

NOTICE OF EXISTING
WATER PERMIT RIGHT
PERMIT NO. 47-07364

Presently Recorded as

Follows:

Name: EVERETT
WEAVER

Address: Rt. 4, Buhl, ID
83316

Source: Groundwater

Diversion Pt.: NENW Sec.

33 T9S R15E, Twin Falls

Co.

Use: Irrigation (3.14 CFS)

Priority: January 12, 1977

Place of Use: E $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 28 NWNE NENW

Sec. 33 T9S R15E

Total Acres: 157

This is a supplemental wa-

ter right permit. Lands un-

der this permit are irri-

gated with existing rights

from TWIN FALLS CANAL

CO. Development of the

water source under this

permit was not complete

by July 1, 1985, and is be-

ing reprocessed in compli-

ance with Section 42-

203D,

Idaho Code.

Protests against the con-

tinuance of the permit

must be filed with the Di-

rector, Dept. of Water Re-

sources, Statehouse Mail,

Boise, ID 83720 on or be-

fore July 24, 1989. A pro-

test must overcome the

presumption of Water Ap-

propriation Rule 5.2.1.

R. Keith Higginson, Direc-

tor

PUBLISH: Thursday, July

6 and 13, 1989.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 20059

I, Linda Capps McSwine being first duly sworn upon oath, depose and say that I am Bruce Plank 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 6, 1989, and ending with the issue dated July 13, 1989.

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 13 day of July in the year of 1989, before me, a Notary Public, personally appeared Linda Capps McSwine, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

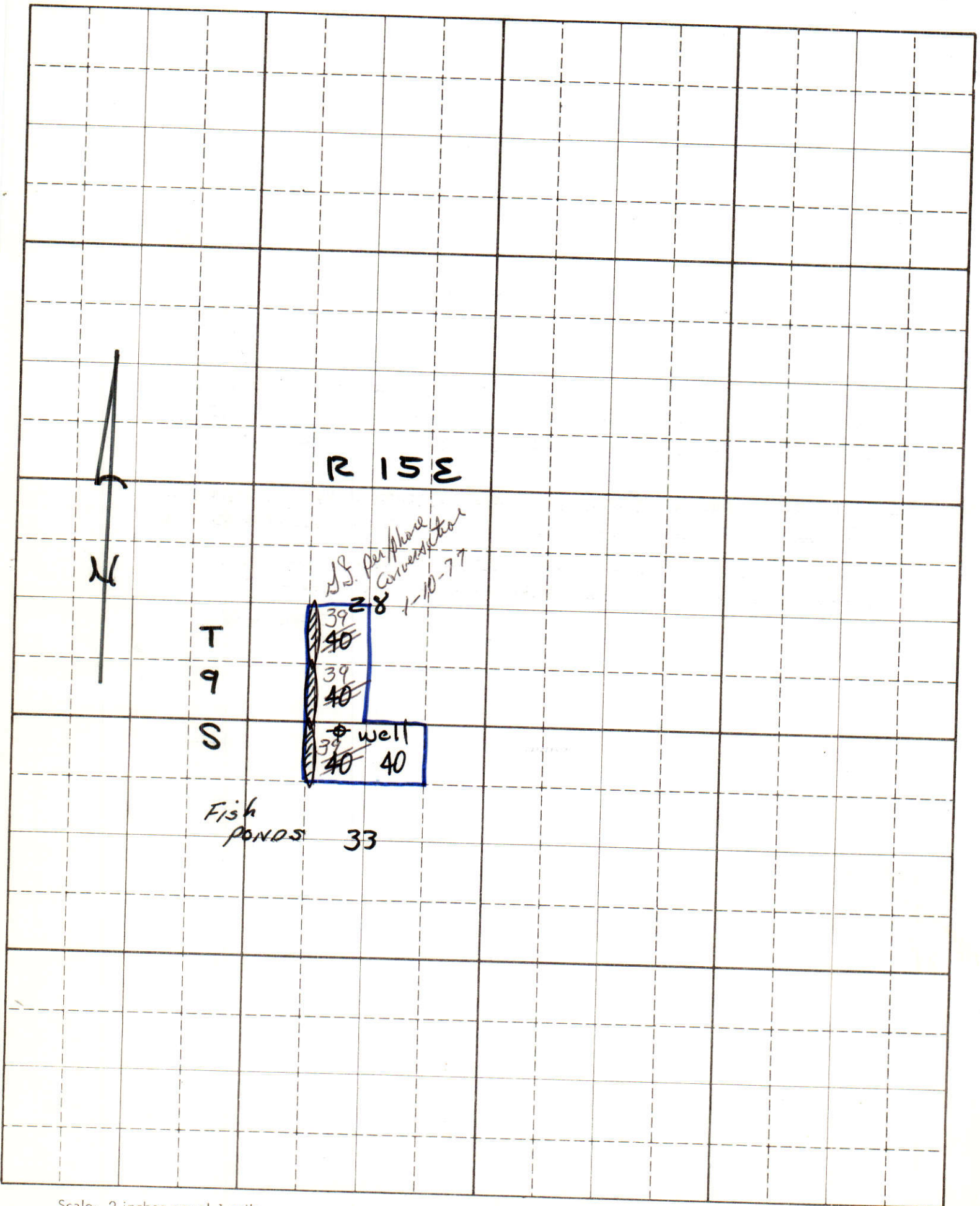
Sheva R. Feltman
Notary Public for Idaho

Residing at

My commission expires:

Twin Falls County
5/19/94

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.

Everett Weaver
(Applicant)

MICROFILMED

RECEIVED

JAN 28 1977

Department of Water Resources
Southern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Everett Weaver Rte. #4, Buhl, Idaho 83316 has on 1/7/77 submitted Application No. 47-7364 for a permit to appropriate 3.2 cubic feet per second of water from groundwater by means of well, motor, pump, gravity flow ditches and fish raceways within the NE¹/₄NW¹/₄, Sec. 33, Twp. 9S, Rge. 15 E., B.M., Twin Falls County to be used from March 15 to Nov. 15 and Jan. 1 to Dec. 31 for irrigation and fish propagation within the E¹/₂SW¹/₄, Sec. 28, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, Sec. 33, Twp. 9S, Rge. 15E., B.M. Twin Falls County.

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 2/7/77.

R. KEITH HIGGINSON
Director

PUBLISH: Jan. 20 & 27, 1977

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 5590

I, Kay Mauer being first duly sworn upon oath, depose and say that I am Princ. Clerk 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 Thursday, commencing with the issue dated January 26, 1977, and ending with the issue dated January 27, 1977.

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.

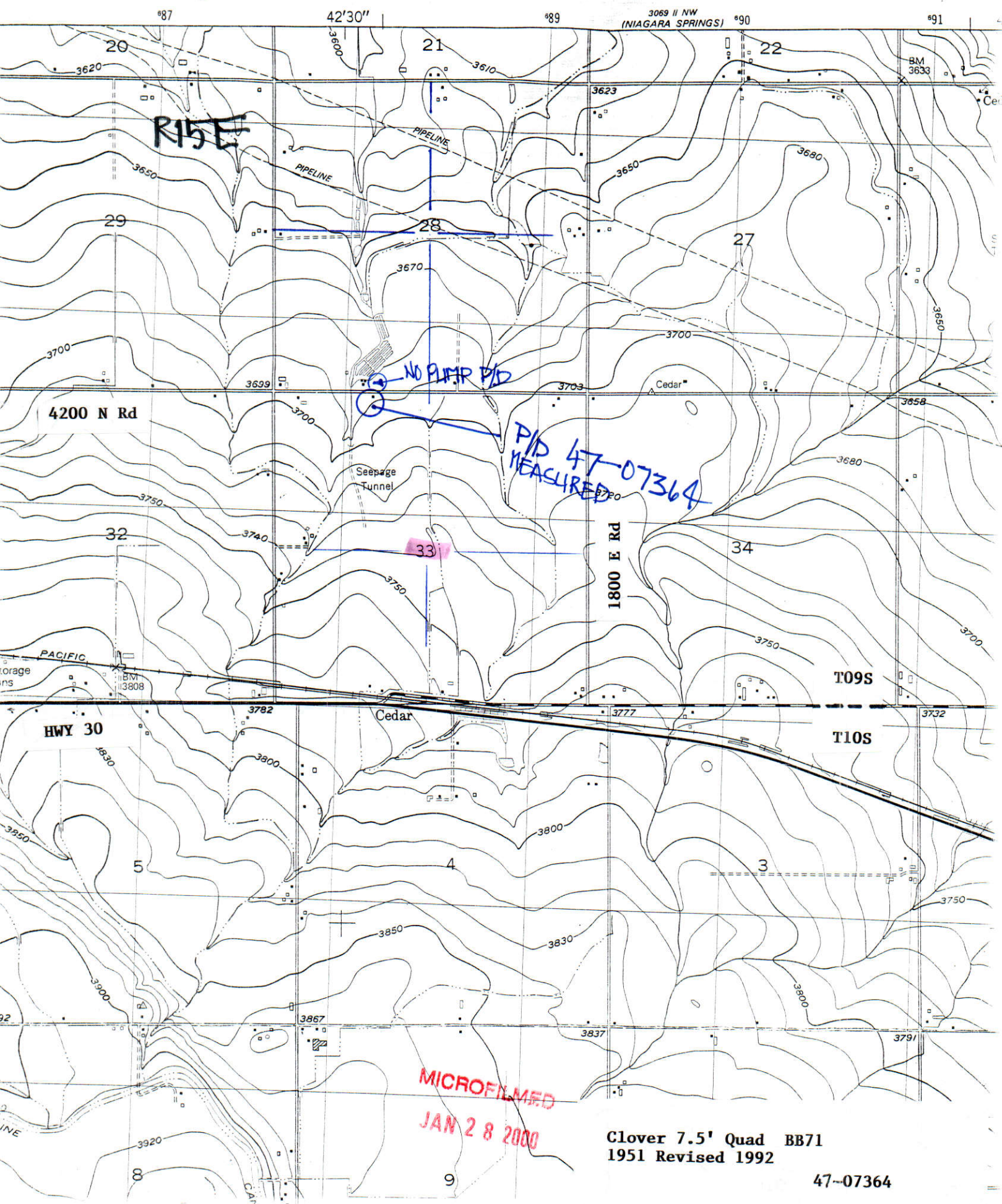
Subscribed and sworn to before me on this Kay Mauer 27th day of January, 19 77.

Madison L. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

R10R

T.9S Sec. 15E
S.E.A. 3

47-7364



MARTINS 47-07133

PTNS SEC 28 & 33
T09S, R15E

Silvr. Crk. Farms
SEE 47-07367

47-07091
Silver
Crk. Farms

WEAVER'S
PONDS
WEAVER
HOME

31

34

31.0 MICROFILMED

Can
Sh
Delivered Home

JAN 27 1990
ASC'S FLIGHT 1992

47-07364



PORTION OF THE PLACE OF USE - SEE ASGS PHOTO FOR ACREAGE IRRIGATED

1/4

GPS TAG A0007844

PHOTOS
LOOKING ELY



MEASURED RATE HERE - DID NOT PHOTOGRAPH WHILE MEASURING

MICROFILMED
JAN 28 2000

WEAVER, EVERETT & DAN

47-07364



PHOTO LOOKING NLY

SPRING? FED POND 100' +/- N. of E-W Road
100' +/- E. of Weaver's Home

8" casing



← PHOTO LOOKING
WEST

2/4

11CROP
M 28 2 PM

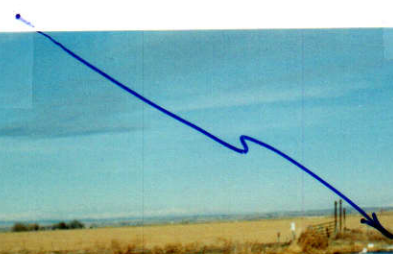
DEBRIS



BOTH PHOTOS LOOKING
NORTHEASTERLY

DEBRIS

LOOKING AT NORTH END OF EAST
"RACEWAY"



LOOKING

AT NORTH END OF WEST "RACEWAY"

MICROFILMED
JAN 28 2000
NEAVER, EVERETT & DAN
47-07364

THIS IS OWNED
BY SILVER CRK.
FARMS 47-07091

FISH RAISING AREA
ACCORDING TO
EVERETT WEAVER

SILVER CRK
47-07091

WEAVER'S WEST
RACEWAY, etc..

STANDING @
SOUTH END OF WEST
"RACEWAY"

↑
ALL PHOTOS LOOKING N'LY
↓



STANDING @ SOUTH END OF EAST "RACEWAY"

CATTLE

MICROFILMED
JAN 28 2000

WEAVER, EVERETT & DAN
47-07364

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-07364

Priority: March 16, 1977

Maximum Diversion Rate:

1.79 CFS

Maximum Diversion Volume:

440.0 AF

This is to certify, that EVERETT WEAVER

1728 E 4200 N

BUHL ID 83316

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 7, 1977; and has submitted Proof of Beneficial Use on September 24, 1990. An examination indicates that the works have a diversion capacity of 1.790 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	1.79 CFS
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LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 33, Township 09S, Range 15E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	15E	28	NESW 25	SESW 20		45
		33	NWNE 34	NENW 31		65

Total number of acres irrigated: 110

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 440.0 af at the field headgate for irrigation of the lands above.

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JUN 2 8 2006

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-07364

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 26th day of JANUARY, 2000.

Acting for  KARL J. DREHER, Director

MICROFILMED
JAN 28 2000

08/89

RECEIVED

SEP 24 1990

STATE OF IDAHO

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 150.00
Date 9-24-90
Receipt No. 5013671
Received by _____

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

Permit No. 47-7364 Telephone No. 543-4782Name(s) of Permit Holder(s): Everett WeaverPost Office Address: Rt. 4, Puhl, ID 83316Source of Water: GroundwaterIf ground water, well driller's name: ? Date drilled: 1980

Extent of Use:

Domestic _____ (No. of households)

Irrigation 157 (No. of acres)

Stockwater _____ (No. and type of stock)

Other Fish PropagationTotal rate and/or volume for which proof is submitted 3.0 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: 1986

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

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

OR

Flow Measurement Port: Required? ☒ Yes ☐ No ☐ Installed? ☒ Yes ☐ No ☐Fee Enclosed: \$ 150.00 (See License Examination Fee Schedule)

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

Permittee
Name Telephone No.

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.

9/24/90
DateEverett Weaver
Signature (and title if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 47-7364 IN THE NAME OF
EVERETT WEAVER

CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 47-7364 (permit) was issued to Everett Weaver (permit holder) authorizing the diversion of 3.14 cfs of groundwater for irrigation of 157 acres.

5. IDWR records show that 157 acres authorized to be irrigated under Permit No. 47-7364, are irrigated with other water rights perfected prior to July 1, 1985.

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SEP 20 1989

6. The development and use of groundwater authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 47-7364 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-7364 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before October 1, 1990.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

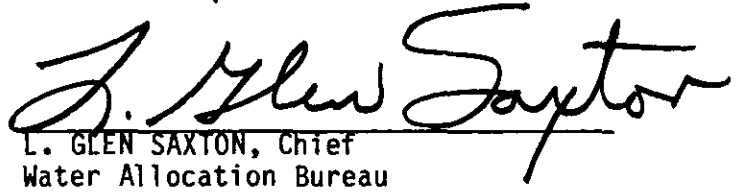
4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

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SEP 20 1989

5. All conditions of approval contained on the permit are incorporated into and made part of this order.

Dated this 7th day of September, 1989.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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SEP 20 1989

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Receipted by AG
Date 8-4-87
Receipt # 44164

AUG 3 1987

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Southern Region Office

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

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 47-7364

Name(s) of Permit Holder: Everett Weaver

Post Office Address: Rt. 4, Buhl, ID 83316

Telephone No. 543-4782

Date Proof is Due: June 1, 1987

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Well is drilled and put to use in fish ponds & for irrigation.

Costing \$ 5,000.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The moratorium on power hookups has prevented from getting 3-phase power needed to pump the
full amount of water applied for. A lesser amount of water is presently being used. I am
simply too busy with farming right now to do any additional work on this system. Uncertainty
over continued use of a larger pump (due to Swan Falls case) makes buying a larger pump risky at
Permit holder(s) request an extension to June 1, 19 88. Everett Weaver this time.
(1 yr. minimum) (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

SEP 20 1989

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1990. IT IS FURTHER ORDERED that the permit be reinstated and the priority advanced to March 16, 1977, pursuant to Sec. 42-218a, Idaho Code.

Signed this 7th day of September, 1989.

J. Glen Sgator
Chief, Water Allocations Bureau

NOTICE OF EXISTING
WATER PERMIT RIGHT
PERMIT NO. 47-07364
Presently Recorded as
Follows:
Name: EVERETT
WEAVER
Address: Rt. 4, Buhl, ID
83316
Source: Groundwater
Division Pt.: NENW Sec.
33 T9S R15E, Twin Falls
Co.
Use: Irrigation (3.14 CFS)
Priority: January 12, 1977
Place of Use: E $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 28 NWNW NENW
Sec. 33 T9S R15E
Total Acres: 157
This is a supplemental wa-
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CO. Development of the
water source under this
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Protests against the con-
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rector, Dept. of Water Re-
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presumption of Water Ap-
propriation Rule 5.2.1.
R. Keith Higginson, Direc-
tor
PUBLISH: Thursday, July
6 and 13, 1989.

Affidavit of Publication
STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 20059

I, Verda Capps McQuinn being first duly sworn upon oath, depose
and say that I am Quinn Plehn of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
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commencing with the issue dated July 6, 1989,
and ending with the issue dated July 13, 1989.

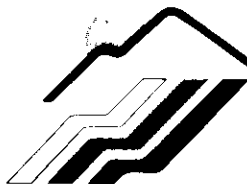
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Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously 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 13 day of July in the year of 1989, before me,
a Notary Public, personally appeared, Verda Capps McQuinn
known and 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.

Heva R. Feltman
Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94



The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

July 18, 1989

Idaho Water Resources
1301 N Orchard
Boise ID 83720

JUL 20 1989

Department of Water Resources

RIGHT #47-7364

Two Times

July 6, 1989, 42 lines @ .36- - -\$15.12
July 13, 1989, 42 lines @ .28- - -\$11.76

TOTAL DUE

MICROFILMED

SEP 20 1989

INVOICE
20059

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

SEP 6 1982

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

Department of Water Resources

Everett Weaver of RR#4 Bohn IDA.
(Name) (Address)

State of IDA, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public
Waters of the State of Idaho No. 47-7364

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before Sept, 1982

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

DRIILLED well

Completed
Work

Costing \$ approx 1200

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: IDAHO POWER WON'T HOOK UP

BECAUSE OF MORATORIUM SO NEED ADDITIONAL
TIME TO TRY TO RELOCATE WELL TO ARTISIAN
OR SIPHON TYPE WELL

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to Sept 1, 1987.

Everett Weaver
(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 June 1,
1987. IT IS FURTHER ORDERED that the permit be reinstated and the priority advanced
to January 12, 1977, pursuant to Section 42-218a, Idaho Code.

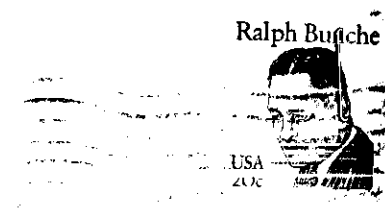
Signed 6th day of October, 1982.

J. Glen Saxton
Chief, Operations Bureau

\$15.00 fee received by 19 Date 10-04-82 Receipt # 24738

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region Office
1041 Blue Lakes Blvd North
Twin Falls, Idaho 83301

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Department of Water Resources
Statehouse
Boise, Idaho 83720

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 47-7364

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

Identification No. _____

Application No. 47-7364

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Everett Weaver Phone: 543-4782
post office address Rte. 4 Buhl, Idaho 83316
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33 Township 9S
Range 15E B.M. Twin Falls County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into natural drain at a point in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 9S Range 15E B.M. _____
4. Water will be used for the following purposes:
Amount 3.14 cfs for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.2 cfs for fish prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.2 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
well, motor, pump, gravity flow ditches and fish raceways

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 100 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 10,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28
(1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 9S
Range 15 E. B.M.
(2) Amount of power to be generated: _____ hp 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: _____

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

[illegible]

Total number of acres to be irrigated.

~~157~~ 157 *JP*
Payphone Connection
1-10-77

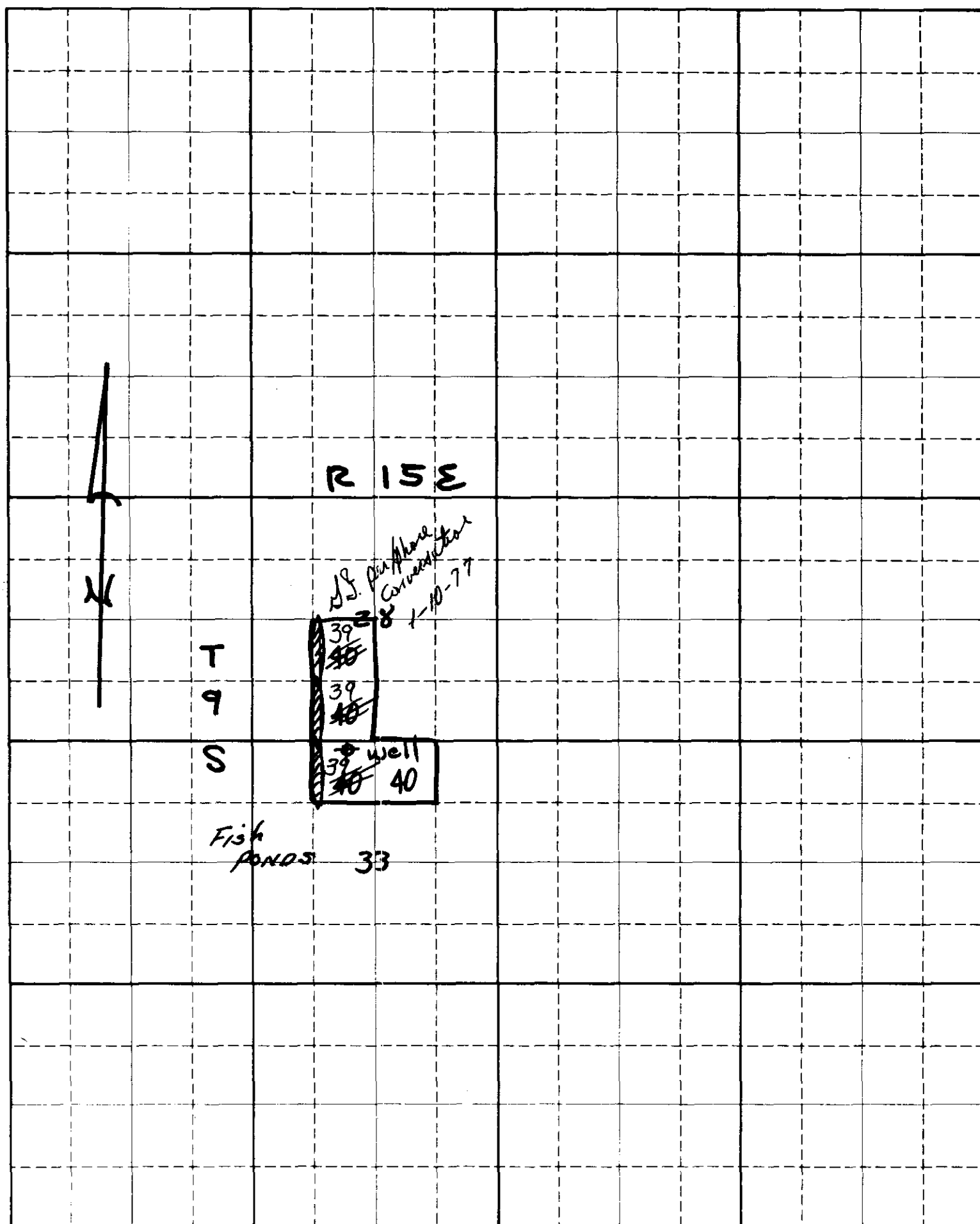
c. Describe any other water rights used for the same purposes as described above.

Twin Falls Canal Co./ this will be transferred.

9. a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

Everett Weaver
(Applicant)

RECEIVED

JAN 7 1977

Department of Water Resources
Southern District Office

Proposed priority: January 7, 1977

Received by SS Date 1-7-77 Time 2:00 P.M.
Preliminary check by RIN Fee \$ 55.00 Rec.# 2289
Received by SB Date 1/2/77
Publication prepared by SB Date 1/10/77
Published in Times News
Publication dates 1/20 & 1/27/77
Publication approved SB Date 1/28/77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by SB - 2/1/77

Hearing held by _____ Date _____

Recommended for approval denial by mls jg

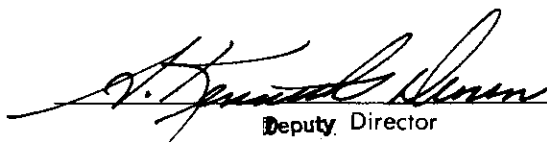
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7364, 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 September 1, 19 82.
- c. Other: 1. For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.
2. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second per acre of land.

Witness my hand this 23 day of September 19 77.


Deputy Director

RECEIVED

JAN 23 1977

Department of Water Resources
Southern District Office

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 5590

I, Kay Mauer being first duly sworn upon
Prime Clerk 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 Thursday, commencing with the issue dated
January 26, 1977, and ending with the issue dated
January 27, 1977.

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.

Kay Mauer
Subscribed and sworn to before me on this 27th day of
January, 19 77.

Maklin L. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

OK
MB
1/28/77



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

January 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EVERETT WEAVER
1728 E 4200 N
BUHL ID 83316

RE: WATER RIGHT NO. 47-07364

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
JAN 28 2000

CERTIFICATE OF MAILING

I hereby certify that on the **27th** day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 47-07364

EVERETT WEAVER
1728 E 4200 N
BUHL ID 83316



Kari Lynn Townsend
Secretary

MICROFILMED
JAN 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

JAN 28 2000

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

JAN 28 2000

MEMORANDUM

TO: File 47-07364

FROM: Sharla

DATE: January 18, 2000

RE: Recommendation Adjustments

The adjustments to licensing recommendations for Permit 47-07364 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use

T9S, R15E, S28 - NESW (25 acres), SESW (20 acres),

S33 - NWNE (34 acres), NENW (31 acres)

TOTAL = 110 acres

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	1.79 cfs	440.0 af
------------	--------------	----------	----------

For rights with 5 acres or more, the acre totals per ¼¼ are rounded to the nearest whole number.

The right holder did not supply documentation to confirm use of water for fish propagation within the permit period. The pond into which water from the well is diverted is only 0.4 af in size. As described by the examiner, water is re-diverted out of the pond onto the lands irrigated or is co-mingled with canal water and put onto the irrigated lands. The pond is therefore a part of the diversion system and thus no additional use can be recognized under this right. The license should be issued for irrigation use only.

MICROFILMED

JAN 28 2000

TO DEPT. OF WATER RESOURCE
ATT. SHARLA CURTIS
FAX 1-208-327-7886
PH. 1-208-327-7900
RE. PERMIT NO. 47-07364

SHARLA:

I recieved your request for written documentation to confirm beneficial use of our water other than irrigation use. You seem to want more doc. every time we get close finishing this pernit. Since there are no doc. of people fishing or cows drinking or fish being raised , and since we have not got any records other than the information you already have on file. We have decided to go ahead with the permit the way it is. It seems to me it was your supervisor that wanted to add rec use anyway.

Please continue with this permit in the orginial form. Maybe we can go forward and finish this in a timely manner.

Sincerely
Dan weaver
1777 e. 4200 n.
Buhl Id.
83316
fax 1-208-543-8643
Ph. 1-208-534-8643

MICROFILMED

JAN 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

December 28, 1999

Dan Weaver

FAX: (543-8643) - sent by FAX 12/28

RE: Permit No. 47-07364

Dear Mr. Weaver:

I have discussed this permit with my supervisor and we request some written documentation for the file to confirm beneficial use of water beyond the irrigation use which has already been confirmed. Specifically, as we have discussed in our phone conversations, you stated that the well is used year-round to fill the pond. During the irrigation season, up to 1.79 cfs of water is pumped from the well into the pond which serves as part of the delivery system from which water is pumped to the acres found irrigated at the time of our field examination. But during the non-irrigation season, we need evidence that will confirm pumping of the well through the pond for "recreation" purposes.

This evidence could be in the form of power records or other documentation that needs to not only prove continuous year-round diversion from the well, but also needs to prove how much water is diverted during the non-irrigation season **and** prove that diversion during the non-irrigation season is in fact a beneficial use of water.

I know you have been anxious to get a license issued for this permit. You can fax your documentation to me rather than by mail if you prefer to speed up the process a bit. If we do not receive further documentation from you within 30 days, we can still issue the license for the irrigation use. Give me a call if you have questions; your file is on the top of my desk and I'm as anxious as you to get this one wrapped up.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

MICROFILMED

JAN 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

October 14, 1999

Everett Weaver
1728 E. 4200 N.
Buhl, ID 83316

RE: Permit 47-07364

Dear Mr. Weaver:

In 1977 IDWR issued permit 47-07364 authorizing you to develop a right to divert 3.20 cfs from groundwater for irrigation and fish propagation purposes in Sections 28 and 33, Township 9 South, Range 15 East. Under the terms of the permit, the development was to have been completed by September 1, 1982. In October of 1982 and again in September of 1989, IDWR extended your time to establish a beneficial use of water as authorized by the permit, with the final date for submitting proof of beneficial use set for October 1, 1990. On September 24, 1990, IDWR received your Proof of Beneficial Use statement indicating you had completed your development and put the water to beneficial use. On January 8, 1999 an IDWR field examiner inspected your development.

The examiner verified that irrigation use had been developed and she recommended that use for licensing. From the inspection and documentation she collected, however, she was unable to establish that water was diverted and used for fish propagation during the permit development period from September 1977 to September 1990. The evidence she collected in regards to fish propagation use only demonstrated use after the proof of beneficial use statement was filed.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water within the development period authorized by your permit, however, the license cannot include that use.

If you have evidence to confirm the use of water for fish propagation under this permit within the permit development period described above, you may submit that information to us within 30 days for our review. If I do not receive the requested information from you within that 30 day period, I will prepare a license for only the irrigation use, in accordance with the provisions of Section 42-219(8) of the Idaho Code.

If you have any questions, please contact me at 208-327-5452.

Respectfully,

Sharla Curtis
Sr. Water Resource Agent

MICROFILMED

JAN 28 2000

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 9/15/99 - 11/16/99
Permit No. 47-07364

BU Fee Pd \$ 150.00

Name/Address: OK ☒ CHANGE

Govt Lots n/a plat copy attached

AREA OF CONCERN: No/Yes ESPA Moratorium TF GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

Supp irr (irr = only use) -065-079
Supp irr (+ other uses) -100-101/05
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M (if on permit)

LOCATION:

Trust - R55(consumptive uses)
Non-Trust - 048-049 (consumptive uses
or non-cons. > 1.0 cfs)

PD Change - P39/P47 - feds(P40)
PD Add - P45/P42

PU Change - P41/P47 - feds(P43)
PU Add - P41/P42

PD & PU Change - P37 - feds(P48)

USES:

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 081 *see WB7*
FISH PROP - 029(70'S only)-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

Use Change/Add - P46

ADVANCE PRIORITY? Yes ☒ No

MISC CONDITIONS/REMARKS:

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - C/ire shop
Non-consumptive - 027
Water Quality - 081-R07
Mitigation - 121 (if on permit)
PPN acre limit - W27

CHECK NEW IRR SEASON MAP ☒

SURFACE WATER: (✓Flow Chart)

In/Above MSF - WB9
WD - R04 (WD#)
≤ 0.20 cfs/others - R02-01P or No MD
> 0.20 cfs - R43

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22, N/A
(02,03) - WB9 if above Weiser
Payette R (65) - 047(Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - R22-R23 (+uses)-025-081-W42-W43-027
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Lawn/garden included - W01

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right #
PU overlap rights - WB7-W31(<1 ac)
GW replaced SW - 050

Permit Rate 3.14 cfs Fee Limit 3.00 cfs
Measured 1.79 cfs Theoretical ? cfs

Use	Rate	Volume
<u>01</u>	<u>1.79</u> cfs	<u>440.0</u> af
<u>46</u>	<u>7"</u> cfs	<u>1293.6</u> af
<u> </u>	<u> </u> cfs	<u> </u> af
<u> </u>	<u> </u> cfs	<u> </u> af
TOTALS	<u> </u> cfs	<u> </u> af

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed Yes ☒ No

If no, is a claim required: Yes ☒ No

AMENDMENTS REQUIRED Yes ☒ No

Adjustment Memo Needed Yes ☒ No

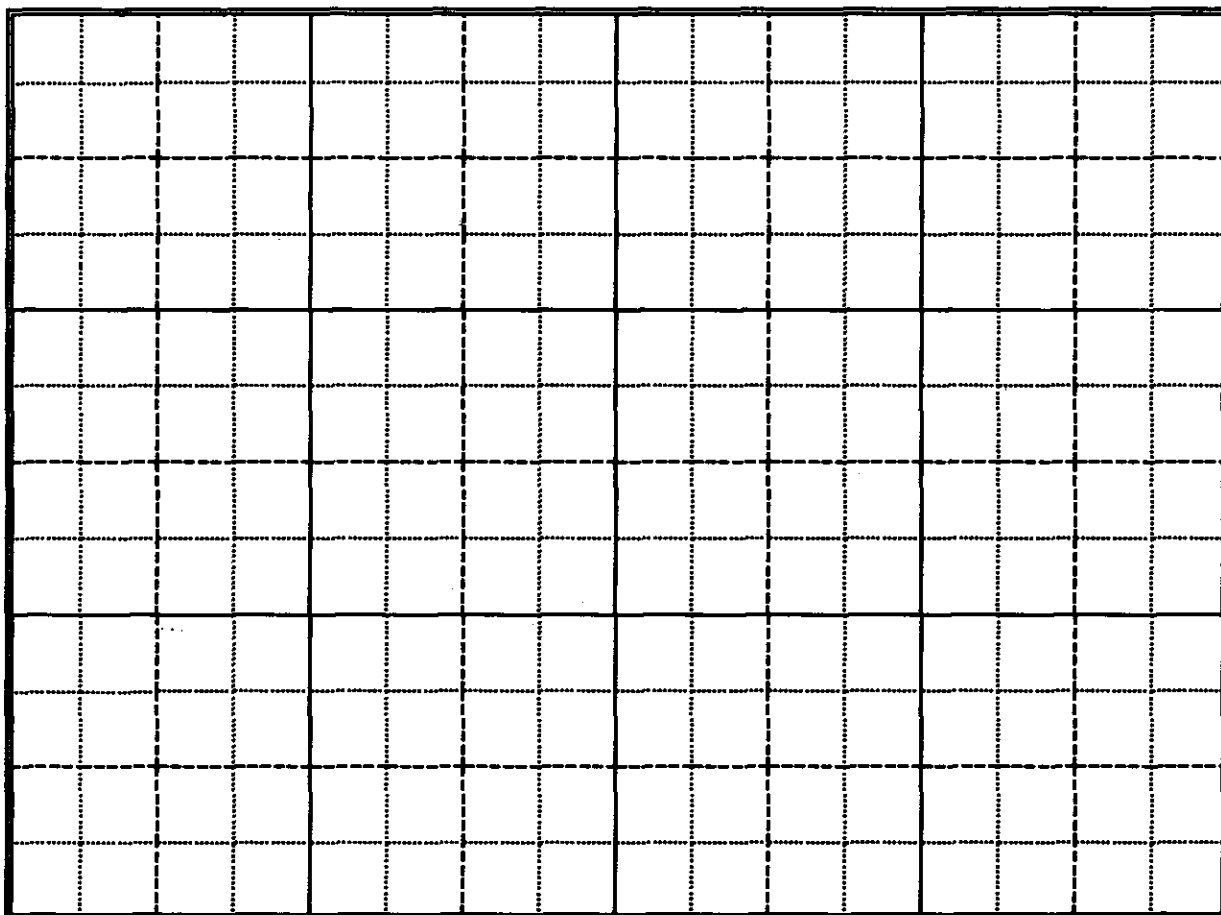
If yes, paragraph codes:

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L4707364	T09S R15E S28 GROUNDWATER																	
	:										25				20	:		45
	:														X	:		
0100004	SNAKE RIVE :																	
0100010	SNAKE RIVE :																	
0100209	SNAKE RIVE :																	
A0100209Z0	SNAKE RIVE :	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	640
4704261	WASTE WATE :			01	06	:					:					:		7
A4704261	WASTE WATE :			01	06	:					:					:		7
4704304	WASTE WATE :					:	08	38			:					:		46
4707364	GROUNDWATE :					:					:	39			39	:		78
A4712147	GROUNDWATE :					:					:	30			25	:		55
--86 MAP--	C83Q-BB 71 :	42	39	40	40	:	40	40	40	40	:	39	43	42	39	:	43	650
L4707364	T09S R15E S33 GROUNDWATER																	
	:			34		:	31				:					:		65
0100004	SNAKE RIVE :					:					:					:		
0100010	SNAKE RIVE :					:					:					:		
0100209	SNAKE RIVE :					:					:					:		
A0100209Z0	SNAKE RIVE :	40	40	40	40	:	40	40	40	40	:	40	40	36	37	:	40	633
4707364	GROUNDWATE :			40		:	39				:					:		79
A4712147	GROUNDWATE :			20		:	20				:					:		40
--86 MAP--	C83Q-BB 71 :	41	39	40	41	:	40	40	39	40	:	40	39	39	40	:	42	640

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JAN 28 2000

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 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)

____ 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 A0007844	NO	1E	AVAILABLE		

*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
Fuji						4/1998

2. Measurements:

See file

MICROFILMED

JAN 28 2000

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MICROFILMED
JAN 28 2000

F. FLOW CALCULATIONS

Measured Method:

✓ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 109(4) = 436$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.79(246)1.98 = 872$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 436$$

2. Volume Calculations for Other Uses:

Exam Fee limit 3.20 cfs
 Permit Rate " " "
 Measured/Recommend 1.79 cfs

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume
	From	To		V (afa)
Irrigation	3/15	11/15	1.79 cfs	436.0
Fish Propagation	1/1	12/31	1.79 "	1.8
Totals:			1.79 cfs	437.8

facility volume

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 George Satterlee Date 08 Feb 1999

Reviewer _____ Date _____

SEAL

MICROFILMED

JAN 28 2000

FROM: Georgia Satterlee
DATE: 05 February 1999
RE: 47-07364

On 08 January 1999 at 1400 hrs., I met with Everett and Dan Weaver to perform a field examination on the permit. The permit is for irrigation and fish propagation from a well in Section 33.

ADDITIONAL WATER CLAIMS:

47-12146 Domestic

47-12152 Domestic

A47-12147 Irrigation-95 acres of same the P/U as in 47-07364
also, beneficial use claim supplements canal shares

A47-12153 B.U. claim Fish-Same P/U as 47-07364

POINT OF DIVERSION:

The measured point of diversion is located in the NWNENW $\frac{1}{4}$ of Section 33, T09S, R15E and tagged with #A0007844. The GPS tag is on the power pole 25 feet north of the well. The diversion rate was measured using the Fuji, see documentation included in the file. Dan and Everett Weaver agreed with the measured rate, which is approximately 800 gpm, however, Everett Weaver was very concerned about not being able to get the entire permitted rate (1440 gpm).

On 11 January 1999, Mr. Weaver caught me in the office parking lot. He told me about a second well (this well is located in Section 28; 300 feet north of the measured well). He said the second well could pump at least 300 gallons. He asked me to measure and add the second well. I was going out to conduct field examination for 47-07367 on 13 January 1999 and I said I would see him then.

I arrived at the Weaver property at 11:30 a.m. on the 13th. Mrs. Weaver said Everett Weaver was not there but their son, Dan, could show me the well. Dan Weaver showed me a well? with 8" casing. I asked about the size of the pump and he said there was not a pump in it. I photographed and documented the second well. No measurements taken. The second well will not be recommended.

IRRIGATION:

The entire land is irrigated by gated pipe. The places of use for irrigation are in E $\frac{1}{2}$ of Section 28 and in the NENW $\frac{1}{4}$ and NWNE $\frac{1}{4}$ of Section 33, T09S, R15E. The irrigated acres are delineated on the ASCS map. The aerial flight was in 1992.

The gated pipe is laying on a east-west line and the water flows from the south to the north. I saw gated pipe laying on a east-west line on north side of the road. From the conversation with Dan Weaver, there is gated pipe laying on east-west line in the south end of each field.

MICROFILMED
FEB 26 2000

IRRIGATION continued:

The water from the well dumps into a pond. The pond is 200 feet east of the well. From the pond, the water is diverted two different directions. The first is diverted into a culvert to the south which goes under the road. The culvert water goes into the gated pipe. The gated pipe irrigates all the land located in E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28.

The second diversion is to the east. The water from the pond travels east where it meets up with the canal water in a ditch (approximately 500 feet). According to Dan Weaver, from here the water can be pressurized to go to the north. The headgate for the canal shares is located $\frac{1}{4}$ mile south-east of the well.

According to Twin Falls Canal Company records, the Weaver's are delivered 93 shares for the land in the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28 and 80 shares for the land in the NENW $\frac{1}{4}$ and NWNE $\frac{1}{4}$ of Section 33, T09S, R15E.

On the application for the permit it is stated in Item 8.c., "...Twin Falls Canal Co./ this will be transferred..." When I asked Mr. Weaver what water was the primary source, he said it depended on the weather. When I asked what water would be used first, he said both.

FISH PROPAGATION:

With regard to commercial fish business, I called Darrin Brandt at DEQ in the Twin Falls Office. If a person desired to raise fish, i.e. fish propagation, a permit from DEQ would be necessary. Also, the records of fish production can be requested from Dr. Phil Mammer at Department of Agriculture, Boise.

I requested fish production records from Mr. Weaver, per letter dated 22 January 1999. On 28 January and again on 03 February Mr. Weaver came in to the office. The documentation from Weaver shows fish related business in 1991-1992, in addition to one receipt, dated 26 January 1999, showing a recent purchase of fingerlings.

On 13 January 1999, I conducted the field examination for 47-07367, which is for fish propagation owned by Silver Creek Farms. Silver Creek Farms also owns and operates the other fish propagation, licensed right, 47-07091.

MICROFILMED
JAN 28 2000

FISH PROPAGATION continued:

In 1979, Weaver owned the fish propagation per 47-07091. After the SRBA commencement, Tunnel Creek, Inc. filed an adjudication claim: A47-07091. I was told Weaver sold to Tunnel Creek. In 1992, Tunnel Creek, Inc. changed their name to Silver Creek Farms.

Even though Mr. Weaver at one time, owned and operated the fish propagation for 47-07091, the current fish propagation in question per 47-07364, does not have the same appearance as the licensed facility west of Weaver.

While doing the field examination, I asked Everett Weaver what fish were raised in the ponds. He said, annually 1000 each, of trout, blue gill, and perch. From the records I received from Weaver, the consistent use for fish production appears to have been 1991-1992. A lingering forfeiture question of the fish propagation lurks. However, with the dated January 1999 receipt Weaver gave me, after the field examination was conducted, resumption is introduced. Therefore, fish propagation will be recommended.

RECOMMENDATION:

The irrigation of 109 acres is recommended. The land is irrigated with canal shares and one well (limiting the diversion via the measured rate). There is a storage area (under $\frac{1}{2}$ acre) for groundwater.

Fish Propagation with the measured diversion rate and the facility volume.

MICROFILMED

162 2 6 2005

Items Rcvd from Weaver 3 Feb 1999

- ① Rcpt. dated 1/26/1999 Catfish fingerlings
- ② Cancelled check 1/15/1993 to Bob Loveless
who was partner w/ Weaver
- ③ Schedule F from 1992 Taxes
- ④ cancelled checks in 1992 for :
 - Rangens
 - Black Canyon Trout Farm
 - Grovers Pay & Pack --
 - ~~Fish~~ Electricity Box for Pole @ Fish Pond

MICROFILMED

JAN 28 2000

EPICENTER AQUACULTURE

HC 61 BOX 3016
CHALLIS, ID 83226

Invoice

DATE	INVOICE NO.
1/26/99	1190

BILL TO
EVERETT WEAVER ROUTE 4 BUHL, ID 83316

SHIP TO
EVERETT WEAVER ROUTE 4 BUHL, ID 83316

P.O. NO.	TERMS	SHIP DATE	SHIP VIA	FOB	CURRENCY
EVERETT	NET	1/26/99	EPICENTER	CHALLIS, ID	USD
ITEM	DESCRIPTION	QTY IN POUNDS	RATE/POUND	AMOUNT	
CATFISH/RS	CATISH FINGERLINGS	2,000	0.10	200.00	
Thank you for your business.					
MICROFILMED JAN 28 2000					
Total				\$200.00	

JAN 28 2000
MICROFILMED

WEAVER FISHERIES DAN OR EVERETT WEAVER ROUTE 1 BOX 47 543-5206 BUHL, ID 83316		1104
		92-250/1241
Pay to the order of	<i>Bob Larson</i>	<i>Jan 15</i> 19 <i>93</i>
	<i>Five hundred twenty three and 36/100</i>	\$ <i>570.36</i>
		Dollars
 BUHL BRANCH THE FARMERS NATIONAL BANK PO. BOX 392 • BUHL, IDAHO 83316		
For	<i>Ernie Weaver</i>	
⑆124102509⑆ 75 01352 3⑈ 1104 ⑈0000057036⑈		

Finley Mountain Bank Note A

1040 SCHEDULE F - SUPPORTING SCHEDULES
EVERETT & ENNICE WEAVER

519-32-0162

T-1

OTHER EXPENSES

TYPE	AMOUNT
FINANCE FEES	250
FINGERLINGS	2,252
LEGAL & ACCOUNTING	674
COMMISSIONS	100
FISH SUP & EXP	860
POND CLEANING	1,245
LICENSES	89
WATER	3,201
TOTAL	8,671

From Mr. Weaver's
1992 Income Tax

Bob Loveless partner in fish business

MICROFILM
JAN 28 2000

MICROFILM
JAN 28 2000

WEAVER FISHERIES DAN OR EVERETT WEAVER ROUTE 1 BOX 47 543-5206 BUHL, ID 83316		1086
		92-250/1241
Pay to the order of	<i>Black Canyon Trout Farm</i>	<i>Aug 3</i> 19 <i>92</i>
	<i>Eight hundred and thirty seven and 50/100</i>	\$ <i>807.50</i>
		Dollars
	 BUHL BRANCH THE FARMERS NATIONAL BANK PO BOX 392 • BUHL, IDAHO 83316	
For	<i>Paul Egge</i>	<i>James M. ...</i>
⑆124102509⑆ 75 01452 3⑈ 1086		⑈0000080750⑈

Rocky Mountain Bank Note A

JAN 28 2000
MICROFILMED

PAY TO THE ORDER OF
KEY BANK OF IDAHO

124101555

FOR DEPOSIT ONLY

Black Canyon Trout Farm, Inc.

00 116637 0 8 2 0 7

→124101555←

Key Bank of Idaho

4425 BURLEY DRIVE

POCATELLO ID 83202

→124101555←

AUG 13 92

92-153

AG '92 13

PAID

KEY BANK OF IDAHO

S.L.C. UTAH

92-153

AG '92 14

1240-0031-3

32783 INC 08/14/92

809316309

JAN 28 2000
MICROFILM

WEAVER FISHERIES
DAN OR EVERETT WEAVER
ROUTE 1 BOX 47 543-5206
BUHL, ID 83316

1094

92-250/1241

0014 1992

Pay to the order of Langers \$ 222.16

Two hundred twenty two dollars and 16/100 Dollars

For Bushfeed

BUHL BRANCH
THE FARMERS NATIONAL BANK
P.O. BOX 392 • BUHL, IDAHO 83316

Emile Weaver

⑆124102509⑆ 75 01352 3⑈ 1094 ⑈0000022216⑈

WEAVER FISHERIES
DAN OR EVERETT WEAVER
ROUTE 1 BOX 47 543-5206
BUHL, ID 83316

1064

92-250/1241

0002 1991

Pay to the order of Black Canyon Trout Farm \$ 475.00

Four hundred seventy five dollars and no cent Dollars

For 30,000 trout eggs

BUHL BRANCH
THE FARMERS NATIONAL BANK
P.O. BOX 392 • BUHL, IDAHO 83316

Emile Weaver

⑆124102509⑆ 76 01352 3⑈ 1064 ⑈0000047500⑈

PAY TO THE ORDER OF
WEST ONE BANK, IDAHO, N.A.
124100019
FOR DEPOSIT ONLY
RANGEN, INC.
1100 94 00412 8

PAY TO THE ORDER OF
KEY BANK OF IDAHO
124101555
FOR DEPOSIT ONLY
Black Canyon Trout Farm, Inc.
00 116637 0

0002 14014

1241000194
WEST ONE BANK, IDAHO, N.A.
OF AND SERVICES
BOISE, IDAHO
#28H #22H

OCT 19 92

BUIL, IDAHO
92-250

16193 1611011006
WEST ONE BANK
10/19/92
124100019
17021067

NO '91' 01

124100019

20003 INC 11/01/91

1241
015554
OT '91' 31
10
10/19/92
124100019
17021067

1241000194

109661155

MICROFILMED
JAN 28 2000

EVERETT OR ENNICE WEAVER
 519-32-0162 518-34-3801
 ROUTE 4 543-4782
 BUHL, ID 83316

2077

7/26/91

92-250
1241

RICHMOND

\$ 97.65

minty green & 65/100

FARMERS NATIONAL BANK
 P.O. BOX 392 - (208) 543-4354
 BUHL, IDAHO 83316

For *Erin Weaver*

⑆124102509⑆ 75078544⑆ 2077 ⑈0000009765⑈

© 1990 Rocky Mountain Bank Note

EVERETT OR ENNICE WEAVER
 519-32-0162 518-34-3801
 ROUTE 4 543-4782
 BUHL, ID 83316

2176

805697

2001 19 91

92-250/1241

Pay to the order of *Long Road*

\$ 72.64

sent to them about 4/00 Dollars

FARMERS NATIONAL BANK
 P.O. BOX 392 - (208) 543-4354
 BUHL, IDAHO 83316

For *Fishers point*

⑆124102509⑆ 75078544⑆ 2176 ⑈0000007364⑈

Rocky Mountain Bank Note 8778

EVERETT OR ENNICE WEAVER
 519-32-0162 518-34-3801
 ROUTE 4 543-4782
 BUHL, ID 83316

2290

11-7 19 91

92-250/1241

Pay to the order of **GROVER'S PAY & PACK**

\$ 14.94

from 12/11/90 30201 716 039 11-00 Dollars

FARMERS NATIONAL BANK
 P.O. BOX 392 - (208) 543-4354
 BUHL, IDAHO 83316

For *Fish & Pole*

⑆124102509⑆ 75078544⑆ 2290 ⑈0000001494⑈

Rocky Mountain Bank Note 8778

16/20/10 4054111 2092100009
 60000101297 114544 01/07/91
 14.94
 \$14.94
 TAXI
 ACCT# 17012039

FOR DEPOSIT ONLY
 FIRST INTERSTATE
 17012039

THIS AREA FOR BANK USE ONLY

NOV 91

NO '91' 12

1240-0031-3

FIRST INTERSTATE BANK
 OF IDAHO 124100019
 05190116 11-08-91

FEDERAL BANKING ACT 1987 - FEDERAL RESERVE REG. CC

PAY TO THE ORDER OF
 TWIN FALLS OFFICE
THE IDAHO FIRST NATIONAL BANK
 TWIN FALLS, IDAHO
 FOR DEPOSIT ONLY
PODEROSA PAINT/
TWIN FALLS BRANCH
110036 015187

THIS AREA FOR BANK USE ONLY

#1N

OCT -2 91

14224 INC 10/03/91
 WEST ONE BANK
 10/29/91
 124100019
 16007600

FEDERAL BANKING ACT 1987 - FEDERAL RESERVE REG. CC

RICHMOND
 PAY TO THE ORDER OF
 BUHL OFFICE
IDAHO FIRST NATIONAL BANK
 FOR DEPOSIT ONLY
 HARPER SALES ACCOUNT
110002126206

THIS AREA FOR BANK USE ONLY

#17N

FEB 20 91

WEST ONE BANK
 02/20/91
 124100019
 16007600

FEDERAL BANKING ACT 1987 - FEDERAL RESERVE REG. CC

MICROFILMED
 JAN 28 2000

~~475~~ 10-21-91 475⁰⁰/

	Fish Fed	Fingerlings	Income.
Jan	132. ⁹⁸	475. ⁰⁰ /	
Feb	169. ⁴⁹		
	30. ⁸⁰ /		
Mar.	192. ⁰⁰	494. ⁰⁰ /	
April	126. ⁵³ /		
	3200. ⁸⁶		
May	306. ⁰³ /		
	105. ⁹⁸		
	482. ⁷⁹ /		
June	725. ³² /		
	195. ⁸⁰		
July	1654. ⁰³		
	551. ⁴⁴		
	611. ⁸³		
Aug	642. ⁰²	807. ⁵⁰	9/10/92 FNB
	204. ⁴⁶		2370. ⁰⁹
	519. ⁶⁸		
Sept.	216. ⁷⁰		9/29/ 1763. ⁰⁰
	241. ⁵³		
Oct.	241. ⁵³		10/20. 1000 ⁰⁰ /
	222. ¹⁶		
Nov.	246. ⁶²		10/28. 3520. ⁰⁰ /
	~~328.83~~		
	328. ⁸³		
	241. ⁵³		
	241. ⁵³		
Dec.	63. ⁵¹		
	328. ⁸³ .		
Jan 93.	570. ³⁶		8653. ⁰⁰ /

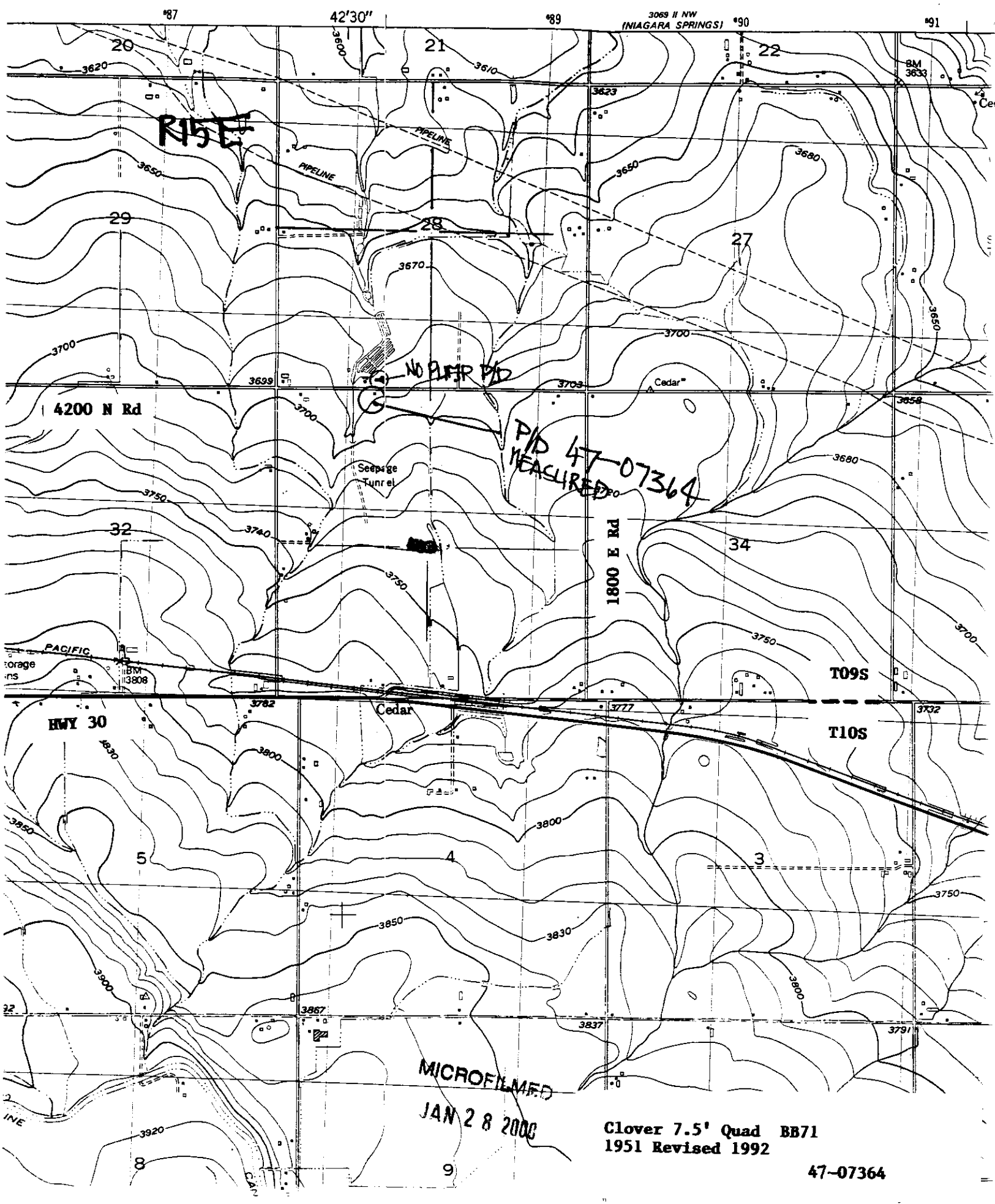
MICROFILMED
1992 8 2000

Feed. 12796.¹⁷
Fingerlings 2251.⁵⁰

\$1750⁰⁰
By Bob

rel

47-7364



MARTIN S 47-07133

PTNS SEC 284 33
T09S, R15E

Shvr. Crk. Farms

SEE 47-07367

24.5

Silver
Crk. Farms

WEAVER'S

19.5

31

34

2
310 MICROFILMED

ACCS FEB 1992

47-07364

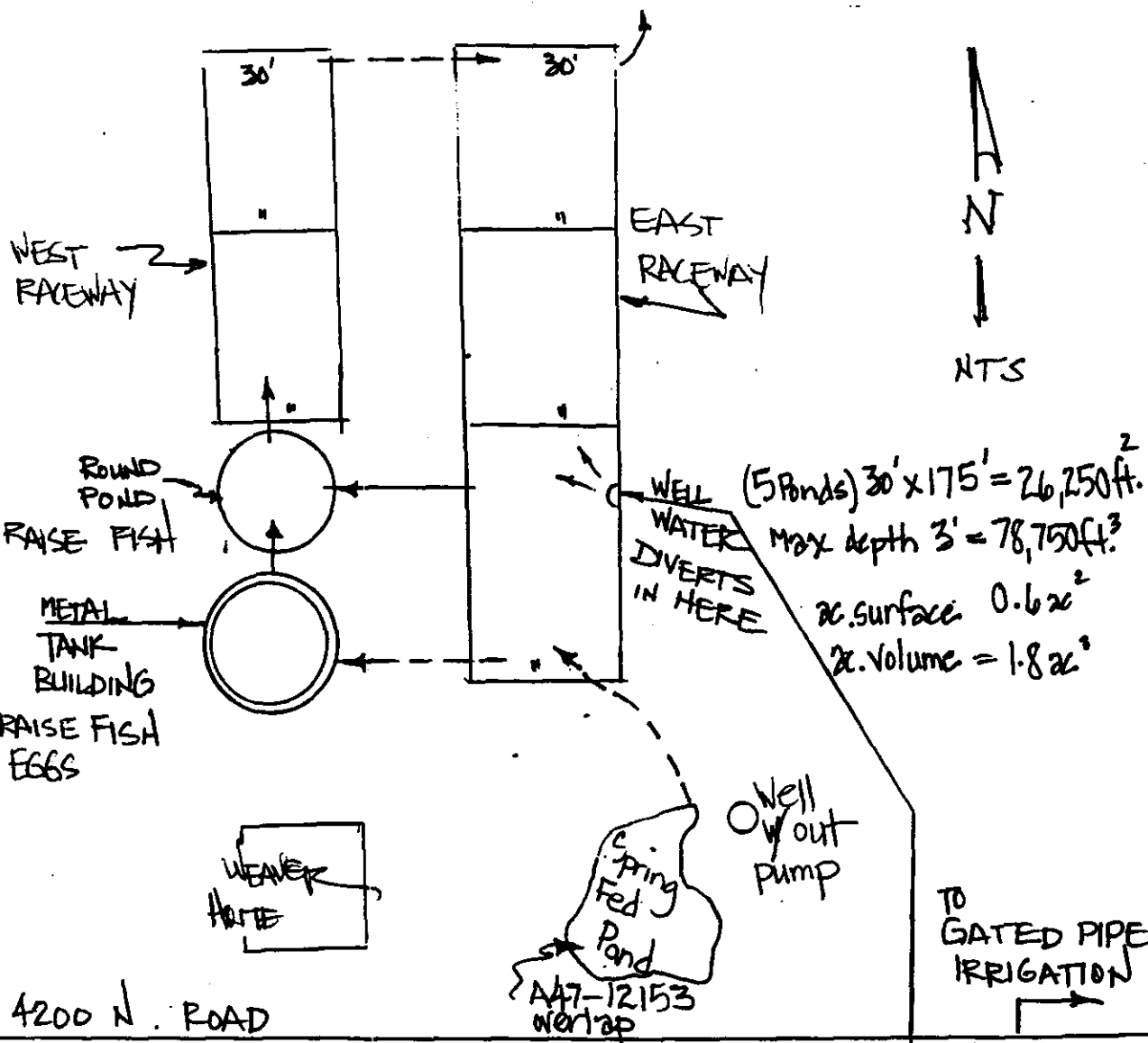
Deliver

According
To Weaver
08 Jan 1999

FISH RAISED YEARLY

TROUT	1,000
~~BULL~~ GILL	"
BLUE PERCH	"

FISH PROPAGATION 47-07091
SILVER CREEK FARMS



GPS TAG A0007844 (on pole 25' N. of P/D)
WELL
NW 1/4 SEC 33, 100 x 30 x 6
MICRO THERM, RISE
JAN 28 2000
TO MEET CANAL SHARES THEN INTO GATED PIPE.
WEAVER, EVERETT & DAN
47-07364

Fuji Calibrated 4/1998

99-01-08 14:23

SITE SETUP

SITE NAME	
OUTER DIAMETER	10.0000in
PIPE MATERIAL	PVC
	8.1110in
LINING MATERIAL	NO LINING
LINING THICKNESS	0.0000in
KIND OF FLUID	WATER
SENSOR MOUNTING	▽
SENSOR TYPE	FLD12
TRANS. VOLTAGE	2TIMES

⚡ = 782 gpm

Applicant remarked the well output is closer to 800 gpm when measuring a calibration results show 12" PVC reads -2.5%.

Recommendation will reflect the increase of 2.5% :

802 gpm = 1.79 cfs MICROFILMED
JAN 28 2000

99-01-08 14:28

MEASURE

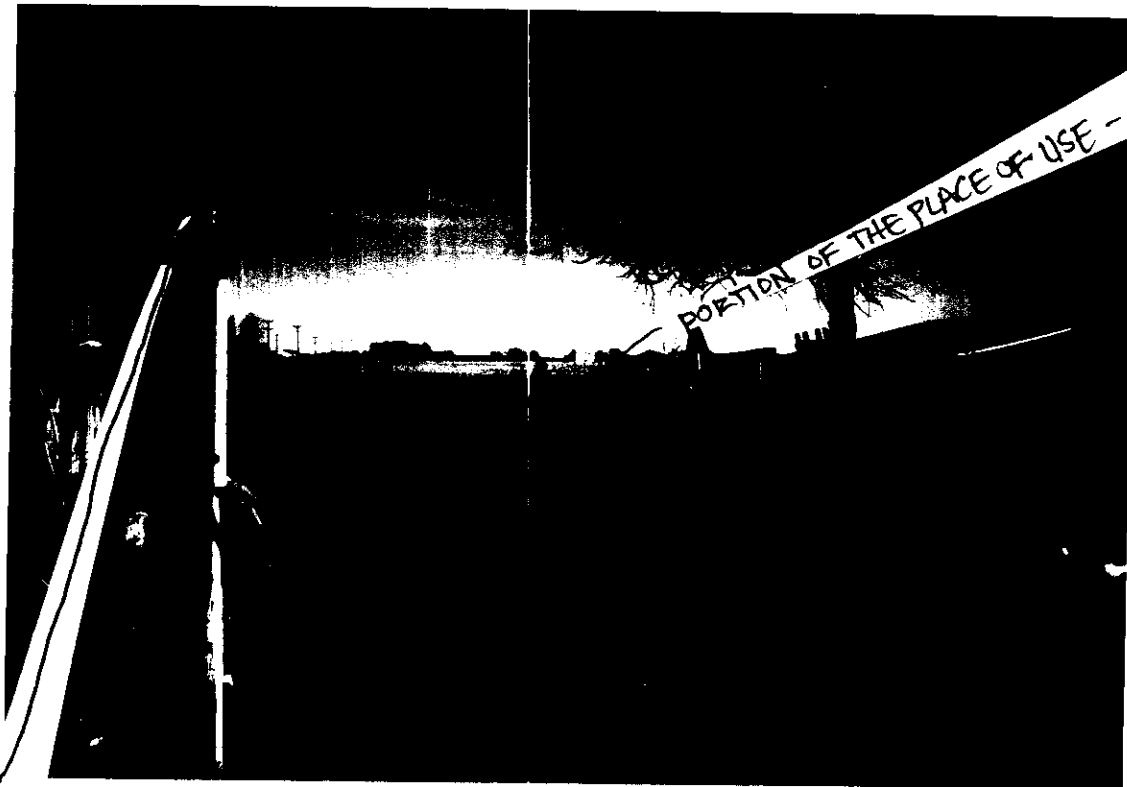
FLOW RATE	gal/m
7.672 x10	2
VELOCITY	UNIT: ft/s
3.278 x10	0
+TOTAL	UNIT: gal
0006910	MM RESET
-TOTAL	UNIT: gal
00000000	MM RESET
NORMAL	

99-01-08 14:36

MEASURE

FLOW RATE	gal/m
7.969 x10	2
VELOCITY	UNIT: ft/s
3.405 x10	0
+TOTAL	UNIT: gal
0012445	MM RESET
-TOTAL	UNIT: gal
00000000	MM RESET
RECEIVED SIGNAL ERROR	

Weaver, Everett & Dan
47-07364



PORTION OF THE PLACE OF USE - SEE AGCS PHOTO
FOR ACREAGE
IRRIGATED

1/4

GPS TAG A0007844

PHOTOS
LOOKING ELY



MEASURED RATE HERE - DIM

PHOTOGRAPH
WHILE MEASURING

MICROFILMED
APR 28 2000

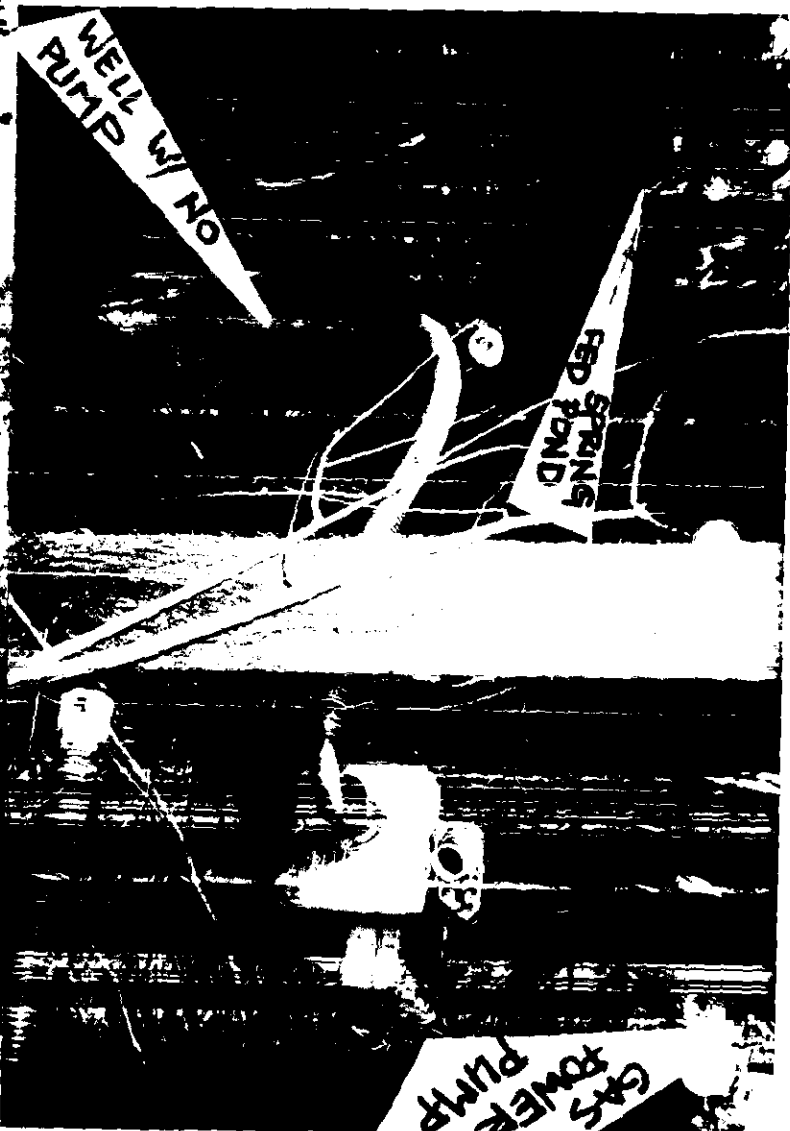
WEAVER, EVERETT & DAN

47-07364



11CROF
2.8

8" casing



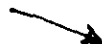
← Photo looking West
GAS POWER PUMP

PHOTO LOOKING N/E
SPRING? FED POND 100' +/- N. of E-W Road
100' +/- E. of Weaver's Home

2/4

3/4

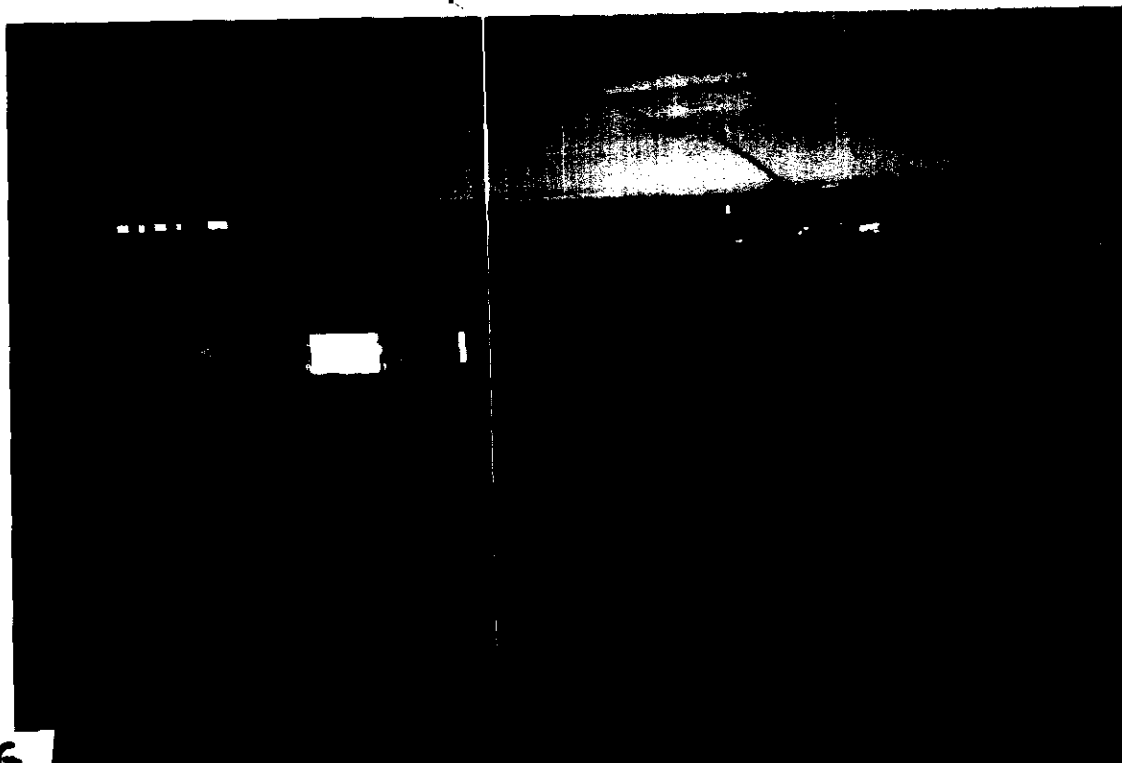
DEBRIS



BOTH PHOTOS LOOKING
NORTHEASTERLY

DEBRIS

LOOKING AT NORTH END OF EAST
"RACEWAY"



LOOKING

AT NORTH END OF WEST "RACEWAY"

RECEIVED, EVERETT & DAN
47-07364

THIS IS OWNED
BY SILVER CREEK
FARMS 47-071091

SILVER CREEK
FARMS 47-071091

FISH RAISING AREA
ACCORDING TO
EVERETT WEAVER

WEAVER'S WEST
RACEWAY ETC.

STANDING @
SOUTH END OF WEST
"RACEWAY"



STANDING @ SOUTH END OF EAST "RACEWAY"

CATTLE

MICROFILMED
2003 2 10 091

WEAVER, EVERETT & DAN
47-07364

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
January 28, 1999 3:48pm

CUSTOMER
Weaver, Everett

SUBJECT: 47-07364

phone call (.) walk-in (x)

He brought in papers showing fish production in 1970, he had some cancelled checks paying for fish food (paid to another fellow) for the year 1992. He did not want me to copy them, he said he would. Also, he's going to get a historical use from Fish & Game regarding licensing.

He asked about the other well. I said I went out and looked at it, plus photographed it. I told him what his son, Dan, said which there was no pump in it. He said it is a gas pump and I can come out and measure it anytime.

03 February 1999 noon

He returned w/ the same file he had the first time, he allowed me to copy the articles 1991-1992 and we discussed beneficial use. He said I can come out and measure the gas pump well anytime.

MICROFILMED

JAN 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

January 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Everett Weaver
1728 E 4200 N
Buhl, ID. 83316

RE: Permit 47-07364

Dear Mr. Weaver,

I am writing to you regarding the field examination performed on January 08, 1999. I appreciated your participation while I conducted the field examination and I hope you can help me again. In order to recommend the fish propagation as a beneficial use, I need substantial documentation.

For example, some of the types of information can include fish production records, and/or the commercial license for the fish farm facility. The person to contact for these records is Dr. Mammer of the Department of Agriculture. The office phone number for Dr. Mammer is (208)332-8540, Boise, Idaho.

Another available resource is the Department of Environmental Quality. This department issues the permits for fish farm ponds. Mr. Rob Sharpneck, of the Twin Falls Field Office, is very helpful. Rob can be reached at (208)736-2190.

Any other information that can verify the fish propagation use will be helpful. Your assistance in this matter is appreciated. If I have not received your input by February 8, 1999, I will conclude the Beneficial Use Field Report with the existing data.

Cordially,

Georgia Satterlee
Sr. Water Resource Agent

MICROFILMED

JAN 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 24, 1998

Everett Weaver
1728 E 4200 N
Buhl, ID. 83316

FIELD EXAM NOTICE

RE: Permit 47-07364

Dear Mr. Weaver,

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning on January 11, 1999. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal condition during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Georgia Satterlee
Georgia Satterlee
Sr. Water Resource Agent

*Don Weaver (son)
Call 4 Jan per 6-8 Jan appts.*

*✓ 08 Jan ✓ 1400 hrs.
Measure Well
near big green house
1728 E 4200 N*

MICROFILMED

JAN 28 2000

December 21, 1990

EVERETT WEAVER
RT. 4
BUHL, ID 83316

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-07364

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECORDED

JAN 26 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 47-7364

Date 12-19-90

GENERAL CONSIDERATIONS

☒ Name same as permit?
☒ Address change? If yes, prepare data entry form.
☒ Proof timely received? If no, complete priority advancement below. (*Previously advanced*)

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☒ Drill permit req'd? *Drilled 1980*
☐ Well log in file? ☐ Copy in file?
☐ Amt paid for drilling permit? ☐ Correct?

LICENSE EXAMINATION FEE

☒ Required?
☒ Amount submitted? *150*
☒ Correct amount? *- for 3.0 gfs on proof*

MEASURING DEVICE

☒ Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<i>JB</i>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

priority

March 16, 1977

138096
July 31, 1990

EVERETT WEAVER
RT. 4
BUHL, ID 83316

PROOF DUE NOTICE

RE: PERMIT NO. 47-07364

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, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 18, 1989

RE: Permit No. 47-7364

Everett Weaver
Rt. 4
Buhl, ID 83316

Dear Mr. Weaver:

Enclosed is an order that authorizes you to continue development under permit to appropriate water no. 47-7364. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to October 1, 1990. Failure to beneficially use the water before October 1, 1990 could result in a loss of your water right permit.

Also enclosed is a copy of the approved extension of time request.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Enclosure

MICROFILMED

SEP 20 1989

memo from

AD #: 35018
NAME:
ADDRESS:

Computer
Codes.

NOTICE OF EXISTING
WATER PERMIT RIGHT
PERMIT NO. 47-07364
PRESENTLY RECORDED AS FOL
LOWS:

NAME: EVERETT WEAVER
ADDRESS: RT. 4, BUHL, ID
83516

SOURCE: GROUNDWATER
DIVERSION PT.: NENE SEC.
33 T9S R15E, TWIN FALLS
CO.

USE: IRRIGATION (3.14 CFS)
PRIORITY: JANUARY 12, 1977
PLACE OF USE: E $\frac{1}{2}$ SW $\frac{1}{4}$
SEC. 28 N4W NE NW SEC.
33 T9S R15E

TOTAL ACRES: 157

THIS IS A SUPPLEMENTAL WATER
RIGHT PERMIT. LANDS UNDER
THIS PERMIT ARE IRRIGATED WITH
EXISTING RIGHTS FROM TWIN
FALLS CANAL CO. DEVEL
OPMENT OF THE WATER SOURCE
UNDER THIS PERMIT WAS NOT
COMPLETE BY JULY 1, 1985,
AND IS BEING REPROCESSED IN
COMPLIANCE WITH SECTION 42-
203D, IDAHO CODE.

PROTESTS AGAINST THE CONTINU
ANCE OF THE PERMIT MUST BE
FILED WITH THE DIRECTOR, DEPT.
OF WATER RESOURCES, STATE
OF IDAHO, PO BOX 83720
BOISE, ID 83720
OR BEFORE JULY 24, 1989.
PROTEST MUST OVERCOME THE
PRESUMPTION OF WATER APPRO
PRIATION RULE 5.2.1.

KEITH HIGGINSON, DIRECTOR
PUBLISH: THURSDAY, JULY 6
AND 13, 1989.

SEP 20 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 28, 1989

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

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on July 6 and July 13 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of July 3 and July 10. 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 billing to the office below before July 24, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

HEIDI M. MIKEL
Secretary

MICROFILMED

SEP 20 1989

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 47-7364

Presently Recorded as Follows:

Name: EVERETT WEAVER
Address: RT. 4, BUHL, ID 83316
Source: GROUNDWATER
Diversion Pt.: NENW SEC. 33 T9S R15E,
TWIN FALLS CO.
Use: IRRIGATION (3.14 CFS)
Priority: JANUARY 12, 1977
Place of Use: E1/2SW1/4 SEC. 28 NWNE NENW
SEC. 33 T9S R15E
Total Acres: 157

This is a supplemental water right permit.
Lands under this permit are irrigated with
existing rights from TWIN FALLS CANAL CO..
Development of the water source under this
permit was not complete by July 1, 1985,
and is being reprocessed in compliance
with Section 42-203D, Idaho Code.
Protests against the continuance of the
permit must be filed with the Director,
Dept. of Water Resources, Statehouse Mail,
Boise, ID 83720 on or before July 24,
1989. A protest must overcome the
presumption of Water Appropriation Rule
5,2,1.

R. Keith Higginson, Director

NOT RECORDED

SEP 20 1989

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 47-7364

DATE: 6-20-89

The permit holder has submitted the readvertisement fee without the questionnaire. He claimed the original questionnaire was lost and he submitted the fee to avoid cancellation.

Review of the application for permit indicates that the proposed groundwater use is supplemental to surface water from Twin Falls Canal Co. A pre-1980 orthophoto quad here at the department shows that all of the land described under the permit were irrigated. The department's 1986 remote sensing report has the same lands classified as irrigated agriculture in that year as well. In terms of Swan Falls processing, the acres under this permit should not be counted toward the annual 20,000 acre limit.

MICROFILMED

SEP 20 1989

INTER-DEPARTMENT MEMO — 1

FROM Tim

DATE 6/5/88

TO Felt

SUBJECT

(Mr. Weaver)

Permit Holder called today & explained that he mailed in a check for \$20⁰⁰. Apparently got lost first time. He will send 2nd check ASAP. Also - he stated that all 157 acres have been irrigated w/ Twin Falls Canal Co. water.

MICROFILMED

SEP 20 1989

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Everett Weaver
RR #4
Buhl, ID 83316

Re: Permit No. 47-7364

Dear Mr. Weaver:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On September 23, 1977, the Department of Water Resources (Department) issued Permit No. 47-7364 which authorized the diversion of 3.14 of water from a groundwater source for the irrigation of 157 acres.

The Department mailed a letter and questionnaire to you on April 6, 1989 in connection with the permit. The letter provided notice that the Department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the Department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a re-advertisement fee in the amount of twenty dollars (\$20) and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within thirty (30) days of the date of the letter was cause for the Department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosure
cc: Region

MICROFILMED

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 47-736A

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

RECEIVED

SEP 20 1989

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILM

SEP 20 1989

August 13, 1987

Everett Weaver
Rt. 4
Buhl, ID 83316

Re: Permit No. 47-7364

Returned is the proof of beneficial use form along with your check No. 1424 in the amount of \$175.00. I'm returning it to you since the department will accept the request for extension of time form.

The department has reviewed the request for extension of time submitted in connection with this permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

c: Accounting
region

INDEXED

SEP 20 1989

June 4, 1987

WEAVER, EVERETT
RT. 4
BUHL, ID 83316

LAPSE NOTICE

RE: Permit No. 47-7364

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated March 31, 1987.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this Department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

SEP 20 1989

CERTIFICATION OF MAILING

The _____ 6-23-1987

delivered to _____
post office _____
individual _____

Lita Fleck

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1987

138873

WEAVER, EVERETT
RT. 4
BUHL, ID 83316

PROOF DUE NOTICE

RE: PERMIT NO. 47-7364

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 1, 1987. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

SEP 20 1989

Everett Weaver
Route 4
Buhl, ID 83316

Re: Permit No. 47-7364

The approval of the extension of time is based upon the moratorium by Idaho Power Company against new power hookups. In order for the department to consider any future request for an extension of time due to the moratorium, it will be necessary for you to submit evidence together with your request that you have applied to Idaho Power Company and have been denied a power hookup.

Sincerely,

RITA I. FLECK
Sr. Secretary

Ext. of Time

FROM: JIM

DATE: 10-4-82

TO FILE NO. 47-7364

Subject: Extension of Time Request dated 9-6-82

Time allowed for delay in permit development caused by Idaho Power Litigation
is determined as follows:

Start of Idaho Power Litigation	12/29/1977
Proof to Beneficial Use Due	<u>9-1-82</u>
Period of Delay	<u>4yrs 9 mos.</u>
New Proof to Beneficial Use Date	<u>6-1-87</u>

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

October 4, 1982

Mr. or Mrs. Everett Weaver
Route 4
Buhl, ID 83316

PERMIT NO. 47-7364

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. 24738.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED
OCT 11 1982



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 16, 1982

RE: Permit No. 47-7364

Everett Weaver
Route #4
Buhl, ID 83316

Dear Mr. Weaver:

Thank you for returning the request for extension in which to submit proof to beneficial use of water under Permit No. 47-7364. We cannot, however, approve your request because the \$15.00 filing fee was not included with the request.

We will hold your request for extension of time form here. Please submit the \$15.00 fee on or before September 30, 1982.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED
SEP 21 1982

September 16, 1982

RE: Permit No. 47-7364

Everett Weaver
Route #4
Buhl, ID 83316

Dear Mr. Weaver:

Thank you for returning the request for extension in which to submit proof to beneficial use of water under Permit No. 47-7364. We cannot, however, approve your request because the \$15.00 filing fee was not included with the request.

We will hold your request for extension of time form here. Please submit the \$15.00 fee on or before September 30, 1982.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

WEAVER, EVERETT
RT. 4
BUHL, ID 83316

138257

JUNE 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7364 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

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

February 24, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

RECEIVED

30 September, 1977

Mr. Everett Weaver
Route 4
Buhl, Idaho 83316

Dear Mr. Weaver:

Enclosed is a copy of your approved Application for Permit No.47-7364 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

RECEIVED

INTER-DEPARTMENT MEMO — 1

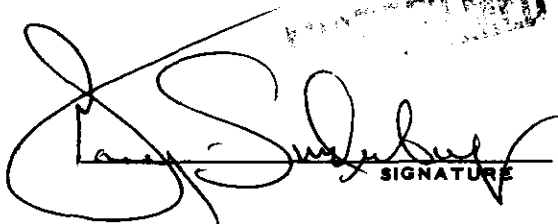
FROM Gary Funderburg v

DATE 7/20/77

TO File 47-7364

SUBJECT Everett Weaver

On Jan. 10, 1977, I talked with Mr. Weaver for making the change of the amount of acres filed. He said to change the application for the correction of the acres. On July 6, 1977, we discussed the change of the amount of water to equal an inch per acre for the land being irrigated. the amount for the fish will stay the same.


SIGNATURE

RECEIVED

July 19, 1977

Mr. Tom Reinecker
Idaho Fish & Game Dept.
1515 Lincoln Road
Idaho Falls, Idaho 83401

Enclosed is a copy of the approval of the above numbered application for your files.

Sincerely,

Terry G. Blau
Senior Water Resource Agent

APPROVED

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

June 3, 1977

RECEIVED

JUN 6 1977

Department of Water Resources
Southern District Office

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Attention: Mike Steele

Re: Application No. 47-7364 - Everett Weaver

Dear Mike:

Pursuant to my telephone call of today, be advised that the Twin Falls Canal Company hereby withdraws their protest to application for permit No. 47-7364.

You may include this letter as a part of the official file on this application.

Sincerely,


JOHN A. ROSHOLT

JAR:bg

cc: Cliff Montgomery
Everett Weaver

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 1, 1977

Mr. Everett Weaver
Rte. #4
Buhl, Idaho 83316

RE: Application For Permit #47-7364 & #47-7367

Dear Mr. Weaver:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7364. You should be aware that the following are the principle items we can consider at a conference and/or hearing 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?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MLS:sb

enc.

bc: Boise office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 8, 1977

Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83301

RE: Application for Permit #47-7364 & #47-7367

Gentlemen:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

FILED

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

February 4, 1977

RECEIVED

FEB 7 1977

Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources
Southern District Office

Re: Protest of Application No. 47-7364

Dear Sir:

Find enclosed the protest of the Twin Falls Canal Company concerning the application of Everett Weaver under application No. 47-7364.

Please address a copy of all correspondence in regard to said permit to the Twin Falls Canal Company at P. O. Box 326, Twin Falls, Idaho 83301, as well as this office.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:bg

Enclosure

cc: ~~Department~~ of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

1 PARRY, ROBERTSON, DALY & LARSON
P. O. Box 525
2 Twin Falls, Idaho 83301
Telephone: 733-3722
3
4
5
6
7
8

9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE
11 STATE OF IDAHO

12 IN THE MATTER OF APPLICATION } PROTEST OF TWIN FALLS
13 FOR PERMIT NO. 47-7364, } CANAL COMPANY TO APPLICATION
14 EVERETT WEAVER } FOR PERMIT
15

16 Comes now the Twin Falls Canal Company, by and
17 through their attorneys, Parry, Robertson, Daly & Larson,
18 and respectfully allege:

19 1. That protestant Twin Falls Canal Company is
20 a nonprofit, public irrigation corporation, which owns and
21 operates a complex system of canals and ditches so as to
22 deliver water to member shareholders who farm 202,000 acres
23 in Twin Falls County, Idaho.

24 2. That application No. 47-7364 proposes to the
25 use of 3.2 cubic feet per second of subterranean water for
26 fish propagation which will eventually drain into the Twin
27 Falls Canal Company system, which water is picked up and
28 delivered to many stockholders whose lands are entitled to
29 water by the Twin Falls Canal Company and thus shall add
30 polluted water to the company system.

31 3. Applicant has no right to drain additional
32 and polluted water into the company system without permission

1 and a drainage easement.

2 NOW, THEREFORE, the Twin Falls Canal Company
3 hereby protests application No. 47-7364 for the following
4 reasons, to-wit:

5 (1) That the use proposed in application No. 47-
6 7364 will add polluted to protestant's system.

7 (2) Applicant has no permission or drainage
8 easement to increase the company's burden to accept polluted
9 water.

10 WHEREFORE, the Twin Falls Canal Company by and
11 through their attorneys, Parry, Robertson, Daly & Larson,
12 respectfully request that application No. 47-7364 be denied
13 by the Department of Water Resources and that no permit be
14 issued pursuant thereto.

15 DATED this 4 day of February, 1977.

16 PARRY, ROBERTSON, DALY & LARSON

17
18 By: JONAS A. ROSHOLT
19 P. O. Box 525
20 Twin Falls, Idaho 83301
21 Attorneys for Protestant
22 Twin Falls Canal Company
23
24
25
26
27
28
29
30
31
32

RECEIVED

FEB 2 1977

Department of Water Resources
Southern District Office

February 1, 1977

For the records of Application No. 47-7364:

We are concerned that the pumping of 3.2 ft.
of water will cause the water table to drop,
thus endangering our domestic well water
supply.

This is not a protest; however, we are concerned about
the approval of this permit.

Les Martin's RT#4 Buhl Ida.
Hyd. J. Bell RT#4 Buhl, Ida.

APPROVED

January 10, 1977

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

RE: Application For Permit #47-7364 - Everett Weaver

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,

Michael L. Steele
Southern Region Supervisor

MLS:sb

enclosure

Bill submitted: 1/28/77

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Everett Weaver

Rte. #4, Buhl, Idaho 83316

has on 1/7/77 submitted Application No. 47-7364

for a permit to appropriate 3.2 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from groundwater

by means of well, motor, pump, gravity flow ditches and fish raceways

within the NE1/4, Sec. 33, Twp. 9S, Rge. 15 E., B.M., Twin Falls County

to be used from March 15 to Nov. 15 and Jan. 1 to Dec. 31

for irrigation and fish propagation

within the E1/2SW1/4, Sec. 23, NW1/4, NE1/4, Sec. 33, Twp. 9S, Rge. 15E., B.M.

Twin Falls County

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 2/7/77.

R. KEITH HIGGINSON

Director

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