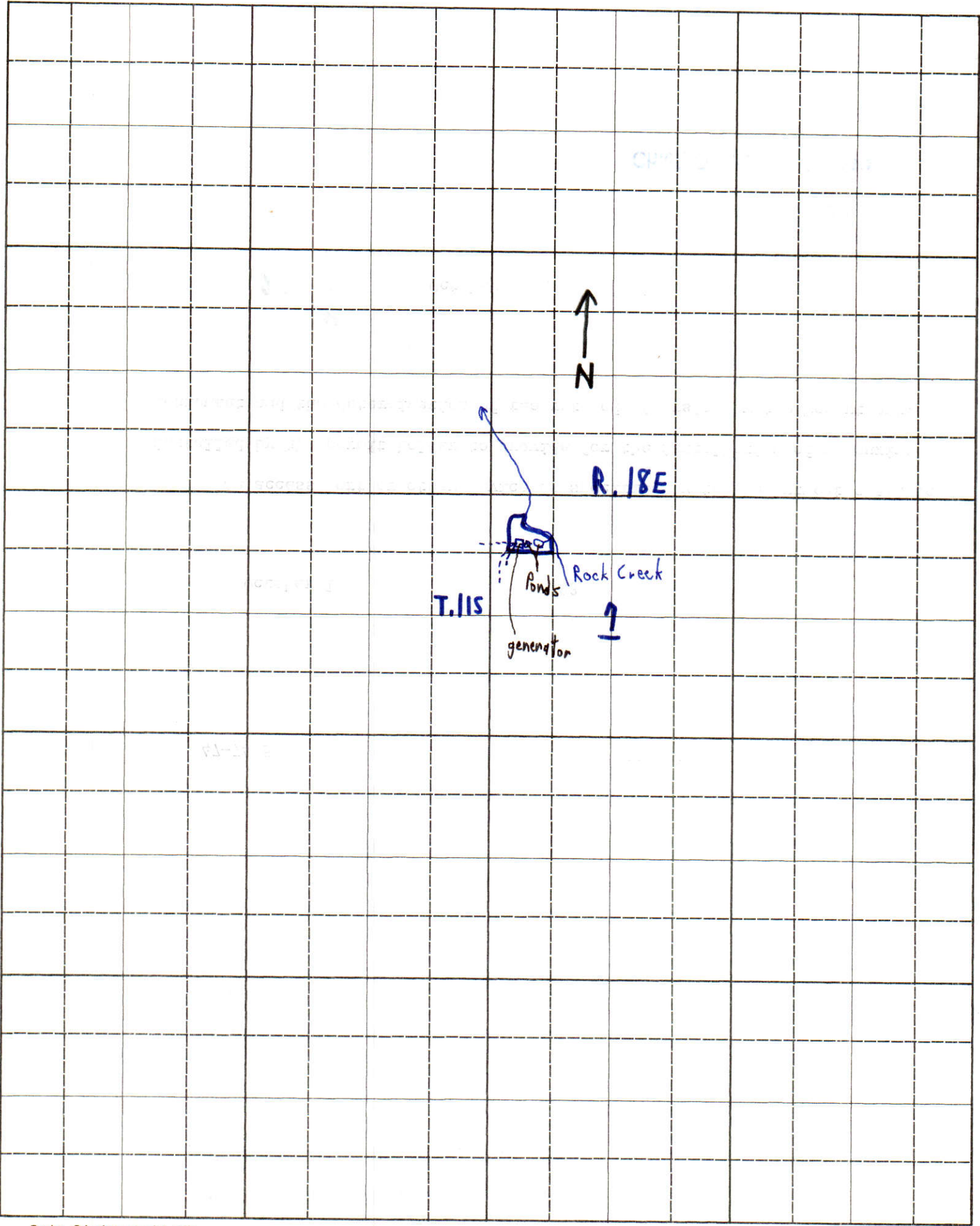


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Jack Z. Dornier
(Applicant)

Affidavit of Publication

No 7438

STATE OF IDAHO,
COUNTY OF TWIN FALLS ss.

I, Boa L. Hughes being first duly sworn upon
oath, depose and say that I am Dyane Creek of the TIMES-NEWS
published daily, except Saturday, 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 Thursdays, commencing with the issue dated
August 17, 1978, and ending with the issue dated
August 24, 1978.

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 con-
tinuously 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, 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
August 27, 1978

Boa L. Hughes
George J. Jennings
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jack L. Donner, Twin Falls, Idaho, has on 8/7/78 submitted Application No. 47-7485 for a permit to appropriate 12.0 cubic feet per second of water from seepage — waste water tributary of Rock Creek by means of electrical generator, new stream channel to two small ponds, ditch into Rock Creek within the Lot 1, Sec. 7, Twp 11S, Rge 18E., B.M., Twin Falls County to be used from Jan. 1 to Dec. 31, for recreation & aesthetics & hydropower, within the Lot 1, Sec 7, Twp 11S Rge. 18E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before Sept. 4, 1978.

C. STEPHEN ALLRED

Director

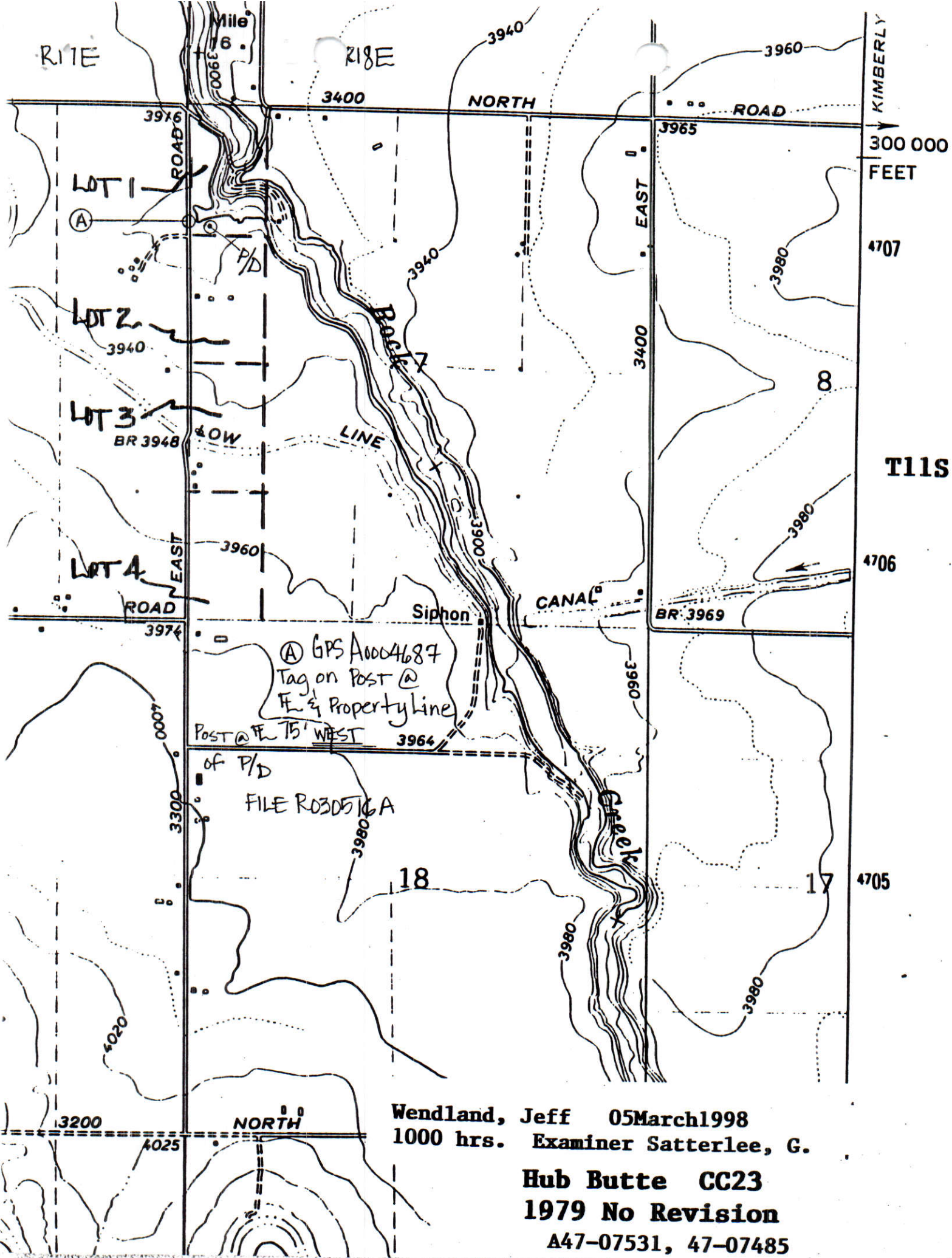
PUBLISH: Aug. 17 and 24, 1978.

MICROFILMED

RECEIVED

AUG 30 1978

Department of Water Resources
Southern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

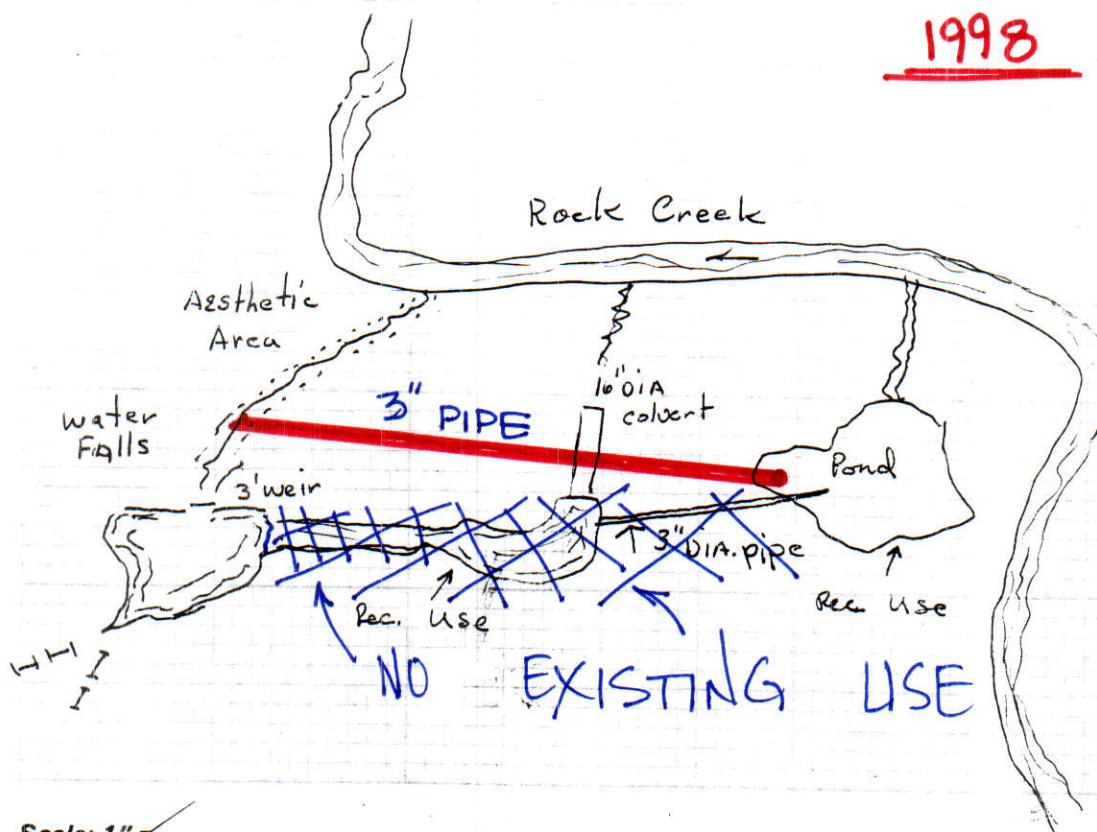
1. Owner: Donner, Jack L. Permit No. 47-7485
Current Address: Rte 2, Twin Falls, Ida Phone No. _____
2. Accompanied by: Jack L. Donner EXAM. DATE: 11/15/89
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Seep Water tributary to Rock Cr.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NO ☐ Copies Attached
2. Other water rights with same point of diversion: NO ☐ Copies Attached ☐ Copies of Field Exam's Attached

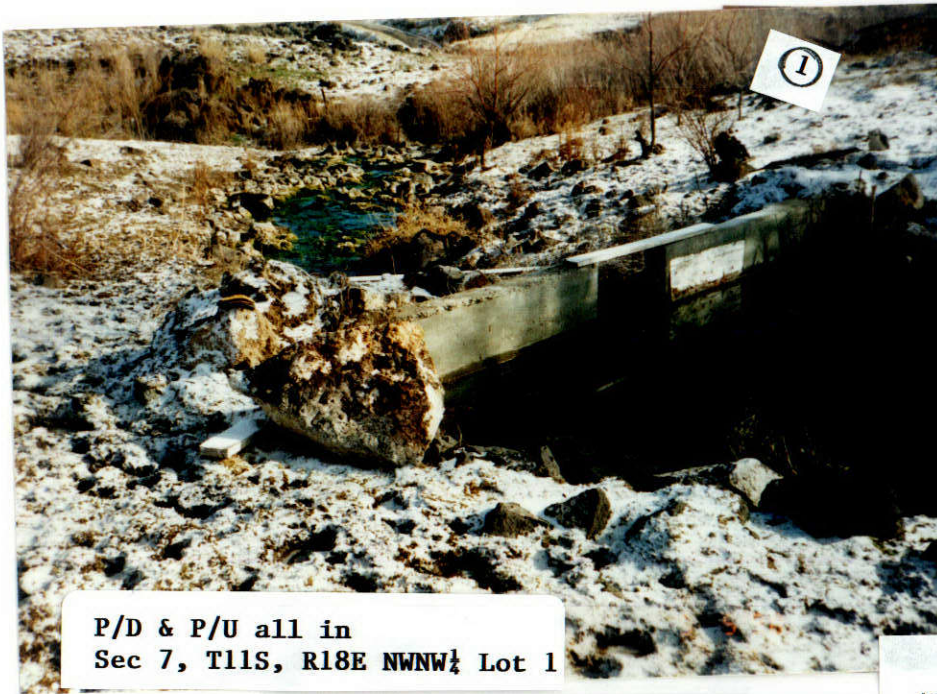
C. SYSTEM DESCRIPTION

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 single household domestic groundwater, and stockwater).



P/D & P/U all in
Sec 7, T11S, R18E NWNW $\frac{1}{4}$ Lot 1

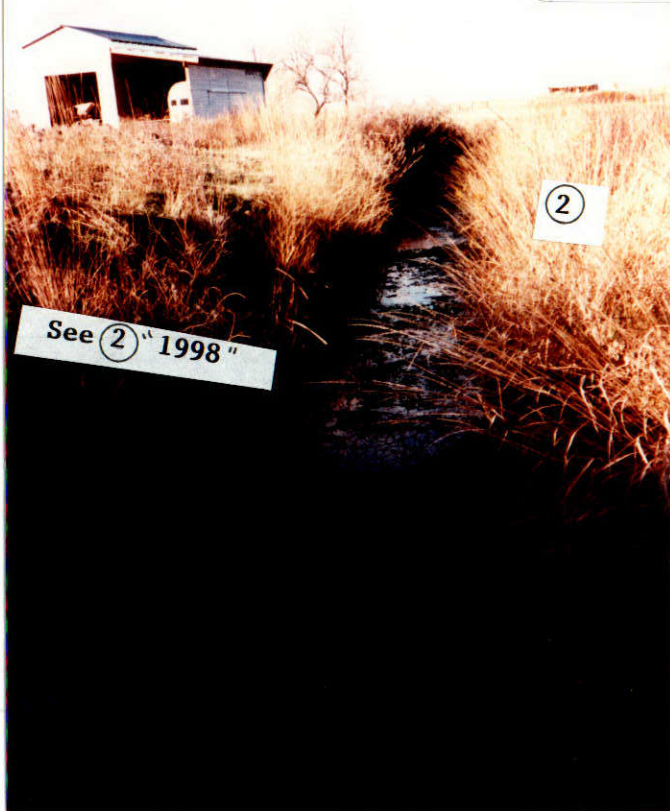


All three photos are looking
approximately NE'ly



Wendland, Jeff 05 March 1998
1000 hrs Examiner: Satterlee, G
47-07485

Photo looking W'ly,
Please see same ditch,
photo taken 1998

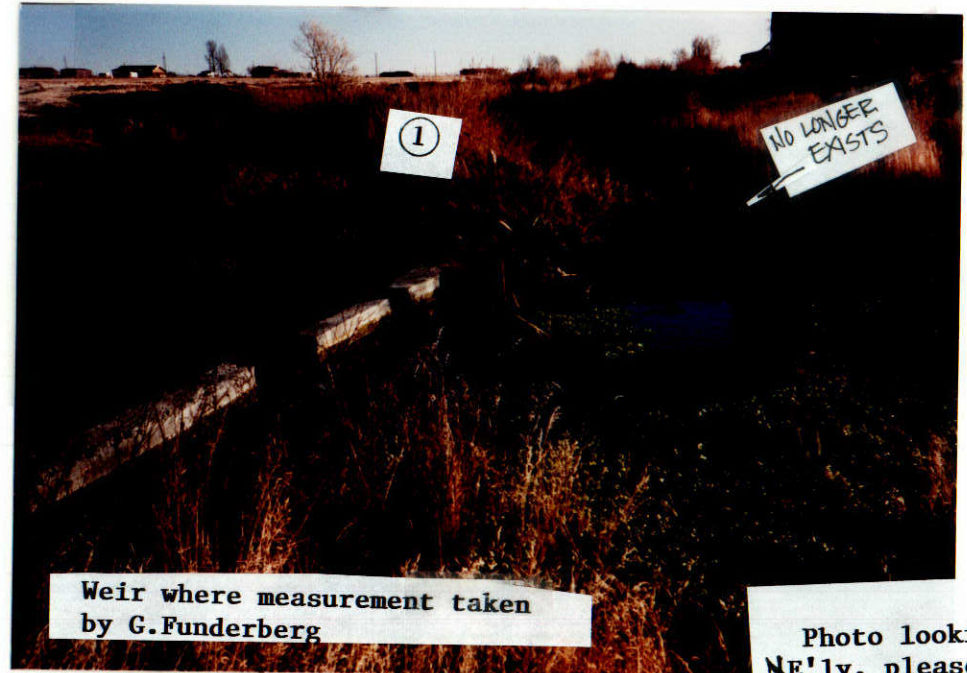


Ditch running from inlet to
outlet for Hydro Power
to be installed in Near
future. Has Fish in it.

Wendland, Jeff Owner as of 1994+
Donner, Jack Original Owner

1989 Exam Made

This must be at the pond(s), see photo
taken 1998



Water From Drain Pipe.

Photo looking
NE'ly, please see
same pond, photo
taken 1998



Screen on inlet of pipe to Fish pond.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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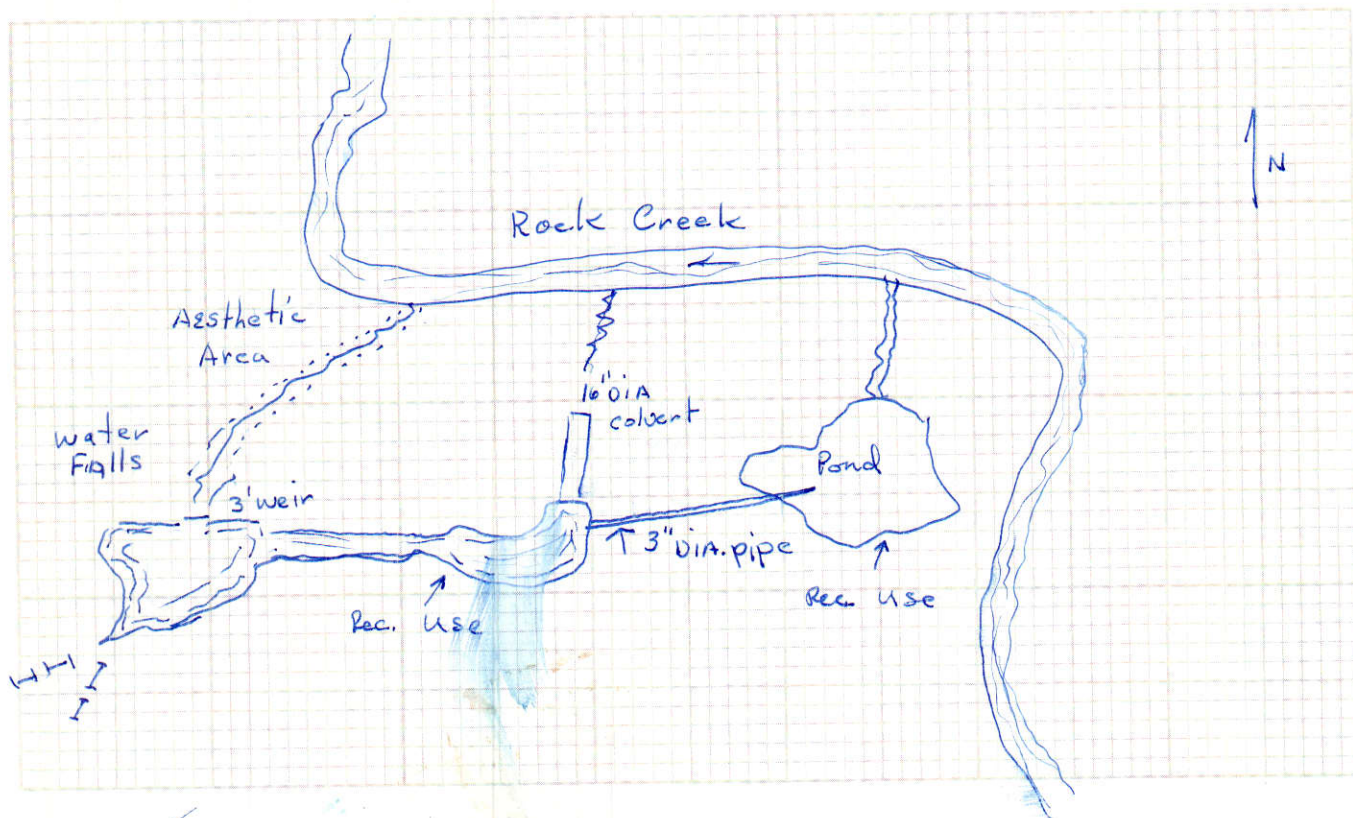
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Current Address: Rte 2, Twin Falls, Ida Phone No. _____
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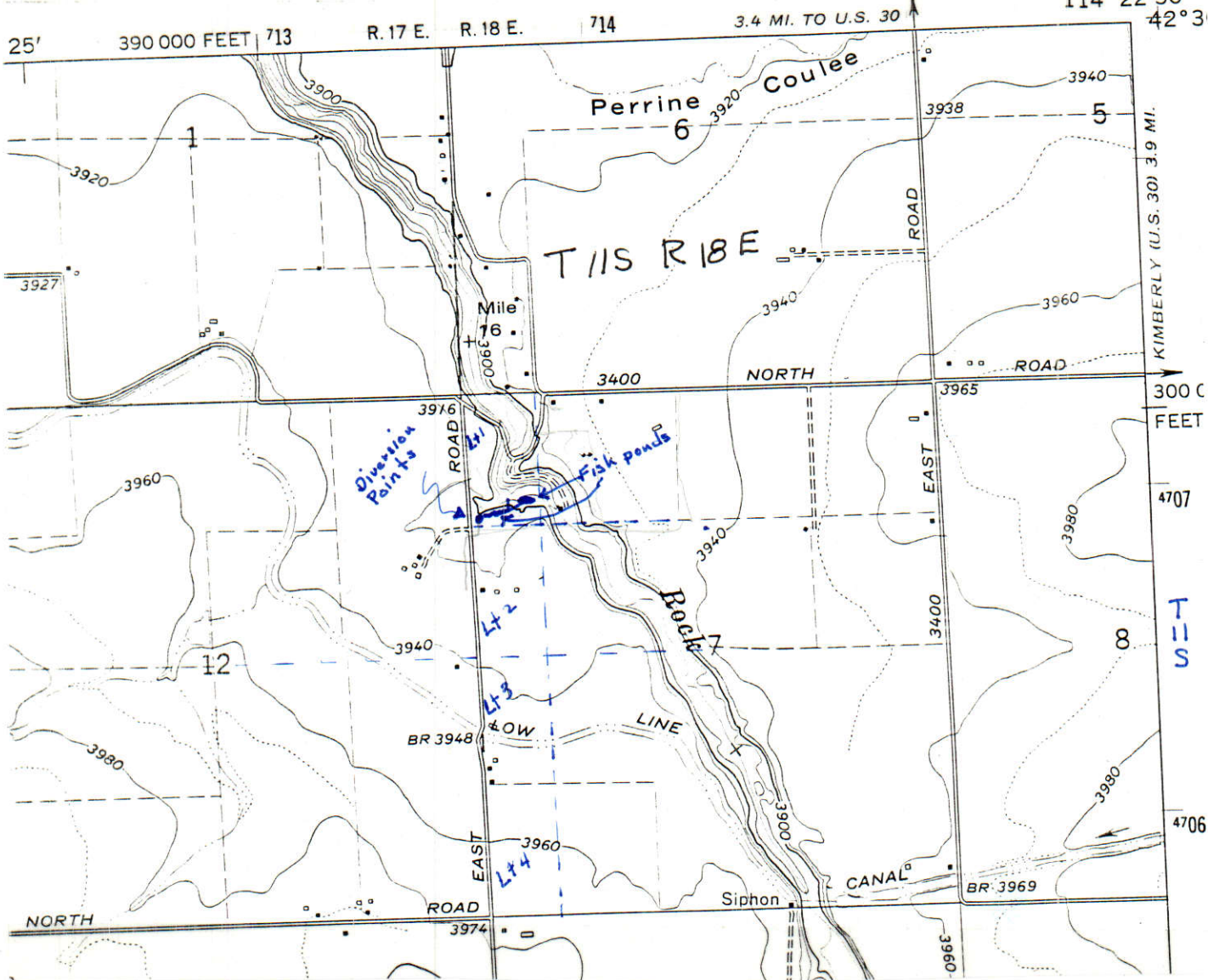


Scale: 1" = _____

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 single household domestic groundwater, and stockwater).

7.5 MINUTE SERIES (10' CORNER)

114°22'30"
42°3'



WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	47-07485	Jack L. Donner	12.0
Full Assignment	47-07485	Jeff M. Wendland	12.0

RECEIVED
JUL 26 1994

JUL 26 1994

RECEIVED

JUN 01 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES**RECEIVED**

MAY 27 1994

Department of Water Resources

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

Department of Water Resources
Southern Region Office

I, Jack L. Donner, hereby assign to Jeff M. Wendt
 of 228 6th Ave N., Twin Falls ID, 83301
(Applicant)
(Full Address)

All my right, title, and interest in and to Application for Permit
 No. 47-7485 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

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

Made this 27th day of May, 19 94.

Jack L. Donner
 Applicant(s)

State of Idaho)

County of Twin Falls^{SS}

On this 27th day of May, 199 4, personally appeared before me the
 signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

[Signature]

Notary Public

SEAL

My commission expires:

6/30/2000

Signature

JUL 26 1994

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

March 3, 1998 9:11am

CUSTOMER

Wendland, Jeff

SUBJECT: 47-07485

phone call (x) walk-in (.)

Field examination appt set for 5 March 1998 9:00 a.m. @ 3370 E, Kimberly, Tan House, (headgate is south of house)
Mr. Wendland and Mr. Roland King will need to split the permit, I need to bring Assignment of Permit 47-07485, and Address Change per 47-07531.

ROLAND KING 734-6824
878 ROSEWOOD

16" pipe underground carries wastewater

For Office Use Only
Fee Received <u>15.00</u>
Date <u>9-15-83</u>
Receipt # <u>32662</u>

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 13 1983

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Southern District Office

To provide additional time in which to submit
proof of beneficial use on a water right permit

SEP 14 1983

Department of Water Resources

Jack L. Donner of Route #6 2192 Floral Ave., Twin Falls
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 47-7485.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before October 1, 19 83.

That he has heretofore performed the following work described under said permit:

(This must be filled out! If no work has been completed put none.)

Equipment and pipeline has been purchased. Head ditch has been built. Road to generator site has been built as far as possible.

Costing \$ 10,000.

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Extremely wet conditions during the last two years have kept heavy equipment out of the construction site. Heavy weed growth has been too green to burn off so that the ground could be worked. The project could be completed under normal moisture conditions.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to October 1, 19 88.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Jack L Donner
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to October 1, 1988.

Signed this 22nd day of September, 19 83.

L. Glen Sayton
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Jack L. Donner Phone 734-6219

Post office address Rt. 2, Twin Falls, Idaho 83301

2. Source of water supply Seepage & waste water which is a tributary of Rock Creek

3. Location of point of diversion is _____ ¼ of Lot 1 ¼ of Section 7 Township 11S

Range 18E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 12.0 for Aesthetics purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) recreation &

Amount 12.0 for hydropower purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 12.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. electrical generator, new stream channel
to two small ponds, ditch into Rock Creek

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

Period of year when water will be diverted to storage _____ to _____ 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: _____ ¼ of Lot 1 ¼ of Section 7 Township 11S
Range 18E B.M.

(2) Amount of power to be generated: 20 horsepower under 20 feet of head.

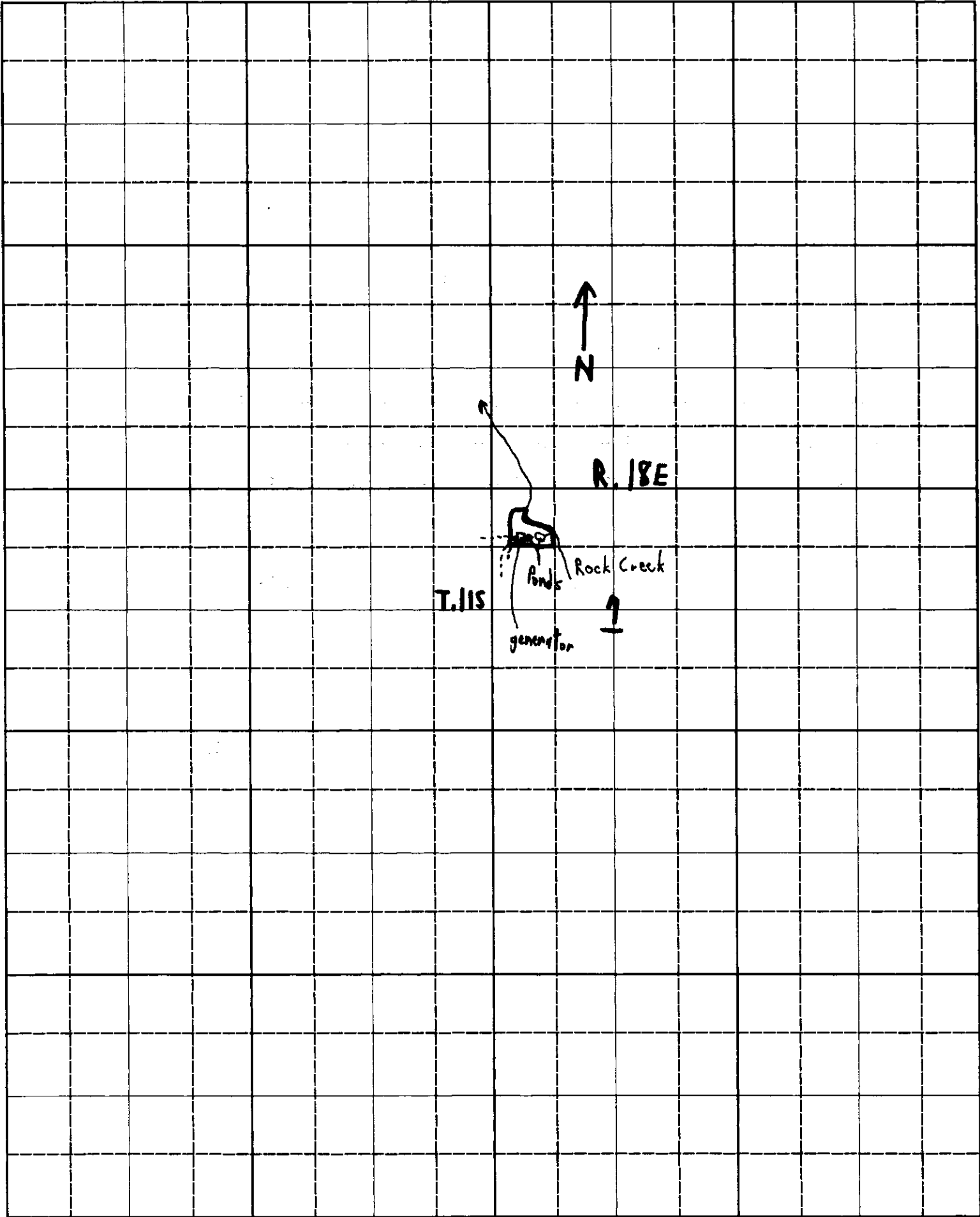
(3) List number of each kind of livestock to be watered _____

(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: _____

MICROFILMED

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.

Jack Z. Dornes
(Applicant)

Proposed Priority 8-7-78

Received by LH Date 8-7-78 Time 3:40
Preliminary check by ADM Fee \$ 145.00 # 10522
Receipted by maria Date 8/7/78
Publication prepared by maria Date 8/1/78
Published in Times News
Publication dates 8/17 & 8/24/78
Publication approved maria Date 9/5/78
Protests filed by: withdrawn 9/18/78
Robert M. M. M.

Copies of protests forwarded by maria - 9/5/78
Hearing held by _____ Date _____
Recommended for approval denial by LH is

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. 47-7485, 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 October 1, 19 83.
- 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 20 th day of October, 19 78.

L. Glen Saxton

Chief, Operations Bureau

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 17 March 1998
RE: 47-07485

I found this file in the "To Be Examined" drawer. There is a request for other items to be verified before the 1989 field examination could be considered complete. See copy of notes attached.

In 1994, Mr. Jeff Wendland bought the property from Jack Donner. The ownership for licensed right, 47-07531, and the attached permit have been changed to Wendland. Mr. Wendland has sold a portion (approximately the south 6 acres) of the property to Roland King. The pond is on the portion of King's land, but Mr. Wendland says he is still holding the title. I will write up the exam and let the two property owners hash it out when they deem fit.

Mr. Wendland says the power never was established. The ditch for hydropower has been filled in. The use of the pond is for aesthetic only as the fish have all been eaten.

I decided to use Funderberg's measurement because the flow today was very low.

The recommended use is for Aesthetic and Aesthetic Storage only.

To File for A47-07531-licensed right for irrigation/stockwater.

In 1994, Mr. Jeff Wendland bought the property from Jack Donner. The ownership for licensed right, 47-07531, and the attached permit have been changed to Wendland. Mr. Wendland has sold a portion (approximately the south 6 acres) of the property to Roland King. Mr. Wendland says he is still holding the title. Upon clarifying the claim, hopefully the land owner situation will be ironed out also.

There were approximately 6-8 horses when I visited the property. All the horses were in the southern portion of the property.

I have photographed the areas where Mr. Wendland says he irrigates. Although I don't have exact acreage, ASCS and GIS can solidify this question.

The item that I see that needs clarification is the photograph that shows the concrete cylinder in Rock Creek. Mr. Wendland needs to explain if this diversion is from the weir for wastewater (weir is approximately 800 feet south-west of the concrete cylinder) or if the water is diverted directly from Rock Creek. If the latter is true, you know what that means...

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Jack L. Donner of Route 2 Twin Falls, County of Twin Falls, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ Jack L. Donner

Subscribed and sworn to before me this 7th day of August, 1978

/s/ Sheryl R. Merritt
Notary Public
Residence Twin Falls, Idaho
My Commission Expires 2/10/82

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:
That I am the designated statutory agent of the _____,
that as such I am in charge of the registered office of the said _____,
_____ as provided by Section 30-143, Idaho Code, at _____,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____
qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____
My Commission Expires _____

MICROFILMED

WARRANTY DEED

For Value Received

CARL G. SCHULER and LENNA FAE SCHULER, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JACK L. DONNER, a single man

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 11 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho,

Section 7: Lot 1.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 3, 1969

Carl G. Schuler
Lenna Fae Schuler

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 3rd day of October, 1969 before me, a notary public in and for said State, personally appeared Carl G. Schuler and Lenna Fae Schuler, husband and wife

known to me to be the persons whose names are
to the instrument and acknowledged to me that they executed the same.

William J. ...
Notary Public

Residing at Twin Falls, Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at the request of TWIN FALLS TITLE & TRUST COMPANY at 10 minutes past 4 o'clock, m., this 3rd day of OCT 1969 1969, in my office, and duly recorded in Book 221 of Deeds at page 461

William J. ...
Notary Public

By *Jack L. Donner* Deputy.
Fees \$ *10.00*
Mail to: *Jack L. Donner*

Instrument No.

600749

MICROFILMED

RECEIVED

AUG 20 1978

Department of Water Resources
Southern District Office

Affidavit of Publication

No 7438

STATE OF IDAHO,
COUNTY OF TWIN FALLS ss.

I, Cola J. Hughes being first duly sworn upon oath, depose and say that I am Lynne Clark of the TIMES-NEWS published daily, except Saturday, 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 Thursdays commencing with the issue dated August 17, 1978, and ending with the issue dated August 24, 1978.

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, under said name in said city and county continuously and uninterruptedly.

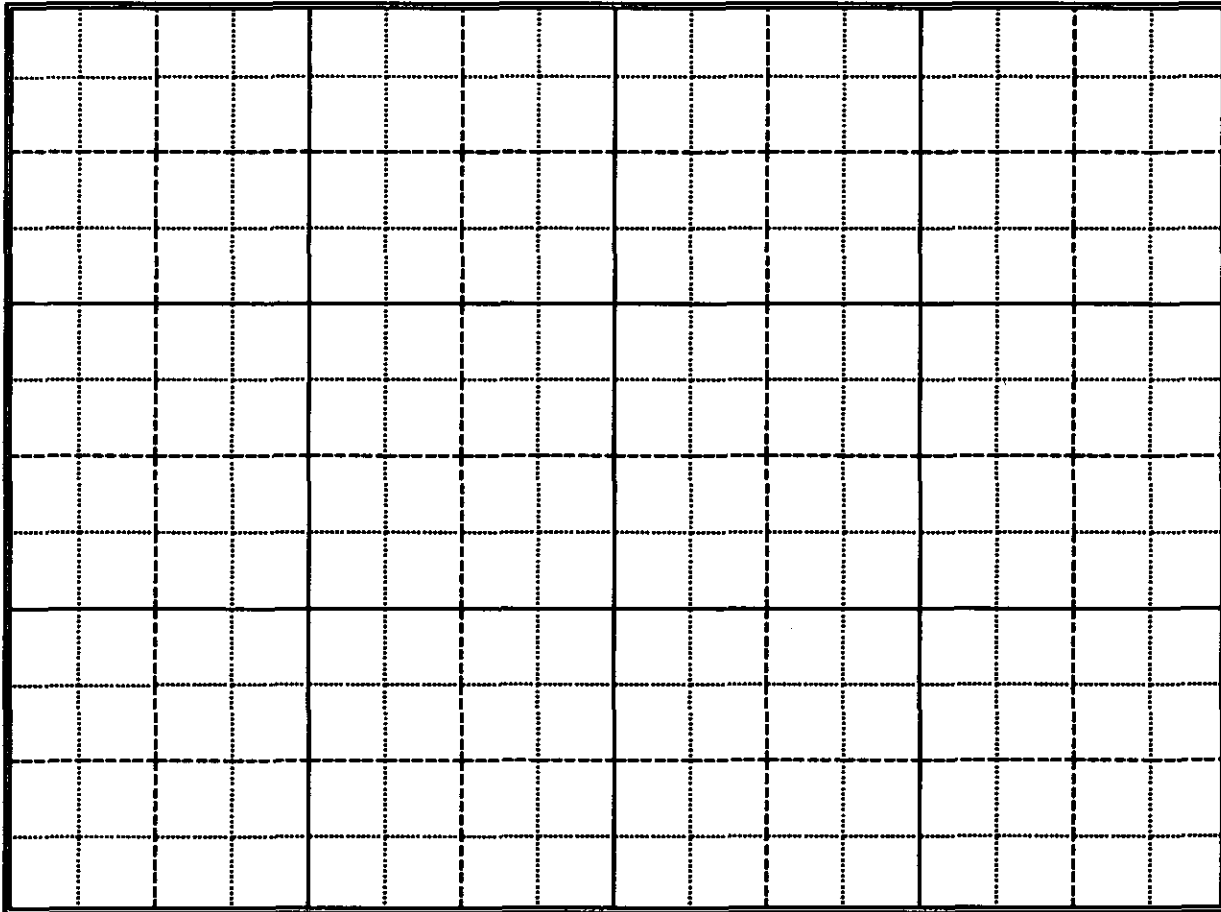
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial 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 August 24, 1978 day of August

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

[illegible]

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
GPS A0004687					
TAG NEAR WEIR					
ON FNC POST					

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

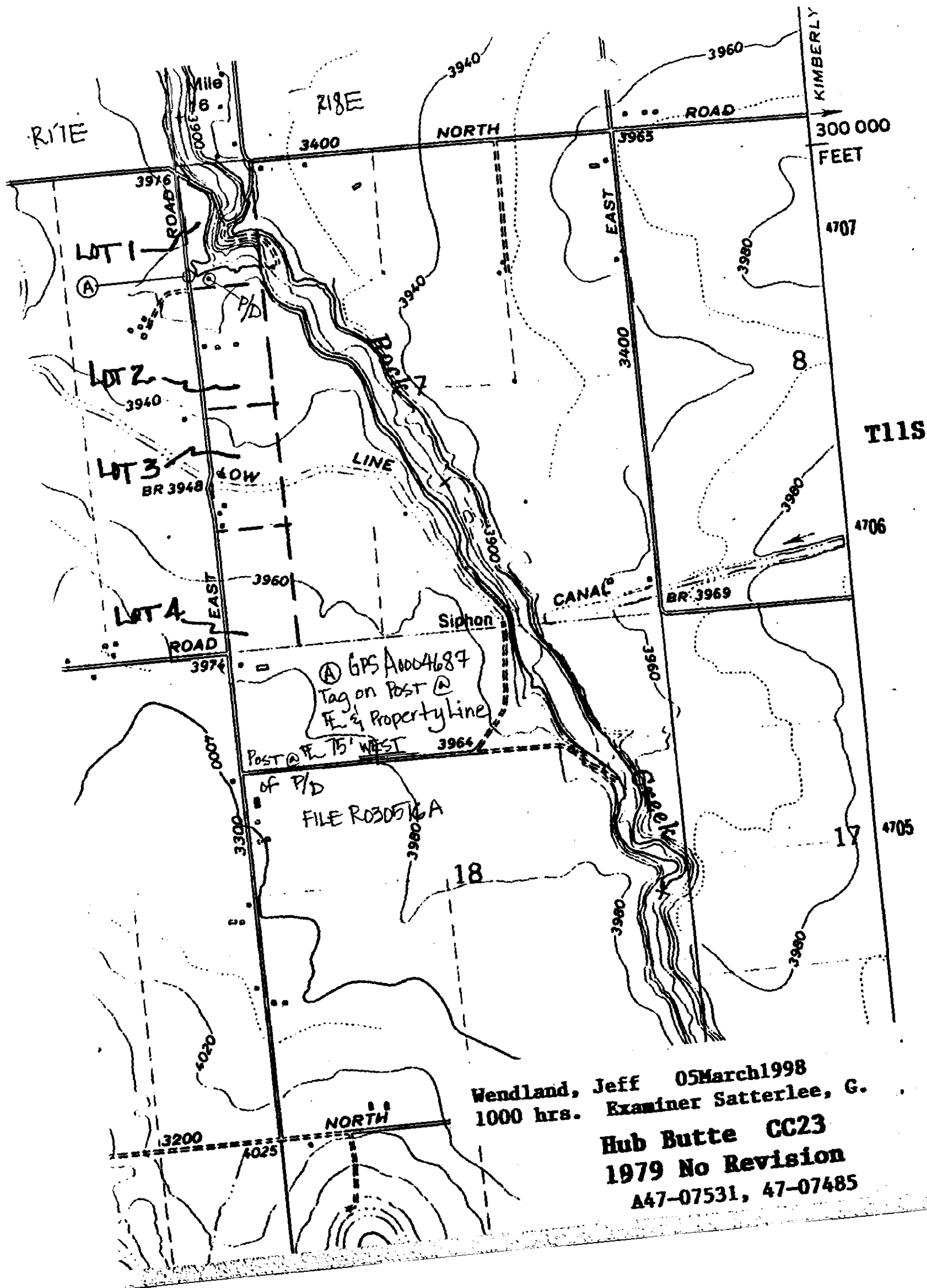
D. FLOW MEASUREMENTS

1.

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

2. Measurements:

SEE FIELD EXAM FUNDERBERG 1989



Wendland, Jeff 05 March 1998
 1000 hrs. Examiner Satterlee, G.
 Hub Butte CC23
 1979 No Revision
 A47-07531, 47-07485

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

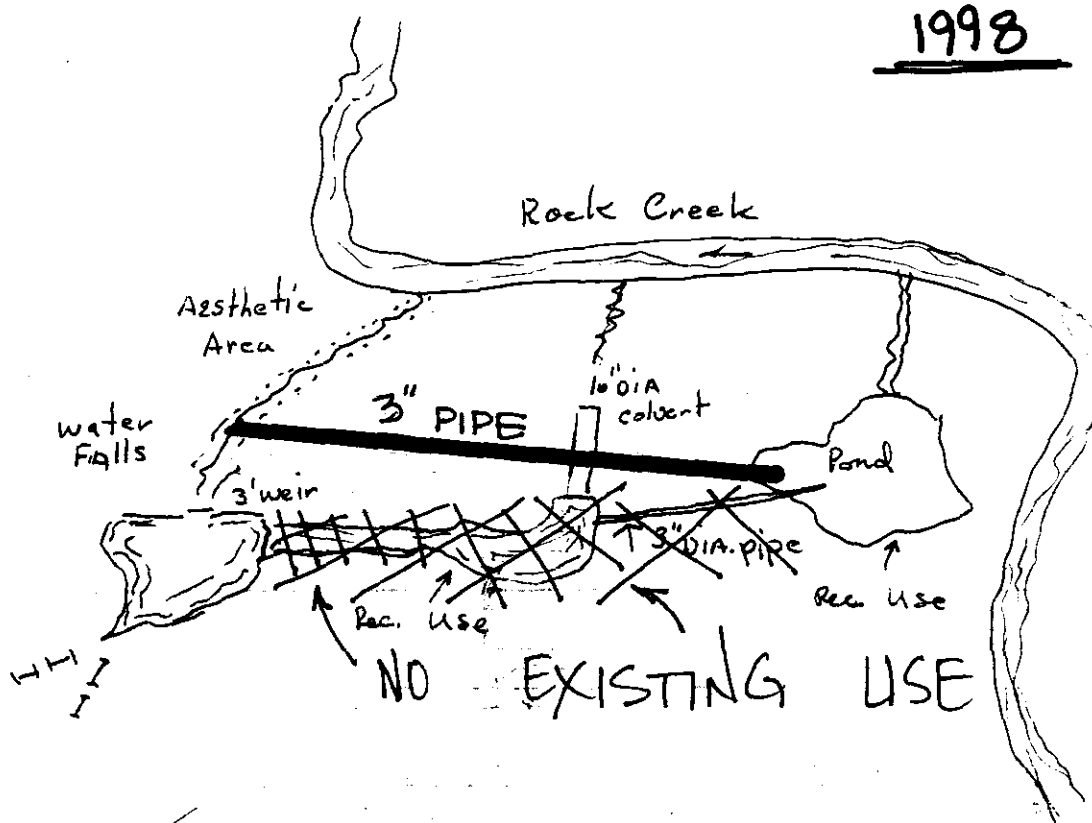
1. Owner: Donner, Jack L. Permit No. 47-7485
Current Address: Rte 2, Twin Falls, Ida Phone No. _____
2. Accompanied by: Jack L. Donner EXAM. DATE: 11/15/89
Address: _____ Phone No. _____
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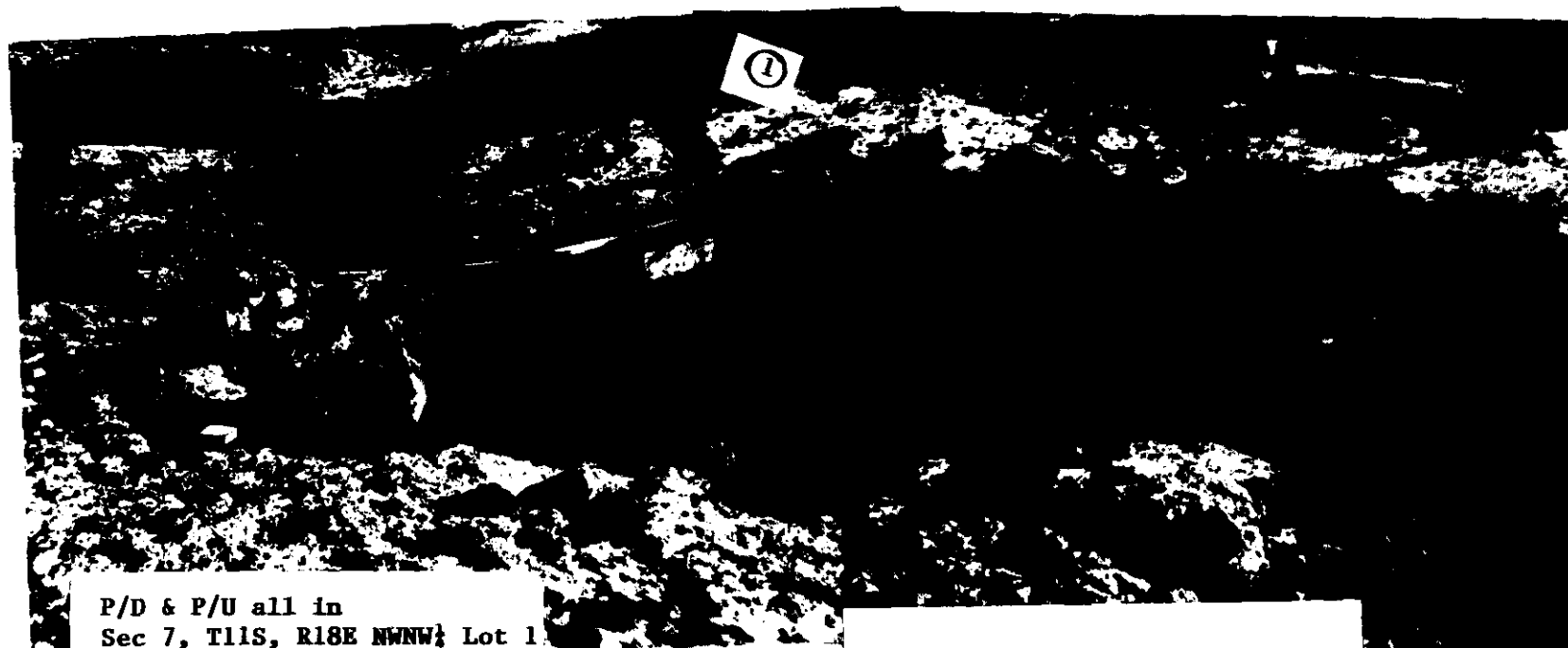
C. SYSTEM DESCRIPTION

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



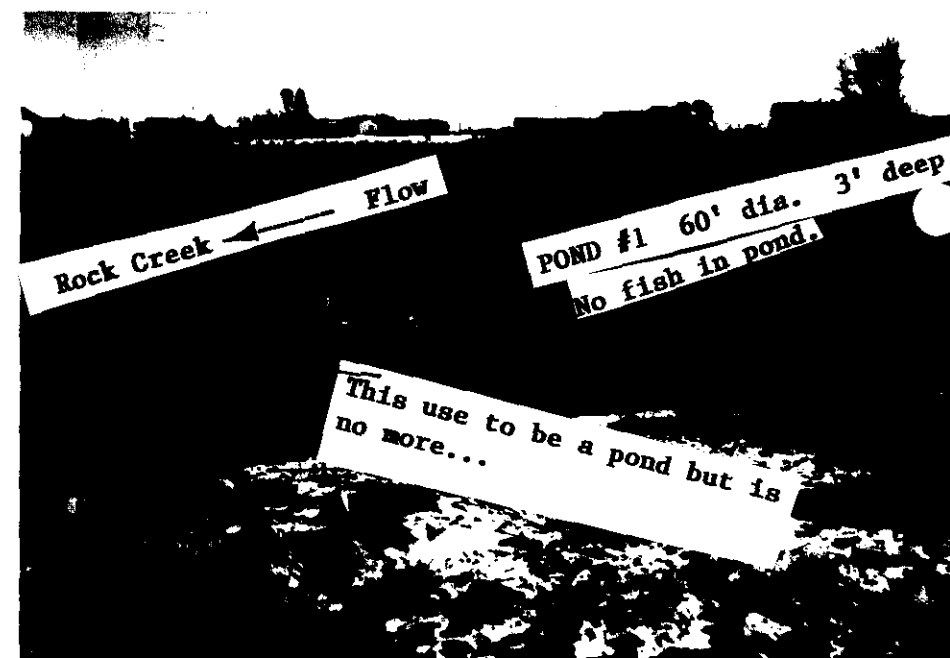
Scale: 1" = _____

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 single household domestic groundwater, and stockwater).



P/D & P/U all in
Sec 7, T11S, R18E NWNW; Lot 1

All three photos are looking
approximately NE'ly



Wendland, Jeff 05 March 1998
1000 hrs Examiner: Satterlee, G
47-07485

Photo looking W'ly,
Please see same ditch,
photo taken 1998

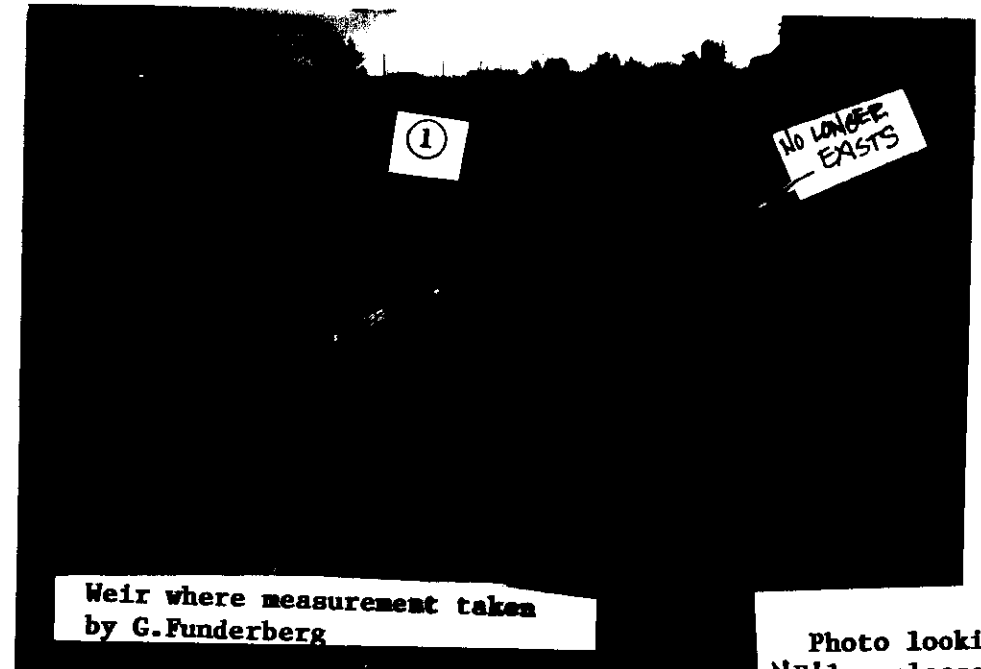


Wendland, Jeff Owner as of 1994+
Donner, Jack Original Owner

Ditch running from inlet to
outlet for Hydro Power
to be installed in Near
future. Has Fish in it.

1989 Exam Made

This must be at the pond(s), see photo
taken 1998



Water From Drain Pipe.

Photo looking
NE'ly, please see
same pond, photo
taken 1998



Screen on inlet of pipe to Fish pond.

2/2

WR5809NP
No. 47-07485

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/05/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFF M WENDLAND 228 6TH AVE N TWIN FALLS ID 83301	08/07/1978	POWER RECREATION AESTHETIC	01/01 12/31 01/01 12/31 01/01 12/31	12.000 CFS 12.000 CFS 12.000 CFS	
TOTAL DIVERSION:					12.000 CFS	

Water Source: WASTE WATER

Tributary to: ROCK CREEK

Stage: PERMIT

Point(s) of Diversion: T11S R18E S07 Lot 01(NWNW)

TWIN FALLS County

Lots Without 1/4 1/4 Description: POWER
11S 18E 7 01-P

Place of use location for RECREATION is the same location as described for: POWER

Place of use location for AESTHETIC is the same location as described for: POWER

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
47-07531

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the
- Department shall be installed by the right holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.

Dates: App. Received: Priority Date: 08/07/1978
Proof Due Date: 10/01/1988 Proof Made Date: 09/23/1988
Exam Made Date: 01/03/1996 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/22/87 05/28/88 CONVERT 10/03/88 CURTIS 10/05/88 CURTIS
11/14/89 BALDWIN 06/03/94 CZIMMERM 02/08/96 ABATES

AES
AES
S

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 17 March 1998
RE: 47-07485

I found this file in the "To Be Examined" drawer. There is a request for other items to be verified before the 1989 field examination could be considered complete. See copy of notes attached.

In 1994, Mr. Jeff Wendland bought the property from Jack Donner. The ownership for licensed right, 47-07531, and the attached permit have been changed to Wendland. Mr. Wendland has sold a portion (approximately the south 6 acres) of the property to Roland King. The pond is on the portion of King's land, but Mr. Wendland says he is still holding the title. I will write up the exam and let the two property owners hash it out when they deem fit.

Mr. Wendland says the power never was established. The ditch for hydropower has been filled in. The use of the pond is for aesthetic only as the fish have all been eaten.

I decided to use Funderberg's measurement because the flow today was very low.

The recommended use is for Aesthetic and Aesthetic Storage only.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

SEE "D. 2"

PERMIT RATE 12.00 cfs
EXAM FEE LIMIT 7.01 - 8.00
MEASURED RATE 5.12

PAID \$225

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

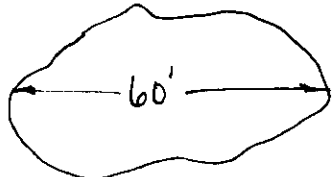
$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{N}{A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{N}{A}$$

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

2. Volume Calculations for Other Uses:

POND "1"



3' deep

$$A = \pi r^2$$

$$= \pi 30^2$$

$$= 2827 (3) = 43,560'$$

$$\text{VOLUME} = 0.2 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Period of Use

From

To

Rate of Diversion

Q (cfs)

Annual Volume

V (afa)

AESTHETIC

1/1

12/31

5.12 cfs

0.2

AESTHETIC STORAGE

1/1

12/31

Totals:

5.12 cfs

0.2

OFF STREAM DIVERSION

DIVERSION TO STORAGE

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

✓ None

Change P.U. as reflected above

Add P.U. as reflected above

Other

I. AUTHENTICATION

Field Examiner's Name

Georgia Satterlee

Date

17 Mar 98

Reviewer

Date

SEAL

* 4/27/98
Is rate of 5.12 cfs justified for Aesthetics?
ADM

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 17 March 1998
RE: 47-07485

I found this file in the "To Be Examined" drawer. There is a request for other items to be verified before the 1989 field examination could be considered complete. See copy of notes attached.

In 1994, Mr. Jeff Wendland bought the property from Jack Donner. The ownership for licensed right, 47-07531, and the attached permit have been changed to Wendland. Mr. Wendland has sold a portion (approximately the south 6 acres) of the property to Roland King. The pond is on the portion of King's land, but Mr. Wendland says he is still holding the title. I will write up the exam and let the two property owners hash it out when they deem fit.

Mr. Wendland says the power never was established. The ditch for hydropower has been filled in. The use of the pond is for aesthetic only as the fish have all been eaten.

I decided to use Funderberg's measurement because the flow today was very low.

The recommended use is for Aesthetic and Aesthetic Storage only.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

47-7485
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☒ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☐ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index ID 11/9/88 (Initial and date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
Check of P/U index ID 11/9/88 (Initial and date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
Aerial Photo
Required? ☐ yes ☒ no If yes: ☐ copy attached?
Scheduling Letter sent? _____ (Initial and date)
☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Dany Surdubay 11/12/89 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)
Exam Reviewed by Manager of Regional Office APM 1/17/90 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 47-7485

1. Owner: Donner, Jack L. Phone No. _____

Current Address: Rte 2, Twin Falls, Ida

2. Accompanied by: Jack L. Donner EXAM. DATE: 11/15/89

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Seep Water tributary to Rock Cr.

B. OVERLAP REVIEW

1. Other water rights with same place of use: no

☐ Copies Attached

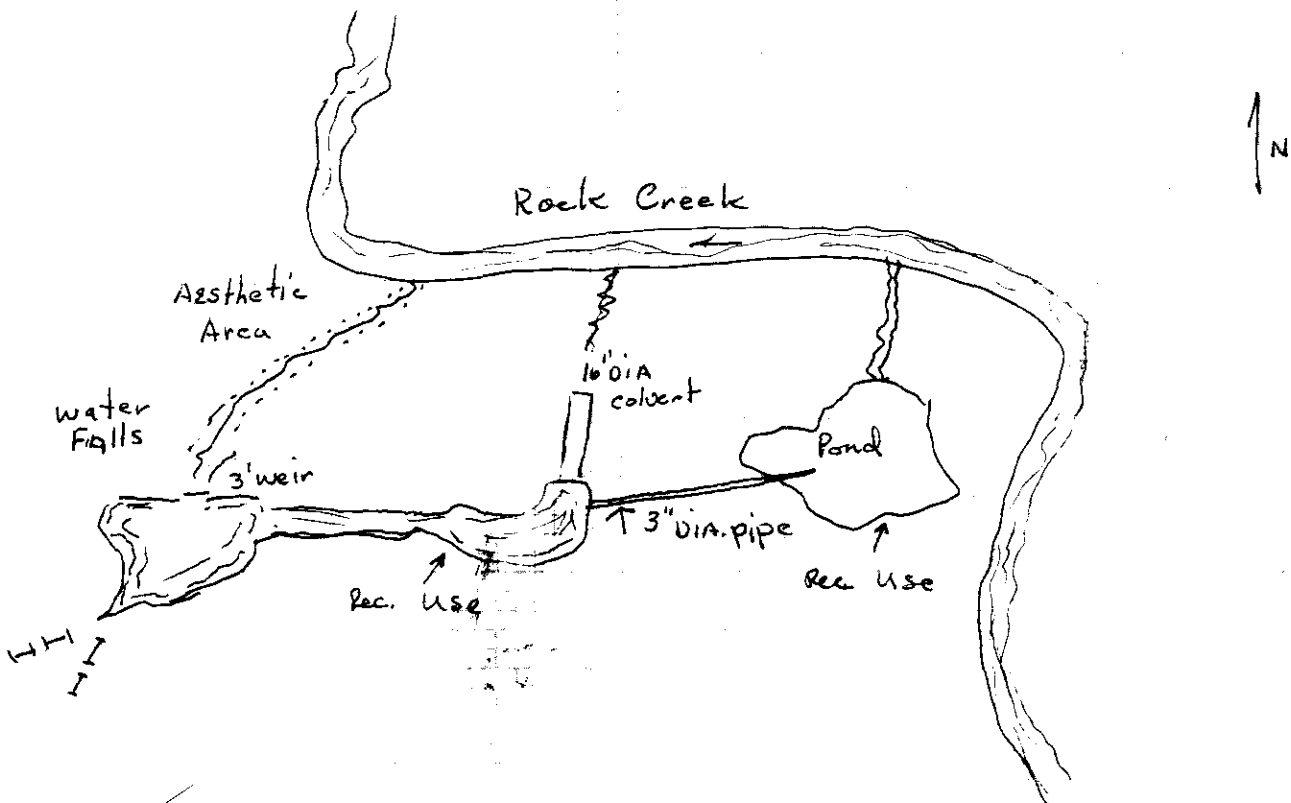
2. Other water rights with same point of diversion: no

☐ 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 single household domestic groundwater, and stockwater).

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

System Description (continued)

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

Springs are collected at a Collection Bx then diverted to places of use. (See Diagram)
this Water is used for Fish Pond for Recreation, and Aesthetics. No Power generator was installed at this time. Concrete Structure and pipe is available for the water to be diverted for power generation.

☐ 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

*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
	1	SW	SW	NW	7	11 S	18 E	T.F.	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	
11 S	18 E	7																	

Do not use this space

Item 5-1-2 - I need a better description of what you mean by recreation & aesthetics; what actual use is made of the ponds, other than raising waterfowl? Need more photos to show more of the development. Need photos of measuring points.

From: DWR60::BALDWIN 27-MAY-1994 10:17:38.17
To: BALDWIN,SCHULTE
CC:
Subj: 47-7485, field exam

Thought you might like to know about this so possibly Mike could finish it up. Gary F. did a Field Exam in 89 but Jim's review indicates some more photos are needed. There has been an assignment executed today and probably the new owner, Jeff Wendland is wondering what our hang up is??? Thx!

FIELD EXAM
APPOINTMENT RECORDWR # 47-07485NAME JEFF M. WENDLAND

DATE CALLED _____ 19__

TALKED WITH _____

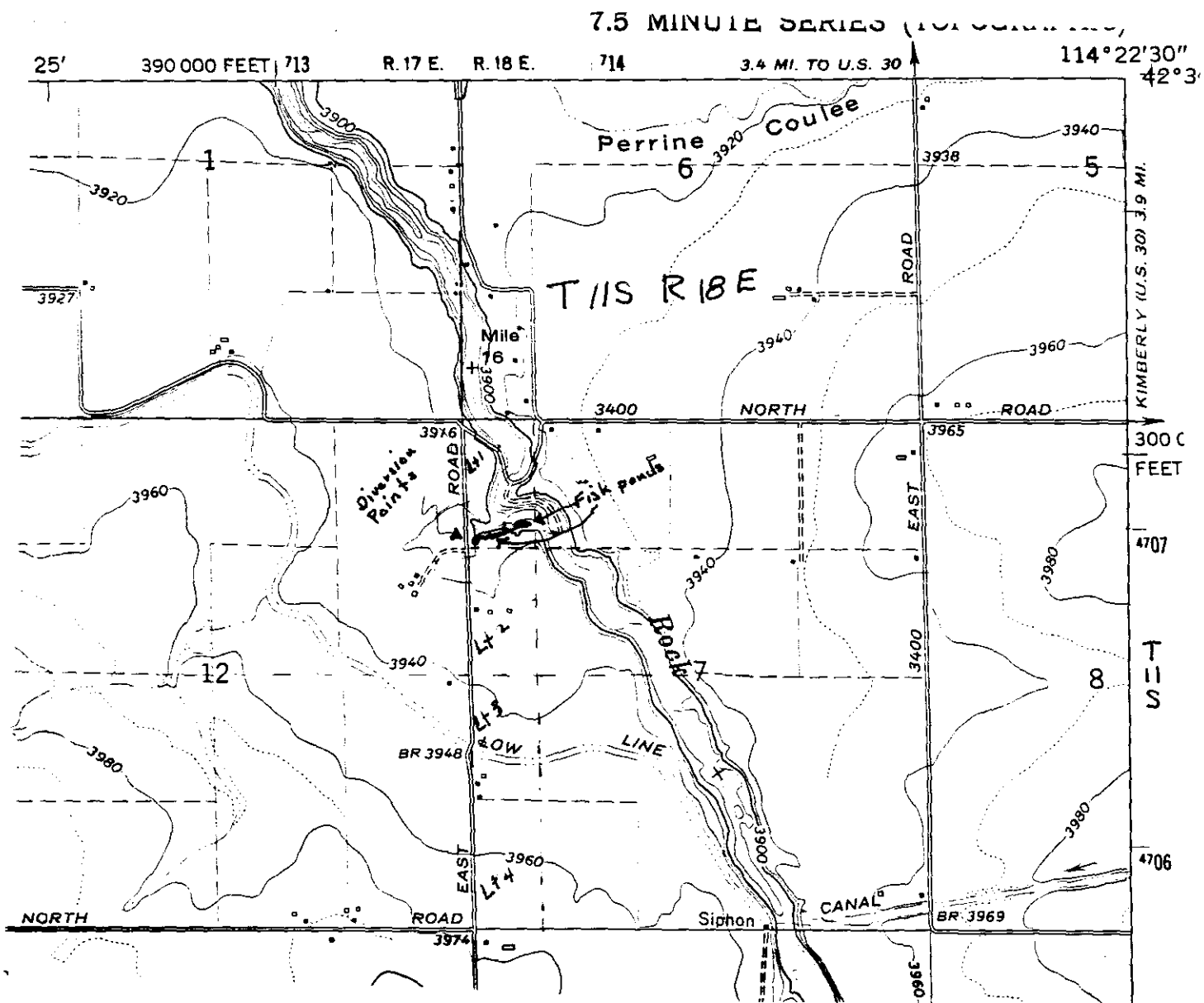
ANSWERING MACHINE ___Y___N? CALL BACK 1___2___3___

DATE APPOINTMENT FOR _____ 19__ TIME ___:___ []AM []PM

DIRECTIONS TO P.O.D. 3378 N 3800 EAST Kimberly100 yds from headgate

1/9/96 I called Mr. Wendland & told him Dallas
would not be in this day. I told him
Dallas would call him & schedule another time
to meet.

26 February 1998 733-3929
Mrs. Wendland says they sold LOT 1st Sec 7 to
Ron King @ 734-6824. Her take on it was
giving the message to her husband and he'll call
me 27 Feb or 03 Mar.



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. Measurements:

Bucket method 3" pipe - 5 gal / 4 Sec. = 0.16
 " " 16" Convent 5 gal / 2 Sec. = 0.33
 3' Contracted Rectangular Weir Reading .66 = 5.12 cfs
 Total = 5.61 cfs.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

See Item 2.

2. Alternate Method for Checking Purposes:

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:

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

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

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

2. Volume Calculations for Other Uses:

Recreation - (2) ponds - (A) 150' Lg x 6' wd x 3' deep. = 2700 Ft.³
 (B) 80' x 10' x 4' deep = 32000 Ft.³
 $\frac{34700 \text{ Ft}^3}{365 \text{ dy}} = .80 \text{ Ac Ft.}$
 $.80 \times 365 \text{ dy/Ann} = 292 \text{ Ac Ft/Ann.}$
 Aesthetics - N/A Ac Ft.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This water comes from Seep Tunnel's under ground and rises up on Applicant's property.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	01/01	12/31	5.61	292
Aesthetics	01/01	12/31	5.61	N/A
Totals:			5.61	292afa

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 GARY L. Funderburg

Signature Gary L. Funderburg

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

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

INTER-DEPARTMENT MEMO — 1

FROM Jim, Southern

DATE 2-12-1981

TO File

SUBJECT Change of Address, Permit 47-7485, Jack L. Donner

Mr. Donner's address is now Route #6, Twin Falls, Id, 83301. Telephone is apparently unchanged.


SIGNATURE



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

MAY 05 1998

Department of Water Resources

CHANGE IN ADDRESS OF THE NOTICE OF CLAIM
IN THE SNAKE RIVER BASIN ADJUDICATION

☒ Water Right Number(s):

^{OK}
*47-07485, -07531

A47-07531

☒ Old Mailing Address:

228 6th Ave N.

Twin Falls, ID. 83301

☐ New Mailing Address:

3378 N. 3300 E.

Kimberly, ID. 83341

☐ New Telephone Number:

(208) 733-3929

☐ Signature of Claimant(s):

Jeff W. [Signature]

Date:

3-5-98

*IDWR notation updated

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date:	By:

RECEIVED

MAR 05 1998

Department of Water Resources
Southern Region

FIELD EXAM
APPOINTMENT RECORDWR # 47-07485NAME JEFF M. WENDLAND

DATE CALLED _____ 19__

TALKED WITH _____

ANSWERING MACHINE ___Y___N? CALL BACK 1___2___3___

DATE APPOINTMENT FOR _____ 19__ TIME ___:___ []AM []PM

DIRECTIONS TO P.O.D. 3378 N 3800 EAST Kimberly100 yds from headgate

1/9/96 I called Mr. Wendland & told him Dallas
would not be in this day. I told him
Dallas would call him & schedule another time
to meet.

26 February 1998 733-3929
Mrs. Wendland says they sold LOT 1st Sec 7 to
Ron King @ 734-6824. Her take on it was
giving the message to her husband and he'll call
me 27 Feb or 03 Mar.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 9, 1994

JEFF M WENDLAND
228 6TH AVE N
TWIN FALLS ID 83301

Re: Permit No. 47-07485

Dear Mr. Wendland:

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

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

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

RECEIVED

JUL 26 1994

WR0749NP
No. 47-07485

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/03/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFF M WENDLAND 228 6TH AVE N TWIN FALLS ID 83301	08/07/1978	POWER RECREATION AESTHETIC	01-01 12-31 01-01 12-31 01-01 12-31	12.00 CFS 12.00 CFS 12.00 CFS	
TOTAL DIVERSION:					12.00 CFS	

Water Source: WASTE WATER

Tributary to: ROCK CREEK

Stage: PERMIT

Point(s) of Diversion: T11S R18E S07 Lot 01(NWNW)

TWIN FALLS County

Lots Without 1/4 1/4 Description: POWER
11S 18E 7 01-P

Place of use location for RECREATION is the same location as described for: POWER

Place of use location for AESTHETIC is the same location as described for: POWER

Pou County:

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the
- Department shall be installed by the right holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.

Dates:	App. Received:	Priority Date:	08/07/1978
	Proof Due Date: 10/01/1988	Proof Made Date:	09/23/1988
	Exam Made Date: 11/14/1989	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/22/87 05/28/88 CONVERT 10/03/88 CURTIS 10/05/88 CURTIS
11/14/89 BALDWIN 06/03/94 CZIMMERM

FROM Loren Holmes - Southern

DATE 10/22/91

TO Water Alloc -

SUBJECT Permit 47-7485 - Downer

Applicant requests that licensing be expedited
due to pending sale of the property.

RECEIVED

JUL 26 1994

LH

SIGNATURE

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 47-7485

Date: 10/5/88

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely
_____ Reinstated

Source of Water:

☒ Surface water
☐ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof Acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

4/86

RECEIVED

SEP 23 1988

Department of Water Resources
Southern Region Office

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 27 1988

REVIEWED BY: JS
For Office Use Only
Fee Received 50.00
Date 9/23/88
Receipt # 5002483
Receipt by JS
Sent to S.O. _____

5002502 - 175.00
\$225.00 total

~~EXAMINATION FEE INFORMATION~~

Amended.

Proof of Beneficial Use

1. Permit No. 47-7485

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

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

2. Permit Holder: Jack L. Donner

3. Post Office Address: Rte 2, Twin Falls, Idaho

Telephone No. 734-6219

4. Source of Water: Seepage & Waste Water

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark _____

Aesthetics

6. Total rate &/or volume for which proof is submitted 6.00 - 0.06 cfs _____ acre-feet

Access Port required

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

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

Jack L. Donner

(Name)

Rte 2, Twin Falls, Ida

(Address)

734-6219

(Telephone Number)

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

RECEIVED

OCT 11 1988

9/23/88
Date

9/26/88

Jack L. Donner

Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

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

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

Checks should be made payable to the
Department of Water Resources

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
Certified Mail
July 31, 1988

138185

JACK L. DONNER
RT. 6
2192 FORAL AVE.
TWIN FALLS, ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 47-07485

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

OCT 11 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

FILED

OCT 11 1985

September 27, 1983

Jack L. Donner
Rt. 6, 2192 Floral Avenue
Twin Falls, ID 83401

Dear Mr. Donner:

Re: Permit No. 47-7485

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to October 1, 1988.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later in time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure: Ext. of Time

MICROFILMED



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

EXTENSION OF TIME

September 16, 1983

Jack L. Donner
Route #6, 2192 Floral Ave.
Twin Falls, ID 83301

PERMIT NO. **47-7485**

We are in receipt of the **\$15** extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **32662.**

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Jim, Southern

DATE 2-12-1981

TO File

SUBJECT Change of Address, Permit 47-7485, Jack L. Donner

Mr. Donner's address is now Route #6, Twin Falls, Id, 83301. Telephone is apparently unchanged.


SIGNATURE

MICROFILMED

DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE EXAMINATION

CHECKLIST

WATER RIGHT 47-7485

REVIEWER J. E. Stanton

DATE 11-5-91

[EACH RULE MUST BE CHECKED]

SEE FOOTNOTE FOR SYMBOLS

RULE 5 EXAMINATION FOR BENEFICIAL USE;

1,2. <u> </u>	1,3. <u>✓</u>	1,4. <u>N/A</u>	1,5. <u>✓</u>
1,6. <u>✓</u>	1,7. <u>N/A</u>	1,8. <u>N/A</u>	1,9. <u>N/A</u>
1,10. <u>✓</u>	1,11. <u>✓</u>	1,12. <u> </u>	1,13. <u>✓</u>
1,14. <u> </u>	1,15. <u>✓</u>	1,16. <u>✓</u>	1,17. <u>N/A</u>

RULE 6 MEASUREMENT TERMINOLOGY;

1,1. <u>✓</u>	1,2. <u>✓</u>	2. <u>✓</u>	3. <u>✓</u>
4. <u>✓</u>	5. <u>✓</u>		

RULE 7 DRAWINGS, MAP, AND SCHEMATIC DIAGRAM;

1,1. <u>✓</u>	1,2. <u>✓</u>	1,3. <u>✓</u>	1,4. <u>✓</u>
1,5. <u> </u>			

RULE 5,2. FIELD REPORT ACCEPTABILITY [STATE OFFICE REVIEW]

2,1. <u> </u>	2,2. <u> </u>	2,3. <u> </u>	2,4. <u> </u>
--------------------	--------------------	--------------------	--------------------

Reviewer

Date

N/A = NOT APPLICABLE
 ** = SEE ATTACHMENT NO.

* = SEE ITEM IN BENEFICIAL USE RPT
 *** = SEE REMARKS ATTACHED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

DONNER, JACK L.
RT. 2
TWIN FALLS, ID 83301

138877

PROOF DUE NOTICE

JULY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7485 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

October 23, 1978

Re: Permit No. 47-7485

Jack L. Donner
Route 2
Twin Falls, Idaho 83301

Dear Mr. Donner:

Your approved copy of your Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. The Department will provide the specifications for the installation to you.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right. If you have any questions, please let us know.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw Enclosure

*Access port specs
sent 7-9-79.*

MICROFILMED

September 18, 1978

I, Robert Meyers, withdraw my protest on the application for Permit
No. 47-7485, Jack L. Donner.

Robert Meyers
Robert Meyers

MICROFILMED

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 9-15-78 Examiner Loren Holmes Application No. 47-7485

Applicant(s) Interviewed Jack Darnet

Upstream Users Interviewed None

&/or Upstream Diversions Inspected None

Downstream Users Interviewed None

&/or Downstream Diversions Inspected Protestant's diversion from Rock Ct
immediately downstream

Legal Description Verified By Map (or give proper description) OK

Water Flow: Visual Estimate 12 cfs Channel Width 5' Average Depth 23' overall

Water Velocity 8 FPS Channel Slope N/A - Velocity est. at crest of a
water fall

Do Additional Inflows Enter Downstream From This Diversion? Yes

Does This Water Enter Canal-Company Waterways? No Canal Co. Approval?

Source Of Waste Water: Legal Description Lot 1, Sec 7 Water comes
from Section 7 & 12

Proportion Of Water Flow Arising On Applicant's Land

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming

Downstream Users? Yes ✓ No

Do Other Aspects Of The Application Appear To Be As Stated? Yes ✓ No

Notes Protestant has Permit 47-7438 for 10 cfs from the same
source, but diverts water from Rock Creek
below the mouth of this spring

LH
Signed

MICROFILMED

August 29, 1978

I, Robert Meyers, protest Application #47-7485 of Jack Donner, filed for the use of recreation, hydropower and aesthetics for the following reasons:

- 1) will affect prior rights
- 2) insufficient amount of water
- 3) speculation

Sincerely

Robert Meyers.

Robert Meyers
454 Buckingham Drive
Twin Falls, Idaho 83301

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

September 5, 1978

Jack L. Donner
Rt. 2
Twin Falls, Idaho 83301

Re: Application for Permit #47-7485 - Jack L. Donner

Dear Mr. Donner:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7485. 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:

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

September 5, 1978

Robert Meyers
454 Buckingham Drive
Twin Falls, Idaho 83301

Re: Application for Permit #47-7485 - Jack L. Donner

Dear Mr. Meyers:

Your protest against the approval of the above-referenced application 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
Southern Region Supervisor
LOH:marya

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jack L. Donner

Twin Falls, Idaho

has on 8/7/78 submitted Application No. 47-7485

for a permit to appropriate 12.0 cubic feet per second ~~more or less per annum~~
of water from seepage waste water tributary of Rock Creek

by means of electrical generator, new stream channel to two small ponds, ditch into
Rock Creek

within the Lot 1, Sec. 7, Twp 11S, Rge 18E B.M. Twin Falls County

to be used from Jan 1 to Dec. 31.

for recreation & aesthetics & hydropower

within the Lot 1, Sec. 7, Twp 11S Rge 18E B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or be-
fore Sept 4, 1978.

C. STEPHEN ALLRED

Director

Published in the Times News

on Aug. 17 and Aug 24, 1978

August 10, 1978

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

Re: Application for Permit #47-7485
~~Gentlemen:~~

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

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

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

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Bill submitted: _____