1 to June 1, inclusive, will not reduce the quantity of water available to fulfill existing permits.

2) There is no evidence that the available water supply during off-season months is insufficient for the purpose for which it is sought to be appropriated.

3) The application is made in good faith.

4) The application is not made for delay and/or speculative purposes.

5) The applicant does not lack the required financial resources to complete the work involved.

6) That the objections of the protestant are adequately protected from interference by its priority filing during authorized periods of diversion.

7) That Application for Permit No. 47-7569 should be in all respects granted and approved.

ANALYSIS

The application of Howard D. Marshall is for the diversion of off-season water from Salmon Falls Creek to an allowed desert land entry. The diversion will be made through existing pumps and pipelines and through a pipeline to be hereafter constructed. The diversion of off-season water into a reservoir system does not interfere with existing water rights to the extent that water in Salmon Falls Creek will be available. At such time as the diversion of water for the allowed permit would interfere with pre-existing water rights, then the priority created by those pre-existing water rights will automatically terminate applicant's continued right to appropriate waters and thereby afford prior waterusers with adequate protection for the application of existing waters. It is the existing priorities that control the use of water and until existing priorities are found to be in conflict with the application to appropriate public waters in the off-season, the application for permit to appropriate those public waters during the off-season does not violate nor interfere with the rights of protestant nor other known waterusers.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit to Appropriate the Public Waters of the State of Idaho, Permit No. 47-7569, is APPROVED subject to the following conditions:

1) Diversion of water under this permit shall be subject to the control of the watermaster of State Water District No. 47-C.

2) A measuring device capable of recording the total volume of water diverted shall be installed and maintained as part of the diverting works.

3) The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

4) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

5) Proof of construction of works and application of water to beneficial use is due on or before April 1, 1985.

Dated this 21 day of April, 1980.


C. STEPHEN ALLRED

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 47-7569

AUG 30 1979

To appropriate the public waters of the State of Idaho

APPROVED
SOUTHERN DISTRICT OFFICE

1. Name of applicant Howard D. Marshall Phone 733-3983

Post office address 185 Blair Drive, Twin Falls, Idaho 83301

2. Source of water supply Salmon Falls Creek which is a tributary of Snake River

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 10S

Range 13E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 20 for storage purposes from Sept 1 to June 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1500 af for irrigation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 780 af for storage purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

a. 20 cubic feet per second and/or b. 1500 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing pumps, pipelines and ditches
and new buried pipeline

b. Height of storage dam 15 feet, active reservoir capacity 780 acre-feet; total reservoir capacity 780 acre-feet, materials used in storage dam: earth and plastic

Period of year when water will be diverted to storage Sept 1 to June 1 inclusive.
(Month/Day) (Month/Day)

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 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

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

(3) List number of each kind of livestock to be watered _____

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

(5) If water is to be used for other purposes describe: _____

RECORDED

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	
9S	13E	17					40	40	40	40	40		20	40			40		300

Total number of acres to be irrigated 300

c. Describe any other water rights used for the same purposes as described above. Filed under Canyon View Irrigation Co. 320 shares

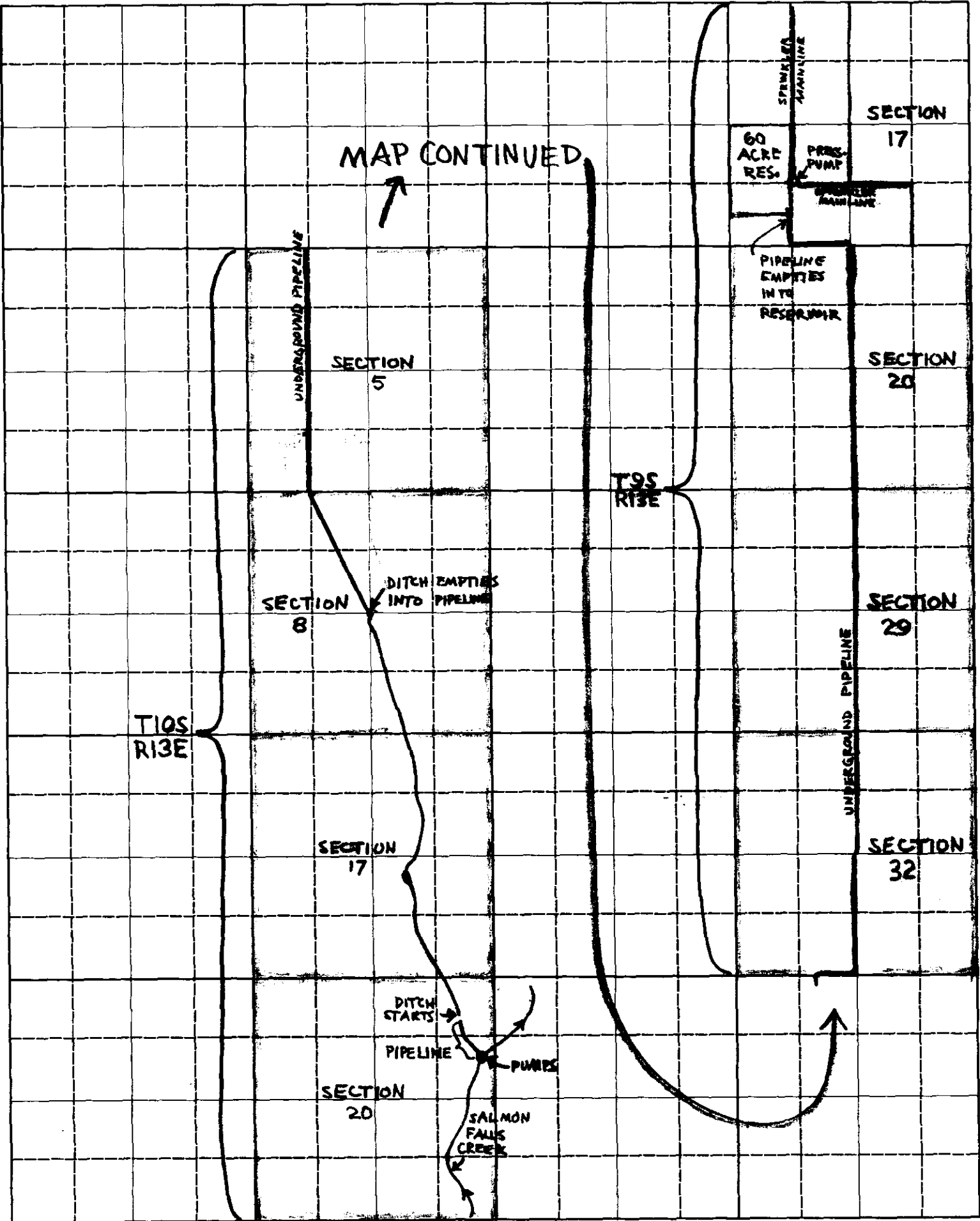
9. a. Who owns the property at the point of diversion Ken Marshall and Wayne Marshall

b. Who owns the land to be irrigated or place of use U. S. Govt. (280 acres), Ken Marshall (20 acres)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The subject 320 acres is an allowed Desert Entry filing No. I-1995 in the name of Howard D. Marshall.

10. Remarks This application is made on the basis of "off season" pumping through existing pumps in Salmon Falls Creek along with storage reservoir on the subject property.
Existing water rights will have priority. The water is being applied for is not being used and is excess water during the off-season for irrigation

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 D. Marshall
(Applicant)

Received by TGB Date 8-30-79 Time 5:00

Preliminary check by [initials] Fee \$ 225.00

Received by TGB Date 8-30-79 # 13312

Publication prepared by marya Date 9/5/79

Published in times news

Publication dates 8/20 & 9/27/79 & 10/4/79

Publication approved marya Date 10/2/79

Protests filed by: magin water co 9-24-79

Copies of protests forwarded by LH 10-16-79

Hearing held by BDF Date Nov 27, 1979

Recommended for approval denial by LH

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. 47-7569, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 85.
- 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: PURSUANT TO MEMORANDUM DECISION AND ORDER

Witness my hand this 21 day of April, 19 80.

[Signature]
Deputy Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 47-7573 IN)
THE NAME OF LORENE EASTERDAY, APPLICATION)
FOR PERMIT NO. 47-7572 IN THE NAME OF)
LENARD EASTERDAY, APPLICATION FOR PERMIT)
NO. 47-7569 IN THE NAME OF HOWARD D.)
MARSHALL, AND APPLICATION FOR PERMIT NO.)
47-7571 IN THE NAME OF JOHN M. THOMAS)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 24rd day of April, 1980, true and correct copies of the foregoing MEMORANDUM DECISION AND ORDERS, were mailed, postage pre-paid to:

Lorene Easterday
Route 2
Buhl, ID 83316

William L. Nungester
Attorney at Law
P. O. Box 589
Buhl, ID 83316

Lenard Easterday
Route 2
Buhl, ID 83316

William F. Ringert
Attorney at Law
P. O. Box 2773
Boise, ID 83701

Howard D. Marshall
185 Blair Drive
Twin Falls, ID 83301

Magic Water Company, Inc.
Route 3
Buhl, ID 83316

John M. Thomas
P.O. Box 446
Caldwell, ID 83605

Daniel A. Slavin
Attorney at Law
P. O. Box 83
Twin Falls, ID 83301


RITA I. FLECK

RECEIVED



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

March 22, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DRISCOLL BROTHERS PARTNERSHIP
C/O BROCK DRISCOLL
2250 S 3200 W
ABERDEEN ID 83210

RE: Water Right 47-07569 (Transfer 5407)

Dear Mr. Driscoll:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5407). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

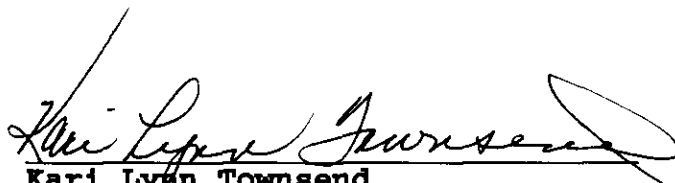
APR 28 2000

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of **March**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 47-07569 (Transfer 5407)

**DRISCOLL BROTHERS PARTNERSHIP
C/O BROCK DRISCOLL
2250 S 3200 W
ABERDEEN ID 83210**


**Kari Lynn Townsend
Secretary**

MICROFILMED
APR 28 2000



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 22, 2000

CHARLES RUNYON
WATERMASTER
4795 N 700 E
BUHL ID 83316

RE: TRANSFER OF WATER RIGHT 47-07569 (Transfer 5407)

Dear Charles:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5407) in the name Driscoll Brothers Partnership, c/o Brock Driscoll.

If you have any questions, please call me at 208-327-7940.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Peppersack".

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

APR 28 2000

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

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED
APR 28 2003

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

SEP 28 2000

01-99

State of Idaho
Department of Water Resources

RECEIVED RECEIVED

JUL 13 1999

JUL 08 1999

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Southern Region

Application No: 47-07569

Applicant's Name: Driscoll Brothers Partnership

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

c) ☐ I oppose approval of this application for the following reasons: _____

d) Additional Comment : _____

Dated this 7 day of July, 1999.

Water District No: 47G

Charles Rumba
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED

APR 28 2000

T# 5409

RECEIVED

JUN 17 1999

Department of Water Resources

FROM: Allen Merritt 

DATE: May 26, 1999
Amended : June 14, 1999

TO: Transfer File No. 5406
Water Right: 47-07565

Transfer File No. 5407
Water Right: 47-07569

Transfer File No. 5410
Water Right: 47-02369

In the Name of: Driscoll Brothers Partnership

SUBJECT: Review and Recommendation

These three transfers are inter-related. T5406 and T5407 move surface and groundwater systems to land once irrigated but now dry. T5410 moves groundwater to land dried up by first two transfers. The land presently covered by T5410 will remain dry.

The transfers were advertised without protest.

Shape files for the transfers as proposed have been placed on IDWR604 D:Basins/b47/transfers.

See Skinner's 12/28/98 memo for details.

Lienholder has responded acknowledging and allowing transfer but the watermaster has not commented although being sent request several times. Recommend processing without comment. Diversions exist and would not require change.

RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions:

T5406 & T5407

- Under control of watermaster 47-G.
- Measuring device maintained on PD on Salmon Falls Creek and on well for use by watermaster.
- No new well or P/D authorized to be established. (utilize existing facilities)

T5410

- Measuring device on well.
- No new wells authorized to be drilled.

MICROFILMED

APR 28 2000

RECEIVED

JUN 9 1999

Department of Water Resources
Southern Region

CONSENT

This matter involves a 280 acre farm property under Contract of Sale from Jean L. Giuffre', et al, to Driscoll Brothers.

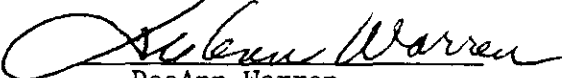
The farm is described as the NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 9 South, Range 13 EBM., Twin Falls County, Idaho.

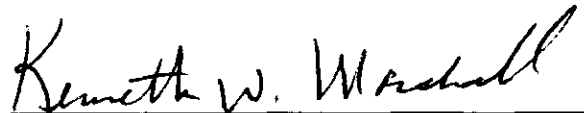
The sellers (Giuffre' et al) are aware that Driscolls have made application to Idaho Department of Water Resources to move around or shift certain water rights (or applications) that will involve the aforementioned farm. Reference is made to applications #5406 and #5407.

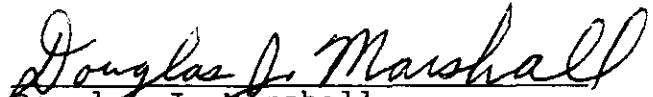
The water rights referred to are A47-07569 and 07565.

The undersigned agree to the proposed changes and also agree to the proposed transfers.

June 3, 1999
signed in my presence,
notary public, DeeAnn Warren
commission expires 3-9-2000

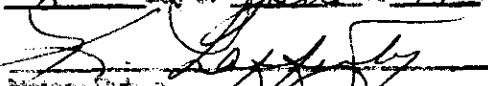

DeeAnn Warren
Twin Falls ID 83301


Kenneth W. Marshall


Douglas J. Marshall

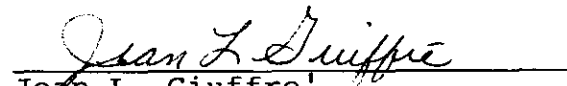

Wayne R. Marshall

Subscribed and sworn to before me this
8th day of June 1999.


Notary Public

Residing at

Seal expires 1-29-2000


Jean L. Giuffre'

APR 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

May 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN BROCK DRISCOLL
DRISCOLL BROTHERS PTN
2250 S 3200 W
ABERDEEN ID 83210

RE: APPLICATION FOR TRANSFER NOS. 5406, 5407, & 5410

SECOND REQUEST

Dear Mr. Driscoll:

Legal advertising has been completed on the above referenced applications with no protests filed against the applications.

As requested in our correspondence dated 3/1/99, a notarized statement from any lien holder on the property is needed before the application can be forwarded to our state office for approval.

Failure to supply the requested information within 30 days from the date of this letter could result in a regional recommendation that the application be declared void.

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

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

MICROFILMED
APR 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

May 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES RUNYON, WATERMASTER
WATER DISTRICT #47-G
4795 N 700 E
BUHL ID 83316

SECOND REQUEST

Re: Application for Transfer of Water Right Nos. 47-07565, 47-07569, & 47-02369 (T# 5406, 5407 & 5410)

Dear Mr. Runyon:

Please refer to our correspondence dated 2/24/99 in which we requested your input regarding the above referenced Applications for Transfer.

Please find enclosed another copy of the Applications for Transfer and Watermaster's Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Final processing of the applications cannot be completed until we receive your recommendations; therefore, your prompt response to this request will be appreciated.

If you have any questions about the applications, please contact this office or the applicant.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

MICROFILMED

APR 28 2000

FROM: Allen Merritt *AM*

DATE: May 26, 1999

TO: Transfer File No. 5406
Water Right: 47-07565

Transfer File No. 5407
Water Right: 47-07569

Transfer File No. 5410
Water Right: 47-02369

In the Name of: Driscoll Brothers Partnership

SUBJECT: Review and Recommendation

These three transfers are inter-related. T5406 and T5407 move surface and groundwater systems to land once irrigated but now dry. T5410 moves groundwater to land dried up by first two transfers. The land presently covered by T5410 will remain dry.

The transfers were advertised without protest.

Shape files for the transfers as proposed have been placed on IDWR604 D:Basins/b47/transfers.

See Skinner's 12/28/98 memo for details.

RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions:

T5406 & T5407

- Under control of watermaster 47-G.
- Measuring device maintained on PD on Salmon Falls Creek and on well for use by watermaster.
- No new well or P/D authorized to be established.
(utilize existing facilities)

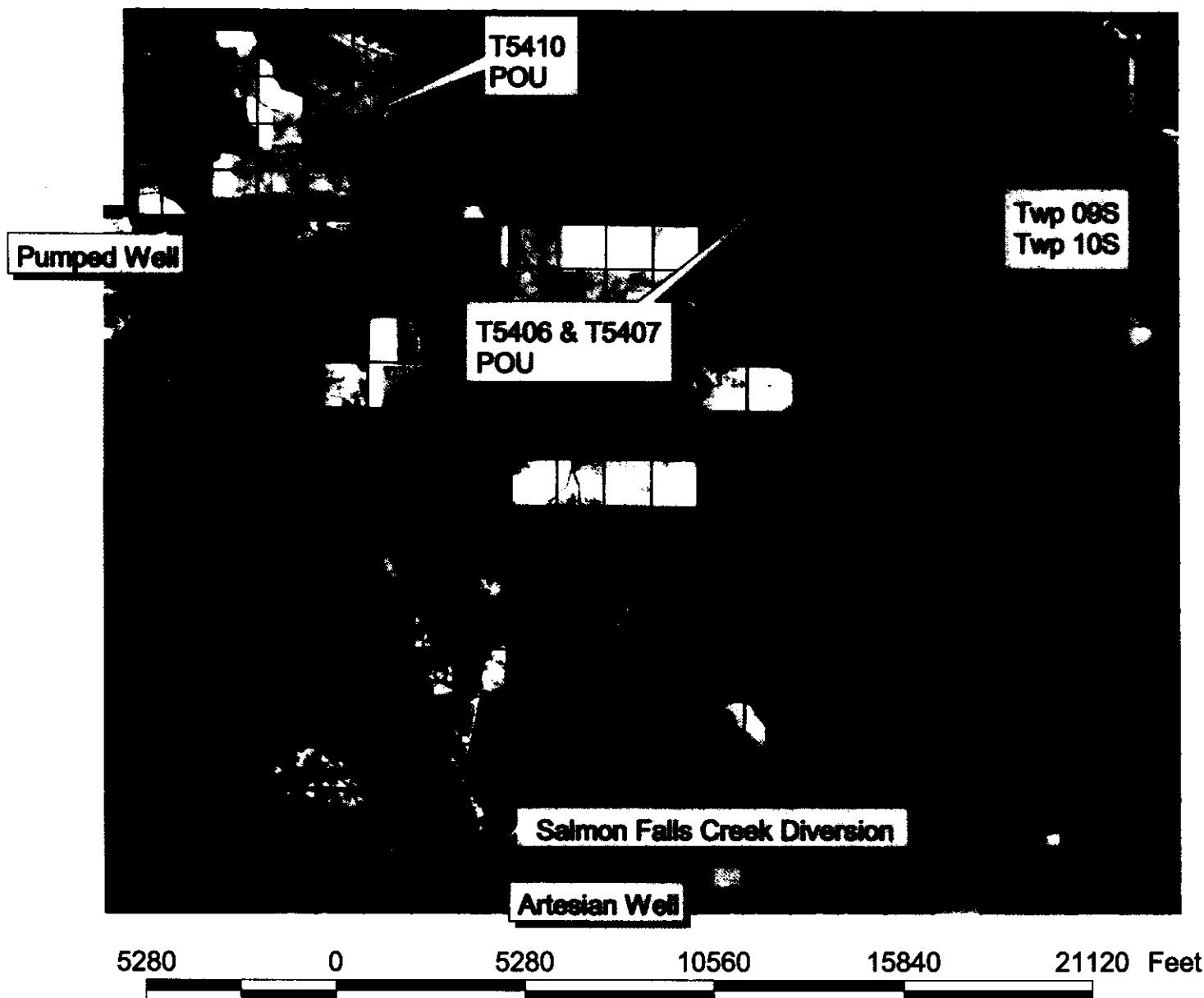
T5410

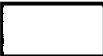
- Measuring device on well.
- No new wells authorized to be drilled.

MICROFILMED

APR 28 2000

IDAHO DEPARTMENT OF WATER RESOURCES
TRANSFER NO. 5406, 5407 & 5410
IN THE NAME OF : Driscoll



-  **PLACE OF USE**
-  **POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER LINES**

MICROFILMED
APR 28 2000

CREATED BY : ADM
May 25, 1999

*Shades on Twp 602
D. 6131ms / 647 / 41ms 602*

NAPP PHOTO CIRCA 1987 & 1988

Affidavit of Publication

RECEIVED

MAY 13 1999

Department of Water Resources
Southern Region

State of Idaho

County of Twin Falls

ss.

Water Right Changes Proposed

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Driscoll Brother Partnership c/o Brock Driscoll, 2250 S 3200 W, Aberdeen, ID 83210 has applied to three (3) Transfers to the Department of Water Resources for changes to the water rights listed below.

T# 5407

The purpose of Transfer No. 5407 is to change the place of use.

PRESENTLY, Water Right No. 47-07569 (5.52 cfs) with a priority date of 10/22/1979 is diverted from Salmon Falls Creek tributary of the Snake River within SENE S20, T10S, R13E for irrigation of 276 acres within parts of S32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE

The applicant wishes to divert 5.52 cfs from the same point of diversion listed above for irrigation of 276 acres. The new place of use is located within parts of the E1/2 of S34, T09S, R13E; Twin Falls County.

T# 5406

The purpose of Transfer No. 5406 is to change the place of use and add existing injection and redirection points.

PRESENTLY, Water Right No. 47-07565 (4.47 cfs) with a priority date of 08/30/1979 is diverted from groundwater within SENE, S20, T10S, R13E, for irrigation of 276 acres within parts of S32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE

The applicant wishes to divert 4.47 cfs from an existing well within SENE, S20, T10S, R13E, inject 4.47 cfs into a surface water source (Salmon Falls Creek) and re-divert 4.47 cfs from the surface water source within the same tract as listed above for irrigation of 276 acres. The new place of use is located within parts of the E1/2 of S34, T09S, R13E; Twin Falls County.

T# 5410

The purpose of Transfer No. 5410 is to correct recorded point of diversion and change the place of use.

PRESENTLY, Water Rights No. 47-02369 (4.91 cfs) with a priority date of 12/10/1962 is diverted from groundwater within SWSW, S32, T09S, R13E, for irrigation of 312 acres within parts of S31 & 32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE

The applicant wishes to divert to 4.91 cfs from an existing well and correct the recorded point of diversion listed above to reflect the location as being located within SWSESE, S31, T09S, R13E, for irrigation of 312 acres. The new place of use is located within the W1/2 of S32, T09S, R13E; Twin Falls County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 29, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Buhl Herald on 3/10 & 3/17/1999.

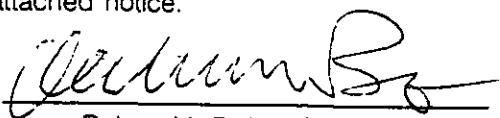
(Published in the Buhl Herald March 10 & 17, 1999. 14t2)

I, Robert M. Bailey, do solemnly swear that I am the publisher of The Buhl Herald, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper

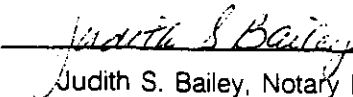
March 10 & 17, 1999

that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in Buhl, Twin Falls County, Idaho, for a period of more than 78 weeks prior to the first publication of the attached notice.


Robert M. Bailey, Publisher

Subscribed and sworn to before me this
17th day of March, 1999


Judith S. Bailey, Notary Public.

Residing at Buhl, Idaho

My Commission Expires

March 6, 2002

OK
MB
5/18/99
MICROFILMED

APR 28 2000

T#5407

APPLICANT: Briscoll Bros. Ptn. WATER RIGHT NO. 47-07569

[illegible]

MAY 13 1999

Department of Water Resources
Southern Region Office

Buhl Herald, Inc.

124 South Broadway, P.O. Box 312

Buhl, Idaho 83316-0312

Phone 1-(208)-343-4335

Statement of Account 3/31/99

State of Idaho #7240

Department of Water Resources

1341 Fillmore Street, Suite 200

Twin Falls, Idaho 83301-3380

3/10/99 - 27961 Legal Ad 136.62

Total 136.62

T#5407, T#5406,
T#5410

OK
MB
5/18/99



MICROFILMED

APR 28 2000

DEPT WATER RESOURCES

5 03/18/99 0

03/11/99 03/18/99

2	LGL	
	FC	215.18
		215.18

T# 5406, 5407, 5410
47-07565 et al

OK MB
3/22/99

215.18 215.18*

RECEIVED
MAR 19 1999
Department of Water Resources
Southern Region

208984 050
LEGAL

DRISCOLL BROTHER WATER RIGHT

03/11/99	03/18/99	GROSS AMOUNT OF
		215.18
03/18/99	208-736-3033	DUE AFTER

VISA MASTERCARD

[illegible]

EXPIRATION DATE: ____ / ____ / ____

SIGNATURE: _____

MICROFILMED

215.18

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

83301

11/11/2011 11:11:11

APR 28 2000

[illegible]

RECEIVED

MAR 15 1999

Department of Water Resources
Southern Region

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 31547

I, Emily McKnight being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for two consecutive weeks,
commencing with the issue dated March 11, 19 99,
and ending with the issue dated March 18, 19 99.

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

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

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 18th day of March in the year of 1999, before me,
a Notary Public, personally appeared Emily McKnight,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Jewell R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

5/19/2000

OK
MB
3/22/99

MICROFILM

APR 28 2000

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

Notice is hereby given that Driscoll Brothers Partnership c/o Brock Driscoll, 2250 S 3200 W, Aberdeen, ID 83210 has applied for three (3) Transfers to the Department of Water Resources for changes to the water rights listed below.

T# 5407

The purpose of Transfer No. 5407 is to change the place of use. **PRESENTLY**, Water Right No. 47-07569 (5.52 cfs) with a priority date of 10/22/1979 is diverted from Salmon Falls Creek tributary of the Snake River within SENE S20, T10S, R13E for irrigation of 276 acres within parts of S32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE
The applicant wishes to divert 5.52 cfs from the same point of diversion listed above for irrigation of 276 acres. The new place of use is located within parts of the E1/2 of S34, T09S, R13E, Twin Falls County.

T# 5406

The purpose of Transfer No. 5406 is to change the place of use and add existing injection and redirection points.

PRESENTLY, Water Right No. 47-07565 (4.47 cfs) with a priority date of 08/30/1979 is diverted from ground-water within SENE, S20, T10S, R13E, for irrigation of 276 acres within parts of S32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE
The applicant wishes to divert 4.47 cfs from an existing well within SENE, S20, T10S, R13E, inject 4.47 cfs into a surface water source (Salmon Falls Creek) and re-divert 4.47 cfs from the surface water source within the same tract as listed above for irrigation of 276 acres. The new place of use is located within parts of the E1/2 of S34, T09S, R13E; Twin Falls County.

T# 5410

The purpose of Transfer No. 5410 is to correct recorded point of diversion and change the place of use. **PRESENTLY**, Water Right No. 47-02369 (4.91 cfs) with a priority date of 12/10/1962 is diverted from ground-water within SWSW, S32, T09S, R13E, for irrigation of 312 acres within parts of S31 & 32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE

The applicant wishes to divert to 4.91 cfs from an existing well and correct the recorded point of diversion listed above to reflect the location as being located within SWSESE, S31, T09S, R13E, for irrigation of 312 acres. The new place of use is located within the W1/2 of S32, T09S, R13E; Twin Falls County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 29, 1999 to be considered by the Department in its decision to

grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher,
Director

Published in
the Times News
on 2/11 &
3/18/

NOTICE OF PROPOSED
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T# 5410

The purpose of Transfer No. 5410 is to correct recorded point of diversion and change the

place of use.

PRESENTLY, Water Right No. 47-02369 (4.91 cfs) with a priority date of 12/10/1962 is diverted from ground-water within SWSW, S32, T09S, R13E, for irrigation of 312 acres within parts of S31 & 32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE

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grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director

Published in
the Times News
on 3/11 &
3/18/99.

MICROFILMED

APR 28 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

SOUTHERN REGION

March 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

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

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

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

APR 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

February 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Buhl Herald
PO Box 312
Buhl ID 83316

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

APR 28 2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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PROPOSED CHANGE

The applicant wishes to divert 5.52 cfs from the same point of diversion listed above for irrigation of 276 acres. The new place of use is located within parts of the E1/2 of S34, T09S, R13E; Twin Falls County.

T# 5406

The purpose of Transfer No. 5406 is to change the place of use and add existing injection and redirection points.

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PROPOSED CHANGE

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T# 5410

The purpose of Transfer No. 5410 is to correct recorded point of diversion and change the place of use.

PRESENTLY, Water Right No. 47-02369 (4.91 cfs) with a priority date of 12/10/1962 is diverted from groundwater within SWSW, S32, T09S, R13E, for irrigation of 312 acres within parts of S31 & 32, T09S, R13E; Twin Falls County.

PROPOSED CHANGE

The applicant wishes to divert to 4.91 cfs from an existing well and correct the recorded point of diversion listed above to reflect the location as being located within SWSESE, S31, T09S, R13E, for irrigation of 312 acres. The new place of use is located within the W1/2 of S32, T09S, R13E; Twin Falls County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 29, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Buhl Herald on 3/10 & 3/17 1999 AND in the Times News on 3/11 & 3/18/99.

MICROFILMED

APR 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

March 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DRISCOLL BROTHERS PTN
C/O BROCK DRISCOLL
2250 S 3200 W
ABERDEEN ID 83210

Re: Application for Transfer Nos. 5406 (47-07565) ;Transfer No. 5407 (47-07569); Transfer No. 5410 (47-02369)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your Applications for Transfer.

This office has scheduled advertising the applications in the Buhl Herald for 3/10 & 3/17/99 AND in the Times News for 3/11 & 3/18/99. The last date for the submittal of protests will be March 29, 1999.

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

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

Before we can forward your application to our state office for approval, we must include in the file a notarized statement from any lien holder on the property agreeing to the proposed change.

State Office personnel will conduct a complete review prior to final processing of an application and will notify you of the outcome of this review.

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

Sincerely yours,

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

cs:mb

MICRO

APR 23 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

February 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Charles Runyon, Watermaster
Water District 47G
4793 N 700 E
Buhl ID 83316

Re: Application for Transfer of Water Right Nos. 47-07565, 47-07569 & 47-02369 (T# 5406, 5407 & 5410)

Dear Mr. Runyon:

Enclosed are copies of Applications for Transfer of Water Rights within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Sincerely yours,

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

CS:mb

Enclosures

MICROFILMED
SEP 23 2000

MEMORANDUM

TO: Driscoll Brothers Transfer Application (47-02369, 47-07565, and 47-07569) Files

FROM: Corey Skinner *CS*

DATE: December 28, 1998

SUBJECT: Staff Review

The enclosed transfer application is part of a package of three transfer applications, filed by Driscoll Brothers Partnership, that seek to record changes to three irrigation rights in the Blue Gulch area, west of Salmon Falls Creek. The three water rights involved with the three transfer applications are 47-02369, 47-07565, and 47-07569.

Currently, water right 47-02369 is appurtenant to 312 acres of ground located in Sections 31 and 32 (T09S, R13E). Water rights 47-07565 and 47-07569 are appurtenant to the same 276 acres located in the West $\frac{1}{2}$ of Section 32 (T09S, R13E). The 47-02369 ground and the 47-07565 and 47-07569 ground are separate, independent acres.

The basic idea behind the three transfers is that Driscoll Brothers Partnership has purchased water right 47-02369, and wants to move the right to their property, the West $\frac{1}{2}$ of Section 32 (T09S, R13E). The applicant wants water right 47-02369 to be the only source of water for the West $\frac{1}{2}$ of Section 32. Because there are currently two water rights (47-07565 and 47-07569) appurtenant to the West $\frac{1}{2}$ of Section 32, transfer applications have been filed to move these two rights to different ground. The transfer applications should be pretty straightforward, and probably approvable. However, some further clarification of the applications is as follows:

47-02369 TRANSFER

The primary purpose of the transfer application involving water right 47-02369 is to change the recorded place of use of the water right, but a change in the recorded point of diversion is also desired. The applicant wants to divert the right from an existing well located in the SWSESE $\frac{1}{4}$ of Section 31 (T09S, R13E). There are two irrigation wells located in this particular area, and the applicant desires to divert water from the eastmost of these two wells. The other well apparently serves ground ~~the same~~

388 2 8 2000

T# 5407

applicant does not own. Water right 47-02369 was originally licensed to be diverted from a well located in the SWSW $\frac{1}{4}$ of Section 32 (T09S, R13E). However, the applicant was not aware of this well location, and was under the impression that the water right had been diverted from the well located in the SWSESE $\frac{1}{4}$ of Section 31. Note that the sales agreement describing the applicant's purchase of water right 47-02369 describes a well located in the SE $\frac{1}{4}$ of Section 31, and the Snake River Basin Adjudication claim based on 47-02369 lists the point of diversion in the SWSESE $\frac{1}{4}$ of Section 31. The 1968 licensing exam for water right 47-02369 lists the point of diversion as a well located in the SESE $\frac{1}{4}$ of Section 31, but the map included with the exam indicates the well location in the SWSW $\frac{1}{4}$ of Section 32. The water right may have always been diverted out of the Section 31 well, and incorrectly licensed for a well located in Section 32, or the well location may have been changed after the licensing exam, but prior to the commencement of the Adjudication. Either way, it appears that the point of diversion change should not cause any problems, and is an effort to make recorded records reflect reality. Note that both well locations are within a half mile of each other, and both locations are within the Blue Gulch Critical Groundwater Area.

The change in the place of use of water right 47-02369 should be pretty straightforward. The applicant desires to change the place of use of the right to their property in the adjoining section. The current place of use has apparently been in the CRP program until the fall of 1997. Examination of past aerial photos revealed that the current place of use appeared cultivated, so possible forfeiture of the right due to non use should probably not be an issue.

47-07565 AND 47-07569 TRANSFERS

The primary purpose of the two transfer applications involving water rights 47-07565 and 47-07569 is to change the place of use of these two rights, so water right 47-02369 will be the only water right on the West $\frac{1}{2}$ of Section 32 (T09S, R13E) if the 47-02369 transfer is approved. Both water right 47-07565 and 47-07569 are recently issued licenses. Right 47-07565 was licensed in 1990 and right 47-07569 was licensed in 1996. Both licensed rights are for the same ground, but they have different sources, so a transfer application was filed for each right.

MICROFILMED

APR 28 2000

Water right 47-07565 is licensed for the diversion of groundwater from an artesian well located in the SENE $\frac{1}{4}$ of Section 20 (T10S, R13E), along the east side of Salmon Falls Creek, just north of the Balanced Rock crossing. The water from this well is dumped into Salmon Falls Creek, and then rediverted through a pumping plant and pipeline located along the west side of the creek, in the SENE $\frac{1}{4}$ of Section 20 (T10S, R13E). The water is then conveyed to the place of use via about $3\frac{1}{2}$ miles of an open channel and buried pipeline system.

Water right 47-07569 is licensed for the diversion of 5.52 cfs of water from Salmon Falls Creek. The point of diversion is listed as being located in the SENE $\frac{1}{4}$ of Section 20 (T10S, R13E). The current point of diversion is the pumping plant and pipeline that serves as the rediversion point for water right 47-07565. The water is then conveyed down the same $3\frac{1}{2}$ mile open channel and buried pipeline system utilized by water right 47-07565.

Both licensed rights 47-07565 and 47-07569 are subject to regulation by the District 47-G watermaster. The common place of use of water rights 47-07565 and 47-07569 has been in the CRP program. The corresponding SRBA claims, A47-07565 and A47-07569 have been reviewed as part of the Basin 51 Blue Gulch Critical Groundwater Area review and the CVRs for both of these claims call to the licensing exams.

The two transfer applications involving water rights 47-07565 and 47-07569 should be straightforward, and approvable. The 47-07565 application proposes a change in the recorded place of use, and to add (record) the existing points of injection and rediversion as elements of the water right. The 47-07569 application only proposes a change in the place of use. Due to the recent licensing of these two rights, and the land associated with the rights being in the CRP program, there should be no possible forfeiture problems. In addition, there appears to be no expansion problems as long as the transfer applications are approved as a group.

MICROFILMED
APR 28 2000



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

November 7, 1996

JEAN L GIUFFRE
4027 SANDBAR LN
EAGLE ID 83616

RE: WATER RIGHT NO. 47-07569

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
NOV 29 1996

Please note change of address:

Jean L. Giuffrè

4027 Sandbar Ln

Eagle, ID 83616

939-1167

Jean L. Giuffrè

Please Send Receipt ~~in~~ ^{for} ~~the~~ ^{for}

NOV 29 1986

MEMORANDUM

DATE: October 21, 1996

TO: File 47-07569

FROM: Shelley W. Keen *(SWK)*

RE: Phone call from Jean Giuffre'

This afternoon Jean Giuffre' called to say that her father had received my letter. She wanted to clarify with me what the letter is about and then speak more with her father. Mrs. Giuffre' said she would call me back tomorrow.

Mrs. Giuffre's new address and phone number are:

4027 Sandbar Lane
Eagle, Idaho 83616

(208)939-1167

Fee pd. See receipt no. C036841

*S.W. Keen
10/28/96*

MICROFILMED
NOV 19 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 27, 1996

WAYNE MARSHALL
185 BLAIR DRIVE
TWIN FALLS ID 83301

RE: Water Right No. 47-07569

Dear Mr. Marshall:

I am writing you because I have been unsuccessful in contacting Jean Giuffre' regarding Water Right Permit No. 47-07569. The field examiner for this permit indicated that you accompanied him during his inspection in 1986.

I have enclosed the letter that I tried to send to Jean Giuffre'. If you are able to forward it, I would appreciate your assistance. If you are unable to help, I would be grateful if you would let me know. You can leave a message in our Twin Falls office, which should be a local call for you. The number there is (208)736-3033. You can also e-mail me at SKEEN@IDWR.STATE.ID.US.

Thank you very much.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED
NOV 29 1996

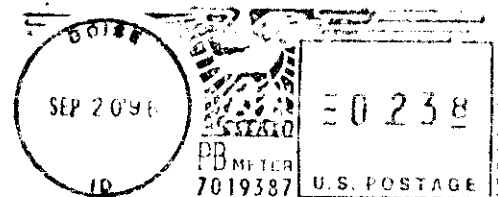
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720

Idaho 83720-0098



PRESORTED
FIRST CLASS



JEAN L GIUFFRE'
RT 4 Box 100
ASOTIN WA 99402

RECEIVED
SEP 27 1996
Department of Water Resources
MICROFILMED





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 20, 1996

JEAN L GIUFFRE'
RT 4 BOX 100
ASOTIN WA 99402

RE: PERMIT NO. 47-07569

Dear Permit Holder(s):

Permit No. 47-07569 is currently being reviewed for licensing. Our review has revealed an issue that you need to address.

Based on the Department's field examiner's report your irrigation right may be licensed for 5.52 cfs. However, because you submitted the Examination Fee Information sheet for 4.0 cfs, the license will be limited to a diversion rate of 4.0 cfs. I have enclosed a copy of the Examination Fee Information sheet for your reference.

If you want your water right license to reflect 5.52 cfs, you must submit the additional examination fee of \$50.00 required for a diversion of 5.52 cfs, plus a late payment penalty of \$25.00 within 30 days. If we receive the examination fees after 30 days from the date of this letter, the priority date of your right will be advanced in accordance with Section 42-217 of the Idaho Code.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:pah

Enclosure

MICROFILMED
NOV 29 1996

Salmon Falls Creek Lift Pumps -- Near Balanced Rock

Right No.	Name	Stage	Priority	Source	Div. Rate	Sum Rates	Exam Data	M1	M2	M3	Relift Pumps			W1	W2	W3	Pumping Capacity
47-02316A	Keller	Decreed	1/12/59	Creek	10.50	10.50	1964								300hp	400 hp	10.50
47-04000	Wright	Claim	6/1/66	Creek	8.20	18.70								300 hp	300 hp	400 hp	
47-07252	Wright	License	4/2/74	Creek	16.00	34.70	1984							300 hp	300 hp	400 hp	16.00
47-02316B	Marshall	Decreed	1/12/59	Creek	3.33	3.33	1964	400 hp	250 hp								8.40
47-02316C	Marshall	Decreed	1/12/59	Creek	6.92	10.25	1964	400 hp	250 hp								8.40
47-02402	Marshall	License	4/5/65	Creek	8.40	16.65	1977			400 hp	250 hp	400 hp					16.89
47-02417	Marshall	License	4/19/66	Creek	16.89	33.54	1977			400 hp	250 hp	400 hp					16.89
47-07565	Gluffre	License	8/30/79	GW	4.47	36.01	1986	450 hp	300 hp*								7.82
47-07569	Gluffre	Permit	10/22/79	Creek	5.52	43.53	1986	450 hp	300 hp*								7.82
47-07618	Easterday	License	1/7/80	GW	4.88**	48.41	1987	450 hp	300 hp*	400 hp	400 hp	400 hp					24.71***
47-07642	Marshall	Permit	4/9/80	Creek	12.00	60.41	1981	400 hp	250 hp*	400 hp	250 hp	400 hp					22.48****
47-07615	Driscoll	Permit	9/24/80	GW	4.88**	60.41	1987	450 hp	300 hp*	400 hp	400 hp	400 hp					24.71***

* Backup motor

** 47-07615 and 47-07618 are limited to a combined rate of 4.88 cfs.

*** $7.82 + 16.89$ or $[M1 + (M3 + M4 + M5)]$ See memo in files 47-07642.

**** $5.59 + 16.89$ or $[M1 + (M3 + M4 + M5)]$ Less than 24.71 cfs because the examiner relied on earlier data.

The combined diversion rate limitation of 24.71 cfs for rights 47-07569, 47-07615, 47-07642 47-02316B, 47-02316C, 47-02402, 47-02417, 47-07565, and 47-07618 is based on the pumping capacity of the diversion/rediversion plant as determined by reviewing information available in the water right files. Rights previously licensed do not carry the combined rate limitation. However, the need was recognized in 1981 as evidenced by Allen Merritt's memo in file 47-02402.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 15 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-7569

1. Owner: John L. Giuffre Phone No. _____
Current Address: Rt. 4 Box 100, Asotin, WA 99402
2. Accompanied by: Wayne Marshall EXAM. DATE: 5-23-86
Address: 185 Blair Drive, Twin Falls, ID 83301 Phone No. 733-9699-13
Relationship to Permit Holder: Brother & Farm Operator
3. Source: Salmon Falls Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 47-07565 ☒ Copies Attached
2. Other water rights with same point of diversion: 47-07774 (Application) ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

MICROFILMED
NOV 29 1996

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater. See exam for 47-7565)

System Description (continued)

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

Two pumps in Salmon Falls Creek, pipeline to the top of the canyon, 2 3/4 miles of ditch to 50' x 180' x 4' earth pond, 3 booster pumps in pond pressurize 13 1/4-mile headlines with Nelson flow-control nozzles.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Lift #1	GE	450	DS74D2614	Aurora	3X12/503
Lift #2	U.S. Motors	300	ACJ118001	"	3X12/360
Booster #1	Westinghouse	75	7803		
Booster #2	U.S. Motors	60	1020944	Lyne + Bowler	D19758
Booster #3	GE	75	CLJ312505	Aurora	V75 709015

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	NE	20	10S	13E	Twin Falls	Quadr Map - Balanced Rock Blvd

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	13E	32					40	39	39	40	40	39		39					276

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
2' Trapezoidal Flame						
Amubar for boosters					12"	

2. Measurements:

1.75' head = 7.82 cfs at diversion point.

Amubar = 16.1" pressure difference

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Diversion capacity = 7.82 cfs. Re-lift capacity = 5.41 cfs. Sprinkler capacity = 4.52 cfs

2. Alternate Method for Checking Purposes:

Sprinklers - 165 nozzles at 4.3 gpm/hd + 264 nozzles at 5 gpm = 4.52 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 276 \times 4 = 1104$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.72 \times 1.9835 \times 61062 = 571.1 \times 580.5$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 780 \text{ per permit condition of approval.}$

2. Volume Calculations for Other Uses:

MICROFILMED
NOV 29 1983

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Not to exceed 1104 AFA or 4.52 cfs plus reasonable conveyance loss when combined with 47-07565. Ditch loss estimated at 0.2 cfs or 2 1/2% by staff engineer Bob Worstell. Not to exceed 4.72 cfs when combined with 47-07565. Permit could be licensed for 4.72 cfs if owner will pay another \$25, exam fee. Since the full flow is need to run this system, I am assuming the owner will pay. Conveyance loss of 0.2 cfs for 123 days = 48.8 AFA, so total loss for 214 days is 84.9 AFA. 47-07565 should have included conveyance loss, but did not. Not to exceed 1188.9 AFA when combined with 47-07565. This is a rewrite of an exam partially done in 1986 by Terry Alva.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* Irrigation	4-1	6-1	4.72	~~980~~ 571.1
"	9-1	10-31	4.72	~~980~~ 580.5
Totals:			4.72	780

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton
Signature J. E. Stanton
Certification Date _____
Field Report Preparation Date 10-27-92

CONSULTANT SEAL

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

* See attached adjustment memo. RE

MICROFILMED
NOV 29 1996

MEMORANDUM

TO: File 47-07569 / Jean Giuffre'
FROM: Brenda Chapman
DATE: April 20, 1995
RE: Recommendation Adjustment(s)

=====

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

NOTE: This permit was amended in 1985 to change the nature of use from a storage right to an irrigation one. The volume, however, is limited by the Memorandum Decision and Order approving the original permit. Because the original permit was for storage, it did not have the standard irrigation season of use. The recommendation to conform this right to the current standard season of 4/1 to 10/31 but limiting the annual diversion volume to 780 af is being made.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-01 to 10-31	4.52	Not listed

The recommended rate is being limited to the sprinkler output capacity at the place of use. When the water reaches the sprinklers, the conveyance losses have already happened. The groundwater right, 47-07565, uses this same conveyance system and was licensed in 1990 with a capacity of 6.18 cfs and a rate of 4.47 cfs. The recommended rate for this right is somewhat higher. The calculations on this exam for the total sprinkler output appear to be correct.

The recommended capacity was derived from the re-lift booster measurement plus the estimated conveyance loss of .77 cfs. A copy of the exam for 47-07565 (which incorporates an artesian well into the same delivery system) is attached explaining how the conveyance loss figure was derived.

MICROFILMED

NOV 29 1996

47-7565

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T. 9 S.
T. 10 S.

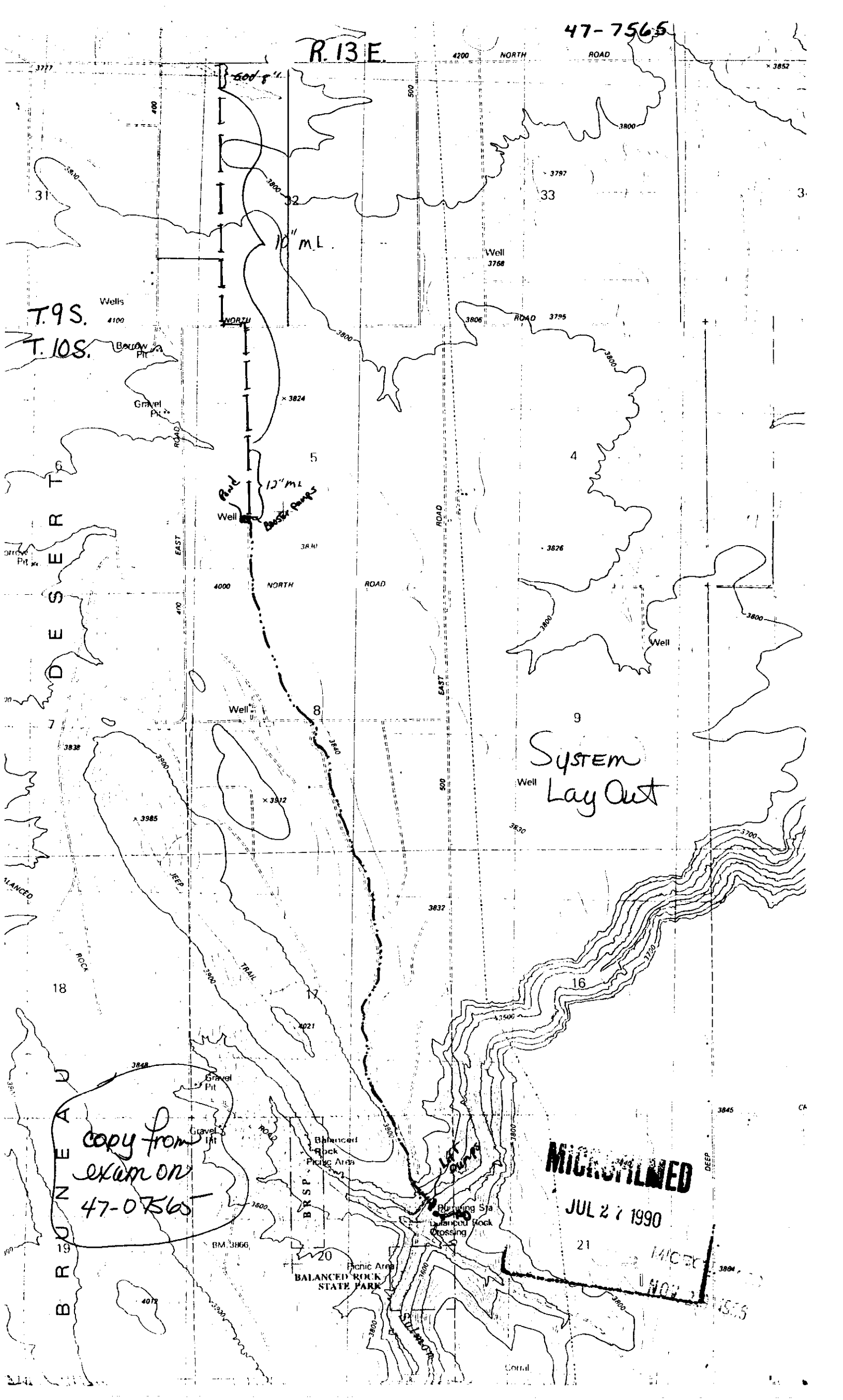
System
Lay Out

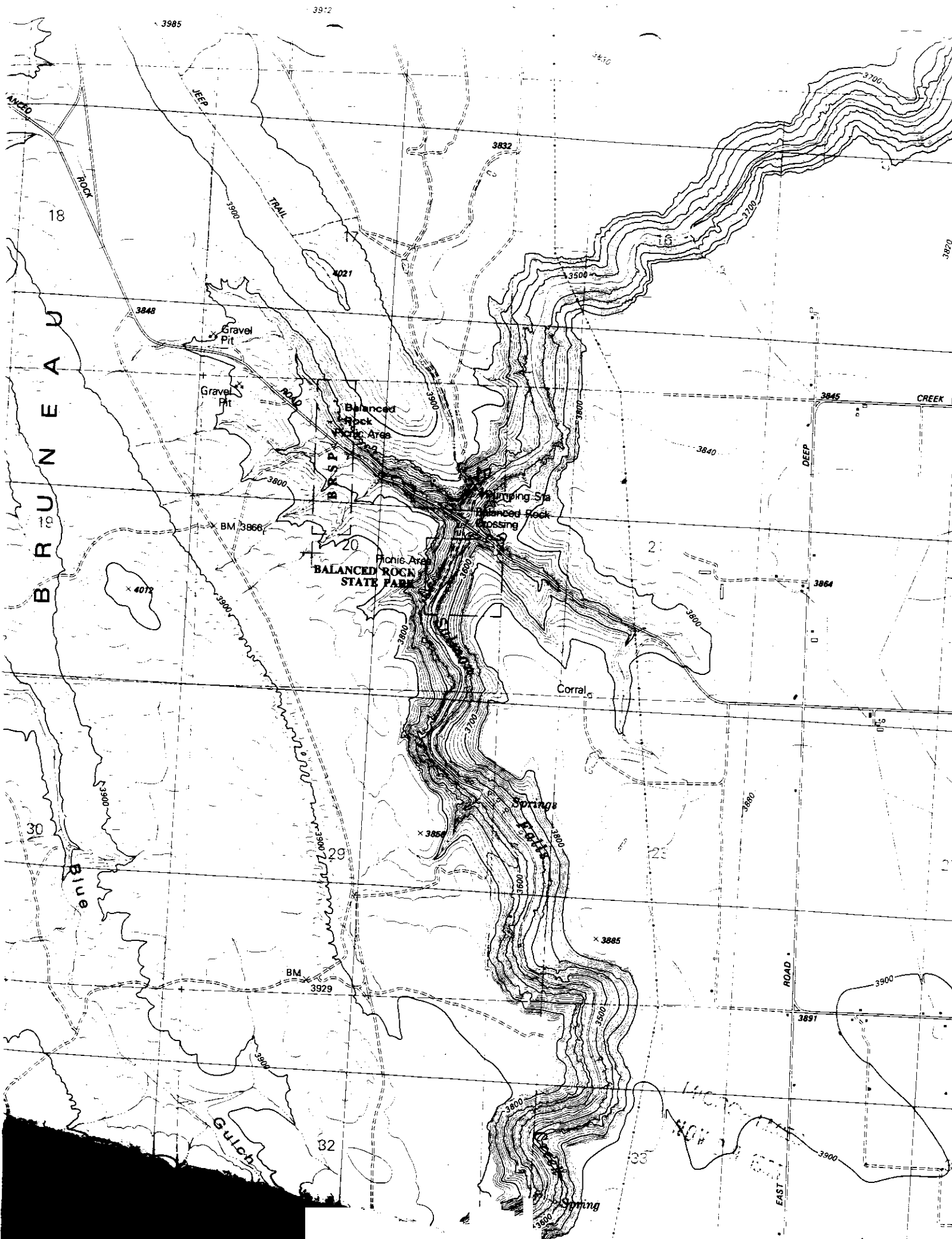
copy from
exam on
47-07565

MICROFILMED

JUL 27 1990

NOV 1985





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3985

3910

18

4021

3848

Gravel Pit

Gravel Pit

Balanced Rock Picnic Area

Balanced Rock Crossing

Pumping Sta

BALANCED ROCK STATE PARK

Picnic Area

x 4072

BM 3866

20

Corral

3845

CREEK

DEEP

3864

3900

29

BM

3929

Springs

x 3856

x 3885

ROAD

3891

Gulch

32

33

Spring

EAST

3900

R.13 E.

47-7505

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32 33

31 32 T1320

6 m. 3

T1316

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3
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31

32 15.5

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2

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5

5

Page 40144 5/22/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 47-7565

1. Owner: Jean Giffre Phone No. 939-8783

Current Address: 10945 Janic Road, Boise, ID 83703

2. Accompanied by: Wayne Marshall EXAM. DATE: 5/23/86

Address: 185 Blair Drive, Twin Falls, ID 83301 Phone No. 723-9649-13

Relationship to Permit Holder: Brother & Farm Operator

3. Source: Groundwater tributary to Sawtooth River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 47-7100

☐ Copies Attached

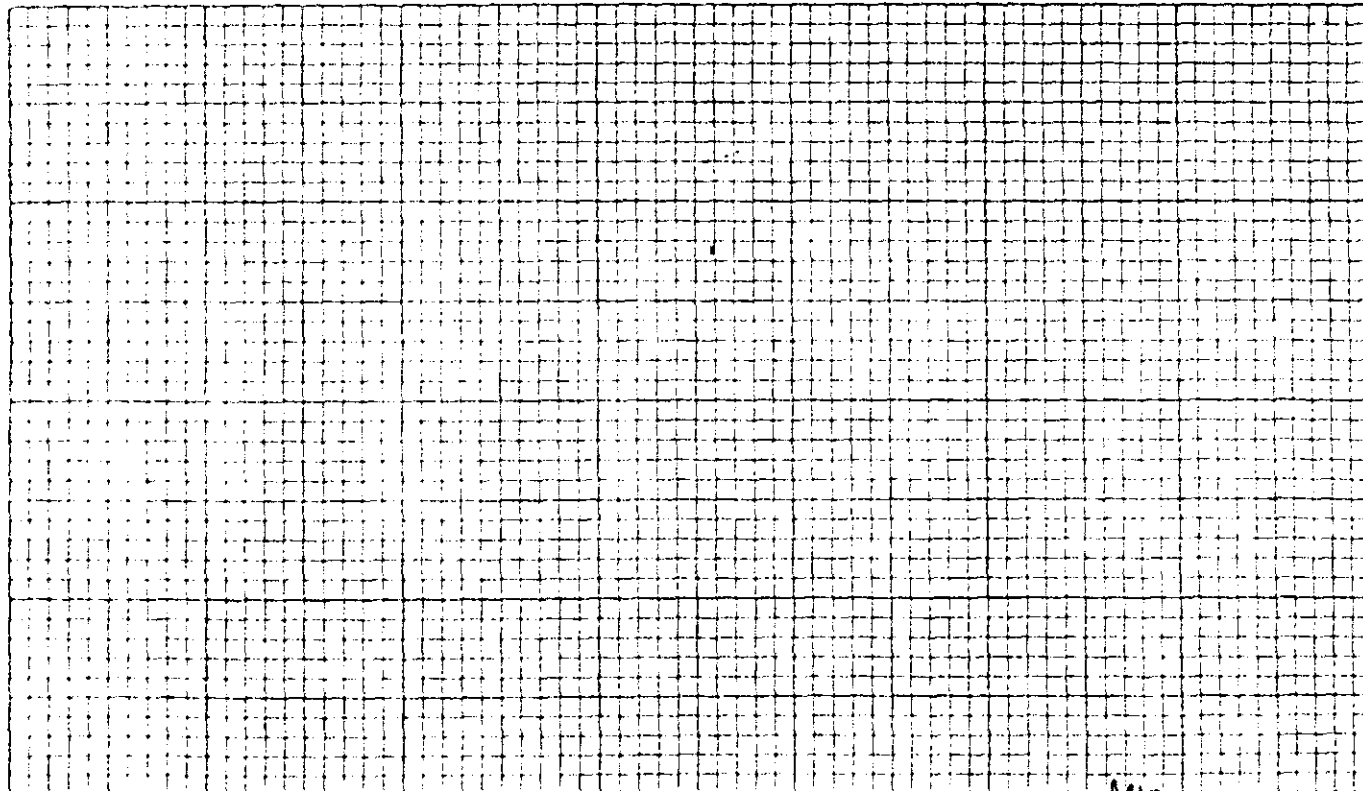
2. Other water rights with same point of diversion: 47-7774

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size, ditch size, pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but household domestic groundwater, and stockwater)

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

MICROFILMED
NOV 29 1996



100-100-100-100
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477565

MICROFILMED
 NOV 29 1996

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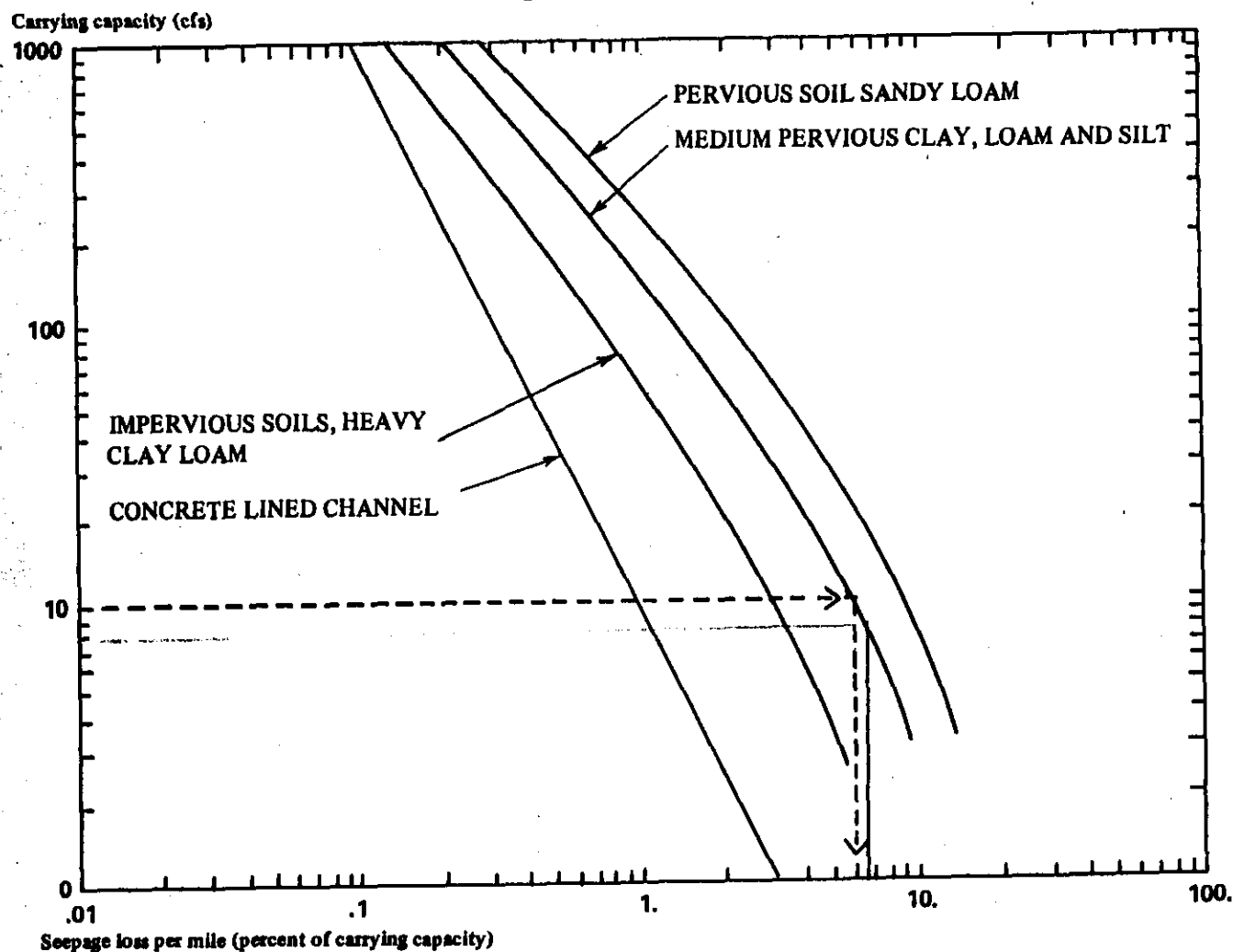
View of a small, shallow, rocky pool



Looking Northward at Canyon Draw

MICROFILMED
NOV 29 1996

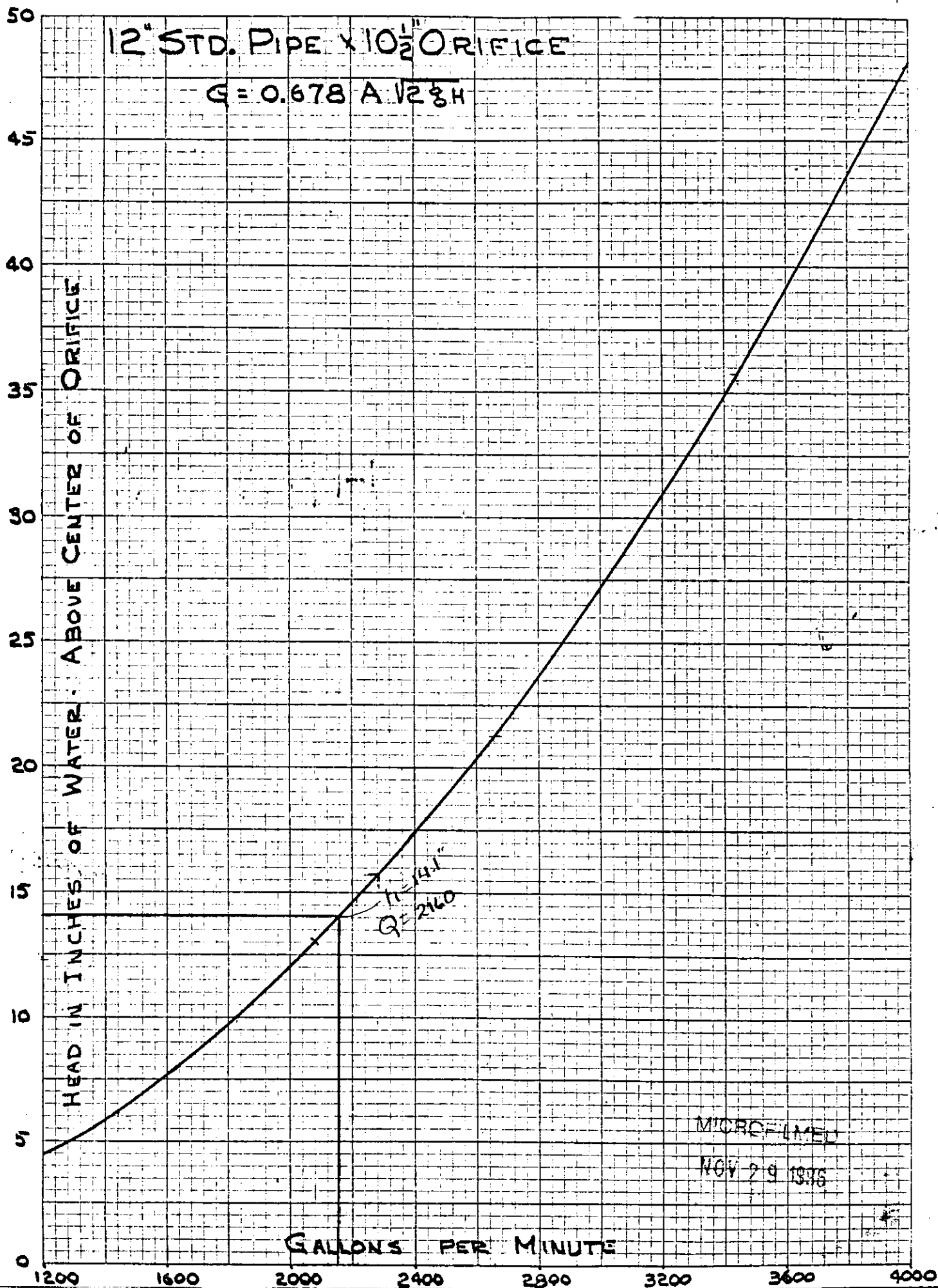
FIGURE 5. Estimating delivery water losses and Moritz formula



Estimated Seepage loss = $5.5\%/mi. \times 2.6mi = 14.3\% \times 7.82cfs = 1.12cfs \times \text{prog share } \frac{6.41}{7.92} = .77cfs$

Total Allowable = $5.41cfs + .77cfs = 6.18$

NOV 29 1958
INCHERMAN



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MICROFILMED

779 3 57

System Description (continued)

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

Water is diverted from a 20" x 1280' Flowing Artesian Well into Adams Falls Creek. It is then diverted via a 300hp and a 450 hp pump to the top of the canyon. Water is then transported via 2 1/2 miles of 12" ML to 1/4 mile of 8" ML to a 50' x 30' tank southward where booster pumps (2 75hp and 1 60hp) or Gary Combinations are used to pressurize the water into 1/4 mile of 12" ML, 1 1/2 miles 10" ML and 50' of 8" ML to 13 1/4 mile hardlines with Nelson Flow Control Valves.

☐ See Remarks on page 4 for continuati

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Lift #1	GE	450	DSJ4D2614	Aurora	3X171503 3250 GPM @ 150'2250 x 450'
Lift #2	US	300	AC J11 8001	Aurora	3X172360 2500 GPM @ 450'
Booster #1	Westinghouse	75	7803	NORPAC	
Booster #2	US	60	1020944	L & B Vertiline	D19752
Booster #3	GE	75	CL-312505	Aurora Vertiline	V 75 75-2 E

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination. Remarks
Well		NE	SE	NE	20	10S	13E	T. F.	ASCS Photo
Booster		SE	NW	SW	5	10S	13E	"	USGS 3.1m

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	13E	32					40	39	39	40	40	39		39					276

REMARKS AND OVERVIEW REVIEW ANALYSIS

Results of E-bure tests (Attached) show that the water flowing from the well reflects state water table conditions and that the water is of good quality.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af)
	From	To		
Irrigation	3/15	11/15	6.0 cfs	1104 Afs
Totals:			6.0 cfs	1104 Afs

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

CONSULTANT NAME

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

MICROFILMED
NOV 29 1975

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Terry Blau Date 5-23-86
Owner: Jean Guiffre Permit No. 47-7569

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID) 79
CIR = Pipe Circumference in Inches = ~~12.000~~ 40.05
T = Pipe Thickness in Inches = ~~1.375~~
ID = 2 [(0.1592 X CIR) - T] = ~~11.890~~ 12.3125

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 12"
State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.99

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = _____
Low Reading = _____
High - Low = H = ... 16.1

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(12.3125)^2 \cdot (\sqrt{16.1}) \cdot (3.99)}{448.8} = \underline{5.41} \text{ CFS}$$

SKETCH (if not shown on Field Report)

2427 gpm

MICROFILMED
NOV 29 1986

47-7569

September 10, 1992

Memo to file:

From: Carolyn Andregg

During the spring and summer of 1992, drought conditions caused record low flows in the Snake River. Twice, the flow of the Snake River fell below 4,750 cfs, the minimum stream flow at the Weiser gauge. Notices were mailed to the water user listed under this right because the priority is later than July 1, 1976, in order to protect the Snake River minimum stream flow. The following is a chronological history of the mailings.

May 19, 1992: Letter sent to water right holder informing holder of possible temporary cessation of diversion rights and notice of public meetings.

June 8, 1992: Letter sent informing water right holder directing immediate cessation of diversion of water until further notice.

June 12, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

June 26, 1992: Letter sent to water right holder directing immediate cessation of diversion of water until further notice.

June 29, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

MAIL RETURNED NOTICE

THIS MEMO HAS BEEN PLACED ONLY IN THE FILES FOR WHICH THE ABOVE LISTED DATES OF LETTERS WERE RETURNED. BEFORE SENDING ANY FUTURE MAILINGS, VERIFY CORRECT ADDRESS.

MICROFILMED
NOV 29 1996

June 8, 1992

JEAN L. GIUFFRE
10945 JANIE RD.
BOISE ID 83703

RE: Water Right No. 47-07569

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

MICROFILMED
NOV 29 1996

June 12, 1992

JEAN L. GIUFFRE
10945 JANIE RD.
BOISE ID 83703

RE: Water Right No. 47-07569

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

MICROFILMED

NOV 29 1996

May 19, 1992

JEAN L. GIUFFRE
10945 JANIE RD.
BOISE ID 83703

RE: Water Right No. 47-07569

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

MICROFILMED

NOV 29 1996

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

MICROFILMED

NOV 29 1996

MEMORANDUM

TO: FILE
FROM: JIM JOHNSON
RE: TELECON FROM TERRY BLEAU
DATE: August 8, 1989

Terry called in reference to this file concerning the letter the was sent on June 30, 1989.

He has a copy of the proof of beneficial use form which shows receipt No. S00499 for \$175.00 dated December 15, 1988 for the examination fee. He is sending a copy to the State Office.¶

MICROFILMED
NOV 29 1988

Heating Applications for Permit 47-7565

47-7569

47-7572

47-7573

47-7571

NOV. 27, 1979

Roster of Attendance

Name

Representing

DAN SLAVIN

HOWARD MARSHALL

Wm. F. RINGERT

JEAN MARSHALL

LEONARD AND LORE

EASTERDAY

JOHN M. THOMAS

Wm L. Nungester

Magic Water Co.

John M. Thomas
Leonard Easterday
Lore L. Easterday

Box 446 Caldwell, Ida.
Rt 2 Buhl, Ida. 833
Lore Easterday

Wayne F. Marshall

Howard Marshall

Jean Marshall

Magic Water Co.

Kenneth F. Elkin (Pres)

Water Master 47 &
Mrs E. Farsen Rt 4 Buhl

MICROFILMED

Combined H²O

47-7565 47-7573

47-7569 47-7571

47-7572

Informal Conference

Don Slavin Representing Howard E. Jean Marshall

Existing Pumps for Ditch, P. R. R. } Howard Marshall

New Reservoirs, P. R. R. will be Reg'd } Alton

Jean Marshall's P. R. R. well will be on East Side
of Salmon Falls Creek

Wm. Ringold Representing Easter Day's & Thomas

P. R. R. for Storage would be off Season

Estimates 40,000 cu ft of Diversion Required to Fill

Gravelly Nungesser's Reservoirs? A. J. H. H. H.

Nungesser - water shortage mid June - mid July

would off Season Diversion reduce 30%

4 bank storage?

would well Ref S.F. Ct. reduce direct

flows? Could water be used out?

Could well affect Blue Creek water table?

Magic water table 10 ft long from Nungesser's

Stream is replenished by Springs on east side

Magic water table 10 ft 1945-7 cfs

Wm. Marshall's Existing Pumps have 27 cfs capacity

Elk. Does S.F. Creek replace Ground water during winter?

Min. Diversion into Magic water was 85 cfs in 1987

Parties will try to reach Agreements on

Water table 15 Jan 1988 on other side

Pump on 15 Feb 1988 on other side

If no Agreement is reached, Parties will

make a decision based upon Conference table

offer of water of 100 cfs (100 cfs)

Pullington 100 cfs (100 cfs)

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 3-26-80

TO File 47-7569

SUBJECT

The Decision on this application was drafted by
Dan. Slavin, Attorney for the Applicant.

MICROFILMED

A handwritten signature, possibly reading 'LH', is written over a horizontal line.

SIGNATURE

Report No. 100
Page 1

Oakley, Idaho
1 Feb. 1979

Director of Idaho Dept. of Water Resources
1041 Blue Lakes Blvd N.,
Twin Falls, Ida, 83301

Dear Sir,

Staple-B Ranches, Inc., Simon Baker, J. Craig Baker, Chris Baker, David Baker and Mike Poulton do hereby protest the granting of permits no. 45-7367, 45-7368 and 45-7369 to appropriate underground water immediately adjacent to the Cottonwood Critical ground water area:

1. The protestors have already suffered serious economic loss from junior appropriators who have caused unresolved interferences with water rights of long standing priority.
2. Compounding the problem at this time can serve only as a detriment to all persons who make their livelihood through utilizing the limited water and land resources in the area

Respectfully,
Staple-B Ranches, Inc.
Simon Baker, Pres.
David J. Baker
Chris Baker
Craig Baker

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 24, 1980

William L. Nungester
Attorney at Law
P. O. Box 589
Buhl, Idaho 83316

Re: Applications for Permit No. 47-7565 - Jean L. Marshall
47-7569 - Howard D. Marshall
47-7571 - John M. Thomas
47-7572 - Lenard Easterday
47-7573 - Lorene Easterday

Dear Mr. Nungester:

At the conference on the above referenced applications held in Twin Falls on November 27, 1979, the parties agreed to allow the Department to reach a decision without holding a formal hearing. Although a stipulation to this effect was drafted at the time it was not signed.

The attached stipulation waives the requirement for a formal hearing and also waives the requirement for the Department to issue a proposed decision prior to adopting it as a final decision.

Waiving the proposed decision does not affect any rights to appeal from the final decision.

Please review and sign the stipulation and return it to this office.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 24, 1980

Daniel A. Slavin
Attorney at Law
P. O. Box 83
Twin Falls, Idaho 83301

Re: Applications for Permit No. 47-7565 - Jean L. Marshall
47-7569 - Howard D. Marshall
47-7571 - John M. Thomas
47-7572 - Lenard Easterday
47-7573 - Lorene Easterday

Dear Mr. Slavin:

At the conference on the above referenced applications held in Twin Falls on November 27, 1979, the parties agreed to allow the Department to reach a decision without holding a formal hearing. Although a stipulation to this effect was drafted at the time it was not signed.

The attached stipulation waives the requirement for a formal hearing and also waives the requirement for the Department to issue a proposed decision prior to adopting it as a final decision.

Waiving the proposed decision does not affect any rights to appeal from the final decision.

Please review and sign the stipulation and return it to this office.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 24, 1980

William F. Ringert
Attorney at Law
P. O. Box 2773
Boise, Idaho 83701

Re: Applications for Permit No. 47-7565 - Jean L. Marshall
47-7569 - Howard D. Marshall
47-7571 - John M. Thomas
47-7572 - Lenard Easterday
47-7573 - Lorene Easterday

Dear Mr. Ringert:

At the conference on the above referenced applications held in Twin Falls on November 27, 1979, the parties agreed to allow the Department to reach a decision without holding a formal hearing. Although a stipulation to this effect was drafted at the time it was not signed.

The attached stipulation waives the requirement for a formal hearing and also waives the requirement for the Department to issue a proposed decision prior to adopting it as a final decision.

Waiving the proposed decision does not affect any rights to appeal from the final decision.

Please review and sign the stipulation and return it to this office.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO.)
47-7565 IN THE NAME OF JEAN L. MARSHALL
47-7569 IN THE NAME OF HOWARD D. MARSHALL
47-7571 IN THE NAME OF JOHN M. THOMAS
47-7572 IN THE NAME OF LENARD EASTERDAY
47-7573 IN THE NAME OF LORENE EASTERDAY

STIPULATION

We, the undersigned parties to the above referenced matter agree to allow the Department of Water Resources to reach a decision based upon the information obtained at the conference held in Twin Falls, Idaho on November 27, 1979, and the information contained in the records of the Department.

We also agree to waive compliance with the requirements of Idaho Code Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

DANIEL A. SLAVIN
Attorney for Howard D. Marshall and
Jean L. Marshall

WILLIAM L. NUNGESTER
Attorney for Magic Water Company, Inc.

WILLIAM F. RINGERT
Attorney for Lenard Easterday, Lorene
Easterday and John M. Thomas

REPROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)

OF APPLICATIONS FOR PERMIT:)

No. 47-7565 IN THE NAME OF JEAN MARSHALL)

No. 47-7669 IN THE NAME OF HOWARD MARSHALL)

No. 47-7572 IN THE NAME OF LENARD EASTERDAY)

No. 47-7573 IN THE NAME OF LORENE EASTERDAY)

No. 47-7571 IN THE NAME OF JOHN M. THOMAS)

NOTICE OF CONFERENCE AND/OR HEARING

On August 30, 1979, Howard D. Marshall and Jean L. Marshall, Twin Falls, Idaho filed applications with the Department of Water Resources to appropriate the public waters of the State of Idaho. On September 4, 1979, applications were filed with the Department by Lenard Easterday and Lorene Easterday, Buhl, Idaho and by John M. Thomas Caldwell, Idaho.

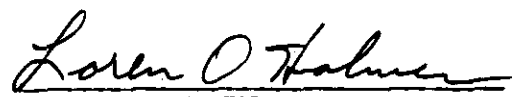
On September 24, 1979, the Department received protests against approval of said applications from Magic Water Inc., Buhl, Idaho, an Idaho Corporation.

The Department has set the matter of protest for conference and/or hearing for Tuesday, November 27, 1979, at 1:00 p.m., in the class room of the Twin Falls City Police Station, 356 Third Avenue East, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED This 9th day of November, 1979.


LOREN O. HOLMES
SOUTHERN REGION SUPERVISOR

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

November 2, 1979

Howard D. Marshall
185 Blair Drive
Twin Falls, Idaho
83301

RE: Application 47-7569

Dear Mr. Marshall:

Our office has reviewed your application for permit and has found that your proposed project will utilize a dam which will be under the jurisdiction of the Department and subject to the rules and regulations adopted pursuant to Chapter 17, Section 42-1714 of the IDAHO CODE.

Please find enclosed a booklet which lists the rules and regulations you are subject to and the appropriate application form for constructing a dam, the size of which you described in your application for permit. Please note that I have indicated by red marker which particular rules in the booklet you should note.

Please review the booklet and make plans for complying with all rules and regulations described therein.

If you have any questions please don't hesitate to contact our office.

Sincerely,

LOREN HOLMES
Southern Regional Supervisor

Enclosures

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 16, 1979

Howard D. Marshall
185 Blair Drive
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7569 - Howard D. Marshall

Dear Mr. Marshall:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7569. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

October 16, 1979

Mr. William L. Nungester
Attorney at Law
P.O. Box 589
Buhl, Idaho 83316

47-7569 - Howard D. Marshall

Re: Application for Permit No. 47-7571 - John M. Thomas
47-7572 - Lenard Easterday
47-7573 - Lorene Easterday

Dear Mr. Nungester:

Your protest against the approval of the above-referenced application submitted in behalf of Magic Water Company, Inc., has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

Loren O. Holmes
Loren O. Holmes
Southern Region Supervisor

LOH:marya

RECEIVED

P R O T E S T

RECEIVED

SEP 21 1977

Department of Water Resources
Twin Falls, Idaho

TO. C. Stephen Allred, Director
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

RE: Howard D. Marshall
Application No. 47-7569

NOTICE IS HEREBY GIVEN that Magic Water Company, Inc., and Idaho corporation, with its principal place of business at Route 3, Buhl, Idaho, does hereby make written protest to the granting of the above referred to application to appropriate water by drilling a well at the bottom of Salmon Falls Canyon. Magic Water Company owns water permit number 24128 for water out of the Salmon Falls Creek and the point of diversion of said water is down-stream from the proposed well site.

This protest is based upon the following:

1. That proposed well would reduce quantity of water available to fulfill Magic Water Company's permit in that said well would reduce the amount of water in Salmon Falls Creek and also inhibit or reduce spring flowing into Salmon Falls Creek.

2. That the water supply is insufficient for the purpose for which it is sought to be appropriated.

3. That the application is not made in good faith.

4. Said application is made for delay and/or speculative purposes.

PROTEST -1

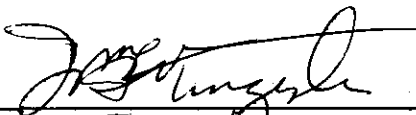
MICROFILMED

1 5. That application lack sufficient financial
2 resources to complete the work involved.

3 DATED this 21st day of September, 1979.

4 HEPWORTH NUNGESTER & FELTON
5 1020 Main, Buhl, ID 83316
6 P.O. Box 589

7 ATTORNEYS FOR MAGIC WATER COMPANY,
8 INC.

9 By 
10 William L. Nungester

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28 PROTEST -2

INTER-DEPARTMENT MEMO — 1

FROM

Rita Fleck

DATE

8-3-1989

TO

File 47-4569

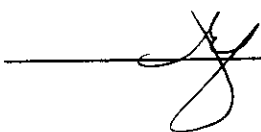
Enron Inc

SUBJECT

Returned ~~Letter~~ Notice

The Twin Falls County Assessor's Office
has an address of HC 04, Box 100, Asotin,
WA 99402-9503.

I'm forwarding the notice to this
address


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
By Idaho 83720

47-7569

RECEIVED
JUL 05 1989

Department of Water Resources

RETURN TO BENDER:

- ☐ MOVED LEFT NO ORDER
☒ EXPIRED ORDER
☐ UNKNOWN/UNDELIVERABLE
☐ NO SUCH #/STREET/INSUFFICIENT

X

Expiral

HC OK WA 99402
Box 100
9503

CERTIFIED MAIL
NO. 138345

CLAIM CHECK
NO.

1228

☐ HOLD

DATE

1ST NOTIF

2ND NOTIF

RETURN

Detached from
PS Form 384
Oct. 1980

June 30, 1989

*Mailed to: HCO4, Box 100
Asotin, WA 99402-9503
8-3-89 by*

Jean L. Giuffre'
10945 Janie Rd.
Boise, ID 83703

Permit No. 47-7569

138345
CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Mr. Giuffre':

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

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

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

Certified water right examiners are licensed engineers or geologists certified by the Department to conduct water right examinations. A listing of certified water right examiners is available from this Department.

June 30, 1989

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

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

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

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

The attached examination fee information sheet and the fee may be submitted to the following Department offices.

Northern Region
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705
Phone: 334-2190

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

LGS:rf

Enclosures

FROM

Microfilm

DATE 11-30-88

TO

File 47-7569

SUBJECT

a letter for file 45-7367 has accidentally been placed and filmed into this file. The letter is addressed to the Director of Idaho Dept. of Water Resources, from Simon Baker, President of Staple-B Ranches, Inc. The letter is dated Feb. 1, 1979

DEC 07 1988

Dale Block
SIGNATURE

P.S. This letter is also in the microfiche and file that it actually belongs - with.

Memo

1/25/88

To: Gary S.
From: Joe C.

RE: 47-7569 Status of DLE. Filing # 331

A patent was issued for the 280 Ac on June 9/1987.

As proof has been received a field exam is in order.

I requested copy of updated serial register page.

Notice has not been sent on examination fee

MICROFILMED

DEC 07 1988

SERIAL REGISTER PAGE

AS OF: 10/ 1/87
PRINTED: 10/ 1/87

03-03-1877;019STAT0377;43USC321-323,325, CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 IDI 331

NAME AND ADDRESS

GIUFFRE JEAN L
10945 JANIE ROAD
BOISE ID 83703
PATENTEE 100.00000 %

DESCRIPTION OF LAND

BOISE MER
T. 9 S. R. 13 E, TWIN FALLS COUNTY, ID
BOISE DISTRICT JARBIDGE RESOURCE AREA
SEC. 32: NW, N2SW, S2SW 280.000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
11/01/1966	124	APLN RECD	12:33PM MD
9/27/1967	911	REPORT RECEIVED	RECOMMEND APPROVAL MD
2/16/1968	197	ENTRY ALLOWED	
3/13/1969	712	ANNUAL PROOF FILED	MD
1/11/1972	122	EXT RQST	MD
2/18/1972	203	EXTENSION APPROVED	3 YRS TO 02-16-75 AS
11/29/1974	122	EXT RQST	MD
4/10/1975	203	EXTENSION APPROVED	3 YRS TO 02-16-78 AS
11/22/1976	140	ASGN FILED	MD
12/01/1976	139	ASGN APPROVED	FROM EMERY L WISER MD
2/06/1978	122	EXT RQST	
3/31/1978	203	EXTENSION APPROVED	3 YRS TO 02-16-81 AS
10/27/1980	215	FINAL PROOF REQUIRED	BY 02-16-81 MD
1/06/1981	213	FINAL PROOF FILED	MD
4/08/1981	716	FINAL PROOF TAKEN	MD
5/26/1981	911	REPORT RECEIVED	RECOMMENDING CONTEST
6/22/1981	042	CASE SENT	APP & HEARINGS, SLC
6/22/1981	180	CONTEST FILED OR ISSUED	FILED (PRIVATE) MD
3/15/1982	179	CONTEST COMPLT DISMISSED	(PRIVATE) MD
11/17/1982	361	DEC AFFIRMED	68 IBLA 279 MD
12/17/1982	120	APPEAL FILED	TO 9TH CIRC COURT MD
3/29/1983	393	DEC ISSUED	FINAL PROOF REJECTED
4/18/1983	120	APPEAL FILED	MD
5/03/1983	393	DEC ISSUED	SEE GEN RMKS 03 MD
6/18/1984	361	DEC AFFIRMED	NO 83-1148 MD

**** CONTINUED ****

INDEXED

DEC 07 1988

SERIAL REGISTER PAGE

AS OF: 10/ 1/87
PRINTED: 10/ 1/87

03-03-1877;019STAT0377;43USC321-323,325, CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 IDI 331

ACTIONS

DATE	CODE	TAKEN	REMARKS
4/27/1986	042	CASE SENT	I-1 CJB
5/28/1986	365	DEC REMANDED	FOR EQUIT ADJUD MD
6/11/1986	042	CASE SENT	I-1 CB
4/15/1987	042	CASE SENT	TO ISO FOR EQ ADJ SC
6/09/1987	271	PATENT ISSUED	11870046; DWS
6/09/1987	970	CASE CLOSED	
6/29/1987	600	RECORDS NOTED	DWS

GENERAL REMARKS

- 01 JARRIDGE RA
- 02 LANDS CLASSIFIED UNDER I-015052
- 03 APPEAL SUSPENDED PENDING FINAL ACTION ON CIVIL
- 04 ACTION NO 83-1148

DEPT

PLACE
STAMP
HERE



DEC 07 1988

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7569
Name(s) of Permit Holder(s): Howard Marshall
Post Office Address: _____
Tel. No. _____

☐ I hereby certify that construction of diversion works for the above referenced permit began on _____, I understand that I must
(date)
continue to develop the water system with due diligence to maintain a valid permit.

☒ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:
the BLM has not approved the desert
land entry

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

July 1, 1983
Date

Howard Marshall
Signature of Permit Holder

SERIAL REGISTER PAGE

AS OF: 8/25/86
PRINTED: 8/26/86ACT 3-3-1877; 43USC321-323,325,327-329 CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 IDI 331-----
NAME AND ADDRESSGIUFFRE JEAN L
185 BLAIR DR
TWIN FALLS ID 83301
ASSIGNEE 100,00000 %-----
DESCRIPTION OF LANDT. 9 S, R. 13 E, BOISE MER TWIN FALLS COUNTY, ID
BOISE DISTRICT JARBIDGE RESOURCE AREA
SEC. 32: NW, N2SW, SESW

280,000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
11/01/1966	124	APLN RECD	10:00AM SC
2/16/1968	197	ENTRY ALLOWED	
1/28/1972	122	EXT ROST	
2/18/1972	488	EXT APPV-DENIED	3 YEARS TO 02-26-75
12/17/1974	122	EXT ROST	
4/01/1975	488	EXT APPV-DENIED	3 YEARS TO 02-16-78
11/22/1976	139	ASGN APPROVED	FROM EMERY L WISER
2/10/1978	122	EXT ROST	
3/31/1978	488	EXT APPV-DENIED	3 YEARS TO 02-16-81
3/27/1981	215	FINAL PROOF REQUIRED	
5/26/1981	911	REPORT RECEIVED	RECOMMENDING CONTEST
*****		PENDING ACTION: FEDERAL COURT	
3/29/1983	393	DEC ISSUED	FINAL PROOF REJECTED
6/11/1986	042	CASE SENT	I-1 CB

GENERAL REMARKS01 JARBIDGE R A
02 ABSTRACTED FROM OLD SR PAGE
03 APPEALED TO IDLA - DENIED
04 TO U S DISTRICT COURT - DENIEDPeter Fennel 6/9/87
Peter # 11870046 280 Ac.

DEC 07 1988

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 9, 1986

JEAN L. GUIFFRE
10945 JAMIE ROAD
BOISE

ID 83703

RE: Permit No. 47-7569

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your permit.

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

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

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

Sincerely,
s/Mary A. Newby
Secretary

Enclosure

MAIL ROOM

DEC 07 1988

^ALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 47-7569

DATE: 3-26-1984

Date proof received	<u>144</u>	<u>May 24, 1985*</u>
Proof due	<u>- 91</u>	<u>April 1, 1985</u>
Number of day proof late	<u>53</u>	
Priority date	<u>+242</u>	<u>Aug. 30, 1979</u>
New priority date	<u>295</u>	<u>Oct 22, 1979</u>

Remarks:

* This is the date the extension request was first received. Proof was later submitted in lieu of extension and the extension was returned.

Note my letter of September 9, 1985. Later, after reviewing the file, I note that the proof was missing and requested another. Correspondence in the file indicates when the first proof was received.

MICROFILMED

February 10, 1986

Jean L. Giuffre'
10945 Jamie Rd.
Boise, ID 83703

Dear Ms. Giuffre':

Re: Permit No. 47-7569

Recently I reviewed this file and I found that the proof of beneficial use form is missing. Documentation in the file indicates that it was once submitted and should be a part of the record. Consequently, I'm sending a blank form to you with the request that you complete and return it to this office and with it I send by appology for any inconvenience.

If you have any questions concerning this water right, please feel free to contact this office or our Southern Regional office in Twin Falls.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MEMORANDUM

November 20, 1985

TO: Fiscal Section

FROM: Rita Fleck

RE: Refund - Permit No. 47-7569

Attached are two copies of Receipt No. 35362 in the amount of \$15 for an extension of time submitted on Permit No. 47-7569. It has been determined that it is not necessary to extend the proof due date, so I'm returning the extension request and requesting that you make a refund.

Attached also is a copy of the my letter with the permit holder's address.

MICROFILMED

November 1, 1985

Jean L. Giuffre'
10945 Janie Road
Boise, Id 83703

Dear Ms. Giuffre':

Re: Permit No. 47-7569

Enclosed is a copy of the approved Application for Amendment. Note the condition of approval on the second page.

Returned is the Request for Extension of Time submitted on May 24, 1985. It is my understanding that the proposed project under this permit has been completed. For that reason, I'm returning the extension request to you and accepting the proof of beneficial use form for further action. Note the filing fee for the extension request will be sent to you under separate cover.

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

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

cc: Fiscal Section

MICROFILMED

47.7561

10945 Janie Rd
Boise, ID 83703
Oct 1, 1985

Rita J. Fleck
Idaho Dept of Water Resources
Statehouse
Boise, ID 83720

RECEIVED

OCT 2 1985

Department of Water Resources

Dear Ms Fleck:

Regarding your letter of Sept. 9, I do not need more time to put the 280 acres under irrigation.

However, I would prefer that the amendment be completed before the permit is licensed.

Sincerely,

Jean L. Giffie

MICROFILMED

MEMO

TO: File

FROM: Jim J.

10-15-85

AMENDMENT REVIEW

Is AMENDMENT GOING TO ALLOW ADDITIONAL
VOLUME TO BE DIVERTED?

Volume before amendment to be applied
to irrigation = 780 AC-FT

ACRES TO BE IRRIGATED AFTER AMENDMENT = 280 AC.

$$280 \text{ AC} \times 3.0 \frac{\text{AC-FT}}{\text{AC}} = 840 \text{ AC-FT}$$

$$5.6 \text{ cfs} \times 1.9835 \times 153 = 1699 \text{ AC-FT}$$

→ AMENDMENT NEEDED AC-FT LIMIT CONDITION.

MICROFILMED

October 7, 1985

MEMO

FROM: Loren O. Holmes
Southern Region Supervisor

TO: Amendment Application Files No. 47-7565 - 47-7569 ✓

RE: Recommendations

Amendment to 47-7569 can be approved.

The off-stream storage in the original permit was not built and it is now proposed to divert the water for direct use in the spring and fall as available. This should not adversely affect other Salmon Falls Creek rights because the period during which water is diverted is the same. The amendment will also replace some of the groundwater supply from a flowing hot water well under permit 47-7565.

The amendment to 47-7565 should be denied.

The addition of other uses on a year round basis increases the annual volume which would be diverted. (1902 AF/Yr vs 1120 AF/Yr for irrigation alone @ 4 AF/Acre.

This places an additional demand on the artesian groundwater supply instead of reducing it as in amendment 47-7569.

MICROFILMED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No 15265

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 July 11, 1985, and ending with the issue dated July 18, 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.

Subscribed and sworn to before me on this

Linda Capps McSwine
July 1985
Carol J. [Signature]

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
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 3, 1985

Times News
Box 548
Twin Falls, Idaho 83310

Re: Notice of Amendment to a Water Right No. 47-7565
Notice of Amendment to a Water Right No. 47-47-7569

Gentlemen:

Enclosed you will find 2 legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 47-7569

Notice is hereby given that Jean L. Giuffre' of Boise, Idaho is the holder of approved permit No. 47-7569 authorizing the diversion of 20 cubic feet per second of water and/or 1500 acre-feet per annum from Salmon Falls Creek tributary of Snake River in the SENE, Sec. 20, T10S, R13E B.M., County of Twin Falls, to be used for diversion to storage (20 cfs) from Sept. 1 to June 1; storage for irrigation (1500 af) from Jan 1 to Dec. 31; irrigation from storage (780 af) from Mar 15 to Nov 15, within NW1/4, E1/2SW1/4, SWSW, SWSE, Sec. 17, T9S, R13E for irrigation of 300 acres.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit to change the place of use and the amount as follows:

Point of diversion: No change

Place of Use: NW1/4, E1/2SW1/4, NWSW, Sec. 32, T9S, R13E for irrigation of 280 acres from Sept 1 to Nov 15 (5.6 cfs) and Mar 15 to June 1 (5.6 cfs) for a total of 5.6 cfs.

Any protest against approval of the amending of permit No. 47-7569 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before July 29, 1985.

A. Kenneth Dunn
Director

Published in Times News on July 11 and July 18, 1985.

MICROFILMED

**NOTICE OF
AMENDMENT TO A
WATER PERMIT
NO. 47-7569**

Notice is hereby given that Jean L. Giuffre' of Boise, Idaho is the holder of approved permit No. 47-7569 authorizing the diversion of 20 cubic feet per second of water and/or 1500 acre-feet per annum from Salmon Falls Creek tributary of Snake River in the SENE, Sec. 20, T10S, R13E B.M., County of Twin Falls, to be used for diversion to storage (20 cfs) from September 1 to June 1; storage for irrigation (1500 af) from Jan 1 to Dec. 31; irrigation from storage (780 af) from March 15 to November 15, within NW¼, E½SW¼, SWSW, SWSE, Sec. 17, T9S, R13E for irrigation of 300 acres.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit to change the place of use and the amount as follows:

Point of diversion: No change

Place of Use: NW¼, E½SW¼, NWSW, Sec. 32, T9S, R13E for irrigation of 280 acres from September 1 to November 15 (5.6 cfs) and March 15 to June 1 (5.6 cfs) for a total of 5.6 cfs.

Any protest against approval of the amending of permit No. 47-7569 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 29, 1985.

A. Kenneth Dunn
Director

PUBLISH: Thursdays,
July 11, and 18, 1985.

*ok
marg
7/8/85*

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit No. 47-2569

BASIC INFORMATION ABOUT EXTENSION REQUEST

Check for the following:

- Y Date received stamp
Y Extension received within six months of due date (if greater than, return extension)
Y Fee received and receipted
Y Name and signature same as on permit - *assigned*
N Address change? If so, complete coding sheet
Y Source of water the same?
N Extension previously approved?
N Do conditions of approval restrict the extension?

Indicate basis: _____

REASON FOR GRANTING EXTENSION

- Y Due diligence
 _____ Work completed - Adequate to show due diligence?
 _____ Cost incurred - Adequate to show due diligence?
 _____ Litigation Y Swan Falls N Dismissed from Swan Falls
 _____ Have supporting documents been submitted?

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Proof due date _____

NEW PRIORITY DATE _____

- _____ Delayed by a governmental agency
 _____ Permit holder provided supporting documents?

REASON FOR DENIAL _____

RECOMMENDATION FOR ACTION *Recommend approval - due diligence*
Return b/w form

Additional conditions:

Y ~~Indicate~~ Date extension received May 24 = 144
 Proof due date Apr 1 = 91
 No. of days late 53
 Priority date Aug. 30, 1979 = 242
~~ADJUSTED PRIORITY DATE~~ Oct 22, 1979 295

- Y Is there commencement of works?
 _____ Prepared coding sheet?
 _____ Change rolodex card

Reviewed by [Signature] Date 9-9-1985

MICROFILMED

September 9, 1985

Jean L. Giuffre'
10945 Janie Road
Boise, ID 83703

Dear Ms. Guiffre':

Re: Permit No. 47-7569

On May 24, 1985, you submitted a request for extension of time and on June 14, I answered with a request for more information about the land being put under irrigation. Then on June 4, the department received a proof of beneficial use form submitted to our Southern Regional office.

Now, some clarification is needed as to which document you wish the department to take action on. If you wish more time in which to put the 300 acres of land under irrigation, then you should advise me that you want the department to consider the extension of time request. If all that remains to be completed is the application for amendment showing the change in land being irrigated, then the department can accept the proof of beneficial use and the amendment can be done as a licensing amendment at the time the field inspection is completed. However, you must have completed as much of the project you are going to at the time you submit proof. Submittal of the proof form is a signal to the department that you are ready to have the field inspection made and licensing procedure initiated.

Please advise me by October 1, 1985 which document you wish the department to consider for action.

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

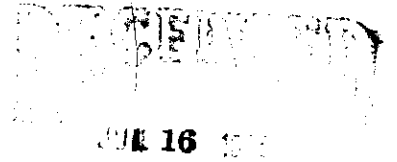
Sincerely,

RITA I. FLECK
Secretary/Records Manager

MICROFILMED

10945 Janie Rd
Boise, Idaho 83703

July 13, 1985



Department of Water Resources

Rita L. Fleck

Idaho Dept of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mrs. Fleck:

Re: Permit No. 47-7569

In reply to your letter of June 14, you are misinformed about the pumping plant and pipeline being in existence at the time the Application for Permit No. 47-7569 was filed. An additional pumping plant and pipeline was installed to handle water for Permit No. 47-7569 and others.

The original intent of the permit was to use water directly and divert to storage during the early part of the irrigation season (up to June 1) and the later part of the season (after Sept. 1), and from storage during the middle part of the season (June 2 to Aug 31).

In the proposed amendment I desire to use Salmon Falls Creek water during the early and late part of the irrigation season directly and to use water from my Artesian well (permit No. 47-7565) during the middle part of the irrigation season.

MICROFILMED

This will conserve the groundwater resource and should be in the public interest. Adequate water is available in Salmon Falls Creek during the early and late part of the irrigation season, and this amendment should not interfere with any senior water rights. Nor will the proposed amendment result in any greater consumption of water than the original permit would.

If you require any additional information, please contact me.

Sincerely,

Jean L. Gierffie

MICROFILMED

June 14, 1985

Jean L. Giuffre'
10945 Janie Rd.
Boise, ID 83703

Dear Ms. Giuffre':

Re: Permit No. 47-7569

This office acknowledges receipt of the assignment conveying the above-referenced permit to you. The assignment has been entered into the Department records, enclosed is a copy of the permit for your records.

The Department received and reviewed the request for extension of time which you submitted on this permit. The request states that the pumping plant and pipeline are complete. The request also shows that you intend to amend the permit "to allow direct use of water on lands now irrigated with groundwater during the time allowed in the permit."

The permit provides for non-irrigation season (September 1 to June 1) diversion of water from Salmon Falls Creek to be stored in a 780 acre foot reservoir for use during the following irrigation season. The permit does not provide for a direct diversion to the place of use during the irrigation season and could not be amended for this proposed change.

A review of the file also shows that the pumping plant and pipeline were in existence for the diversion of other rights at the time Application for Permit No. 47-7569 was filed with the Department.

Based on the information provided on the request for extension of time and information in the water right file, an extension cannot be approved.

If you have other information you wish to provide to the Department before final action is taken on the extension request, please provide it to the Department within 30 days.

RECEIVED

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

Permit No. 47-7569

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign? ✓
b/ Partial Assign?
4. "No assignment" condition on permit? *NO*
5. Commencement of works received? *yes - see extension request rec'd 5/24/85.*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? *NO*
7. Extension granted due to litigation?
If yes, commencement of works is not required.

1. Type Permit Summary Sheet ✓
2. Coding Sheet ✓
3. Acknowledgement letter type *Rita, please ack. w/extension correspondence.*
4. Copy to region ✓

Date: 6/5/85
Employee: K. Walker

MICROFILMED

S T E U F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MARSHALL,, HOWARD D.
185 BLAIR DRIVE
TWIN FALLS,, ID 83301

LAPSE NOTICE

APRIL 04, 1985

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 47-7569 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JANUARY 31, 1985.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE FORM OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED FORM OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND 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 GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING
I hereby certify that a copy of this document was deposited in the U.S. mail, postage prepaid, addressed to the individual(s) named above.
[Signature]

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

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

138654

MARSHALL,, HOWARD D.
185 BLAIR DRIVE
TWIN FALLS,, ID 83301

PROOF DUE NOTICE

JANUARY 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7569 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Allen

DATE

12/5/79

TO

Files

47-7565

47-7569

SUBJECT

47-7571

47-7572

47-7573

Send copies of final decisions to:

Gene Babin

B.L.M.

550 West Fort

Boise, Idaho

83724

As per phone request from Jan Grover

Allen

SIGNATURE

Copy sent
4/24/80
JF

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 23, 1980

Howard D. Marshall
185 Blair Drive
Twin Falls, ID 83301

Dear Mr. Marshall:

Re: Application for Permit No. 47-7569

Enclosed is a copy of the approved Application for Permit No. 47-7569 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Memorandum Decision and Order.

Be sure to note the special condition requiring you to install and maintain a measuring device as part of the diverting works. We have enclosed a list describing the different types of measuring devices accepted by this office.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days or may appeal directly to the district court within sixty (60) days from the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Magic Water Company, Inc.
Daniel A. Slavin
William L. Nungester

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

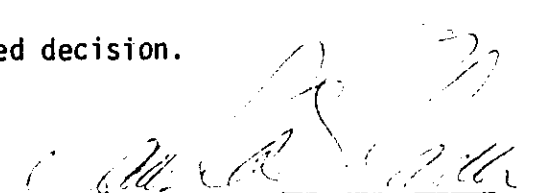
IN THE MATTER OF APPLICATIONS FOR PERMIT NO.)

47-7565 IN THE NAME OF JEAN L. MARSHALL
47-7569 IN THE NAME OF HOWARD D. MARSHALL
47-7571 IN THE NAME OF JOHN M. THOMAS
47-7572 IN THE NAME OF LENARD EASTERDAY
47-7573 IN THE NAME OF LORENE EASTERDAY

STIPULATION

We, the undersigned parties to the above referenced matter agree to allow the Department of Water Resources to reach a decision based upon the information obtained at the conference held in Twin Falls, Idaho on November 27, 1979, and the information contained in the records of the Department.

We also agree to waive compliance with the requirements of Idaho Code Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.


DANIEL A. SLAVIN

Attorney for Howard D. Marshall and
Jean L. Marshall

WILLIAM L. NUNGESTER

Attorney for Magic Water Company, Inc.

WILLIAM F. RINGERT

Attorney for Lenard Easterday, Lorene
Easterday and John M. Thomas


MICROFILMED

ANDERSON, KAUFMAN, ANDERSON AND RINGERT
CHARTERED
LAWYERS

IDAHO BUILDING
BOISE, IDAHO 83701

March 26, 1980

EUGENE H. ANDERSON (1902-1972)
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

RECEIVED

Mr. Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Herewith is Stipulation in the matter of Applications for Permit No. 47-7565 et al, which I have signed as requested in your letter of March 24, 1980.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By

W. F. Ringert
W. F. Ringert

WFR:am
Enclosure

MICROFILMED

Y L L L L L L

STIPULATION

MANDOCH MED

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER — 1020 MAIN
Post Office Box 583
BUHL, IDAHO 83316
TELEPHONE (208) 543-4368

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS
JEFFREY E. ROLIG
JOHN T. LEZAMIZ
JOHN C. HOHNHORST

March 27, 1980

TWIN FALLS OFFICE
Twin Falls Bank & Trust Building
Post Office Box 389
Twin Falls, Idaho 83301
Telephone (208) 734-7510

OUR FILE NUMBER

me
Mr. Loren O. Holmes
Southern Region Supervisor
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Applications for Permit
No. 47-7565 - Jean L. Marshall
No. 47-7569 - Howard D. Marshall
No. 47-7571 - John M. Thomas
No. 47-7572 - Lenard Easterday
No. 47-7573 - Lorene Easterday

Dear Mr. Holmes:

With reference to your letter of March 24, 1980,
we are returning the stipulation which you sent and which
Mr. Nungester has signed.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

Alta Gannon
Alta Gannon, Secretary

Enclosure

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

mar

IN THE MATTER OF APPLICATIONS FOR PERMIT NO.)

47-7565 IN THE NAME OF JEAN L. MARSHALL

47-7569 IN THE NAME OF HOWARD D. MARSHALL

47-7571 IN THE NAME OF JOHN M. THOMAS

47-7572 IN THE NAME OF LENARD EASTERDAY

47-7573 IN THE NAME OF LORENE EASTERDAY

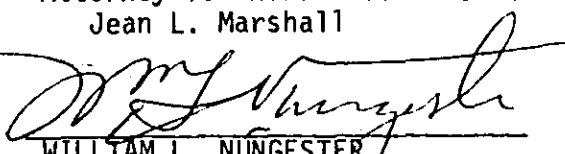
STIPULATION

We, the undersigned parties to the above referenced matter agree to allow the Department of Water Resources to reach a decision based upon the information obtained at the conference held in Twin Falls, Idaho on November 27, 1979, and the information contained in the records of the Department.

We also agree to waive compliance with the requirements of Idaho Code Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

DANIEL A. SLAVIN

Attorney for Howard D. Marshall and
Jean L. Marshall


WILLIAM L. NUNGESTER

Attorney for Magic Water Company, Inc.

WILLIAM F. RINGERT

Attorney for Lenard Easterday, Lorene
Easterday and John M. Thomas

MEMORANDUM

TO: Files

FROM: Bob Fleenor

RE: 47-7565, 47-7569, 47-7572, 47-7573, & 47-7571

On November 27, 1979, a conference was held at Twin Falls to consider the protests by Magic Water Co. against the approval of the above permits.

Attorney, Bill Ringert represented the Easterdays and Mr. Thomas, Dan Slavin represented the Marshalls and Bill Nungester represented Magaic Water Co.

The primary concern is with the diversion to storage that is proposed until June 1 and how that late of a diversion will affect the downstream water rights. The impact of drilling a well under 47-7565 near Salmon Falls Creek is also of major concern.

All the parties agreed to allow the Department to reach a decision based upon the conference, however, an agreement between parties may be possible and, therefore, a decision will be delayed until after ~~June~~^{January} 15, 1980 on 47-7569, 47-7571, 47-7572 and 47-7573 and until after February 15, 1980 on 47-7565 to allow the parties that opportunity.

MICROFILMED

Nov 27, 1979 Conference

47-7565 Jean Marshall^{GW.} } Daniel Slavin attorney
47-7669 Howard Marshall }

47-7572 Lenard Easterday } William Ringert attorney
7573 Lorene Easterday }
47-7571 John Thomas }

Protestant

Magic Water Co. - William Nungester

- Daniel Slavin

Desire to irrigate DLE Land

Howard Marshall - Off season storage - thru exist 27 cfs system
Diversion thru an existing system to a new reservoir
Jean Marshall -

- Bill Ringert

Three entries - Three reservoirs will be construction
Off season storage

The water would not be diverted

Approximately 40 days of diversion would fill the reservoirs -

There is adequate water most years -
Take notice of flow records - at gaug near the highway -

- Wm Nungester -

Shortage of water every year lasting from

PD is 4 or 5 miles about Magic Water - June 20 to July 15 -

MICROFILMED

- Primary Concern is that the taking of water during the winter will dry up ^{Bulliten No. 20} springs that feed S.F. Ck during summer.
- Blue Gulch Creek Report Page 33 indicates well may interfere. 1970 publication

Well will be about 100 feet from the ~~well~~ stream

- Is there sufficient water for the purpose

The ground becomes spongy during the spring

Elev. difference between Marshalls and Magic 30 feet

Magic Water 94.56 cfs right →

{ Are there any

Minimum flow in 1977 about 85 cfs = Magic Water

The Watermaster 47C is Louis Larsen -

The early Sept 1 date is OK the late June 1 date is too late
May 15 would be a more acceptable date.

DLE's extended until 1981

- ~~Hearing~~ -

Agree to allow the Dept to reach a decision based upon the conference - if an agreement is not reached in ^{by Jan 15} ~~120 days~~ on Salmon Falls Ck filing and Feb 15, 1979

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No 8718

ok
maury
10/9/79
I, Linda L. Capps being first duly sworn
doth, depose and say that I am Public 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
September 27, 19 79, and ending with the issue dated
October 4, 19 79.

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 com-
petent 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 there-
of, Thursday is announced as the day on which said legal notices will be published.

Linda L. Capps
Subscribed and sworn to before me on this 5 day of

October, 19 79

Debra Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

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:

42-2569

MARSHALL, HOWARD D.

185 BLAIR DRIVE, TWIN FALLS, ID 83301

Source: SALMON FALLS CREEK tributary to SNAKE RIVER

Date Filed: 08/30/1979

Amount: ^{20.}0.20 CFS 1500.0 AC-FT

Diversion Point: SENE Sec 20 T 10S R 13E, TWIN FALLS Co.

Use: DIVERSION TO STORAGE (0.20 CFS) from 09/01 to 06/01
IRRIGATION STORAGE (1500.0 AC-FT) from 01/01 to 12/31
IRRIGATION FROM STORAGE (700.0 AC-FT) from 03/15 to 11/15

Place of Use: NENW N4NW SWNW SENW NESH SNSE SESH SNSE Sec 17 T 09S R 13E
FOR 300 ACRES

Diversion Means: PUMPS, PIPELINES AND DITCHES ✓

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 OCTOBER 8, 1979.

15,

C. STEPHEN ALLRED

Director

Published 9/20 & 9/27/79. + 10/4/79

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

47-7509

MARSHALL, HOWARD D.
185 BLAIR DRIVE, TWIN
FALLS, ID 83301

Source: SALMON FALLS
CREEK tributary to
SNAKE RIVER

Date Filed: 08/30/1979

Amount: 0.20 CFS 1500.0
AC-FT

Diversion Point: SENE Sec
20 T 10S R 13E, TWIN
FALLS Co.

Use: DIVERSION TO
STORAGE (0.20 CFS) from
09/01 to 06/01

IRRIGATION STORAGE
(1500.0 AC-FT) from 01/01
to 12/31

IRRIGATION FROM
STORAGE (780.0 AC-FT)
from 03/15 to 11/15

Place of Use: NENW NWNW
SWNW SENW NESW
SWSW SESW SWSE Sec
17 T 09S R 13E FOR 300
ACRES

Diversion Means: PUMPS,
PIPELINES AND DITCHES

47-7509
ok
corrected
10/3/79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

SEPTEMBER 5, 1979

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 OCTOBER 8, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED