

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07948

Priority: May 16, 1990

Maximum Diversion Rate: 0.74 CFS
Maximum Diversion Volume: 148.0 AF

It is hereby certified that MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 16, 1990; and has
submitted Proof of Beneficial Use on December 30, 1991. An examination indicates that the works have
a diversion capacity of 2.16 cfs of water from:

SOURCE

CLIFTON CREEK

Tributary: RATTLESNAKE CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.74 CFS	148.0 AF

LOCATION OF POINT OF DIVERSION:

CLIFTON CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Twp 09S, Rge 34E, B.M., POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 34E 8													35.0	11.0	10.0	37.0	93.0
09S 34E 9											37.0	20.0					57.0

Total Acres: 150

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37 acres within the place of use described above in a single irrigation season.
2. Right 29-02144 is also diverted through the point of diversion described above.
3. Rights 29-02144, 29-02509, 29-07272, 29-07949 and 29-07948 when combined shall not exceed a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.
4. 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.

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AUG 11 2003

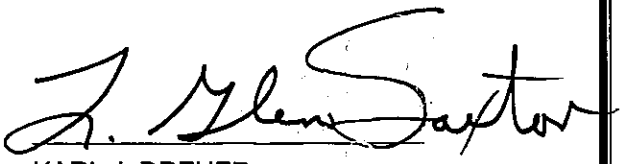
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07948

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14th day of May, 2003.


for **KARL J. DREHER**
Director

MICROFILMED

AUG 11 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 29-07948

RECEIVED
MAY 12 2003

Department of Water Resources

Date of Priority: May 16, 1990

Maximum Diversion Rate: 0.74 CFS
Maximum Diversion Volume: 148.0 AF

Comes now **MID CRYSTAL FARMS**
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-07948, and requests that the permit be changed as follows:

Source: CLIFTON CREEK

Tributary: RATTLESNAKE CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.74 CFS	148.0 AF

LOCATION OF POINT OF DIVERSION:

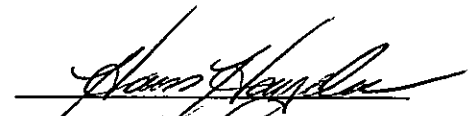
CLIFTON CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Twp 09S, Rge 34E, B.M., POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 34E 8													35.0	11.0	10.0	37.0	93.0
09S 34E 9												37.0	20.0				57.0

Total Acres: 150

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 5 day of May, 2003.


(Signature)

MICROFILMED

AUG 11 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 29-07948

FOR DEPARTMENT USE ONLY
Preliminary check by KW Fee = \$50⁰⁰ Received by Jm # 0069031 Date 5/12/03

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07948 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37 acres within the place of use described above in a single irrigation season.
2. Right 29-02144 is also diverted through the point of diversion described above.
3. Rights 29-02144, 29-02509, 29-07272, 29-07949 and 29-07948 when combined shall not exceed a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.
4. 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.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this 14th day of May, 2003.


for **KARL J. DREHER**
Director

MICROFILMED

AUG 11 2003

RECEIVED

STATE OF IDAHO

For Office Use Only
 Amt. of Fee \$ 100.00
 Date 30 Dec
 Receipt No. EQ16815
 Received by AMD

DEC 30 1991

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
 Eastern District Office

PROOF OF BENEFICIAL USE

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.

1. Permit No. 29-07948 Telephone No. 335-2152

2. Name(s) of Permit Holder(s): Mid Crystal Farms

3. Post Office Address: 3747 Mid Crystal Road Arbon Id 83212

4. Source of Water: Groundwater Clifton Creek

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 37 (No. of acres) klg 1/3/92

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .740 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No
& Lockable OR

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

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

Hans Hayden 335-2152
 Name Telephone No.

3746 mid Crystal Farms, Arbon, Id 83212
 Address

10. 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.

12/30/91
 Date

Hans Hayden
 Signature (and title if on behalf of a company or organization)

RECEIVED
 JAN 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 15, 2003

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: License No. 29-7948 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

AUG 11 2003

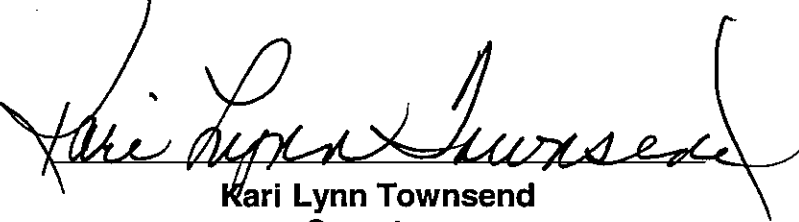
CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

29-7948

**MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
AUG 11 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MEMORANDUM

TO: Files 29-07948 and 29-07949

FROM: KAY WALKER

RE: Field Exam vs. Proposed Licenses

Date: May 13, 2003

.....

In review of these permits for licensing, I found that the SRBA recommendations on overlapping rights were not user friendly. Bryce Contour, who no longer worked for IDWR, and who had worked with Keith Wilson in preparing the field exams of the permits, had prepared the recommendations. I contacted Ernie Carlsen to determine if the SRBA recommendations should be adjusted in regard to the combined use conditions and the permissible place of use that was recommended for licensing. Ernie reviewed the SRBA recommendations and did not agree with Bryce's determinations so he met with the right holder (Hans Hayden) and went over all their claims and revised the SRBA recommendations.

One of the biggest changes made was that the Clifton Creek rights could not be used on lands under the Rattlesnake Creek rights. Once Clifton Creek is dumped into Rattlesnake Creek it becomes Rattlesnake Creek water and Permit 29-07948 was for Clifton Creek only. Ernie changed the SRBA recommendations so they did not have a permissible place of use under the different sources. He recommended that we adjust proposed license 29-07948 so that the Clifton Creek right was not overlapping with the Rattlesnake Creek rights. I revised the proposed license of Clifton Creek so that there was no overlap between the two sources.

After preparing proposed licenses for the permits, I contacted Hans Hayden and asked if he could come into our office and review the permits as we proposed to license. Mr. Hayden happened to be in Boise and came into the office on April 3, 2003 and we went over the revised place of use. Mr. Hayden drew in the mainline that was used for the groundwater right. He showed me where each point of injection and diversion were located for the groundwater right. He also confirmed the acreage to be licensed under each permit. The well water could be used on all of the land as Keith had previously recommended. Mr. Hayden confirmed that the Clifton Creek water could only be used on lands in S1/2SW1/4, S9 and the easterly field in SE1/4, S8 totaling 150 acres.

MICROFILMED
AUG 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2003

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: Water Right Permit 29-7948

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received the amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you have been misplaced, a new one is enclosed. Please note that the filing fee is \$50.00.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
AUG 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: Water Right Permit No. 29-07948

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ **Place of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

AUG 11 2003

LICENSE REVIEW CHECKLIST

Permit No. 29-7948

Date: 4-4-03

Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44)

Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49)

Add (P41/P44)

Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed

Profile reports printed

P/D & P/U amend (P37)

Feds (P48)

Rate of Diversion:

Permitted rate

0.74 cfs

Fee Limit

1.0 cfs

Measured

3.15 cfs

Theoretical

_____ cfs

Recommended Total Diversion Rate

0.74

Water Uses

OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 0.74 cfs 148 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 0.74 cfs 148 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.74 cfs x 1.9835 x 214 days = 314.1 af (vs) 37 acres x 4.0 (FHR) = 148 af

Remarks:

W27(37)

ppu = 150 x 4.0 = 600.0

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority?

yes
no

If yes, explain why below.

SRBA Claim?

yes - recommended as permit

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P44

S06

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2144 V1

WATER RIGHT NUMBER: 29-2144 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MID CRYSTAL FARMS
Current Owner	HANS HAYDEN
Current Owner	TWAIN HAYDEN

Priority Date: 07/03/1912

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
CLIFTON CREEK	BANNOCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.980 CFS	
	<u>Total Diversion:</u>	0.980 CFS	

Location of Point(s) of Diversion

CLIFTON CREEK NW1/4NW1/4 Sec. 16, Twp 09S, Rge 34E, B.M. POWER County

Place of Use

IRRIGATION																			
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	34E	8													35.0	13.0	24.0	37.0	109.0
09S	34E	9											14.0	6.0					20.0

Total Acres: 129

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 129 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
29-2144 AND 29-10893
2. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 49 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2144 V1

Comments:

1. bcontor 8/9/2001 recommendation

Comment: See documentation in paper file 29-480 for full explanation.

2. bcontor 8/9/2001 PPU with license

Comment: Two post-1987 permits overlap this right. Per claimant request these are recommended on a PPU basis to the extent possible with practices present in 1987.

3. bcontor 8/9/2001 Ownership

Comment: PPU includes lands not owned by claimant, per claimant request. See paper file 29-480 for letter. Note also that PPU includes water rights not owned by claimant, on lands owned by claimant, per request of owners of other rights. See paper file 29-480.

4. bcontor 8/9/2001 Non-use

Comment: See field notes. Upper POU appears not to have been used for some time, but affidavit in file 29-480 from Russell Hayden indicates use in 1980s. While this does not strictly pin use to five year period preceding claim I do not have

5. bcontor 8/9/2001 Non-use 2

Comment: adequate evidence to find forfeiture of that five acres. Per instructions from court I do not consider any non-use that may have occurred after date of claim signing.

6. bcontor 8/9/2001 Overlap

Comment: Overlap condition may need to be adjusted when permit-based claim 29-7948 is reviewed. This recommendation expedited to allow transfer application to reflect recommendation. Overlap will also need adjustment if claim 29-13215 is signed and recommended.

7. bcontor 8/15/2001 POU modification

Comment: POU modified slightly after conference with Keith Wilson on Allocations Bureau findings of POU in overlapping permit exam 29-7948 and 29-7949. See paper file 29-480 "general" flap. Combined limit adjusted.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2509 V1

WATER RIGHT NUMBER: 29-2509 V1

Owner Type Name and Address
 Current Owner RUSSELL J HAYDEN

Priority Date: 08/02/1965
 Basis: License
 Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.930 CFS	268.00 AF
	<u>Total Diversion:</u>	0.930 CFS	268.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW1/4	Sec. 8, Twp 09S, Rge 34E, B.M., POWER County	
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 8, Twp 09S, Rge 34E, B.M., POWER County	(Injection)
GROUND WATER	NW1/4NE1/4SW1/4	Sec. 8, Twp 09S, Rge 34E, B.M., POWER County	(Rediversion)

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	34E	8																	
											10.0	19.0		38.0					67.0

Total Acres: 67

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 408 AF. COMBINED RIGHT NOS.: 29-2509 AND 29-7272
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 92 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
4. Source POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM RATTLESNAKE CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2509 V1

Comments:

1. bcontor 8/15/2001 Recommendation

Comment: See paper file 29-480 "general" flap for detailed review.

2. bcontor 8/15/2001 Volume

Comment: Adjusted to current standard of 4 afa/acre per map, per Carter Fritschle instructions with similar situation in B31. Note that other Hayden right not adjusted because volume was limited by diversion rate.

3. bcontor 8/15/2001 PPU

Comment: Recommended PPU includes lands not owned by claimant per written request of both claimant and land owner, field inspection verifies claimed practice of comingling and PPU.

4. bcontor 8/15/2001 C03

Comment: Change in POD is the addition of point of injection and redirection to use well water in same sprinkler system as surface water. See paper file 29-00480 "general" flap.

5. bcontor 8/15/2001 Acre limitation

Comment: Difference between PPU acres and combined limitation is not an error. It arises from 5 acres under 29-2144 and 29-2564 that are not part of the lower PPU with the other rights.

6. bcontor 8/15/2001 POU

Comment: Adjusted per conference with Keith Wilson regarding overlapping permits 29-7948, 29-7949. PPU, acres per qq, combined use limitations, adjusted.

7. ecarlsen 1/11/2003 POU

Comment: This license was for the irrigation of 67 acres. The claimant now uses Rattlesnake Creek to transport gw to the pump used to divert surface water. The sprinkler system can cover more than 67 acres but there is no enlargement claim so the pou is limited to the licensed acreage.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7272 V1

WATER RIGHT NUMBER: 29-7272 V1

Owner Type Name and Address
 Current Owner RUSSELL J HAYDEN

Priority Date: 07/02/1975

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.620 CFS	301.30 AF
	<u>Total Diversion:</u>	0.620 CFS	301.30 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SE1/4	Sec. 3, Twp 09S, Rge 34E, B.M., POWER County
GROUND WATER	NW1/4NW1/4	Sec. 16, Twp 09S, Rge 34E, B.M., POWER County (Rediversion)
GROUND WATER	NE1/4SW1/4SE1/4	Sec. 3, Twp 09S, Rge 34E, B.M., POWER County (Injection)
GROUND WATER	NE1/4SW1/4	Sec. 8, Twp 09S, Rge 34E, B.M., POWER County (Rediversion)

Place of Use

<u>IRRIGATION</u>			
Twp	Rge	Sec	
			NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE Totals
09S	34E	8	28.0 36.0 28.0 92.0

Total Acres: 92

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF REDIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 408 AF. COMBINED RIGHT NOS.: 29-2509 AND 29-7272
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-480, 29-2509, 29-13522, 29-7272, AND 29-13215
4. Source POINT OF INJECTION INTO CLIFTON CREEK. POINTS OF REDIVERSION FROM CLIFTON CREEK AND RATTLESNAKE CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-7272 V1

Comments:

1. bcontor 8/10/2001 volume

Comment: Licensed volume was based upon full-season use at authorized rate, therefore no adjustment is made to current standard volume.

2. bcontor 8/10/2001 recommendation

Comment: See also data in "general" flap of paper file 29-480.

3. bcontor 8/10/2001 PPU vs limitaiton

Comment: PPU of 217 acres and combined limitation of 222 acres is not an error. 29-2144 and 29-2564 partly overlap PPU and so combined limitation reflects those two rights, which have 5 acres that is not part of PPU.

4. bcontor 8/15/2001 POU

Comment: POU adjusted per conference with Keith Wilson regarding license exam for overlapping permits 29-7948 and 29-7949. PPU, acres per QQ, combined use limitation adjusted.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MEMORANDUM

TO: Files 29-07948 & 29-07949

FROM: KAY WALKER *KW*

RE: Place of Use to be included on Licenses

Date: April 4, 2003

.....
I have been in contact with Ernie Carlsen who has been working on the recommendations for the Hayden's on their Clifton Creek, Rattlesnake Creek and groundwater rights.

In talking with Ernie, it was determined that the place of use that should be licensed under Permit 29-07948 (Clifton Creek) is 150 acres in SE $\frac{1}{4}$, S8 and S $\frac{1}{2}$ SW $\frac{1}{4}$, S9. The place of use for 29-07949 is as reported by Keith Wilson in his field examination with a few changes due to land leveling. *see in file 29-7948*

I confirmed this with Hans Hayden on April 3, 2004. Mr. Hayden came into the office and showed me how the systems were used (see attached aerial photo describing system). The well water is either put into mainline and used on fields in SE $\frac{1}{4}$, S8 and S $\frac{1}{2}$ SW $\frac{1}{4}$, S9 or injected into Clifton Creek within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S16 and then rediverted from Rattlesnake Creek using a portable pump at 2 locations in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S8, for fields in SW $\frac{1}{4}$, S8. Mr. Hayden stated that they plant one field in alfalfa each year and that field would receive most of the water diverted from the well. They do, however, water entire farm each year until water from surface rights is not available.

This farm has claims pending in the SRBA which have not been identified in overlap analysis since they are just claims at this time.

*Hans Hayden
cell = 221-9935
home = 335-2152*

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<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Source Table</u>	<u>App.ID</u>
29	2144	License	7/3/1912	0.98		CLIFTON CREEK	wrAdjudicationClaim	
29	2144	License	7/3/1912	0.98		CLIFTON CREEK	wrAdjudicationRecommendation	69460
29	2144		7/3/1912	0.98		CLIFTON CREEK	xrFromAdjClaimList	69460
29	2144		7/3/1912	0.98		CLIFTON CREEK	xrToAdjClaimList	
29	10893	Beneficial Use	4/1/1926	4.62		CLIFTON CREEK	wrAdjudicationClaim	
29	10893	Beneficial Use	12/31/1927	1.40		CLIFTON CREEK	wrAdjudicationRecommendation	
29	7948	Permit	5/16/1990	0.74	3.12***	CLIFTON CREEK		
29	2509	License	8/2/1965	0.93	235	GROUND WATER	wrAdjudicationClaim	
29	2509	License	8/2/1965	0.93	268	GROUND WATER	wrAdjudicationRecommendation	
29	2509	License	8/2/1965	0.93	235	GROUND WATER	wrWaterRight	
29	7272	License	7/2/1975	0.62	301.3	GROUND WATER	wrAdjudicationClaim	
29	7272	License	7/2/1975	0.62	301.3	GROUND WATER	wrAdjudicationRecommendation	
29	7272	License	7/2/1975	0.62	301.3	GROUND WATER	wrWaterRight	
29	7949	Permit	5/16/1990	2.32*	3.87**	GROUND WATER		
29	480	Decreed	10/1/1903	0.60		RATTLESNAKE CREEK	wrAdjudicationClaim	
29	480	Decreed	10/1/1903	0.60		RATTLESNAKE CREEK	wrAdjudicationRecommendation	
29	13215	Decreed	10/1/1903	1.24		RATTLESNAKE CREEK	wrAdjudicationClaim	
29	13215	Decreed	10/1/1903	1.24	1.84	RATTLESNAKE CREEK	wrAdjudicationRecommendation	

*Per examiner's recommendation

**Capacity of wells per exam

***Diversion capacity = 3.15 cfs per exam

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1/3/2003

2774 ac x 0.02 = 5.48 cfs = no source provides more than 1"/ac. - kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 28 2001 K

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-79481. Owner: Mid Crystal Farms Phone No. 335-2152Current Address: 3747 Mid Crystal Road, Arbon, ID 832122. Accompanied by: Hans Hayden EXAM DATE: 6-29-00Address: Same Phone No. _____Relationship to Permit Holder: Same3. Source: Clifton Creek tributary to Rattlesnake Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 29-480/2144/2509/7272/10893/132152. Other water rights with the same point of diversion: 29-480/2144/10893/13215

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

R062920A

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NW	16	9S	34E	Power	On site GPS (R062920A)
		NW	NE	SW	8	9S	34E	Power	Adj. records (29-10893) (Rattlesnake Ck.) (29-13215) (29-06480)

2. Place(s) of Use: Permissible Place of Use 37ac w/in 274ac FSA Aerials
Indicate Method of Determination Adj. recommendation

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	34E	8									28	35		38	39	16	30	37	223
		9											31	20					51
																			274

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

SEE ATTACHED PHOTOS

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. RE-DIVERSION PUMP INFORMATION NOT GATHERED DUE TO EXCESSIVE NOISE LEVEL

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

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D. FLOW MEASUREMENTS

AUG 11 2003

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Portaflow Ultrasonic	SONIC	Fuji	FLC-S1011	7K0089TB State # 240333		
Trimble Navigator #2	GPS	TRIMBLE NAVIGATOR		SN00100033FM St # 196823	✓	

2. Measurements: ^{By Pam} Weir 21 1/2' Water depth (.3) .6' in spring time according to water mark on the weir Q_{weir} = 0.99 cfs
[Cipolletti Weir]

E. NARRATIVE/REMARKS/COMMENTS DIVERSION DAM IN CREEK to a Collection Box in Ditch, Diesel Motor on Pump mainline to laterals with sprinklers.

Note: PERMIT holder combines all surface water rights & groundwater rights into a common system. He requested a permissible place of Use.

P/D (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, T9S, R34E) Ditch from Clifton Creek has all but become Clifton Creek. The ditch is tributary to Rattlesnake Creek so any flow not Re-diverted @ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16 will be diverted to Rattlesnake Creek & be Re-diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8, T9S, R34E

MEASUREMENT

$$Q_{TOTAL} = Q_{WER} + Q_{RE-DIVERSION PUMP}$$

$$Q_{TOTAL} = 0.99 cfs + 2.16 cfs = 3.15 cfs$$

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

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F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: DUMP

$$Q_{AVG FLOW} = 4564g / 5m = 912.8 gpm = 2.03$$

$$Q_{MAX FLOW} = 2.16 cfs$$

$$Q_{LIMITED TO 0.02 cfs/ac} = 0.74 cfs$$

$$Q_{TOTAL} = Q_{BY-PASS WEIR} + Q_{REDIVERSION PUMP}$$

$$Q_{TOTAL} = 0.99 cfs + 2.16 cfs = 3.15 cfs \text{ TOTAL DIVERSION}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (37 ac) \times 4 = 148.0$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.74 (214) 1.9835 = 314.1 cfs$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D,R} = 148.0 af$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4/1</u>	<u>10/31</u>	<u>0.74 cfs</u>	<u>148.0 af</u>
Totals:			<u>0.74 cfs</u>	<u>148.0 af</u>

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

Steve Mueller

KATH C WILSON

Date

6/29/2000

Reviewer

Date

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SEAL

AUG 11 2003

LOG NAME: 29-07948
START: 06-29-2000 15:15
END: 06-29-2000 15:20
INTERVAL: 00:01:00

06-29 15:15:00
+5.283E+0 ft/s
+7.844E+2 gal/m
+1.747E+0 ft3/s
+TOTAL 0000000 gal
-TOTAL 0000000 gal
NORMAL

06-29 15:16:00
+6.515E+0 ft/s
+9.674E+2 gal/m
+2.155E+0 ft3/s
+TOTAL 0000899 gal
-TOTAL 0000000 gal
NORMAL

06-29 15:17:00
+6.372E+0 ft/s
+9.461E+2 gal/m
+2.108E+0 ft3/s
+TOTAL 0001860 gal
-TOTAL 0000000 gal
NORMAL

06-29 15:18:00
+6.290E+0 ft/s
+9.340E+2 gal/m
+2.080E+0 ft3/s
+TOTAL 0002803 gal
-TOTAL 0000000 gal
NORMAL

06-29 15:19:00
+6.182E+0 ft/s
+9.179E+2 gal/m
+2.045E+0 ft3/s
+TOTAL 0003732 gal
-TOTAL 0000000 gal
NORMAL

06-29 15:20:00
+6.178E+0 ft/s
+9.173E+2 gal/m
+2.043E+0 ft3/s
+TOTAL 0004564 gal
-TOTAL 0000000 gal
ABNORMAL

Maximum Flow Rate = 2.16 cfs

29-07948

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Table 10.—Discharge of standard Cipolletti weirs in second-feet.
Values below and to the left of heavy lines determined experimentally; others computed from the formula $Q=3.367LH^{3/2}$.
(See sec. 19.)

Head <i>H</i> , feet	Length of weir, <i>L</i> , feet						
	0.5	1.0	1.5	2.0	3.0	4.0	5.0
0.01	0.002	0.003	0.005	0.007	0.010	0.013	0.017
.02	.005	.010	.014	.019	.029	.038	.048
.03	.009	.018	.026	.035	.053	.070	.087
.04	.013	.027	.040	.054	.081	.108	.135
.05	.019	.038	.057	.075	.113	.151	.188
.06	.025	.050	.074	.099	.148	.198	.247
.07	.031	.062	.093	.125	.187	.249	.312
.08	.038	.076	.114	.152	.229	.305	.381
.09	.045	.091	.136	.182	.273	.364	.455
.10	.053	.107	.160	.213	.319	.426	.532
.11	.061	.123	.184	.246	.369	.491	.614
.12	.070	.140	.210	.280	.420	.560	.700
.13	.079	.158	.237	.316	.473	.631	.789
.14	.088	.176	.265	.353	.529	.705	.882
.15	.098	.196	.293	.391	.587	.782	.978
.16	.108	.216	.323	.431	.646	.862	1.08
.17	.118	.236	.354	.472	.708	.944	1.18
.18	.129	.257	.386	.514	.771	1.03	1.28
.19	.139	.279	.418	.558	.837	1.12	1.39
.20	.151	.301	.452	.602	.903	1.20	1.51
.21	.162	.324	.486	.648	.972	1.30	1.62
.22	.174	.347	.521	.695	1.04	1.39	1.74
.23	.186	.371	.557	.743	1.11	1.48	1.86
.24	.200	.396	.594	.792	1.19	1.58	1.98
.25	.214	.421	.631	.842	1.26	1.68	2.10
.26	-----	.446	.669	.893	1.34	1.78	2.23
.27	-----	.472	.709	.945	1.42	1.89	2.36
.28	-----	.499	.748	.998	1.50	2.00	2.49
.29	-----	.526	.789	1.05	1.58	2.10	2.63
.30	-----	.553	.830	1.11	1.66	2.21	2.77
.31	-----	.581	.872	1.16	1.74	2.32	2.90
.32	-----	.609	.914	1.22	1.83	2.44	3.05
.33	-----	.638	.957	1.28	1.92	2.55	3.19
.34	-----	.667	1.00	1.34	2.00	2.67	3.34
.35	-----	.697	1.05	1.39	2.09	2.79	3.49

Flow By-Passing
RE-DIVERSION PUMP
NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, T9N, R34E

$$L = 21.5' = 1.79'$$

$$H = 0.3'$$

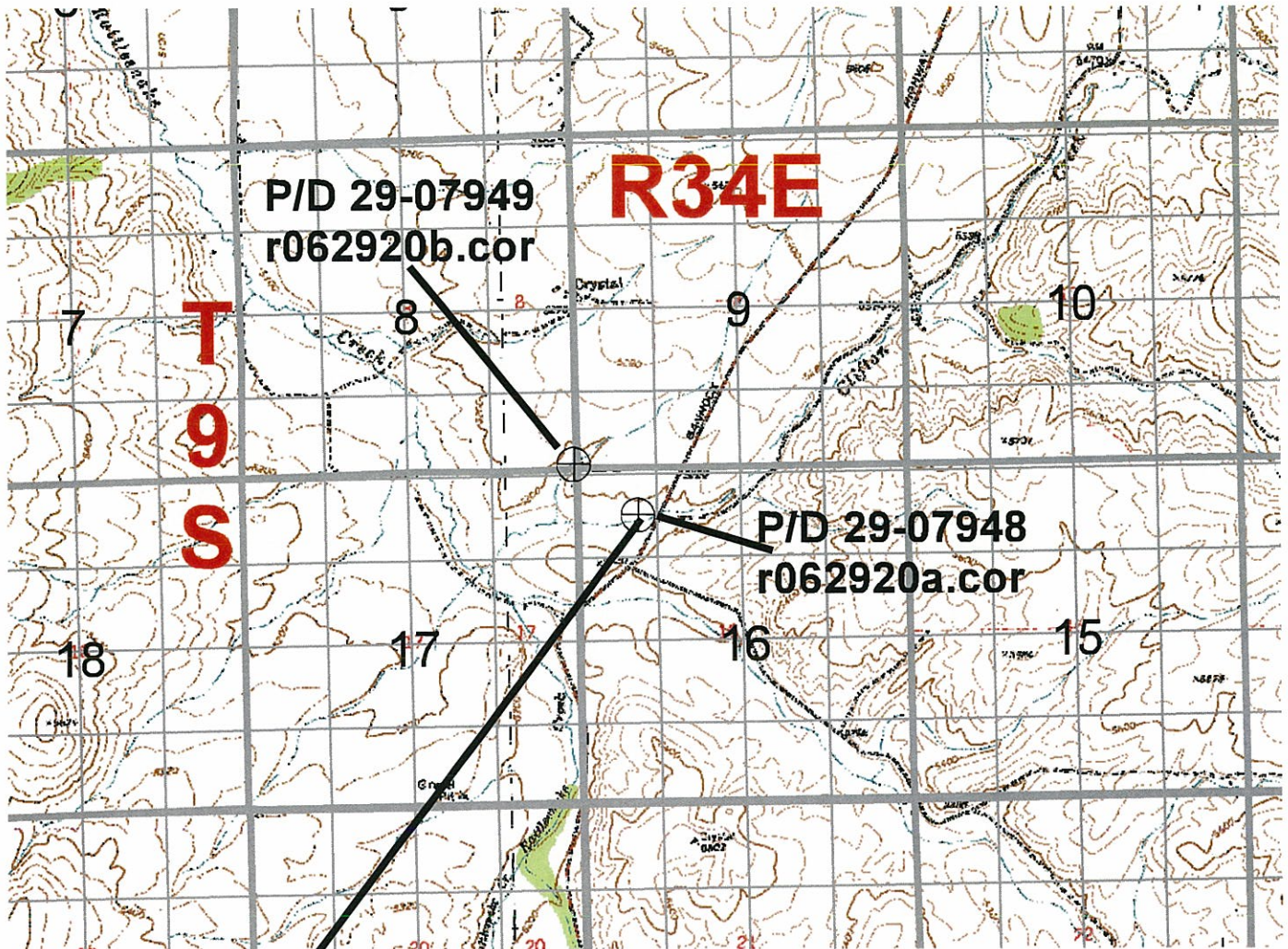
$$Q = 3.367 L H^{3/2}$$

$$= 3.367 (1.79) (0.3)^{3/2}$$

$$= 0.99 \text{ cfs}$$

29-07948

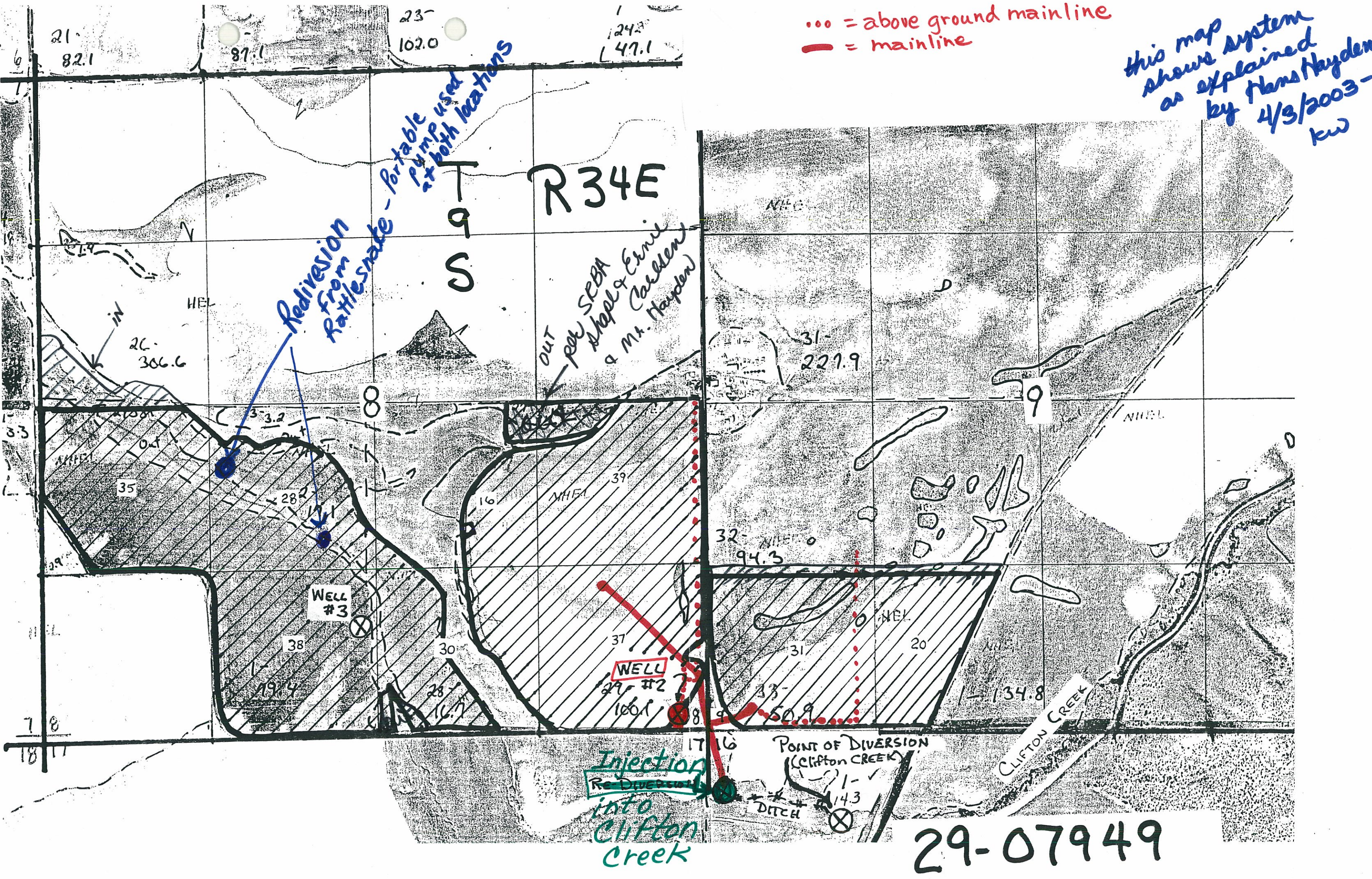
AUG 11 2003



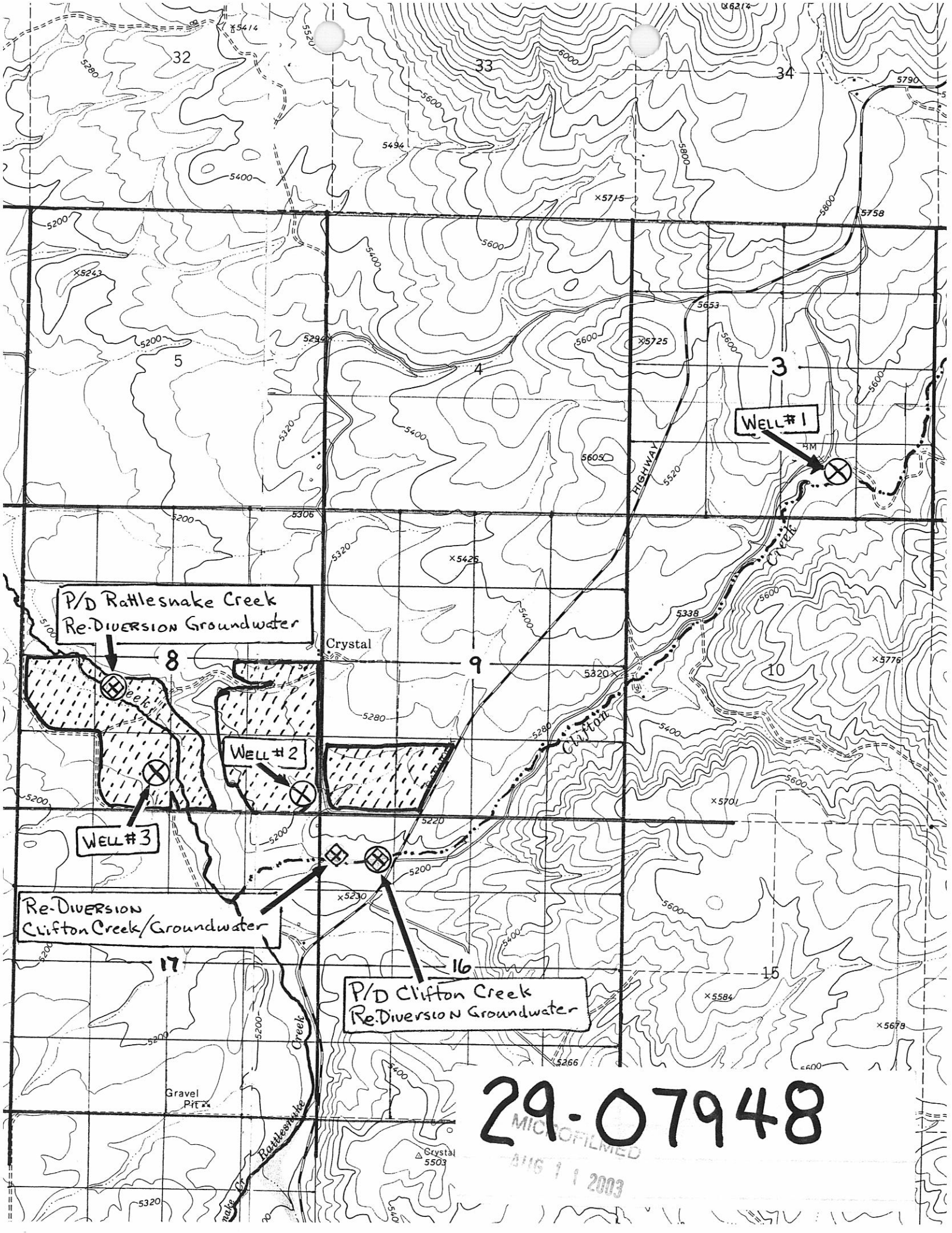
**Point of Diversion
Clifton Creek trib of
Rattlesnake Creek**

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29-07948



29-07949





POINT OF RE-DIVERSION
Clifton Creek

29-07948

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AUG 11 2003

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07948

Proposed Priority: May 16, 1990 Maximum Diversion Rate: 0.74 CFS

This is to certify, that **MID CRYSTAL FARMS**
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

has applied for a permit to appropriate water from:

CLIFTON CREEK tributary of **RATTLESNAKE CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.74 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNW Sec. 16, Township 09S, Range 34E
POWER 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	34E	9	SWSW 21	SESW 16		37

Total number of acres irrigated: 37

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. 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 for each acre of land.

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FEB 06 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07948

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

25th day of January, 1991.

for R. Keith Higginson, Director

MICROFILMED

FEB 08 1991

Ident. No. 29-07948

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: MID CRYSTAL FARMS
Address: C/O HANS HAYDEN
3747 MID CRYSTAL ROAD
ARBON, ID 83212
208-335-2152
2. Source: CLIFTON CREEK
Trib. to: RATTLESNAKE CREEK
3. Location of Point of Diversion: NWNW Sec. 16, Township 09S, Range 34E
POWER County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.740		
5. Total quantity to be appropriated is:
0.740 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
EARTH DAM DITCH TO POND PUMP MAINLINE TO MAINLINE W/SPRINKLERS
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
IRRIGATION 37 ACRES
9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
09S	34E	9	SWSW 21	SESW 16		37

Total number of acres irrigated: 37
10. Describe any other water rights used for the same purposes. FEB 06 1991
NONE

11. a. Who owns the property at the point of diversion?
GREG WRIGHT
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.
EASEMENT VERBAL AGREEMENT

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

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.

James H. Hurlin - partner
Applicant

Received by KW Date 5/16/90 Time 1059 Preliminary check by DMD

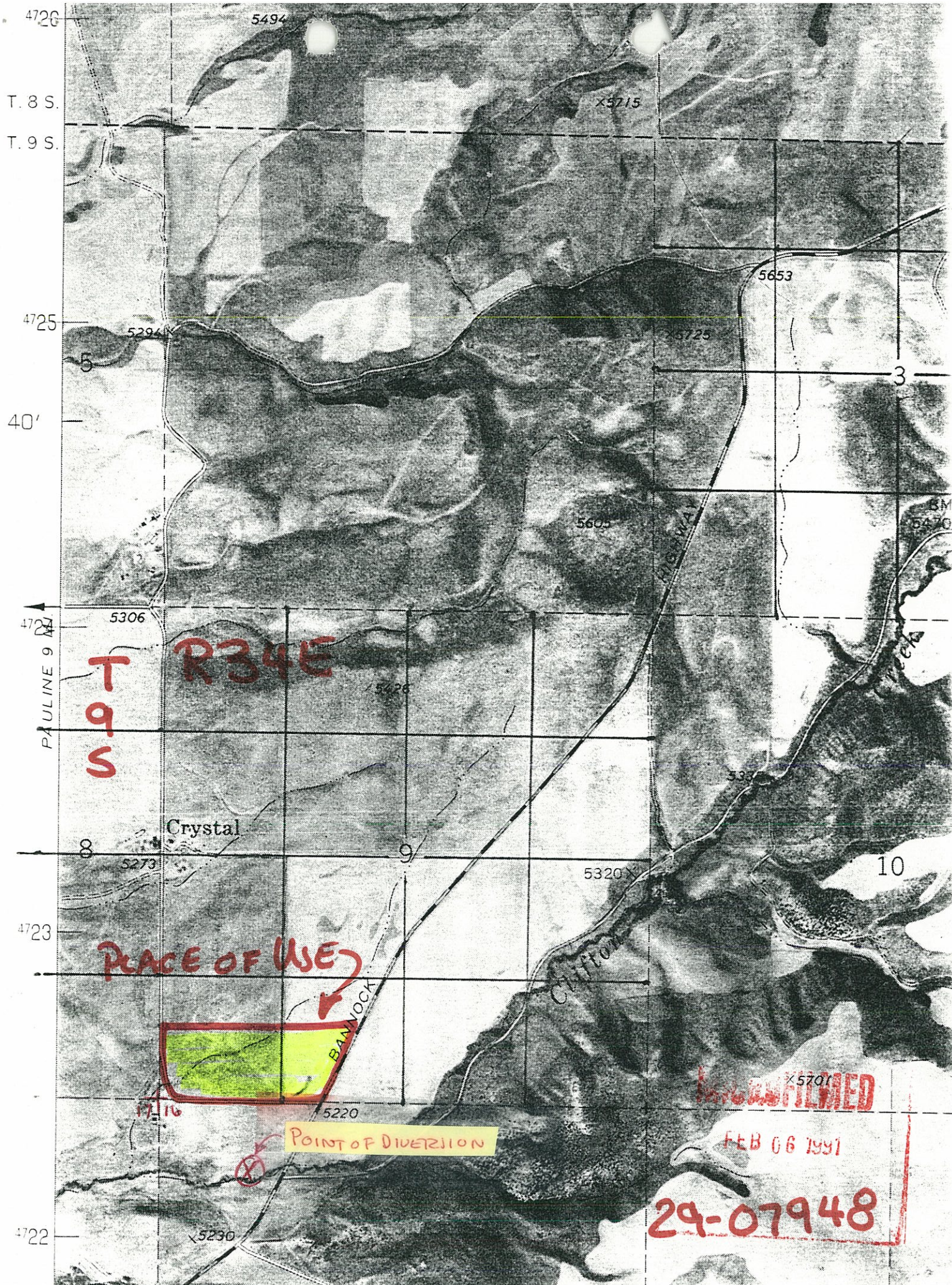
Fee \$ 45⁰⁰ Receipted by KW # E014568 Date 5/16/1990

Publication prepared by RB Date 5/12-90 Published in Lower Valley Press

Publication approved LB Date 7-16-90

NOT FILMED

FEB 06 1991



RECEIVED

JUN 5 1990

Department of Water Resources
Eastern District Office

June 1, 1990

Department of Water Resources
150 Shoup Ave Suite 15
Idaho Falls, Idaho 83402

Keith C. Wilson

RE: permit 29-07948
29-07949

Mid Crystal Farms is a partnership. Partners include
Hans Hayden, Twain Hayden, and Ben Hayden.

I hope that this is sufficient to complete the process of the
applications.

Sincerely,
Hans Hayden
3747 Mid Crystal Road
Arbon, Idaho 83212



RECEIVED

FEB 06 1991

**Application for
water right**

Published in ~~The~~ Power County Press,
July 4, 11, 1990.

**NOTICE OF APPLICATION FOR
WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

29-07946
HERRMAN, ALFRED
2145 MICHAUD CREEK RD.
POCATELLO, ID 83204

Source: MICHAUD CREEK
Tributary: SINKS
Diversion Pt: NWSE Sec 22 T 06S R
33E

Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)

Date Filed: 5/11/1990

In: T06S R33E S22 NWSE
3.0 ACRES TOTAL

29-07947
HERRMAN, ALFRED
2145 MICHAUD CREEK RD.
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: NWSE Sec 22 T 06S R
33E

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 5/11/1990

In: T06S R33E S22 NWSE

29-07948
MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

Source: CLIFTON CREEK
Tributary: RATTLESNAKE CREEK

Diversion Pt: NWNW Sec 16 T 09S R
34E

Use: IRRIGATION (.740 CFS)
Total Diversion: (.740 CFS)

Date Filed: 5/16/1990

In: T09S R34E S09 SWSW SESW
37.0 ACRES TOTAL

29-07949
MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

Source: GROUNDWATER

Diversion Pt: SESE Sec 8 T 09S R 34E

Use: IRRIGATION (3.220 CFS)
Total Diversion: (3.220 CFS)

Date Filed: 5/16/1990

In: T09S R34E S08 NESE NWSE
SWSE SESE
S09 SWSW SESW
161.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may be
submitted based on the criteria of Sec.
42-203A, Idaho Code and/or the new
public interest criteria of Sec. 42-203
C, Idaho Code. Protests must be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before
JULY 23, 1990.

Falls in said county, that said newspaper has been published in said county
uninterruptedly and continuously for over seventy-eight consecutive weeks,
prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping
attached in the regular and entire edition of said newspaper and not in any
supplement thereof for 2 successive weekly issues thereof, the
date of the first publication being the 11 day of July 1990 and the date of last publication being the
11 day of July 1990.

(Signed)

State of Idaho

County of Power

On this 11 day of July in the year of
1990, before me, a Notary Public, personally appeared Erma
Crompton, 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
she executed the same.

MICROFILMED
FEB 06 1991

Brett Crompton
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1993

January 8, 1992

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON ID 83212

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07948

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.

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JAN 15 1992

RECEIVED

For Office Use Only
Amt. of Fee \$ 100.00
Date 30 Dec
Receipt No. ED16815
Received by AMD

DEC 30 1991

STATE OF IDAHO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-07948 Telephone No. 335-21522. Name(s) of Permit Holder(s): Mid Crystal Farms3. Post Office Address: 3747 Mid Crystal Road Arbon Id 832124. Source of Water: Groundwater Clifton Creek

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 37 (No. of acres) klg 1/3/92

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .740 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No
Lockhart ORFlow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

Hans Hayden
Name335-2152
Telephone No.3746 mid Crystal Farms, Arbon, Id 83212
Address

10. 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.

Date

12/30/91

Signature (and title if on behalf of a company or organization)

Hans HaydenJAN 15 1992
RECEIVED

138260

November 30, 1991

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON ID 83212

PROOF DUE NOTICE

RE: PERMIT NO. 29-07948

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 February 1, 1992. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED
JAN 15 1992



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

January 29, 1991

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-07948

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MAILED

FEB 06 1991

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 29-7748 and
have the following comments/objections to the approval of this
application for permit:

Clifton Creek & Rattlesnake
Creeks have never been
regulated by the Snake River
Watermaster

Nov. 13, 1990

Date


RONALD D. CARLSON, WATERMASTER
Water District No. 01

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FEB 06 1991

29-07948

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

Source: CLIFTON CREEK

Tributary: RATTLESNAKE CREEK

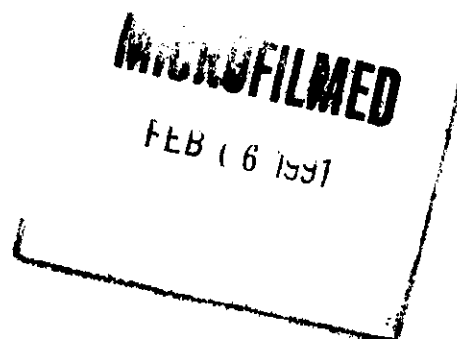
Diversion Pt: NWNW Sec 16 T 09S R 34E

Use: IRRIGATION (.740 CFS)
 Total Diversion: (.740 CFS)

Date Filed: 5/16/ 1990

In: T09S R34E S09 SWSW SESW

37.0 ACRES TOTAL



21-Jun-1990

MID CRYSTAL FARMS
C/O Hans Hayden
3747 MID CRYSTAL ROAD
ARBON, ID 83212

RE: Application for Permit No. 29-07948 & 29-07949

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Power County Press on JULY 5 & 12, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

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FEB 06 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

25 May 1990

MID CRYSTAL FARMS
C/O Hans Hayden
3747 Mid Crystal Road
Arbon, Idaho 83212

RE: Applications for permit 29-07948 & 29-07949
List of Officer of MID CRYSTAL FARMS

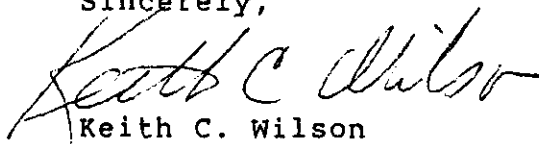
Dear Mr. Hayden:

In order for the above numbered permits to be completely processed a list of officers, partners, or directors must be included with the application for permit.

Please send a complete list of the officers to this office on or before June 8, 1990.

Your prompt response will be appreciated.

Sincerely,


Keith C. Wilson
Senior Resource Agent

COPY
MICROFILMED

FEB 06 1991