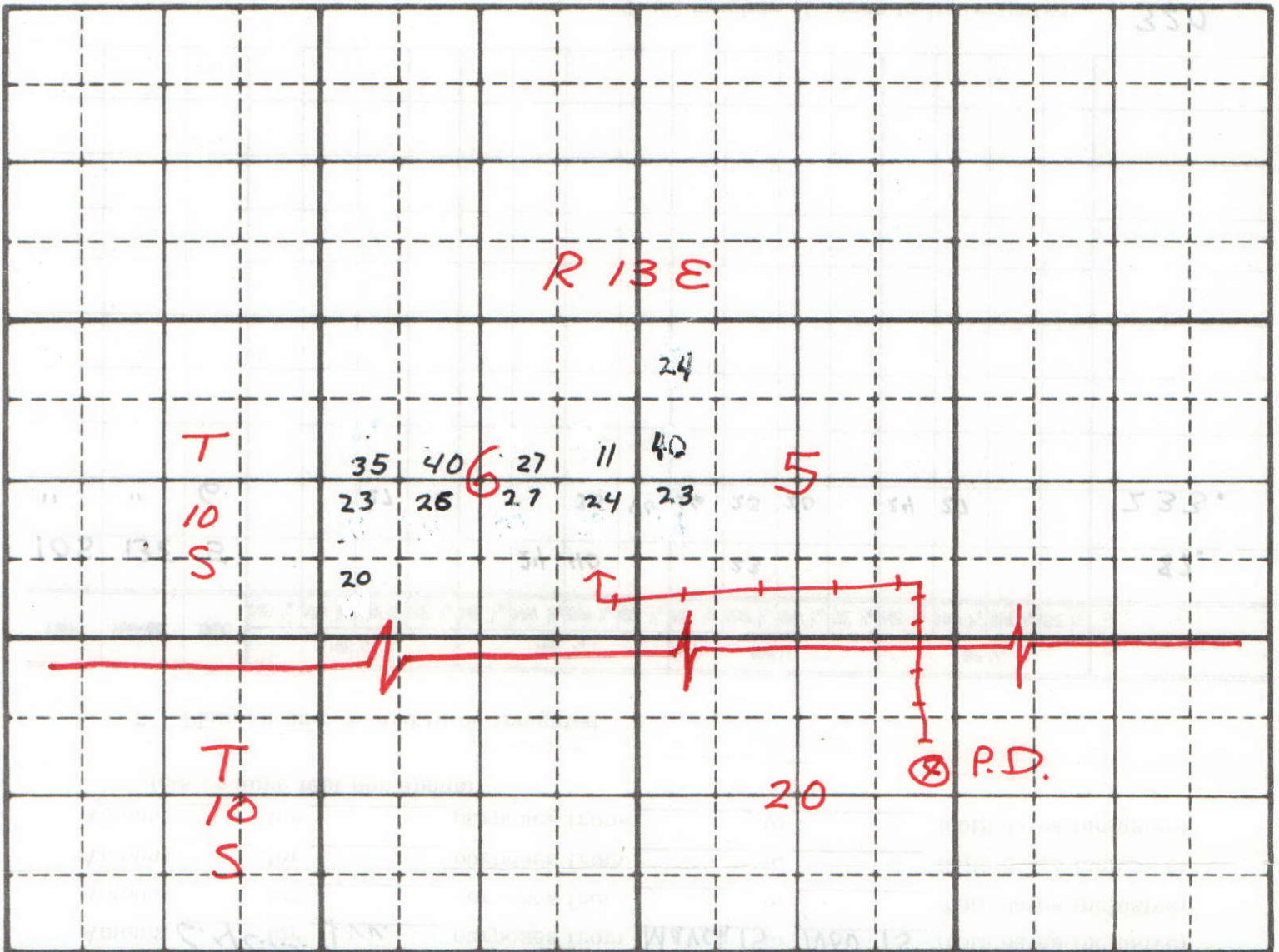


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Twin Falls, this 2 day of April, 19 75.

Kenneth W. Marshall
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Operations Division

I, A. KENNETH DUNN, Admin., ~~DIRECTOR~~ of the Department of Water Administration,

hereby approve the above application for amendment for Permit No. 47-2402.

Witness my hand this 11th day of April, 19 75

A. Kenneth Dunn
Administrator, ~~DIRECTOR~~ Operations Division

NAME OF APPLICANT

Gerald Guentz

Form No. 0

Township 10 South

Range 13 E B M

Point of Diversion

Pump

Little Salmon Falls Creek

Permit Map No. 32306
As Approved APR 9 1965
CARL E. TAPPAN
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

X32306

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5588
WATER RIGHT NO(S). 47-02316B/47-02316C/47-02331/47-02341
47-02342/47-02381/47-02402/47-02417/47-07642

This is to certify that: VISSER HOLSTEINS
DBA EAGLE VIEW FARM
6851 BICKMORE
CHINO CA 91790

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 47-02316B :			
Priority: 01/12/1959			
IRRIGATION	04/01 to 10/31	3.33 CFS	1166.4 AF
Right No. 47-02316C :			
Priority: 01/12/1959			
IRRIGATION	03/15 to 11/15	6.92 CFS	2324.0 AF
Right No. 47-02402 :			
Priority: 04/05/1965			
IRRIGATION	03/15 to 11/15	6.40 CFS	1280.0 AF
Right No. 47-02417 :			
Priority: 04/19/1966			
IRRIGATION	03/15 to 11/15	16.89 CFS	6640.0 AF
Right No. 47-07642 :			
Priority: 04/30/1980			
IRRIGATION STORAGE	04/01 to 10/31		140.0 AF
IRRIGATION FROM ST	04/01 to 10/31		140.0 AF
DIVERSION TO STORA	04/01 to 10/31	12.00 CFS	
		* 24.71 CFS	7374.0 AF
Right No. 47-02331 :			
Priority: 03/22/1960			
IRRIGATION	03/15 to 11/15	3.91 CFS	1244.0 AF
Right No. 47-02341 :			
Priority: 09/12/1960			
IRRIGATION	03/15 to 11/15	3.42 CFS	1662.0 AF
Right No. 47-02342 :			
Priority: 09/12/1960			
IRRIGATION	03/15 to 11/15	3.10 CFS	1240.0 AF
Right No. 47-02381 :			
Priority: 11/13/1963			
IRRIGATION	04/01 to 10/31	2.31 CFS	1122.6 AF
		** 12.74 CFS	5548.0 AF **
TOTAL:		*** 37.45 CFS	7374.0 AF

MICROFILMED
JUL 27 2000

TRANSFER NO. 5588
 WATER RIGHT NO(S). 47-02316B/47-02316C/47-02331/47-02341
 47-02342/47-02381/47-02402/47-02417/47-07642

SOURCETRIBUTARY OF

Right Nos. 47-02316B/47-02316C/47-02402/47-02417/47-07642 :
 SALMON FALLS CREEK SNAKE RIVER

Right Nos. 47-02331/47-02341/47-02342/47-02381 :
 GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 47-02316B/47-02316C/47-02402/47-02417/47-07642 :
 SENE , Sec. 20, Township 10S, Range 13E
 TWIN FALLS County

Right Nos. 47-02331/47-02341/47-02342/47-02381 :
 NWSW , Sec. 5, Township 10S, Range 13E
 SENW , Sec. 8, Township 10S, Range 13E
 SESW , Sec. 8, Township 10S, Range 13E
 NENE , Sec. 9, Township 10S, Range 13E
 NWSW , Sec. 9, Township 10S, Range 13E
 NWNW , Sec. 10, Township 10S, Range 13E
 TWIN FALLS County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
10S	13E	3	SWSW 39.4	SESW 39.0		78.4
		5	NWNW 25.0	SWNW 39.2	NWSW 39.2	
			SWSW 37.8			141.2
		6	SESE 37.8			37.8
		7	NENE 29.7			29.7
		8	NENE 37.6	NWNE 38.6	SWNE 39.2	
			SENE 37.6	NENW 38.6	NWNW 37.6	
			SWNW 38.5	SENW 35.1	NESW 33.7	
			NWSW 39.2	SESW 40.0		415.7
		9	NENE 39.3	NWNE 39.3	SWNE 39.3	
			SENE 39.3	NENW 39.3	NWNW 38.6	
			SWNW 38.6	SENW 39.3	NESW 39.3	
			NWSW 38.6	SWSW 38.6	SESW 39.3	
			NESE 39.3	NWSE 39.3	SWSE 39.3	
			SESE 38.2			624.9
		10	NWNE 31.8	NENW 39.3	NWNW 39.3	
			SWNW 39.3	SENW 36.7	NWSW 40.0	
			SWSW 29.0			255.4
		16	NENE 3.2	NWNE 25.2	NENW 40.0	
			NWNW 39.0	SWNW 34.0	SENW 24.5	165.9
		17	NENE 33.4	SWNE 27.1	SENE 34.0	94.5
Total number of acres irrigated:						1843.5 ****

MICROFILMED

JUL 27 2000

TRANSFER NO. 5588
WATER RIGHT NO(S). 47-02316B/47-02316C/47-02331/47-02341
47-02342/47-02381/47-02402/47-02417/47-07642

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The period of use for the irrigation described under Rights 47-02316B, 47-02381 and 47-07642 may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this approval.
8. 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 ground water 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.
9. Use of water under Rights 47-02316B, 47-02316C, 47-02402, 47-02417 and 47-07642 will be regulated by the watermaster of State Water District No. 47-G, Salmon Falls Creek.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the Salmon Falls Creek diversion.
- * 11. Rights 47-02316B, 47-02316C, 47-02402, 47-02417 and 47-07642 when combined with Rights 47-07565, 47-07569, 47-07615 and 47-07618 shall not exceed the 24.71 cfs diversion capacity of the Salmon Falls Creek diversion system.

MICROFILMED

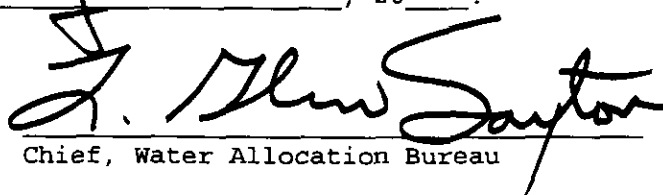
JUL 27 2000

TRANSFER NO. 5588
 WATER RIGHT NO(S). 47-02316B/47-02316C/47-02331/47-02341
 47-02342/47-02381/47-02402/47-02417/47-07642

CONDITIONS OF APPROVAL AND REMARKS

12. Prior to diversion of ground water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized ground water points of diversion which will allow determination of the total rate of diversion of ground water.
- ** 13. The total instantaneous diversion of ground water from all ground water points of diversion under Rights 47-02331, 47-02341, 47-02342 and 47-02381 shall not exceed 12.74 cfs, nor a total combined annual volume of 5548.0 af for the irrigation of 1387.0 acres.
- *** 14. The total instantaneous diversion of water from all points of diversion under Transfer 5588 shall not exceed 37.45 cfs, nor a total combined annual volume of 7374.0 af for the irrigation of 1843.5 acres.
- **** 15. Right 47-02316B is limited to the irrigation of 291.6 acres in the place of use described above in a single irrigation season.
- **** 16. Right 47-02316C is limited to the irrigation of 581.0 acres in the place of use described above in a single irrigation season.
- **** 17. Right 47-02331 is limited to the irrigation of 311.0 acres in the place of use described above in a single irrigation season.
- **** 18. Right 47-02341 is limited to the irrigation of 446.0 acres in the place of use described above in a single irrigation season.
- **** 19. Right 47-02342 is limited to the irrigation of 310.0 acres in the place of use described above in a single irrigation season.
- **** 20. Right 47-02381 is limited to the irrigation of 320.0 acres in the place of use described above in a single irrigation season.
- **** 21. Right 47-02402 is limited to the irrigation of 320.0 acres in the place of use described above in a single irrigation season.
- **** 22. Right 47-02417 is limited to the irrigation of 1660.0 acres in the place of use described above in a single irrigation season.
23. The storage of water under Right 47-07642 is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Dated this 14th day of July, 2000.


 Chief, Water Allocation Bureau

MICROFILMED
 JUL 27 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-2402 Priority April 5, 1965 Amount 6.4 cfs.

THIS IS TO CERTIFY, that Kenneth W. Marshall
of Twin Falls, Idaho, has complied with the terms and conditions of Permit
No. 47-2402 issued pursuant to Application for Permit dated April 5, 1965,
and has submitted proof to the Department of Water Resources on March 10, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 16.89 cfs. of water from Little Salmon Falls Creek,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>6.4</u> cfs and	<u>1280.0 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 6.4 cfs. of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1280.0 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 20; Twp. 10S,
Rge. 13E. B. M. in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	13E	5					24	40			23								87
		6			27	11			35	40	26	23	20		24	27			233

Total number of acres irrigated 320

MICROFILMED

101 27 2000

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6 day of
January, 19 78.

Director

Receipt # 14766

4-2.75

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

APR 2 1975

Department of Water Resources
Southern District Office

APPLICATION FOR AMENDMENT

Permit No. 47-2402

Comes now Kenneth W. Marshall of (address) _____

185 Blair Drive, Twin Falls, Idaho and represents to the Director of the Idaho Department of Water Administration:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-2402, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20 Twp. 10S
Rge. 13E, B. M., County of Twin Falls. Other points of diversion:

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

Amount 6.4 cfs. for Trk. purposes from March 19 to Nov 15 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

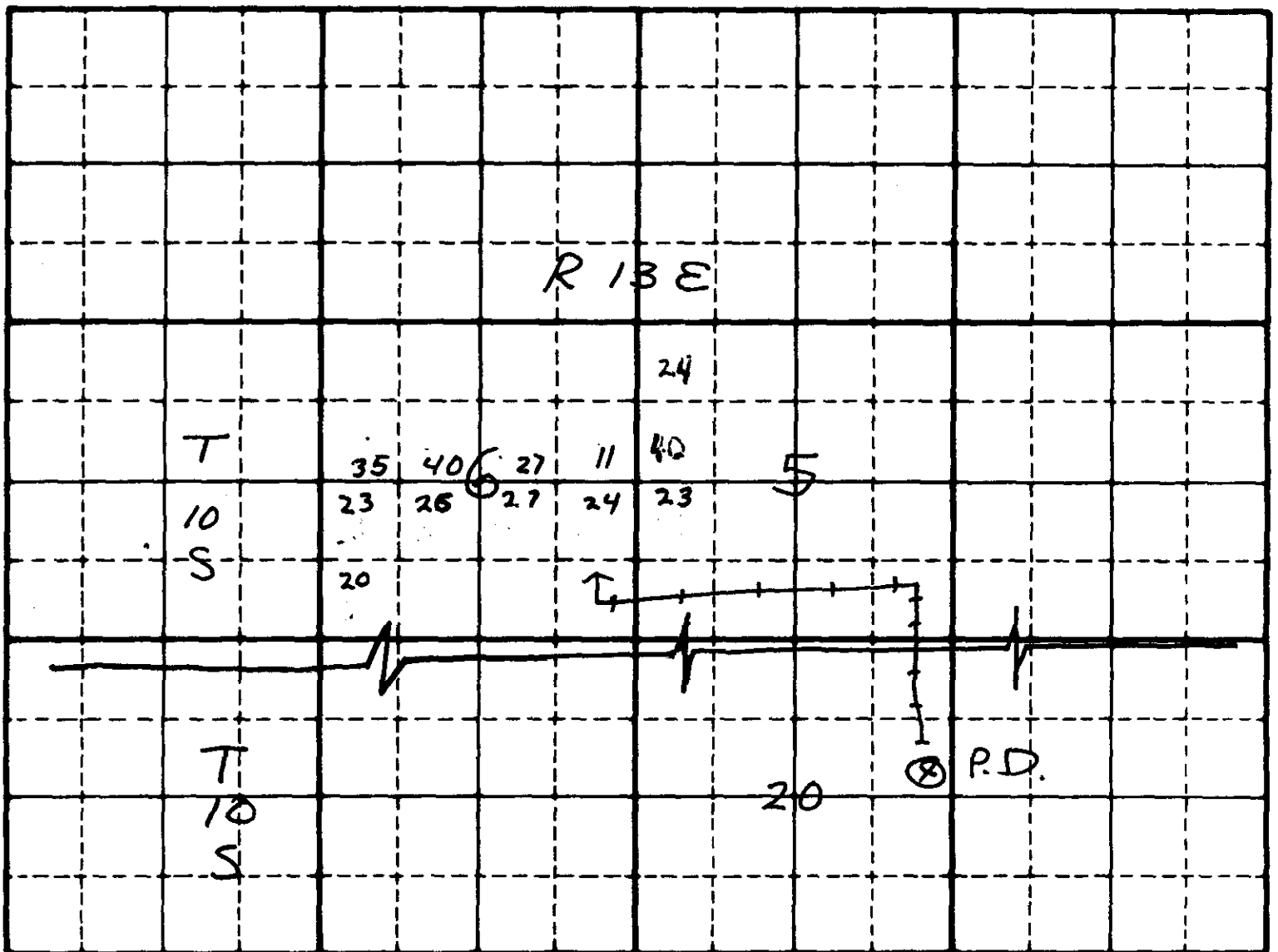
3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated 320

RECEIVED MED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Twin Falls, this 2 day of April, 19 75.
Kenneth W. Marshall
 (signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Operations Division

I, A. KENNETH DUNN, Admin., ~~Director~~ of the Department of Water Administration.

hereby approve the above application for amendment for Permit No. 47-2402.

Witness my hand this 11th day of April, 19 75

A. Kenneth Dunn
 Administrator, ~~Director~~ Operations Division

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

APR 1 1975

I, Gerald Guentz, hereby assign to Kenneth W. Marshall Department of Water Resources
Twin Falls District Office

of 185 Blair Drive, Twin Falls, Idaho 83301
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 32306/47-2402
to appropriate the public waters of the State of Idaho.



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

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

Made this 1st day of April, 19 75.

Gerald Guentz
Permit Holder

Lorene M. Guentz
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 1st day of April, 19 75, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

John L. Rasmussen
Notary Public residing at

Twin Falls, Idaho

My commission expires:

7-22-78

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

APR 1 1975

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources
Southern District Office

State of Idaho)

County of Twin Falls)

Permit No. 32306/47-2402

GERALD GUENTZ of 185 Blair Drive, Twin Falls, Idaho 83301
(name) (address)

State of IDAHO, being first duly sworn, upon his oath 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. 32306/47-2402.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before April 9,, 19 75.

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

Excavated sump for installation of 400 H. P. pump. Delivered 20" steel pipe to site
for installation and connecting to pump

Costing \$ 28,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Bad weather has held up necessary ground work. Installers
were delayed. Six months delivery period was required for pump.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to April 9,, 19 77.

(signature) *

Subscribed and sworn before me this 1 day of April, 19 75.

seal

(notary public)

My commission expires 11-20-78

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION
Operations Division

I, A. KENNETH DUNN, Administrator, ~~DIRECTOR~~ of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 47-2402 to April 1, 1977.

Witness my hand this 11th day of April, 19 75.

A. Kenneth Dunn
Administrator, ~~DIRECTOR~~ Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

RECORDED

Application For Permit To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: KENNETH W. MARSHALL

4/1/75

185 Blair Drive
Twin Falls, ID 83301APPLICATION No. 40454
PERMIT No. 32306
DISTRICT No.

1. Name of Applicant: Gerald Guentz

Postoffice address: Rt. 3, Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 6.4 c.f.s. cubic feet per second.

3. Source of water supply: Little Salmon Falls Creek which is a tributary of Snake River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
of section 16 , T. 10 S., R. 13 E., B. M., County of Twin Falls

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$45,000

8. Kind of works: Sump, pump, steel pipeline, sprinkler system

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe 12 inches; length of conduit 1 $\frac{1}{2}$ miles.

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

s/ Gerald Guentz Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 4:00 P.M. April 5, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32 306

Recorded in Book 713 Page 32306 Approved April 9, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before June 9, 1965 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **October 9, 1967**

The whole of said work to be completed on or before April 9, 1970

Beneficial use of water appropriated in accordance herewith, to be made on or before April 9, 1975

WITNESS My hand this 9th day of April, 1965

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, _____ ROBERT E. SMYLIE _____, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....9th.....

day of April, 19 65.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
10 S.	13 ERM	9	40																40
		10	40				40 40 40				40								200
		3									40 40								80
		Total Number of Acres to be Irrigated																320	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
MAY 25 2001
Department of Water Resources
Southern Region

RECEIVED
JUN 08 2001
Department of Water Resources
Southern Region

1. Water Right No(s): _____ (see attached) 47-02402
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest

 American AgCredit, FLCA

 P.O. Box 1120

 Santa Rosa, California 95402-1120

4. Name of Water Right Owner/Claimant(s)

 Visser Holsteins, a General Partnership dba Eagle View Farms

5. Expiration Date of Notification Period May 1, 2031
6. Is this a Renewal of Request for Notification? YES X NO
7. Signature(s) (and title if applicable) American AgCredit, FLCA
 By: [Signature]

RECEIVED
JUN 15 2001
Department of Water Resources

For Office Use Only

Received by [Signature] Date 6/2 Fee \$250.00
 Received by [Signature] Date 6/2 Receipt No. 5024051
 Processed by _____ AJ Date _____ WR _____ Date _____

See file 47-02361B for support documentation

MICROFILMED

ATTACHMENT

RECEIVED

JUN 08 2001

Department of Water Resources
Southern Region

Idaho Department of Water Resources License Number 47-02371, Priority Date March 4, 1963, 2.02 CFS.

Idaho Department of Water Resources License Number 47-02316B, Priority Date January 12, 1959, 3.33 CFS.

Idaho Department of Water Resources License Number 47-02316C, Priority Date January 12, 1959, 6.92 CFS.

Idaho Department of Water Resources License Number 47-02402, Priority Date April 5, 1965, 6.40 CFS.

Idaho Department of Water Resources License Number 47-02417, Priority Date April 19, 1966, 16.89 CFS.

Idaho Department of Water Resources License Number 47-07642, Priority Date April 30, 1980, 12.00 CFS.

Idaho Department of Water Resources License Number 47-02331, Priority Date March 22, 1960, 3.91 CFS.

Idaho Department of Water Resources License Number 47-02341, Priority Date September 12, 1960, 3.42 CFS.

Idaho Department of Water Resources License Number 47-02342, Priority Date September 12, 1960, 3.10 CFS.

Idaho Department of Water Resources License Number 47-02381, Priority Date November 13, 1963, 2.31 CFS.

MICROFILMED

AUG 08 2001

MEMORANDUM

TO: 47-02316C, 47-02402, 47-02417, 47-07642 from Salmon Falls Creek and 47-02331, 47-02341, 47-02342, 47-02381 from groundwater to the Water Supply Bank.

FROM: Sunny Healey

DATE: 5-21-2001

SUBJECT: Application to lease water right numbers listed above.

All information regarding the Application to Lease these water rights listed above, is located within:

FILE # 47-02316B

MICROFILMED

AUG 08 2001

MEMORANDUM

TO: FILE 47-02402
FROM: VAULT
RE: TRANSFER # 5588
DATE: 12/17/99

=====

Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # ~~47-02331~~
47-02316B

MICROFILMED
JUL 27 2000

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 12/9

TO Glen

MICROFILMED

SUBJECT Attached Memo from Allen Merritt. JUL 27 2000

Allen raises 2 questions in his memo. In response to the first question, the licensed rts have been decreed for a total of 11.14 cfs (more than the sum of the two) so there is nothing we can do about adding a limiting condition at this time.

In response to the second question, it appears that 47-2417 should have had a limiter (max rate of 16.89 when combined w/47-2402) when the license was issued. My question is this: do you see a problem with issuing an amended license at this time, in light of the possibility that if we do not, the diversion rate

SIGNATURE

will be very possibly increased?

DRT

MICROFILMED

JUL 27 2000

47-2316A - L. Salmon Falls Cr
10.5 cfs - 713 ac

priority

1-12-59

P. d. SENE - sec 20, T10S, R13E

marshall 47-2316 (part) 6.92 cfs - 581 ac

1-12-59

marshall 47-2316B 3.33 cfs - 291.6 ac

1-12-59

$\Sigma = 20.75 \text{ cfs}$

10.25 V, S 11.14

marshall 47-2402 Ken Marshall

6.4 cfs (cap 16.89 cfs)
320

P. d. SENE - 20, T10S, R13E

4-5-65

marshall 47-2417

Ken Marshall

16.89 cfs (cap 16.89)

when combined w/

✓ 47-2316 (part)

✓ 47-2316B

47-2331

47-2341

47-2342

MICROFILMED

JUL 27 2000

KENNETH W. MARSHALL SALMON FALLS CREEK DIVERSION

Station #	H. P.	Motor Type & Serial #	Pump Type & Serial #
5	400	General Electric BLJ219014	Layne 77980
3	400	General Electric BLJ219015	Layne 77981
4	250	AC Partwinding 2775469	Verti-Line D00167

MICROFILMED
JUL 27 2000

RECEIVED

DEC 8 1981

Department of Water Resources

November 30, 1981

MEMORANDUM

FROM: Allen D. Merritt *ADM*
TO : Loren Holmes, Bob Fleenor, Dave Tuthill *DET*

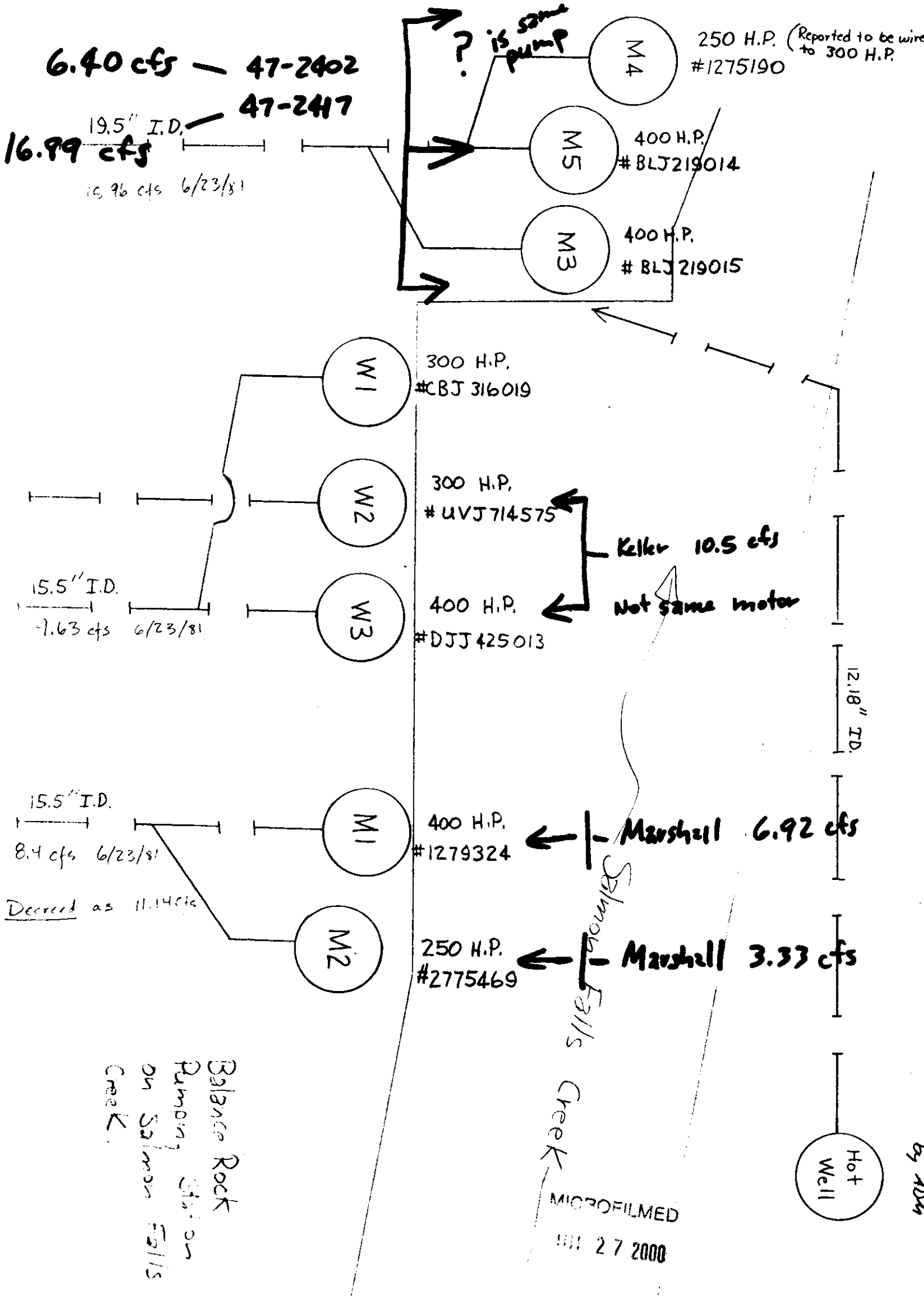
Today Dale Wright was in the office and we researched the water rights from the pumping stations near the Balanced Rock Crossing on Salmon Falls Creek (Little Salmon Falls Creek).

Mr. Wright is concerned how the licensed rights 47-2316 (all three parts), 47-2402 and 47-2417 are interpreted. At present the licenses are recorded without conditions which would limit them to the capacity of the diverting works which they are based. From review of the engineer's reports and the measurements made for the watermaster on June 23, 1981 (see attached) the following questions arise:

- 1) Marshall's 47-2316 part for 3.37 cfs and 47-2316 part for 6.92 cfs were measured from two separate pumps, M2 and M1 respectively, however when combined shouldn't these rights be limited to an amount which would be the capacity of the common penstock which would be less than the total of M1 and M2? *Decreed as 11.14 cfs*
- 2) Marshall's 47-2402 for 6.40 cfs and 47-2417 for 16.89 cfs were licensed using the capacity of M3, M4, and M5. Shouldn't these two licenses be limited when combined so that the combined rate should not exceed 16.89 cfs?

Mr. Wright is concerned over this situation in light of recent construction work to provide additional diversion capacity at the pumping station by Marshall and his successor, in interest, Kerbs and Easterday. Mr. Wright feels that his beneficial use right which is junior to the other rights thus far described maybe in jeopardy. In discussing this matter with Mr. Wright, he indicated that he plans to have his beneficial use right taken to court and adjudicated so that it can be delivered by the watermaster. He requested that we look into this matter and clarify the licenses as presently recorded.

MICROFILMED
JUL 27 2000



6/23/1981 by ADM

Measurement Source (Pump Number)	Meter Used		Annubar Used			Measured Pipe Diameter			Observed Meter Reading (" of H2O)	Adjusted Reading (" of H2O)	Discharge (cfs)
	0-13" #091464	10-80" #091475	12.00" #091430	15.25" #091442	19.25" #091450	12.18"	15.5"	19.5"			
Hot Well		X	X			X			19.0	16.60	5.19
M1	X			X			X		8.3	7.35	5.59
M2	X			X			X		3.2	2.34	3.15
M1 + M2		X		X			X		19.0	16.60	8.40
M3	X				X			X	4.6	3.71	6.28
M4	X				X			X	1.75	0.91	3.11
M5	X				X			X	4.4	3.52	6.12
M3 + M4	X				X			X	10.6	9.61	10.11
M3 + M5		X			X			X	15.5	12.93	11.73
M4 + M5	X				X			X	10.6	9.61	10.11
M3 + M4 + M5		X			X			X	26.0	23.94	15.96
W1	X			X			X		5.4	4.50	4.37
W3	X			X			X		8.6	7.64	5.70
W1 + W3		X		X			X		24.0	21.85	9.63

2 was not operating

MICROFILMED

JUN 27 2005

Description and location of place of use:

341.20c
duplicated

AUG 27 2000

January 6, 1978

Re: Permit No. 47-2402

Kenneth W. Marshall
185 Blair Drive
Twin Falls, ID 83301

Dear Mr. Marshall:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kw
Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Glen S.

DATE 12-15-81

TO Dave T

SUBJECT - considering the following acreage on the following
 47-2316 (part) 6.92 → 581 ac
 47-2316 B 3.33 → 291.6 ac
 47-2402 6.40 → 320.0 ac
 47-2417 16.89 1600 ac,

It appears that roughly 341.2 ac. are duplicate.

- at first glance, the limiting condition
 doesn't appear correct, however, lic
 47-2417^{dec} makes ref to 47-2331, 47-2341
 (can't)

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

and 47-2342 in the limiting cond. Has
a system analysis been made also
considering the rates & overages
of those rights? If not, ^{we may find that} the volume
limiter on 47-2417 (i.e. 6640 A.F.) may
provide the control that isn't
apparent from the review of the &
(lie & parts) on the first page of this memo.
- We then will look @ the ? of ~~the~~ amending lie
which isn't too desirable.

VJ

SIGNATURE

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

MAR 22 1977

1. Name of permit holder Kenneth W. Marshall
 Post office address 185 Blair Dr., Twin Falls, ID 83301
 Person to contact _____ Phone _____

Department of Water Resources
Southern District Office
Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Little Salmon Falls Cr.
 Tributary to Snake (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 6.40 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from Mar. 15 to Nov. 15
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 47-2402
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 6.40 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 10S N/S, Range 13E E/W, B.M., Section 20, Subdivision SE 1/4 NE 1/4, Twin Falls

County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____

County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____

County _____

Other Points of Diversions: _____

Description of diverting works: 400 hp pump diverting from Salmon Falls Cr. and delivering to gravity flow canal which delivers to small pond. The water is then pumped to sprinkler system.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	13E	5					24	40			23								87
		6			27	11		35	40	26	23	20		24	27				233

MICROFILMED
JUL 27 2000

TOTAL ACREAGE 320

DATE OF EXAM 5-20-77

ACREAGE
Found 320
Recommended 320

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 6.40 c.f.s. V = 1280.0 AF/Ann. from Mar. 15 to Nov. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 16.89 cfs Method of measurement Trapezoidal Flume

Total Q recommended 6.40 Meter No. _____ Type #2 Condition Good

Total V recommended 1280.0 A.F./Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Measurement of 1.58' measured in the verticle direction yields
16.89 cfs on 2 flume #2 trapezoidal flume
(See Water Measurement Bulletin No. 552)

$V = (320 \text{ Acres}) (4.0 \text{ A.F./Acre/Ann}) = 1280 \text{ A.F./Ann.}$

SYSTEM DESCRIPTION:

Three pumps at Salmon Falls Creek pumping station diverts the
waters to 2 canals. (See attached sheet for pump description)
The waters from the canal are then delivered to the place of use
by 2 sprinkler and gravity flow systems.

REMARKS:

Mr. Marshall was present during the exam.

The waters diverted into the canal are also used on other
lands

Examiner's Signature John Marshall Date 5-31-77

Checked by Jay Sunderburg Date _____

Approved by Marshall L. Stahl Date 10-19-77

COPILED
JUL 27 2000

December 13, 1977

Re: Permit No. 47-2402

Kenneth W. Marshall
185 Blair Drive
Twin Falls, ID 83301

Dear Mr. Marshall:

A representative of this Department made an examination of the works covered by your Permit No. 47-2402 on May 20, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 6.4 cfs Source: Little Salmon Falls Creek

The maximum quantity diverted shall not exceed 1280.0 acre feet per
year.

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 10S, Rge. 13E, B. M.

Beneficial use: Irrigation of 320 acres within N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5
and S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, Twp. 10S, Rge. 13E, B. M.

Priority date established: April 5, 1965

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

MICROFILMED
1977 2 1 1980

March 25, 1977

Re: Permit No. 47-2402

Kenneth W. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

RECEIVED
MAY 1 1977

Identification No. _____

Permit No. 47-2402

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Kenneth W. Marshall
b) Post Office Address 185 Blair Drive, Twin Falls, Idaho
2. Permit Number 47-2402
3. Date of Priority that you are prepared to establish April 9, 1967
4. a) Source from which water was appropriated Little Salmon Falls Creek
b) Location of the point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20
Township 10S, Range 13E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 6.4 for Irrig. purposes from Mar. 15 to Nov. 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.4 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Applicant

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 400 H.P. pump diverting from Salmon Falls Creek and delivering to gravity flow canal which delivers to small pond. The water is then pumped to sprinkler system.

b) Describe the type and size of measuring device which you have installed at your point of diversion: Trapezoidal Flume installed in the canal

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

MICROFILMED

3/24/77

January 31, 1977

CERTIFIED MAIL

135247

47-2402 (Old No. 32306)

Re: Permit No.

Kenneth W. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

47-2402

One of the conditions of approval of your water Permit No. _____ (see last page of your approved permit) was that evidence of the extent of development be submitted ~~April 1977~~ application of water to beneficial use to this office on or before _____. Enclosed is an affidavit form which must 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 affidavit 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.

A. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

REPRODUCTION

February 19, 1975

*Rec'd
#1905*

RE: Permit No. 47-2402

Ag-Land Mortgage Company
Attn: Mrs. Patricia Hertlein
P. O. Box 411
Twin Falls, Idaho 83301

Dear Mrs. Hertlein:

In checking through our files, I find that last July you requested a copy of the above referenced permit which was mailed to you. At that time a \$1.00 fee was requested. To date I have no records of receiving that amount. Please check your records and in the event this has not been paid, please remit promptly.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

BJW:e

RECORDED

July 16, 1974

Re: Permit No. 47-2402

Ag-Land Mortgage Company
Attn: Mrs. Patricia Hertlein
P. O. Box 411
Twin Falls, Idaho 83301

Dear Mrs. Hertlein:

Enclosed is the copy of the above referenced permit which you requested in your letter of July 15, 1974.

The fee for this copy is \$1.00 which you may remit to this office at your earliest convenience.

If we can be of further assistance to you, please contact us.

Sincerely,

Tammy Achurra
Records Clerk

ta
Enclosure

MICROFILMED

AG-LAND MORTGAGE COMPANY

OFFICE: 208-734-5380

P. O. BOX 411

TWIN FALLS, IDAHO 83301

1430 FILER AVENUE EAST

KENNETH W. MARSHALL, A.R.A.
RESIDENCE: 208-733-3983

ELBERT G. DAVIS, A.R.A.
RESIDENCE: 208-734-5699

RECEIVED
JUL 16 1974
Department of Water Resources

July 15, 1974

State Department of
Water Resources
State House, Annex #2
Boise, Idaho 83707

Re: Water Permit #47-2402

Gentlemen:

Please send us a copy of permit # 47-2402, listed under the
name of Gerald Guentz. Thank you.

Sincerely,

AG-LAND MORTGAGE COMPANY

Pat Hertlein

Mrs. Patricia Hertlein
Secretary

/ph

April 11, 1975

Re: Permit No. 47-2402

Kenneth W. Marshall
185 Blair Drive
Twin Falls, ID 83301

Dear Mr. Marshall:

We acknowledge receipt of the assignment submitted conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Enclosed are copies of the approved application for amendment and application for extension of time submitted for this permit. The time within which to submit proof of beneficial use of water has been extended to April 1, 1977.

If you have any questions concerning these matters, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enc: Copy of amendment
Copy of extension

NOT RECORDED

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

26432

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. DATE OF DELIVERY

2/1/75

5. ADDRESS (Complete only if requested)

POSTMARK
FEB
1
1975

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

January 31, 1975

CERTIFIED MAIL

#26433

Re: Permit No. 32306 (New No. 47-2402)

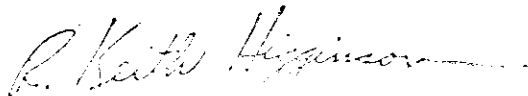
Gerald Guentz
Route #3
Nampa, ID 83651

Dear Mr. Guentz:

One of the conditions of approval of your water Permit No. 32306/47-2402 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 9, 1975. Enclosed is an affidavit form which must 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 affidavit 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

October 15, 1971

Re: Permits No. 47-2389, 47-2402, 47-2409, 47-2410, 47-2430

Mr. Jack A. Barnett
Consultant
Idaho State Reclamation Association
520 Idaho Building
Boise, Idaho

Dear Jack:

It is my understanding that you do not wish us to consider your letter of October 4, 1971, as a petition for cancellation of the above numbered permits under the provisions of Section 42-301, Idaho Code. You are apparently requesting that this office of its own initiative take action to cancel the permits as provided in Section 42-311.

This letter is to advise that we do not intend to take such action at the present time. As you know, we have cancelled permits in the past primarily on the basis of failure to complete the development of the works and submit proofs of beneficial use of water. We have also cancelled some permits where the applicant has failed to obtain necessary approvals from the Federal Government.

In this particular instance, we will, however, call these five permits for hearing in the event your client's application No. 47-7125 is approved and you subsequently petition for us to take such action.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:pk

47 2402

RECEIVED
OCT 5 1971
Clt

JACK A. BARNETT
CONSULTANT
520 IDAHO BUILDING BOISE, IDAHO
Phone 344-1541

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

October 4, 1971

Mr. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

Dear Mr. Higginson:

On September 30, 1971, application No. 47-7125 was filed with the Idaho Department of Water Administration by the Canyon View Canal Company. This application requests permission to proceed to develop 50 cfs of water from Salmon Falls Creek to be used on land within the Blue Gulch critical ground-water area. Land of excellent quality exists in this area. However, to make the land productive it appears that the source of water must be found from outside of the area, as is proposed in application No. 47-7125.

As you are aware, the waters of Salmon Falls Creek are limited, as the stream is almost completely diverted by the Salmon River Canal Company. However, waters are contributed by springs and irrigation return flows until a sizable stream is common in the Salmon Falls Creek as it enters the Snake River.

Various applications and water rights have been allowed over the years on the lower reach of Salmon Falls Creek. Existing data, together with information and measurements that we have made, leads us to believe that we can demonstrate that there is water available during a large portion of most irrigation seasons to be appropriated and diverted by application No. 47-7125. In addition, we feel that several applications have been allowed in past years that required the holders of the permit to complete 1/5 of the construction work in 1/2 of the time. It is our belief that several of these applicants have completely failed to comply with this provision of their permit and, therefore, their permit should now be permanently cancelled. In behalf of the Canyon View Canal Company, I am petitioning at this time the Director of Water Administration to cancel all outstanding permits on Salmon Falls Creek that have not complied with every requirement of development as was stated in the original approval of the application. We have knowledge of five outstanding permits that have not been developed as required.

17 2402

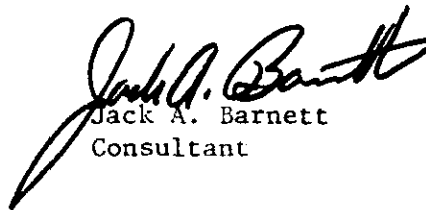
Mr. Keith Higginson

Page 2

October 4, 1971

Permit No. 47-2430 for 6 cfs from Salmon Falls Creek was to have completed 1/5 of the work by March 12, 1969, and to our knowledge none of the work has been started. It is further indicated that proof of beneficial use of the water was due on this application on September 12, 1971 and that this application should be cancelled immediately. In a similar way, application No. 47-2389 to appropriate 20 cfs from Salmon Falls Creek required that 1/5 of the work be accomplished by August 3, 1966; Permit 47-2409 for 12 cfs was given until April 29, 1968; Permit No. 47-2410 for 12.8 cfs was given until May 5, 1968; and permit No. 47-2402 for 6.4 cfs was given until October 9, 1967. The Department can proceed with cancellation of these permits under Sec. 42-311 of the Idaho Code; and we do request that the Department consider our petition of these cancellations immediately, as the applicant has sincere hopes of proceeding with the development as proposed under No. 47-7125 almost immediately in order that desert land entries can be approved and land irrigated in 1972.

Sincerely,



Jack A. Barnett
Consultant

JAB:cww

cc Elwood Wing
Emery Wiser

17 2402

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald Guentz, Route 3, Nampa, Idaho,

has received an approved permit No.

32306/47-2402 issued by the Idaho State Reclamation Department authorizing the

diversion ~~storage~~ of 6.4 cubic feet per second ~~acre/feet/per/annum~~

of water from Little Salmon Falls Creek, tributary of the Snake River.

subject to all prior rights. The priority to be established under this permit is

April 5, 1965 and the permit was approved April 9, 1965.

Water is to be diverted by sump, pump, pipeline, and sprinklers

from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 10 S., R. 13 E., B. M.,

Twin Falls County

to be used for irrigation

in the NE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9; NW $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{3}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; S $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 3, T. 10 S. R. 13 E. B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before April 9, 1975. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Buhl Herald, Buhl, Idaho, on

and _____

2. Other

Figure 1

32306

47-2402

December 1, 1969

Re: Permit No. 32306 (New No. 47-2402)

Gerald Guentz
Route 3
Nampa, Idaho

Dear Mr. Guentz:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit. ~~and are now submitting proof of beneficial use~~ Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package

32306
47-2402

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32306)
in the name of Gerald Guentz, Route 1,)
Nampa, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

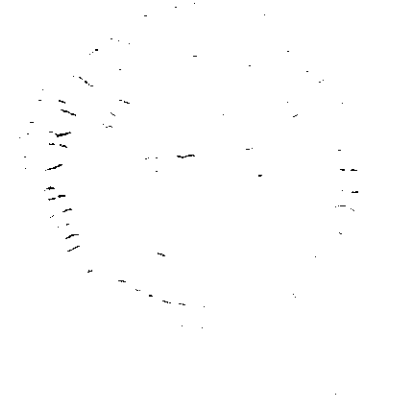
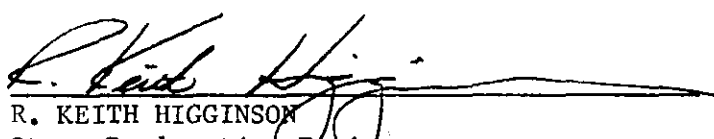
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32306 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit proof
to the Department of Reclamation of the application of the water to
beneficial use on or before April 9, 1975. The permit holder should
be aware that failure to complete one-fifth (1/5) of the works within
one-half (1/2) of the time originally set for Completion of Works may
be grounds for cancellation at the instance of the department.

Dated this 21ST day of NOVEMBER, 1969.



R. KEITH HIGGINSON
State Reclamation Engineer

32306

47-2402

April 16, 1965

Re: Permit No. 32306

Mr. Gerald Guents,
Rt. 3,
Nampa, Idaho.

Dear Mr. Guents:

We enclose Permit No. 32306 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 32719 which was issued covering payment in the amount of \$ 9.00 for the filing fee of the above mentioned permit, ~~for two copies of permit, one certified, and for a copy of a letter regarding~~ Civil Case #19984. This receipt was issued to Kenneth Marshall.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

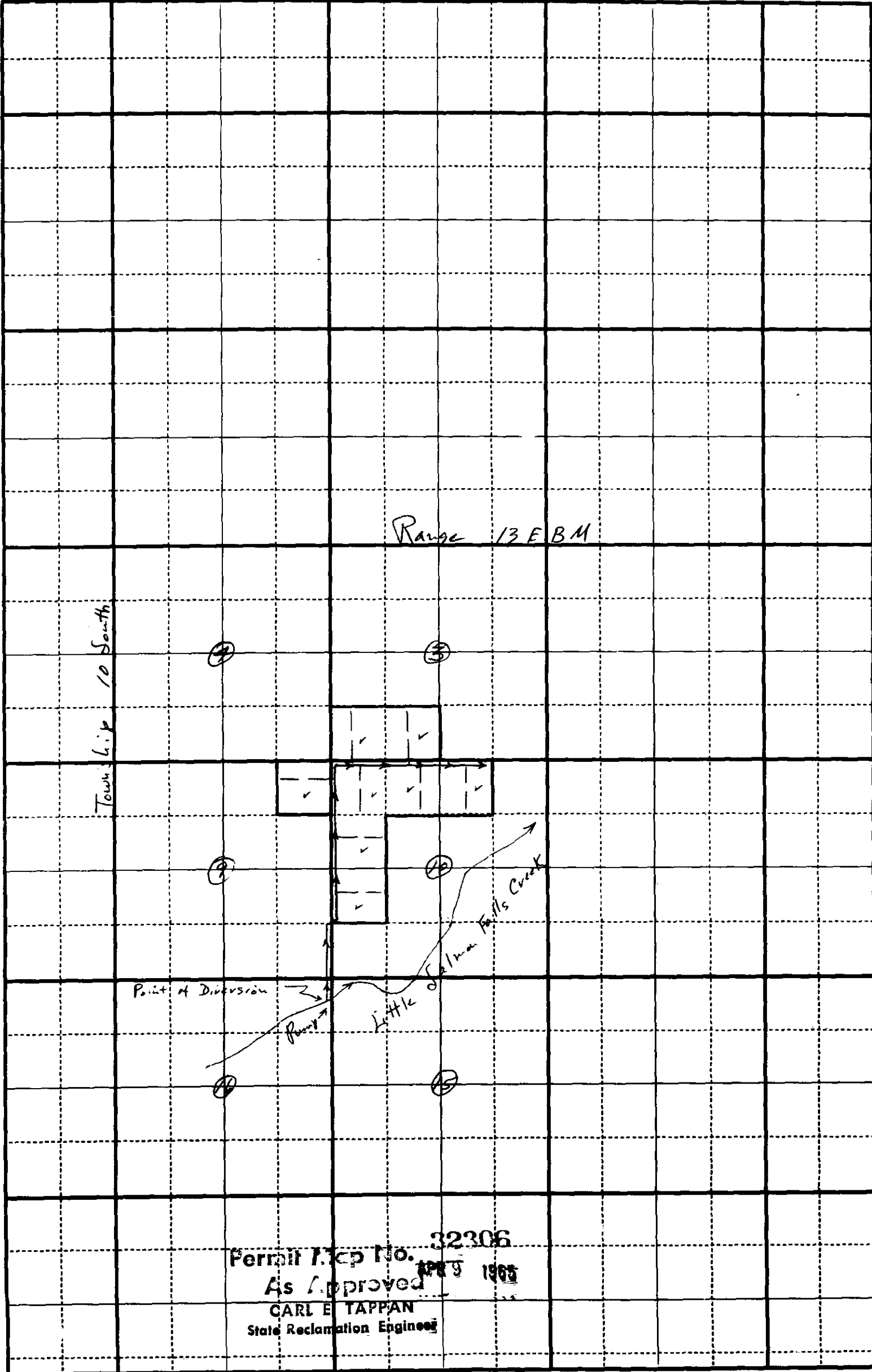
(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

X 32306

NAME OF APPLICANT Gerald Guentz

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

X32306