

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-07754

Priority: June 17, 1983

Maximum Diversion Rate:

0.81 CFS

Maximum Diversion Volume:

82.3 AF

This is to certify, that JK MERRILL & SONS INC

PO BOX 4065

POCATELLO ID 83201

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 17, 1983; and has submitted Proof of Beneficial Use on November 25, 1994. An examination indicates that the works have a diversion capacity of 0.810 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.81 CFS	82.3 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNW), Sec. 1, Township 06S, Range 33E
POWER County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06S 33E	1	Lot 4(NWNW)
	2	Lot 1(NENE)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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JUN 08 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07754

CONDITIONS OF APPROVAL AND REMARKS

7. Commercial use is for an office and gravel washing.
8. Two points of diversion are located in Lot 4 (NWNW), S1, T6S, R33E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28th day of May, 1990.

Acting for


KARL J. DREHER, Director

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JUN 08 1998

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MAY 26 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-07754

Date of Priority: June 17, 1983

Maximum Diversion Rate: 0.81 CFS

Maximum Diversion Volume: 82.3 AF

Comes now

JK MERRILL & SONS INC

PO BOX 4065

POCATELLO ID 83201

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. 29-07754, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.81 CFS	82.3 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 1, Township 06S, Range 33E
POWER County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06S 33E	1	Lot 4 (NWNW)
	2	Lot 1 (NENE)

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 at Power County, this 18th day of May, 1998.

MICROFILMED

(Signature)

JUN 08 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07754

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by BG # C042410 Date 5-26-98

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. 29-07754 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Commercial use is for an office and gravel washing.
8. Two points of diversion are located in Lot 4 (NWNW), S1, T6S, R33E.

Witness my hand this 28TH day of MAY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 08 1998

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NOV 25 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-07754 Telephone No. 208-237-6550
2. Name(s) of Permit Holder(s): J. K. MERRILL & SONS, INC.
3. Mailing Address: P. O. BOX 4065 - POCAHELLO, IDAHO 83205-4065
4. Source of Water: WELL If **GROUNDWATER** (well), Date Drilled: mo. APRIL / yr. 76
 - a. Well Driller: JACK CUSHMAN Drilling Permit Number: unknown - -
 - b. **OPTIONAL:**
Pump Horsepower: 1 Pressure (psi): unk Dynamic pumping level (ft): unk
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other: Commercial
6. Total rate of diversion and/or volume for which proof is submitted: 1.90 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u> </u>	or	No <u>x</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>x</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>x</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>x</u>
8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: George Merrill Telephone Number: 208-237-6550
Address: 1302 W. Syphen Road - Pocatello, Idaho 83202
10. The information given on this form 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.

Signature of permit holder:

George T. Merrill
(include your title, if on behalf of company or organization)

Sec. / T. 11-22-94

DEC 29 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

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DEC 29 1994

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Snake River Plain Aquifer

DEC 29 1994

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

DEC 29 1994

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

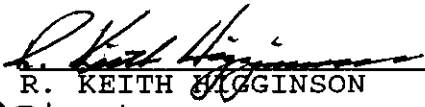
3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

- a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or
- b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HAGGINS
Director

MAILED

DEC 29 1994

RECEIVED
OCT 23 1992
Department of Water Resources

RECEIVED

NOV 02 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
\$15 Fee Received by WA
Date 11-2-92
Receipt No. 2025908

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

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

Permit No. 29-07754Name(s) of Permit Holder: J.K. Merrill & Sons IncMailing Address: P.O. Box 4065 Pocatello, Idaho 83201Date Proof is Due December 1, 1992 Telephone No. 237-6550

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

We are in the process of building a portable sand and gravel
wash plant, to use at either location as needed.

Costing \$ 28500.00

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

The demand for washed sand and rock is not as great as in the past.
Our business is slow in this area for these products.

Permit holder(s) request an extension to December 1, 1995

FEE: \$15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is
extended to December 1, 1995.

Signed this 4th day November, 19 92

Chief, Water Allocation Bureau

MICROFILMED

NOV 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

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

APPROVED

Comes now J.K. MERRILL & SONS, INC.

of (address) P.O. Box 4065, Pocatello, ID. 83201, 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. 29-07754, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NW 1/4, Section 1, Township 6S, Range 33E, B.M.,
County of Power. Other points of diversion: NE 1/4 NE 1/4 NE 1/4
Sec. 2 T6S R33E

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

Amount 1.90 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre feet per annum)

Amount 8.40 for COMMERCIAL purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.02 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)

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

TOTAL: 1.90 cfs.

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	33E	1						20											20
							C												
		2	30																30
			D/C																

Total number of acres to be irrigated = 50

4. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or the 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: _____

RECORDED

MAR 20 1990

AMENDMENT ADDS PART OF DIVERSION FOR CULINARY WELL USED @ OFFICE AND SHOP.

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 holder's own risk.

Signed at Idaho Falls, this 23 day of January, 19 90.
George T. Merrill
Sec (Signature)

Amended by EEV

FOR DEPARTMENT USE ONLY

Preliminary check by KCW Fee = \$20.00 E011820 Received by EEV Date 1-23-90

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above Amendment provided the conditions as set forth in Permit No.
27-7754 are met.

MICROFILMED

MAR 20 1990

Witness my hand this

5th day of

March

19 90

L. Glen Saxton
Chief, Water Alloc. Bureau

Spring

Mile 10

35

36

Gravel Pit

Gravel Pit

Gravel Pit

Gravel Pits

T5S

Pumping Sta

T6S

Aqueduct

Borrow Pits

Borrow Pit

Borrow Pit

Gravel Pit

Gravel Pit

WEAVER

4435

2

T S

Well 4453

Well 4422

CANAL

Gravel Pit

R33E

4442

LIMITED

MAR 20 1990

11

Storage Bins

12

Well

IGHEE

130

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07754

Proposed Priority: June 17, 1983

Maximum Diversion Rate:

1.90 CFS

This is to certify, that J.K. MERRILL & SONS INC.

2429 S. FAIRWAY

POCATELLO, ID 83201

has applied for a permit to appropriate water from: **GROUNDWATER**
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	1.00 CFS
COMMERCIAL	01/01 to 12/31	0.90 CFS
	Totals	1.90 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 4(NWNW), Sec. 1, Township 06S, Range 33E
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>
06S	33E	1	NWNW	20		20
		2	NENE	30		30

Total number of acres irrigated: 50

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 29-07754

CONDITIONS/REMARKS:

7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
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.
9. Commercial use is for washing gravel.

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

30th day of October, 1989.

for 
R. Keith Higginson, Director

MICROFILMED

DEC 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant J. K. Merrill and Sons, Inc. Phone 237-8777
Post office address 2429 South Fairway, Pocatello, ID 83201
2. Source of water supply groundwater which is a tributary of _____
(Lot 4)
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1 Township 6S
Range 33E B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.00 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.90 cfs for commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.90 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump with mainline to sprinkler system and gravel washing system

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

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

c. Proposed well diameter is 10 inches; proposed depth of well is 120 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

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

8. Description of proposed uses:

a. If water is not for irrigation: (Lot 4) NW NW 1
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2 Township 6S

Range 33E B.M.

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

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

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

(5) If water is to be used for other purposes describe: commercial use for washing gravel

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DEC 13 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	33E	1						20											20
		2	30																30

Total number of acres to be irrigated 50

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

9. a. Who owns the property at the point of diversion Applicant

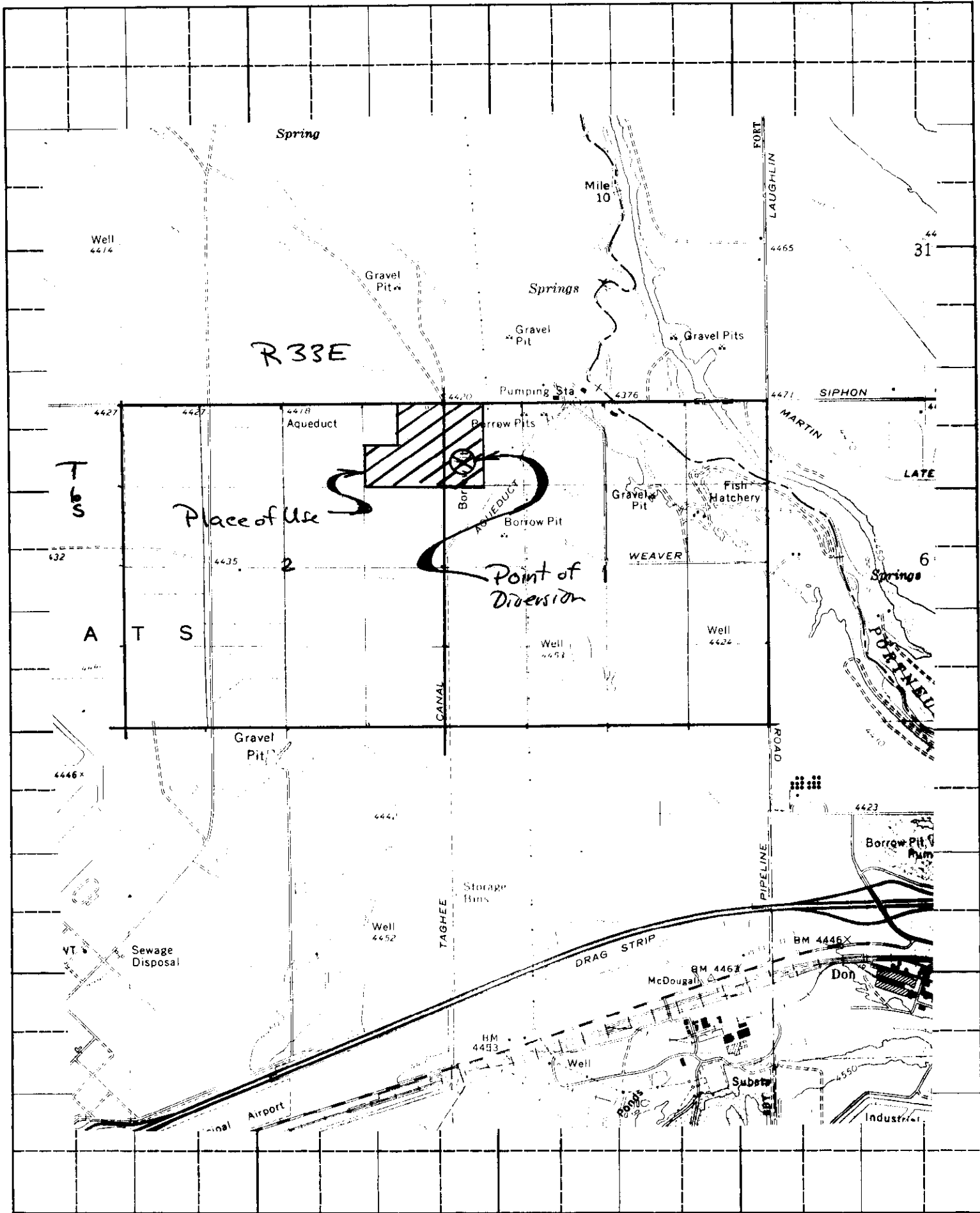
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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DEC 13 1989

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



Scale: 2 inches equal 1 mile.

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

~~Michael Merrill~~ *Keith Merrill*
(Applicant) *Chairman*

DEC 13 1989

Received by Kaw Date 6-17-83 Time 1225
Preliminary check by HWT Fee \$ 65.00
Receipted by CW Date 6-17-83 # 30925
Publication prepared by RB Date _____
Published in Lower County Press
Publication dates 9-7th 14-89
Publication approved CW Date 9-22-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

MICROFILMED

DEC 13 1989

Affidavit of Publication

State of Idaho

County of Power

RECEIVED

SEP 15 1989

Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American 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 6 day of September 1989 and the date of last publication being the 13 day of September 1989.

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 13 day of September in the year of 1989, 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.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Notice of application for water right

Published in The Power County Press,
Sept. 6, 13, 1989.

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

29-07739
CROCKETT, ALDEN W.
RT. 1 WEST SYPHON
POCATELLO, ID 83201

Source: GROUNDWATER
Diversion Pt: SESE Sec 2 T 06S R 33E
Use: IRRIGATION (200 CFS)
Date Filed: 6/29/1983
In: T06S R33E S02 SESE
10.0 ACRES TOTAL

29-07754
J.K. MERRILL & SONS INC.
2429 S. FAIRWAY
POCATELLO, ID 83201

Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNW) Sec 1 T
06S R 33E
Use: IRRIGATION (1,000 CFS)
COMMERCIAL (.900 CFS)
Date Filed: 6/17/1983
In: T06S R33 S01 Lot 4 (NWNW)
S02 NENE
50.0 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.
42-203C, 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 SEPTEMBER 25, 1989.

R. Keith Higginson, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JK MERRILL & SONS INC
PO BOX 4065
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07754

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as 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 twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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. Otherwise, this preliminary order will become a final order of the Department.

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

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ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-07754

JK MERRILL & SONS INC
PO BOX 4065
POCATELLO ID 83201

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

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JUN 08 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JK MERRILL & SONS INC
PO BOX 4065
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07754

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 this 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 has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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JUN 08 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JK MERRILL & SONS INC
PO BOX 4065
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07754

Dear Permit Holder(s):

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 that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that you developed more points of diversion than were described on your permit. Therefore, before a license can be issued, your permit must be amended to include the additional point(s) of diversion.

The enclosed Application for Amendment form describes the additional point(s) of diversion and other information that will be included on the license when it is issued. In some cases, the reference to multiple points of diversion is contained in the list of conditions of approval and remarks on the last page of the amendment form. Please review the amendment carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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JUN 08 1998

MEMORANDUM

TO: File 29-07754

FROM: Sharla

DATE: April 16, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 29-07754 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T6S, R33E, S1 - NWNW (Lot 4)

S2 - NENE (Lot 1)

The place of use in section 2 is the NENE as indicated on the map.

Examiner: Keith Wilson

Exam Date: May 28, 1996

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LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07754 DATE 4/8/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (Para P39 - gov P40/P47) ☒ Add (P45/P42)
W32 (multiple in 1/4) (2)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s):
 File reviewed Profile reports printed
 PLACE OF USE ~~OK~~ add 2nd pt in NWNW
 Change (P41 gov P43/P47) Add (-/P42)
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s):
 File reviewed Profile reports printed
 RATE OF DIV
 Permitted Rate 1.9 cfs
 Fee limit 2.0 cfs \$125⁰⁰
 Measured 5 cfs
 Theoretical .81 cfs
 Recommended Total Div Rate .81 cfs

WATER USES OK
Comm. .81 cfs 82.3 af Irrig - overlap (R58-R61, R62-R65, R66-R69)
 cfs af supp. gw (WB7/065/079)
 cfs af overlap spec. combined rts (W35)
 cfs af <1acre (W31)
 cfs af Domestic (W01/WB5/070/071/075)
 TOTALS cfs af Power (W42 or W43/025/027/R22 or R23)
 Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .81 cfs X 365 days X 1.98 = 585.4 af

REMARKS C/office & gravel washing
2 pld

ADD'L CONDITIONS Watermaster Control WD#
 GW Measurement/Measuring Device
 Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ☒ no SRBA Claim NA Adjust Memo ph on map NENE, 52
P45 P38
P42 SWK/K

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 30 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7754

1. Owner: J. K. Merrill & Sons Inc Phone No. 208-237-6550

Current Address: P.O. Box 4065 Pocatello ID 83205-4065

2. Accompanied by: George Merrill EXAM DATE: 5-28-1996

Address: Same Phone No. _____

Relationship to Permit Holder: Owner

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	4		NW	NW	1	6S	33E	Power	ON SITE WGS MAP PSA AERIAL

2. Place(s) of Use:

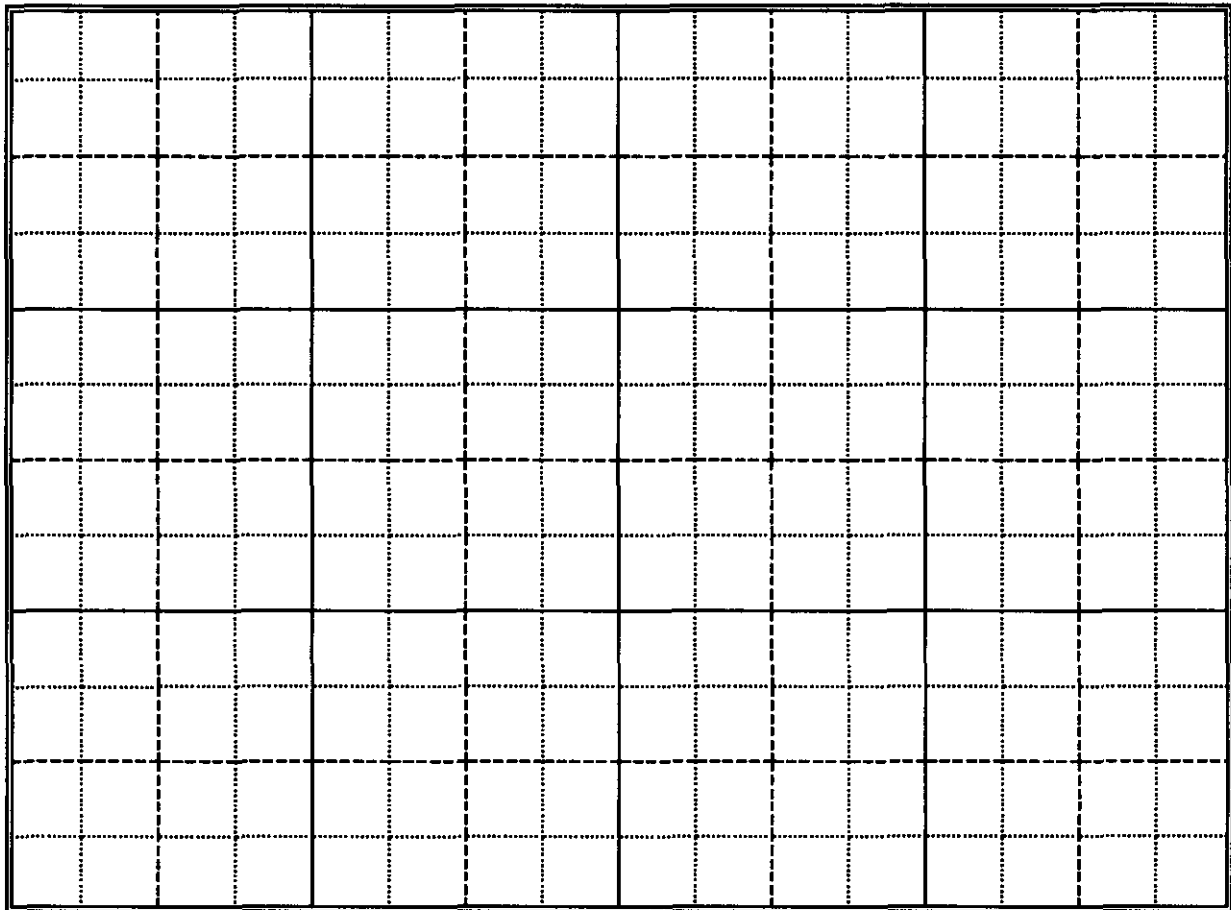
Indicate Method of Determination ON SITE PSA AERIAL

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	33E	1						L-4											
		2						L-1											

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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.



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Office Well	UNKNOWN	1	UNKNOWN	UNKNOWN	2"
	UNKNOWN	20	UNKNOWN	UNKNOWN	4"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Theoretical

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E. NARRATIVE/REMARKS/COMMENTS

No IRRIGATION at time of Exam. IRRIGATION of ground prior to excavation of gravel was accomplished through gravel washing well; pump (according to Mr. Merrill)

Commercial Use

office & bathrooms [located NW/4 (Lot 4) Sec 1, T6S, R33E]

Washing:

Truck/equipment } [NW/4 (Lot 4) Sec 1, and NE/4 (Lot 1) Sec 2
GRAVEL } T6S, R33E]

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

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q_{office} = 0.04 cfs$$

$$Q_{GRAVEL WASHING} = 0.77 cfs$$

$$Q_{TOTAL} = 0.04 cfs + 0.77 cfs = 0.81 cfs$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\begin{aligned} V_{office} &= 0.6 afa \\ \text{ASSUME } 6 \text{ hr/24 hr day, } 214 \text{ days per year} \\ V_{GRAVEL WASHING} &= 0.77 cfs \times 1.9835 \left(\frac{6 \text{ hr}}{24 \text{ hr}} \right) (214 \text{ days}) = 81.7 afa \\ Vol \text{ total} &= 0.6 afa + 81.7 afa = 82.3 afa \end{aligned}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1/1	12/31	0.81 cfs	82.3 afa
Totals:			0.81 cfs	82.3 afa

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name KEITH C WILSON Date 5-28-1996

Reviewer _____ Date _____

SEAL

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JUN 08 1998

THEORETICAL PUMP FLOW CALCULATIONS

Formula: $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$

SYSTEM: Office

Hp = Horsepower = 1
Eff = Efficiency = 70% (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 85 ft. well logs in area
Assumed Draw down = + ft.
Lift = 85

OR

Measured Dynamic Water Level = — ft.

psi = Operating Pressure = 30 psi

$$Q_{cfs} = \left[\frac{1}{Hp} \times 8.814 \times \frac{0.70}{eff} \right] \div \left[\frac{85}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{6.1698} \right] \div \left[\underline{152.24} \right]$$

$Q_{cfs} = \underline{0.04}$ cfs SYSTEM Office

SYSTEM: GRAVEL WASHING

Hp = Horsepower = 20
Eff = Efficiency = 70% (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 85 ft. well logs in area
Assumed Draw down = + 5 ft.
Lift = 90

OR

Measured Dynamic Water Level = ft.

psi = Operating Pressure = 30 psi

$$Q_{cfs} = \left[\frac{20}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{90}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{123.396} \right] \div \left[\underline{159.24} \right]$$

$Q_{cfs} = \underline{0.77}$ cfs SYSTEM GRAVEL WASHING

PERMIT NO. 29-07754

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JUN 08 1998

T5S
T6S

POINT OF DIVERSION

PLACE OF USE

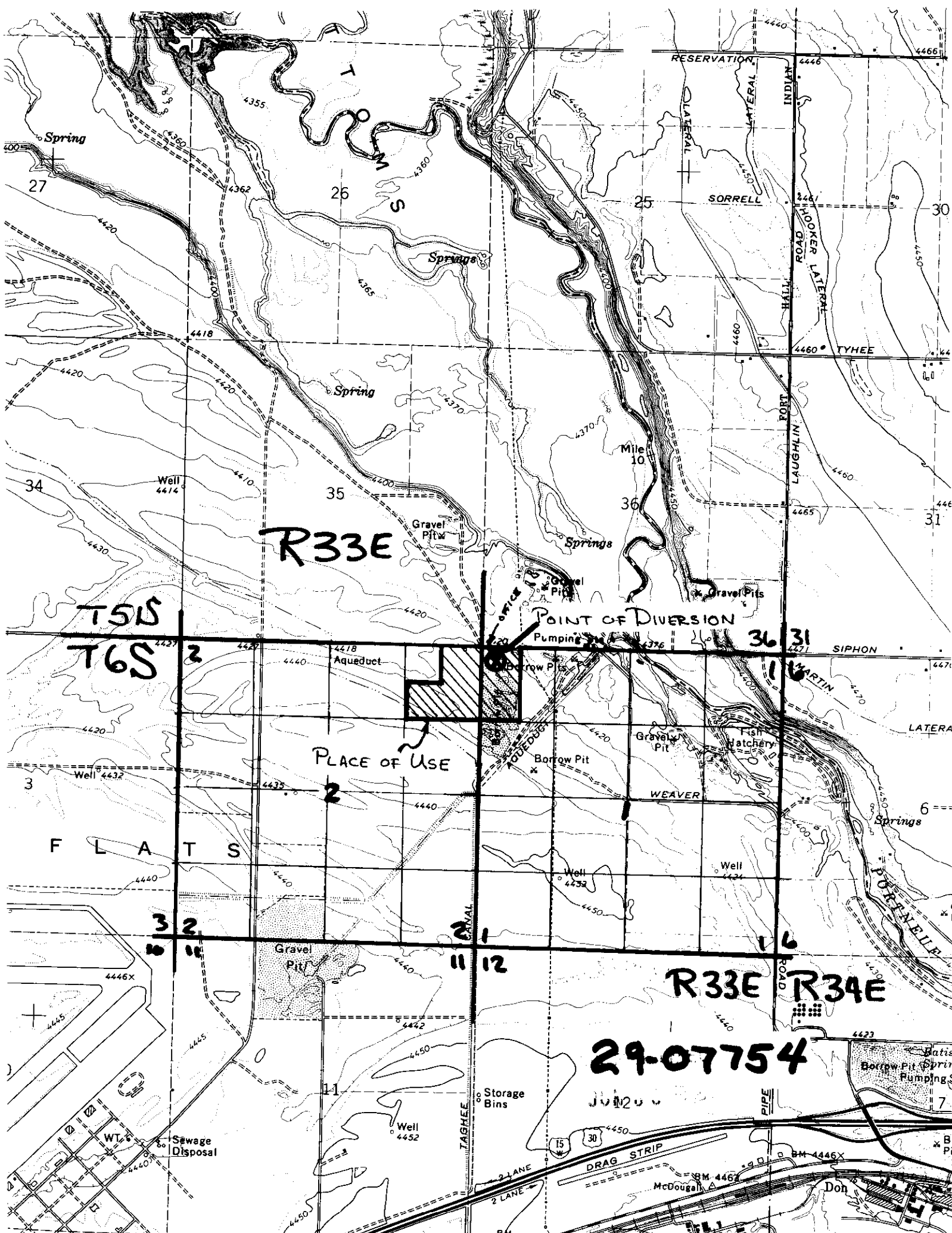
T
6
S

R33E

29-07754

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JUN 08 1998



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 29-07754 Reviewed by [Signature] Date 12-15-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom. Comm.

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

no Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
125.00 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 11-25-94

December 16, 1994

J.K. MERRILL & SONS INC.
P.O. BOX 4065
POCATELLO ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07754

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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DEC 29 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

J.K. MERRILL & SONS INC.
P.O. BOX 4065
POCATELLO ID 83201

RE: Water Right No. 29-07754

Certified Mail No. 141741

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED
DEC 29 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 4, 1992

JK Merrill and Sons Inc
PO Box 4065
Pocatello, ID 83201

Re: Permit No. 29-07754

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

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NOV 13 1992

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 29-07754 Reviewed by Klg Date 10/23/92

BASIC INFORMATION

yes Date stamp received
yes Extension received timely
no Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

need fee
Recommend for approval Based on due diligence
Extend to 12/1/95

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 11/4/92 Klg
Change Priority Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 26, 1992

J. K. Merrill & Sons Inc.
P.O. Box 4065
Pocatello, ID 83201

Re: Permit No. 29-07754

Dear Permit Holder:

Returned is the Request for Extension of Time you submitted to our office in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

In order for the Department to process your request, it must be accompanied by a \$15 filing fee. In order to be in compliance with all of the required dates, please return the extension and \$15 filing fee on or before December 1, 1992.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

MICROFILMED

NOV 13 1992

September 30, 1992

J.K. MERRILL & SONS INC.
P.O. BOX 4065
POCATELLO ID 83201

PROOF DUE NOTICE

RE: PERMIT NO. 29-07754

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 December 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

CERTIFIED MAIL

NO. 139519

UNRECORDED

NOV 13 1992

March 8, 1990

RE: Permit No. 29-7754

J.K. Merrill & Sons, Inc.
Box 4065
Pocatello, ID 83201

Gentlemen:

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 20 1990

1-24-90

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: KCW Wilson

Right Number 29-07754 Applicant J.K. Merrill & Sons, Inc.

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other added use is better defines

CHECK:

- ☒ Description of amended point(s) of diversion. - well for shop + office has been there for years and has been used. as per E.V.
☒ Amount, nature and period of use. If increased, delay date of priority.
☒ Description of amended places of use. If expanded, delay date of priority.
☒ Ownership of point of diversion and place of use.
☒ Map.
☒ Signature (must be permit holder).
☒ Fee.
☒ Existing water rights from the same source, amended place of use.
☒ Right number(s) _____
☐ Yes ☒ No Should amendment be advertised?
☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. NA
☐ Amendment published correctly. NA
☐ Protests processed. NA
☒ Approve.
☐ Deny.

Conditions _____

By [Signature] Date 1-24-90

STATE OFFICE PROCESSING:

- ☒ Amendment correct and complete. By KW Date 3/5/90
☐ Approved copy sent to applicant and to Region. By _____ Date _____

Must comply w/permit conditions

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 29-07754
Name(s) of Permit Holder(s): J.K. MERRILL & SONS, INC.
Post Office Address: P.O. Box 4055, REARICK ID. 83401
Tel. No. 287-6550

☒ I hereby certify that construction of diversion works on the above referenced permit began on JUNE, 1975 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

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

Date

Signature of Permit Holder

1-23-90

George T. Merrill

MICROFILMED
MAR 20 1990



PLACE
STAMP
HERE
RECEIVED
JAN 25 1990

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 31, 1989

J.K. MERRILL & SONS INC.
2429 S. FAIRWAY
POCATELLO, ID 83201

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P29-07754

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.

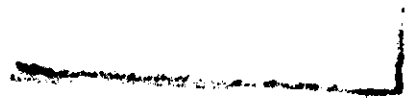
You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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DEC 13 1989



Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

NOT RECORDED

DEC 13 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29 7754

INITIAL REVIEW BY:

APPLICATION NUMBER:

CHECK:

- ☒ Source
☒ Point of diversion
☒ County
☒ Quantity of water and period of use
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature
☒ Fee
☒ Yes ☒ No Field check required
☒ Yes ☒ No Critical groundwater area
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No In form to receipt

Project Name: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by _____ Date: _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management
☐ U.S. Forest Service
☐ Other _____

PROCESSING:

- ☒ Yes ☒ No Platted by: _____ Map No: _____
☒ Yes ☒ No Other right on same place or use _____
☒ Yes ☒ No In form for advertising.
☒ Yes ☒ No Final date for protests: 9-25-89
☒ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW

- ☒ Affidavit of publication received. Date: 9-20-89
☒ Application published correctly. If not, record action taken
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☒ No Measuring device required.
☒ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 29-P05
6-17-83 Date of priority recommended
Special conditions or approval or cover letter. <016>

App. in NON-TRUST area -
Allow 3 yrs. for B/U development -

By: Huf
STATE OFFICE REVIEW
P05, P23, P03, P17

Date: 9-25-89

46 48 49 26 01

RECEIVED
SEP 26 1989

See attached sheet for more information.

By: kw

10/25/89

Department of Water Resources

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 1989

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 1989.

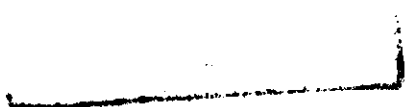
Yours truly,

Rita Bodell
Secretary

Encl.

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DEC 13 1989



NOTICE OF APPLICATION FOR WATER RIGHT

The Following appli tion(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED

DEC 13 1969

29-07754

J.K. MERRILL & SONS INC.
2429 S. FAIRWAY
POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt: LOT 4 (NWNW) Sec 1 T 06S R 33E

Use: IRRIGATION (1.000 CFS)
COMMERCIAL (.900 CFS)

Date Filed: 6/17/1983

In: T06S R33E S01 Lot 4 (NWNW)
S02 NENE

50.0 ACRES TOTAL

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DEC 13 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based the criteria of Sec. 42-1 A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, 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 SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/06/1989 & 9/13/1989

MICROFILMED

DEC 13 1989

30-Aug-1989

J.K. Merrill
2429 S. Fairway
Pocatello,, ID 83201

RE: Application for Permit No. 29-7754

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 . 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

HWJ/rb

RECEIVED

DEC 13 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

August 13, 1985

RE: Application for Permit No. 29-7754

J. K. Merrill & Sons, Inc.
2429 South Fairway
Pocatello, Idaho 83201

Gentlemen:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MICROFILMED

DEC 13 1989

29-7754_

J.K. MERRILL AND SONS, INC.

2429 S. FAIRWAY, POCA TELLO, ID 83201

Source: GROUNDWATER

Date Filed: 06/17/1983

Diversion Pt: LOT 04 (NWNW) Sec 01 T 06S R 33E

Use: IRRIGATION	(1.00 CFS)
COMMERCIAL	(0.90 CFS)

In: LOT 04 (NWNW) Sec 01 T 06S R 33E NENE Sec 02 T 06S R 33E
FOR 50 ACRES

MICROFILMED

DEC 13 1989