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JAN - 3 2003

Department of Water Resources

DATE: December 20, 2002
TO: Water Resource Board, Cynthia Bridge
FROM: Mountain Home Irrigation
SUBJECT: Delivery of Water outside of
MHID Boundaries

Dear Sir or Madam:

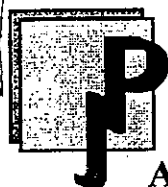
In regard to the information found in your records stating the Mountain Home Irrigation had delivered water to land located in T5S, R6E, Sec: 15,16,22. We do not have the means to deliver water in that area and to our knowledge water from this district has never been delivered there. This land lies outside of our designated boundaries.

Yours truly,



Terry Seegrist, District Manager
Mountain Home Irrigation District

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NOV 14 2003



POST FARMS

ACK AND KARLA

BOX 298
MOUNTAIN HOME
IDAHO 83647
ELMORE

208-587-7197

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DEC - 5 2002

Department of Water Resources

December 02, 2002

Cynthia Bridge Clark
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: 264.5 Acres, Ineligible due to irrigation

Dear Ms. Bridge Clark:

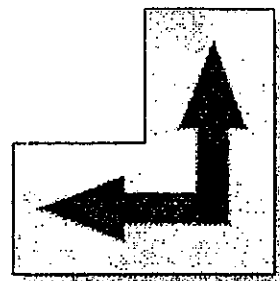
This letter is a follow-up to our telephone conversation concerning the above parcel. Due to extremely dry conditions during the summer, we were not able to grow any vegetation to hold the soil. This field had been bedded in the spring, and we were not able to keep it from blowing. This field became a hazard due to blowing dust and dirt across Flying H Road, and the surrounding fields. We watered only as a last resort; not for economic gain, but to hold the soil. The very minimum amount of water possible was used.

I initially estimated that I used approximately 28 to 30 acre feet of water for wind erosion. After discussing this amount with Bob Gibson, (Watermaster for South Elmore Irrigation Company), and my water foreman, it appears that only half of that amount was applied to this parcel of land. We had 2 (1/4) mile handlines in the field, but my water foreman was only running one line at a time. 32 nozzles at 3.5 gallons per minute for 30 days. Total amount used was approximately 14.8 Acre Feet.

Please consider these conditions when making your final determination for eligibility in the rental program.

Sincerely,

Jack Post, POST FARMS



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DEC 26 2002

DEPARTMENT OF WATER RESOURCES

November 26, 2002

Cynthia Bridge Clark
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83706

RE: Payment #1 for Rental of Water from High-Lift Pumpers, Squaw Creek Farms

Dear Cynthia

This letter is in response to the Idaho Department of Water Resources (IDWR) preliminary review of the acres eligible for payment for rental of water from high-lift pumpers from the Snake River to the Water Supply Bank (Memorandum of Agreement (MOA) No. 1425-02-MA-10-3460). Specifically, this letter addresses questions of eligibility regarding the Squaw Creek Farms LLC portion.

Background

Squaw Creek Farms LLC (Sid Wing) filed an application to lease a water right to the water supply bank on June 7, 2002 pursuant to the MOA. This information was then compiled with the other South Elmore Irrigation Company's (SEIC) participants into a single application that was received by the Department on June 27, 2002.

In addition to other lands, Mr. Wing described 102.8 acres in Sec 15, T5S, R6E and 26.8 acres in Sec 22, T5S, R6E as being part of the land he intended to dry up during the 2002 irrigation season. The GIS estimate of this particular field totaled 121.9 acres.

Ownership

The attached warranty deed shows that Mr. Wing owns approximately 1920 acres, which includes the land in question (Tract IV on warranty deed). Also, based on recent imagery from IDWR, the majority of this land has been regularly irrigated.

Mr. Wing owns 1064 shares of SEIC water as shown on the attached letter. These water shares allow Mr. Wing to irrigate up to 1064 acres of land with SEIC water. Mr. Wing has historically operated his farm within the bounds of his land and within the allocation of his SEIC water shares.

Boundary Dispute

The dispute comes from the boundary definition of the SEIC. In 1996, a transfer was filed with IDWR to move 100 acres of water rights within the SEIC boundary. The entire SEIC boundary was not fully scrutinized for that 1996 transfer and as a result, the land in this current dispute amongst others was not included in the SEIC boundary. This oversight has revealed itself by causing the present situation where this land is

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outside of the place of use listed for SEIC and therefore its eligibility to receive payment through the MOA is questioned.

Proposed Resolution to the Problem

To resolve this issue, the following is proposed. The board of SEIC has agreed to adjust the boundary of the irrigation company's Place of Use to include the disputed lands as long as the new boundary does not result in an increase in either the rate of flow diverted or in the total number of acres irrigated under the water right and does not cause injury to other water rights.

The signed letter from SEIC offering this solution is attached. Mr. Wing and SEIC are looking forward to creating a general boundary for their irrigation company in which they can operate and Mr. Wing can receive full compensation under the MOA for the 2002 irrigation season.

If you have any questions, please call Steven R. Hannula.

Regards,

Steven R. Hannula

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HALL, FRIEDLY & WARD

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
340 EAST 2ND NORTH
MOUNTAIN HOME, IDAHO 83647

PERCE HALL
JAY R. FRIEDLY
ROBERT W. WARD

TELEPHONE
(208) 587-4412
FACSIMILE
(208) 587-3144
E-MAIL
hfw1@mindspring.com

November 8, 2002

Mr. Sidney Wing
Squaw Creek Farms, L.L.C.
P.O. Box 1207
Mountain Home, Idaho 83647

Re: South Elmore Irrigation Co.

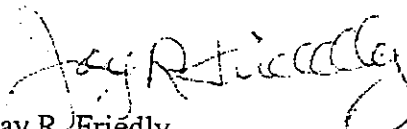
Dear Sid:

The stock books for South Elmore Irrigation Co. indicate Squaw Creek Farms, L.L.C., owns 1,064.0 shares of stock in South Elmore Irrigation Co. as follows:

Certificate No. 32	964.0	shares
Certificate No. 34	96.0	shares
Certificate No. 38	4.0	shares

1,064.0

Sincerely yours,


Jay R. Friedly

JRF:ldf

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WARRANTY DEED

FOR VALUE RECEIVED

Carlio W. Smith and Lillian M. Smith, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Squaw Creek Farms, LLC

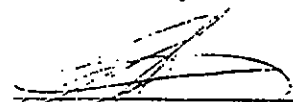
GRANTEE(S), whose current address is: PO Box 1207
the following described real property in Elmore
more particularly described as follows, to wit:

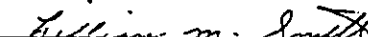
Mountain Home, Id 83647
County, State of Idaho,

(See Attached)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, of any of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: January 5, 1996


Carlio W. Smith


Lillian M. Smith

STATE OF _____, County of _____, ss.

On this _____ day of _____
in the year of _____, before me, the undersigned, a Notary
Public in and for said State, personally appeared _____

known or identified to me to be the person _____ whose name
_____ subscribed to the within instrument, and
acknowledged to me that _____ executed the same.

Signature: _____

Name: _____

(type or print)

Residing at: _____

My commission expires: _____

291318

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 2:28 PM
Date January 24, 1996
Book _____ Page _____

DOLORES ROBISON

Recorder

By  Deputy

Fee \$9.00

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Tract I:

Township 5 South, Range 6 East Boise Meridian, Elmore County,
Idaho

Beginning at the NE corner of Section 15 thence
South 00°03'43" West 1319.82 feet along the section line,
thence
North 89°24'36" West 2667.13 feet; thence
North 00°12'21" East 1299.17 feet; thence
North 89°46'10" East, 2663.79 feet; thence
South 00°03'43" West, 17.53 feet to the POINT OF BEGINNING:

Tract II:

Township 5 South Range 6 East, Boise Meridian, Elmore County,
Idaho

Beginning at the Northeast corner of Section 16, thence
South 00°20'54" West, 2561.05 feet along the Section line to
the East Quarter Corner of Section 16, thence
South 0°20'54" West 640.00 feet along the Section line, thence
North 89°57'03" West 5,336.03 feet, thence
North 0°10'49" East 640.00 feet along the Section line to the
West Quarter Corner of Section 16, thence
North 0°08'38" East 2,658.49 feet along the Section line to the
Northwest Corner of Section 16, thence
South 89°58'40" East 5,347.41 feet along the Section line to
the REAL POINT OF BEGINNING.

Tract III:

Township 5 South, Range 6 East, Boise Meridian, Elmore County,
Idaho

Sections 15 and 22:

Beginning at the Northeast corner of Section 15, Township 5
South, Range 6 East, of the Boise Meridian, Elmore County,
Idaho and running thence
South 0°03'43" West 1,319.82 feet along the section line to the
real point of beginning; thence
South 0°03'43" West 3,959.47 feet along the Section line to the
Southeast corner of said Section 15: thence
South 0°23'11" West, 5,279.40 feet along the Section line to
the Southeast corner of Section 22; thence
South 89°44'13" West 2,694.44 feet along the Section line to
the South Quarter Corner of Section 22; thence
North 0°34'22" East, 5,303.37 feet to the South Quarter Corner
of Section 15: thence
North 0°12'21" East, 3,975.51 feet; thence
South 89°24'36" East, 2,667.13 feet to the real point of
beginning.

Tract IV:

Township 5 South, Range 6 East, Boise Meridian, Elmore County,
Idaho

Section 15: W1/2

Section 16: South 2000 feet of S1/2

Section 22: W1/2

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TOGETHER WITH ALL and singular tenements, improvements and appurtenances
thereunto belonging or in anywise appertaining to it and all water, water
rights, ditches and ditch rights appurtenant thereto or connected therewith.

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DEC 26 2002

DEPARTMENT OF WATER RESOURCES

November 26, 2002

Cynthia Bridge Clark
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RE Changing South Elmore Irrigation Company Place of Use Boundary

Dear Ms. Bridge Clark

Mr. Sid Wing is entitled to the irrigation of 1064 acres from water supplied by South Elmore Irrigation Company (SEIC) as evidence by the SEIC shares he holds. Mr. Wing has used the water on lands he owns under the water right held by SEIC.

The SEIC has as recently as 1996 met the definition of §42-219(6), Idaho Code, for an irrigation project and now seeks to have the lands irrigated under the SEIC described with a general description as provided in that section. At the same time, SEIC seeks to change its generally described place of use to include lands owned and irrigated by Mr. Wing under SEIC's water right(s). SEIC represents that this change will not:

- Increase the diversion rate under any of its water rights.
- Increase the number of irrigated acres.
- Cause injury to other water users.

Attached is a map showing the historical location of the lands irrigated under the SEIC water right and a boundary delineating the generally described place of use. We are seeking to have the map recognized as the general description of the SEIC place of use as provided in §42-219(7), Idaho Code.

Please call Steven Hannula at 373-7983 if you have any questions regarding this application.

Regards.

DRAFT

Jack Post, President

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MEMORANDUM

To: Norm Young, Hal Anderson

From: Cynthia Bridge Clark

Date: November 13, 2002

Re: **ELIGIBILITY OF SOUTH ELMORE IRRIGATION COMPANY LANDS INTO THE WATER SUPPLY BANK FOR HIGH LIFT PUMPERS PROJECT**

The first payment from the Water Supply Bank ("bank") was issued to South Elmore Irrigation Company ("South Elmore") on October 8, 2002, along with a map identifying the eligibility status (eligible, ineligible, or questionable) of the lands after preliminary review by the Department of Water Resources ("department"). The following is a summary of the eligibility evaluation, and of communications with the South Elmore water users regarding the evaluation.

Questionable or Ineligible Fields at South Elmore

Please refer to the attached map for identification of the fields, their eligibility status, and the acreage estimates compiled for the first payment to South Elmore. Note that all of the acreages listed on the map and referred to in this discussion are based on measurements made by the department using infrared satellite imagery from the 2000, 2001, and 2002 irrigation seasons. The fields identified as questionable or ineligible include (see attached map for corresponding field numbers):

1. Since the first payment was issued, 10 acres of the 96.8-acre field in section 1, T05S R06E, have been identified as ineligible based on water right authorization. The status of this field will be reported with the final payment.
2. 25.3 of the total 64.8 acres around a pivot in the NW quarter of section 10, T05S R06E have been identified as ineligible due to irrigation this year. To date, the applicant has not questioned the department's evaluation regarding this field.
3. 193.8 acres and the adjacent 70.7 acres in section 11, T05S R06E have been identified as ineligible due to irrigation this year. Property owner, Jack Post has contacted the department and intends to submit evidence documenting a one-time water use for dust control purposes.
4. 123.9 acres in section 23, T05S R06E, have been identified as ineligible since the first payment was issued. These lands do not appear to have been irrigated during the 2000 and 2001 irrigation seasons. The status of this field will be reported with the final payment.
5. 93.2 acres in section 23, T05S R06E, have been identified as ineligible. These lands do not appear to have been irrigated during the 2000 and 2001 irrigation seasons. Additionally, the southern portion of the field, in the SESW forty, is not

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authorized by a valid water right. To date, the applicant has not questioned the department's evaluation regarding this field.

6. A total of 19.4 acres of a half pivot in section 22, T05S R06E, have been identified as ineligible due to irrigation this year. An additional 5.4 acres were identified as questionable pending further investigation of whether irrigation took place this year (see discussion below of landowner Sid Wing's explanation of water use).
7. 112.2 acres in section 15, T05S R06E, were identified as questionable based on water right authorization. Since the first payment was issued, 90 of the total acres have been determined to be eligible, and 22.2 acres ineligible (see discussion below of water right history and comments from Sid Wing).
8. A 121.9-acre pivot in sections 15 and 22, T05S R06E, has been identified as questionable based on water right authorization (see discussion below of water right history and comments from Sid Wing).
9. A 59.3-acre half pivot in section 22, T05S R06E, was identified as questionable based on water right authorization. Since the first payment was issued, however, the field has been determined to be eligible for payment (see discussion below of water right history).

Discussion of Water Rights Appurtenant Squaw Creek Farm's Lands

Sid Wing of Squaw Creek Farms is one of the water users in the South Elmore. Squaw Creek Farms owns four of the fields identified above as either ineligible or questionable according to the initial review (field numbers 6 through 9 above). I met with Mr. Wing and adjudication agent Ron Howerton at the State Office on October 24, 2002 to discuss the eligibility status of his lands.

I explained that evaluation of the land eligibility includes verification that (1) irrigation is authorized by a valid Snake River water right, and (2) the eligibility criteria set forth in Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 has been satisfied. We further discussed the history and discrepancies of the water rights appurtenant to his lands.

For reference, the water rights appurtenant to these fields include:

- Water Right 2-2269: License with a priority date of February 19, 1964 for a 5645-acre place of use. Transfer no. 4881 was approved October 24, 1996, for the transfer of 100-acres, the creation of a permissible place of use of 6291 acres between rights 2-2269 and 2-2367, and a point of diversion location correction.
- SRBA Claim 2-2269: Filed on December 5, 1989 for a 5628-acre place of use. The place of use identified on the original claim differs from the licensed place of use. The place of use requested on the transfer application did not reflect any accomplished transfers that may have been identified on the original SRBA claim.

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- Water Right 2-2367: License with a priority date of March 22, 1965 for a 646-acre place of use. Transfer no. 4881 was approved October 24, 1996, for the transfer of 100 acres, the creation of a permissible place of use of 6291 acres between rights 2-2269 and 2-2367, and a point of diversion location correction.
- SRBA Claim 2-2367: Filed on December 5, 1989 for a 326-acre place of use. The place of use identified on the claim differs from the licensed place of use. The place of use requested on the transfer application did not reflect any accomplished transfers that may have been identified on the original SRBA claim.
- Permit no. 2-2345: Water Right Permit with priority date of January 15, 1965 and a 320-acre place of use. Proof of beneficial use was filed January 12, 1976. A licensing amendment is required to change the point of diversion prior to licensing the permit.
- SRBA Claim 2-2345: Filed on December 5, 1989 for a 160-acre place of use. The place of use identified on the claim matches the acres identified in the licensing examination, but differs from the permitted place of use. The permit will require an amendment prior to licensing. However, the permit applicant has since filed an affidavit to change the location of the place of use entirely from that identified in either the permit or the claim. It should be noted that the new place of use requested by the permit applicant, and the lands described by the permit and the claim are all authorized under water rights 2-2269 and 2-2367.
- Water Right Application 61-7735: Filed on April 29, 1997 for groundwater use on 360-acres. The application is being held pending changes in the Mountain Home Groundwater Management Area.

Field no. 6:

In the case of the half pivot in the northeast quarter of section 22, T05S R6E, the department measured a total of 59.7 acres proposed for entry into the bank. Portions of these lands (34.9 acres) were found to be eligible for payment. However, 19.4 acres were determined to be ineligible based on evidence that irrigation of the lands had taken place during the 2002 irrigation season. The final 5.4 acres were identified as questionable pending further investigation of whether they had also been irrigated this year. Mr. Wing noted that he intended to irrigate only 60 acres of the field, however the sprinkler pivot rotated further than anticipated. He stated that watering had taken place on the lands identified as ineligible and questionable, and that he would accept the findings of 34.9 acres eligible for payment.

Field no. 7:

As a result of transfer no. 4881, approved in 1996, 100 acres are authorized for irrigation in the NW quarter of section 15, T05S R06E under water rights 2-2269

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and 2-2367. The field entered into the water supply bank program is measured at 112.2 acres in the NW quarter and the NWNE quarter quarter of section 15, T05S R06E. There aren't any valid water rights authorizing irrigation in the NWNE quarter quarter, and only 90 of the measured acres in the NW quarter are authorized under the transfer for irrigation (see attached map).

SRBA claims in the name of South Elmore, filed in 1989, did not recognize irrigation use in the location of this field. Moreover, 1987 NAPP photography indicates that the field was not irrigated at that time. It appears that the 1996 transfer was filed after the claims to authorize irrigation on at least a portion of this field. Transfer processing memorandum no. 15, dated June 3, 1991, indicates that an approved transfer will amend an existing SRBA claim. Therefore, the place of use defined in transfer no. 4881 amends the corresponding claims.

Mr. Wing stated that he was not concerned with the eligibility of the portion of land in the NWNE quarter quarter of section 15. He should, however, be notified of the final number of eligible acres after the reduction.

Field no. 8:

The pivot, in the SW quarter of section 15 and the NW quarter of section 22, T05W R06E, is not currently authorized by a valid water right or an SRBA claim. Sid Wing noted that his understanding when he bought the property was that transfer no. 4881 was being filed to move water rights to this field. I explained that 100-acres had been moved to cover part of field no. 7 through the transfer, and that the transfer application did not cover any of the acres associated with field no. 8.

I also noted that application for permit no. 61-7735 for groundwater use was filed by Squaw Creek Farms in 1997 for irrigation of this pivot, and adjacent lands to the south (120 acres in the SW of section 15, 160 acres in the NW and 80 acres in the N1/2SW of section 22, T05W R06E). The application is being held due to the Mountain Home Groundwater Management Area. ***Please note: none of the lands described above are covered by a valid water right. It appears that all of these lands were irrigated in 1987 and most of the lands, excluding some pivot corners, were irrigated in 2000. Due to participation in the IPCO Buyback Program, none of the lands were irrigated in 2001. However, the pivot immediately south of Field no. 8 was irrigated during the 2002 irrigation season without a valid water right.***

I explained to Mr. Wing that transfer no. 4881 was based on a change requested and approved by South Elmore Irrigation Company. Had the transfer not been filed, it might have been possible to amend the SRBA claims according to any accomplished transfers that may have occurred prior to 1987. I notified Mr. Wing that based on available information, field no. 8 would not be eligible for payment from the Water Supply Bank. We further discussed the possibility of filing a transfer to clarify the water rights for field no. 8 and the adjacent lands with the understanding that this would not satisfy the eligibility criteria for participation in the Water Supply Bank program for this irrigation season.

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Additional possibilities discussed since the meeting with Mr. Wing (Steve Hannula of ERO has been researching the South Elmore water rights as Sid Wing's request, and has been in contact with the department), include filing an enlargement claim to cover lands that were served by the South Elmore Irrigation Company prior to 1987. Though the total acres irrigated with the company's water rights would increase, the diversion rate and annual volume would not change.

Please note, in filing an enlargement claim, it would be important to identify whether South Elmore water was used to irrigate the lands described. The applicant identified Mountain Home Irrigation District water as the only other water right appurtenant to the lands on application for permit no. 61-7735. There are also maps in the application for transfer no. 4881 that identify some of the lands as being in the CRP from 1989 to 1998.

Field no. 9:

The 59.3-acre half pivot in the SE quarter of section 22, T05S R06E, was identified as questionable at the time of the first payment because there was a discrepancy between the licensed water rights 2-2269 and 2-2367, permit no. 2-2345, and the corresponding claims. Given that the transferred rights now represent the claims, the field will be identified as eligible for the final payment.

After discussing the status of each field, Sid Wing stated that he would like to pursue further review of the eligibility of field no. 8. I told him that I would communicate his concerns to my supervisors. He asked that I inform him of any additional possibilities, as he would like to notify his attorneys and ERO Consultants of his situation and of the status of South Elmore's water rights with respect to his lands. Since that time, Steve Hannula, of ERO Consultants has been researching South Elmore's water rights and has communicated with me regarding this recent review.

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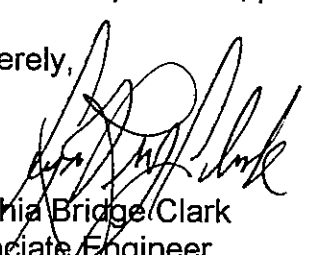
The attached map identifies the eligibility status of lands based on the review to date. It indicates whether the lands are eligible, ineligible or whether there are questions surrounding their eligibility at this time.

Below is a total summary for the first payment:

Acres Requested on App.	Estimated Eligible Acres	Acre-feet per acre	Estimated Eligible Acre-feet	Estimated Payment(s) @ \$45.45 per acre-foot		
				1st Payment (75%)	2nd Payment (25% or remainder)	Estimated Total Payment
2530.2	1863.8	2.88	5367.7	\$182,971.47	\$60,990.49	\$243,961.97

If you have questions, please feel free to contact the department.

Sincerely,


Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosures

c: Western Regional Office
Water right nos. 2-2269, 2-2367, 2-7255, 2-7263, and 2-7317

Rich Rigby, ESA Coordinator
Bureau of Reclamation
1150 N Curtis, PN 3030
Boise ID 83706-1234

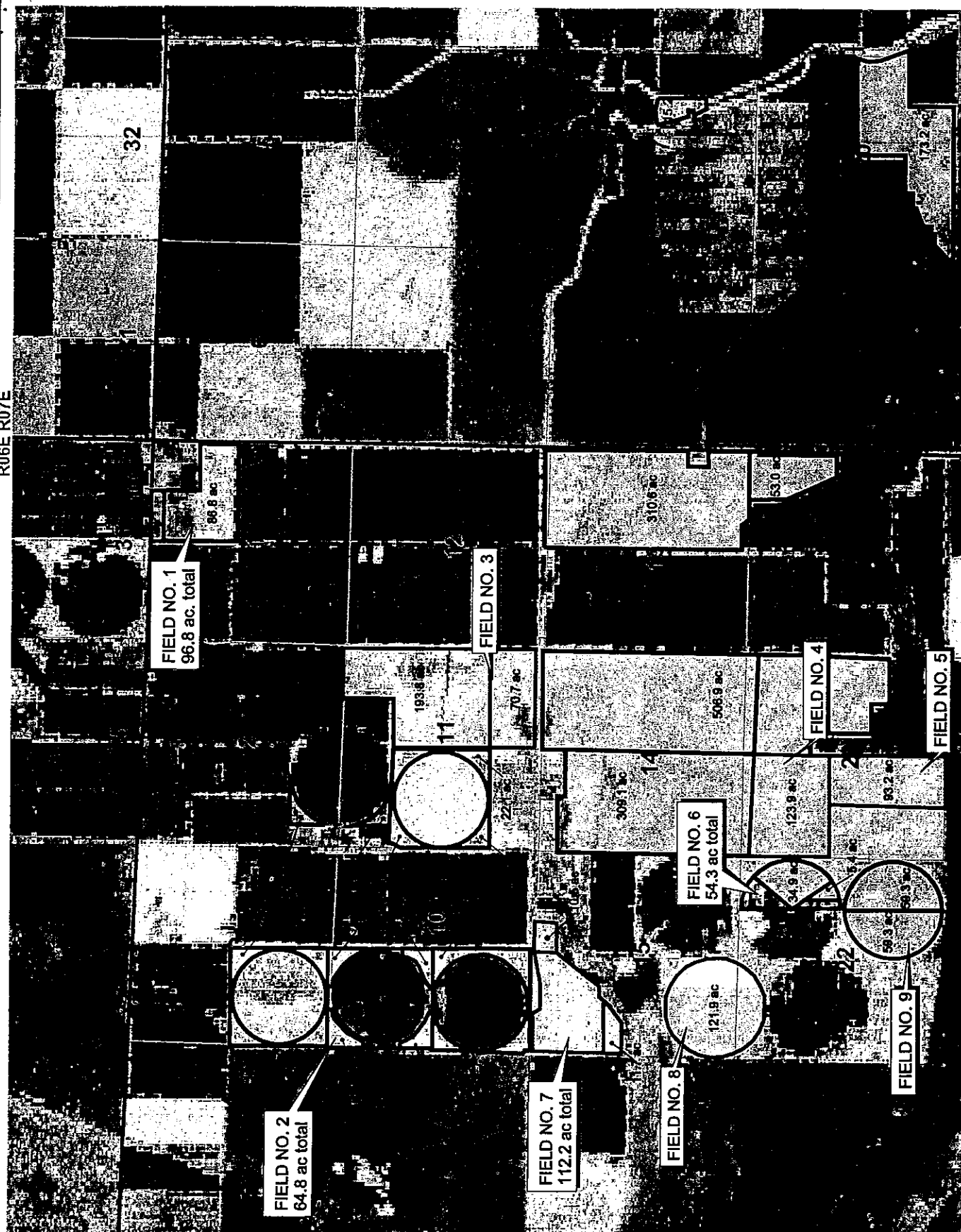
Debbie Allen
IDWR, Fiscal Section

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R06E R07E

T04S
T05S



Imagery: July 26, 2002

Prepared by:
Utah Department of Water Resources
1001 North Main Street
Boyle, ID 83709
(208) 327-7900

South Elmore Irrigation Company

Acreeage Estimates for Rental of Water from
High-Lift Pumps from the Snake River to the Water Supply Bank

Prepared: November 8, 2002

ELIGIBLE
INELIGIBLE
QUESTIONABLE
Township/Range Lines
Section Lines



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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

RECEIVED

OCT 24 2002

Department of Water Resources

DATE: 10/24/02

TO: CYNTHIA CLARK
9-327-7866

FROM Ron Howerton

DOCUMENT DESCRIPTION: Application ORIGINAL - 61-7735

FYI - NOTE Item 10 - ONLY RIGHTS
NOTED WAS INTR HOME IRRIGATION. Dist
SO the DATE on Appl. for GW IS
4/29/97, thus the SRIVER USE must
have started after application

TOTAL PAGES SENT: 3 + COVER SHEET

CONTACT: Ron

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Sageant Creek Farm LLC Phone 587-5319
Mailing address Mountain Home, Idaho 83647 PO Box 1207
2. Source of water supply Irrigation - Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5S Range 6E Sec. 15 in the 1/4,
NE 14, SW 14, Govt. Lot _____, B.M., Elmore County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|---|
| Amount <u>4.0</u> for <u>Irrigation</u> | purposes from <u>4/1</u> to <u>10/31</u> (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) | |
| 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) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 4.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source _____
Drilled well with Sprinkler system.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 18 inches; proposed depth of well is 600-900 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	6E	15									20	20	40	40					120
5S	6E	22					40	40	40	40	40	40							240

Total number of acres to be irrigated 360

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

M+H Home Irrigation Dist

11. 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:

12. Remarks: Applicant is aware the P/u + P/D is in a Ground Water Management Area.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

J. Woody Wang
Signature of Applicant (and title, if applicable)

Received by W022191 Date 4/29/97 Time 3:30 PM Preliminary check by _____
Fee \$ 160.00 Receipted by JFV # W022191 Date 4/29/97
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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NOV 14 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

October 8, 2002

TERRY KETTERLING
SOUTH ELMORE IRRIGATION CO INC
PO BOX 396
MOUNTAIN HOME ID 83647

**RE: PAYMENT NO. 1 FOR RENTAL OF WATER FROM HIGH-LIFT PUMPERS
FROM THE SNAKE RIVER TO THE WATER SUPPLY BANK**

Dear Mr. Ketterling:

On September 5, 2002, the Department of Water Resources ("department") requested confirmation of the payment schedule preferred by the High-Lift Pumpers leasing water to the Water Supply Bank ("bank"). South Elmore Irrigation Company, Inc. ("South Elmore") identified Option 2, which provides for one partial payment of up to 75% of the total potential payment to be issued prior to final review, and a second payment for the remaining sum to be issued after eligibility findings are finalized by the department.

Enclosed is a state warrant in the amount of \$182,971.47 for the first payment for rental of water from High-Lift Pumpers from the Snake River to the Water Supply Bank. Also enclosed is map identifying the lands that qualified for the first payment.

Estimates of lands eligible for payment are based on review of associated water rights, satellite imagery interpretations, field visits, and flow measurements in accordance with the criteria delineated in Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation ("USBR") and the Idaho Department of Water Resources. As specified in the MOA, the rental rate is \$45.45 per acre-foot, and the annual diversion volume was determined using US Geological Service and IDWR data (up to a maximum of 3 acre-feet per acre). Based on the available data, the annual diversion volume for South Elmore is 2.88 acre-feet per acre (afa).

The first payment has been calculated based on 75% of the *estimated eligible acres only*. Lands that will be recommended for denial or whose eligibility is in question, have not been included in the total estimated eligible acres. Please note, that the total acres are based on those measured using available satellite imagery, and may differ from the totals specified on the applications to the bank. The maximum number of acres eligible for payment shall not exceed the total number of acres identified on the entity's application. Additionally, please note that the eligibility status is yet to be finalized and may change pending final review.

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NOV 14 2003

South Elmore Irrigation Co., Inc.

P.O. BOX 396
MTN. HOME, ID. 83647

Phone 208-587-9640 Chris
Fax 208-587-3460

September 13, 2002

State of Idaho
Department of Water Resources
Attn: Cynthia Bridget Clark
PO Box 83720
Boise, Id. 83720

RECEIVED

SEP 16 2002

Department of Water Resources

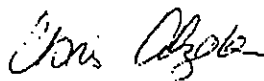
Re: Payment schedule for rental water

Dear Cynthia,

This is to notify you of South Elmore Irrigation Co., Inc. decision of payment schedule option for rental of water from the water supply bank. The president and secretary for South Elmore have voted to accept option #2 of payment options outlined in your letter dated 9-5-02. Preferred payments would be 75% as soon as possible/ no later than December 31, 2002 and remaining 25% payment to be made January 1, 2003.

If you have any questions, please call me.

Thank You,



Chris Alzola
Bkpr. for South Elmore Irrigation

P.S. If you need original sent to you, let me know.

Thank,

Chris

580-2581 work

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NOV 14 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

September 5, 2002

TERRY KETTERLING
SOUTH ELMORE IRRIGATION CO INC
PO BOX 396
MOUNTAIN HOME ID 83647

**RE: PAYMENT SCHEDULE FOR RENTAL OF WATER FROM THE WATER
SUPPLY BANK; LEASED BY HIGH-LIFT PUMPERS FROM THE SNAKE
RIVER**

Dear Mr. Ketterling:

The department has conducted a preliminary review of the Application to Sell or Lease a Water Right to the Water Supply Bank that you submitted to this office in the name of South Elmore Irrigation Company, Inc.

To date, this review includes identification of the associated water rights, and an evaluation of acreage eligibility based on satellite imagery from the 2000 and 2001 irrigation seasons in accordance with the criteria set forth in the Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources ("department"), and in the applicant agreement. Confirmation that lands were not irrigated during the 2002 irrigation season will be based on evaluation of satellite images, field visits, and flow measurements.

The purpose of this letter is to request written confirmation of a payment schedule preferred by each applicant. Part II, Section e, of the MOA, states: "IDWR shall make lease payments to the lessor in accordance with a payment schedule acceptable to the lessor, provided that the final twenty-five percent (25%) of the total lease payment shall not be paid until after the end of the irrigation season." The department is prepared to issue payments based on the preliminary review of eligible acres. At least 25% of the total potential payment will be retained until the end of the irrigation season to cover adjustments for any lands found to be ineligible as defined in the MOA.

Options for payment include:

1. One final payment for all of the acres determined to be eligible. The payment will be issued on a preferred date after the end of the irrigation season, once the eligibility findings are complete and an agreement on the total amount is reached between the applicant and the department.

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NOV 14 2003

2. Partial payment(s) up to 75% of the total potential payment, as requested by the applicant, can be issued prior to the final review. At least 25% of the total potential payment will be withheld until the eligibility findings are complete and an agreement on the total amount is reached between the applicant and the department.

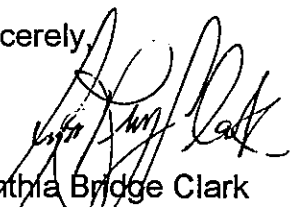
Please submit your request in writing by describing the preferred payment option. Specify the date you would like the final payment issued for option no. 1, or for option no. 2, specify the dates for issuance and the percentage amounts of the early and final payments. All payments will be issued to the name and address provided on the Water Supply Bank application.

Applicants will be notified of the total number of acres determined to be eligible after the irrigation season is complete (November 15, 2002), and will be given an opportunity to appeal any acres found to be ineligible by the department.

Additionally, with regards to late season irrigation, Part II, Section b, of the MOA states: "The rental period shall be from May 1 through the end of the irrigation season, provided that on or before August 15, a lessor who did not divert water prior to acceptance of the lease, may inform Reclamation that the lessor requires the use of water for some period between September 1 and the end of the irrigation season." Please note that the date to request authorization has past. Therefore unless you have already notified the USBR of your intent to use water, late season irrigation is not authorized under the MOA.

If you have questions, please feel free to contact the department.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

c: Western Regional Office
Water right nos. 2-2269, 2-2367, 2-7255, 2-7263, and 2-7317

Rich Rigby, ESA Coordinator
Bureau of Reclamation
1150 N Curtis, PN 3030
Boise ID 83706-1234

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NOV 14 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

July 23, 2002

TERRY KETTERLING
SOUTH ELMORE IRRIGATION CO INC
PO BOX 396
MOUNTAIN HOME ID 83647

RE: APPLICATION TO LEASE PORTIONS OF WATER RIGHT 2-2269, 2-2367, 2-7255, 2-7263, AND 2-7317 TO THE WATER SUPPLY BANK

Dear Mr. Ketterling:

The department has conducted an initial review of the Application to Sell or Lease a Water Right to the Water Supply Bank ("bank") that you submitted to this office in the name of South Elmore Irrigation Company, Inc. The application was submitted in connection with the lease of water rights ("rights") from high-lift pumpers on the Snake River.

Please consider that the offered part(s) of the water rights are accepted into the bank under the following terms:

1. Payment for rental of the right(s) from the bank is contingent upon a determination that the acres associated with the rental application have a valid Snake River water right(s), and that they qualify for payment as provided in Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources regarding Rental of Water From High-Lift Pumpers on the Snake River, said agreement dated May 10, 2002.
2. While part(s) of a right(s) is in the bank, the owner of the right may not use that part of the right. As specified in the MOA, however, a lessor who did not divert water prior to the acceptance of the lease may give notice that the lessor requires the use of water on and after September 1, 2002 for land or crop preparation purposes for the 2003 irrigation season.
3. While a right is in the bank, forfeiture provisions are stayed.
4. Acceptance of a right into the bank does not confirm the validity of the right or any elements of the water right.

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5. The right(s) will be considered released from the bank on December 31, 2002.

If you have questions, please feel free to contact the Department.

Sincerely,



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

- c: IDWR Regional Office
Water right nos. 2-2269, 2-2367, 2-7255, 2-7263, and 2-7317

Rich Rigby
ESA Coordinator
Bureau of Reclamation
1150 N Curtis, PN 3030
Boise ID 83706-1234

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NOV 14 2003

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: IDAHO POWER COMPANY
2. Address: P.O. Box 70 Boise ID 83707
3. Source of water: SNAKE RIVER
4. Volume of water rented: 43,606.9 AF, Max rate: N/A cfs.
5. Diversion period from May 1, 2002 to November 15, 2002.
6. Use of water: Hydropower at Hells Canyon Complex
7. a) Renter's point of diversion:

Legal description: Brownlee, Oxbow, and Hells Canyon Projects

Pump HP: N/A Lift: N/A

Canal or conveyance works Hells Canyon Complex

- b) Renter's place of use:

Legal description: N/A

Total number of acres to be irrigated: N/A

8. The right from which water will be rented is See High-Lift Pumpers from the Snake River Lease application acceptance letters.

The U.S. Bureau of Reclamation and Bonneville Power Administration agree to pay \$ 50 per acre-foot for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

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NOV 14 2003

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Rental of the right(s) from the bank is contingent upon a determination that the acres associated with the rental application have a valid Snake River water right(s), and that they qualify for payment as provided in Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources regarding Rental of Water From High-Lift Pumpers on the Snake River, said agreement dated May 10, 2002.
3. Acceptance of a right into the bank does not confirm the validity of the right or any elements of the water right.
4. Rental of the right(s) from the bank shall be from May 1, 2002 to November 15, 2002, and the right(s) will be considered released from the bank on December 31, 2002.
5. Use of water under this agreement does not constitute a dedication of the water to renter's use and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with Water Supply Bank Rules while using water under this agreement.

Dated this 8th day of August, 2002.

Jonathon C. Bowling
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and IDAPA 37.02.03030 (Water Supply Bank Rule 30) for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 7th day of August, 2002.

Karl J. Dreher
KARL J. DREHER, Director
Department of Water Resources

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NOV 14 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

August 7, 2002

JONATHON C BOWLING
IDAHO POWER COMPANY
1221 W IDAHO STREET
BOISE ID 83702

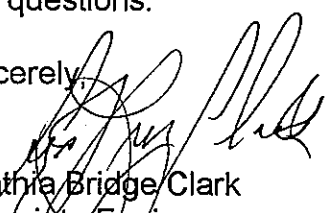
RE: Revised Water Supply Bank Rental Agreement between the Idaho Department of
Water Resources and Idaho Power Company

Dear Mr. Bowling:

Copies of the Water Supply Bank Rental Application and Rental Agreement, signed on August 6, 2002, have been received at the State office of the Department of Water Resources. As we discussed on the telephone earlier today, the Department has recommended a few changes to the conditions set forth on the Rental Agreement. The revised version of the Agreement is attached for your review and signature. The Rental Application will remain unchanged, and the Rental Agreement signed on August 6, 2002 will be superseded by the attached version, dated August 7, 2002.

Thank you for the additional review. Please contact me at (208) 327-7898 if you have any questions.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Right Permits Section

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NOV 14 2003



An IDACORP Company

RECEIVED

AUG - 7 2002

Department of Water Resources

Jonathon C. Bowling, P.E.
Engineering Project Leader
Water Management Department

(208) 388-2905
(208) 388-6495 FAX
jbowlings@idahopower.com

August 6, 2002

Cynthia Bridge Clark
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83720

Dear Ms. Clark,

Attached please find signed copies of the Water Bank Rental Application and Rental Agreement pursuant to the agreement between the State of Idaho, Department of Water Resources and the U.S. Bureau of Reclamation for the rental of water in the Middle Snake River for augmentation purposes.

Idaho Power Company has agreed to facilitate this agreement between the above-mentioned parties and is under no financial obligation. As agreed, the U.S. Bureau of Reclamation will be financially responsible for the leased water.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jonathon C. Bowling".

Jonathon C. Bowling, P.E.
Engineering Project Leader

c: John P. Prescott
James C. Tucker

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NOV 14 2003

12/99

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Applicant IDAHO POWER COMPANY Phone (208) 388-2905
 Address P.O. Box 70
 City Boise State ID Zip Code 83707

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water SNAKE RIVER
 which is tributary to _____
2. Maximum volume of water sought 43,606.9 AF.
3. Maximum rate of diversion N/A cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use HYDROPOWER, HELL CANYON COMPLEX
2. Location of point of diversion 1/4 1/4, Section _____, Township _____, Range _____, B.M. _____ County BROWNLEE, DIBOW, AND HELLS CANYON DAMS
3. Season of use: From MAY 1, 2002 to NOVEMBER 15, 2002.
4. Description of diverting works: N/A
 Pump HP _____ Lift _____ Pump type _____
 Canal name, if appropriate N/A
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by 40-acre tract, section, township and range.

N/A

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yab

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

POWER GENERATION PURPOSES AT THE HELLS CANYON
COMPLEX. (SEE MEMORANDUM OF AGREEMENT NO.
1425-02-MA-10-3460)

6. Describe any other water rights used for the same purposes as rental water sought under this application.

N/A

7. Who owns the property at the point of diversion?

N/A

8. Who owns the property at the place of use?

N/A

9. Are you seeking a rental for more than one (1) year? No

If so, how many years? _____

10. Remarks: See Attached

8/6/02
 Date

Jonathan C. Bowling
 Signature of Applicant
Engineering Leader

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

jub

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**ATTACHMENT
APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Entities Leasing to Water Supply Bank	Acres Submitted on Application	Acre-feet per acre	Maximum Vol. Acre-feet
Bell Rapids Mutual Irrigation Co	4386.9	3.0	13160.7
Sailor Creek Water Co	185	2.83	523.55
Grindstone Butte Mutual Canal Co	2627	3.0	7881
South Elmore Irrigation Co	2530.2	2.88	7286.976
Clover Hollow LLC	1071.5	2.88	3085.92
Falcon Butte Farms	929.9	3.0	2789.7
Murphy Flats Farm	2959.7	3.0	8879.1
TOTALS:	14690.2 ac		43606.9 af

Notes:

1. Water rented from the Water Supply Bank ("bank") under this application is based on Memorandum of Agreement No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources. It shall only include water leased to the bank by the entities listed above.
2. The acreages and volumes listed above were compiled from the Applications submitted by the corresponding entities to lease water to the Water Supply Bank.
3. The volume of water available for lease is contingent upon the determination that the acres associated with the rental applications have a valid Snake River water right(s), and that they qualify for payment as provided in Memorandum of Agreement No. 1425-02-MA-10-3460.

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NOV 14 2003

JOB

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: IDAHO POWER COMPANY
2. Address: P.O. Box 70, Boise, ID 83707
3. Source of water: SNAKE RIVER
4. Volume of water rented: 43,606.9 AF, Max rate: N/A cfs.
5. Diversion period from May 1, 2002 to November 15, 2002.
6. Use of water: Hydropower at Hells Canyon Complex
7. a) Renter's point of diversion:
Legal description: Brownlee, Oxbow, and Hells Canyon Projects
Pump HP: N/A Lift: N/A
Canal or conveyance works Hells Canyon Complex
b) Renter's place of use:
Legal description: N/A

Total number of acres to be irrigated: N/A
8. The right from which water will be rented is See High-Lift Pumpers from the Snake River Lease application acceptance letters.

The U.S. Bureau of Reclamation and Bonneville Power Administration agree to pay \$ 50 per acre-foot for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

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NOV 14 2003

yrb

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Rental of the right(s) from the bank is contingent upon a determination that the acres associated with the rental application have a valid Snake River water right(s), and that they qualify for payment as provided in Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources regarding Rental of Water From High-Lift Pumpers on the Snake River, said agreement dated May 10, 2002.
3. Acceptance of a right into the bank does not confirm the validity of the right or any elements of the water right.
4. Rental of the right(s) from the bank shall be from May 1, 2002 to November 15, 2002, and the right(s) will be considered released from the bank on December 31, 2002.
5. The renter shall provide information as needed for the determination of the amount of the water diverted in a manner acceptable to the Director.
6. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

Dated this 6th day of August, 2002.

Jonathan C. Bowling
Renter
Engineering Leader

JB

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NOV 14 2003

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and IDAPA 37.02.03030 (Water Supply Bank Rule 30) for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 200__.

KARL J. DREHER, Director
Department of Water Resources

MICROFILMED

NOV 14 2003

Job

6.26.02

Cynthia,

Clower Hollow irrigated
all land in 2000.

If you need anything -
else let me know.

Will be gone until
July 9th then will be
home until the 15th
Home # 587-9640.

Thank,
Chris

WESTERN BANK
A DIVISION OF WASHINGTON MUTUAL

Mountain Home Branch
(208) 580-2581

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NOV 14 2003

2001

RECEIVED

JUN 27 2002

JANUARY						
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7	8	9	10	11	12	13
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Department of Water Resources

FEBRUARY						
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APRIL						
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27	28	29	30	31		

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JULY						
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22	23	24	25	26	27	28
29	30	31				

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26	27	28	29	30	31	

SEPTEMBER						
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23	24	25	26	27	28	29
30						

OCTOBER						
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER						
S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FDIC insured

Water Right No. JUN 27 2002

DEPARTMENT OF WATER RESOURCES

ATTACHMENT TO APPLICATION TO LEASE A WATER RIGHT TO THE WATER
SUPPLY BANK - DESCRIBING CRITERIA FOR THE LEASE OF WATER
FROM HIGH-LIFT PUMPERS ON THE SNAKE RIVER

The Idaho Department of Water Resources (IDWR) will accept Water Supply Bank Lease Applications from high-lift pumpers on the Snake River pursuant to a Memorandum of Agreement (MOA) between IDWR and the U.S. Bureau of Reclamation (Reclamation). The total rental price for up to a maximum of 3 acre-feet per acre is \$50 per acre-foot (including a 10% fee for administrative costs to IDWR of \$4.55). The rental period shall be from May 1 to the end of the irrigation season, provided that by August 15 a lessor who did not divert water prior to acceptance of the lease may give notice that the lessor requires the use of water on and after September 1 for land or crop preparation purposes for the 2003 irrigation season. Leased water rights must be appurtenant to lands that satisfy the following criteria:

1. The acres were fully irrigated in 2001, or
2. The acres were either fully irrigated or under the federal Conservation Reserve Program (CRP) in 2000 and included in the Idaho Power buyback program in 2001, or
3. The acres were under the federal CRP program in 2001 and the lessor has satisfied Reclamation and IDWR that the acres would have been fully irrigated for crops in 2002 had the water rights not been placed in the Water Bank for use by Idaho Power/Reclamation.

IDWR will take the following steps to quantify the amount of water accepted for lease into the Water Bank and rented for the purposes described in the MOA:

1. Map the field boundaries to which the water rights are appurtenant and verify the number of acres in each field using GIS.
2. Establish the volume of water diverted per acre, up to a maximum of 3 acre-feet per acre, based upon the average historic diversion divided by the total acres, which will be determined using US Geological Service and IDWR data (1988 to 1993) or as demonstrated by the lessor to the satisfaction of IDWR.

IDWR shall make lease payments and determine any pro rata reductions in the amount to be paid to a lessor in accordance with the provisions of Section II.e.2 of the MOA.

APPLICANT HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THE MOA AND CERTIFIES THAT THE LANDS ASSOCIATED WITH THE WATER RIGHTS SOUGHT TO BE PLACED IN THE WATER SUPPLY BANK SATISFY THE ACCEPTANCE CRITERIA SET OUT ABOVE.

DATED this _____ day of _____, 2002.

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NOV 14 2003

Terry H. Helling
(Signature of Applicant/Authorized Agent)

RECEIVED

JUN 27 2002

DEPARTMENT OF WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor South Elmore Irrigation Co., Inc. Phone 590-1065 Jack
580-2581 Chris
Post office address P.O. Box 396, Mtn. Home, Id. 83647 599-1010 Terry

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. Source of water _____ tributary to _____

3. Date of priority _____

4. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____

5. Total amount of water under right: a. _____ cubic feet per second
&/or
b. _____ acre-feet per annum

6. Location of point of diversion is _____ 3 of _____ 3 of Section _____ Township _____
Range _____, B.M. in _____ County

Additional points of diversion, if any _____

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7. Lands irrigated or place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			See attached water right																	

Total number of acres to be irrigated _____

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water under right: a. _____ cubic feet per second

&/or

b. _____ acre-feet per annum

2. Point of diversion _____ 3 of _____ 3 of Section _____ Township _____ Range _____, B.M. in

_____ County

Additional points *See attached page*

3. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totale
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

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C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller /lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

*South Elmore owns water right appurtenant to land.
Land owned by individuals.*

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture.

*Refer to attached Idaho Power letter dated 3-28-01 for 2001 year.
All land was irrigated in 2000.*

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability :

All water from Snake River

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

N/A

5. If the water right is a permit, describe the work accomplished toward developing the right.

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

Refer to attached

7. If the right is included in an ongoing adjudication, a copy of the claim must be provide with this application.

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8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

See attached map

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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9. Remarks _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

X For lease for period from May 1, 2002 to Nov. 15, 2002 As per MDA Agreement
(Year) (Year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

As per MDA Agreement.

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

_____ Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

6-24-02
(Date)

Terrell J. Kottelmeier - See
(Signature of applicant) Pur.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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South Elmore Irrigation Co., Inc
 Land that will not be irrigated this year.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	6E	1		40	30	30													100.
5S	6E	2											8.4						8.4
5S	6E	3									8.4	8.4	8.4	8.4					33.6
5S	6E	10					8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4					67.2
5S	6E	11	40		40	40									40	40	40	40	280.
5S	6E	11					8.4	8.4	8.4	8.4	8.4								42.
5S	6E	13	40	40	40	40									40	40	35	40	315.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	6E	15					40	35	20	11.4	13.4	13.4	38	38					209.2
5S	6E	14	40	40	40	40	20	20	40	40	40	40	40	40	40	40	40	40	600.
5S	6E	22	32.5			32.5	13.4	13.4							32.4	32.4	32.4	32.4	221.4
5S	6E	23	40	40	40	40	40	40	40						40	30			390.
5S	6E	24	39		5.5	25													69.5
5S	7E	17													12.7				12.7
5S	7E	20											30.5	37		37	37	39.7	181.2

CK

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

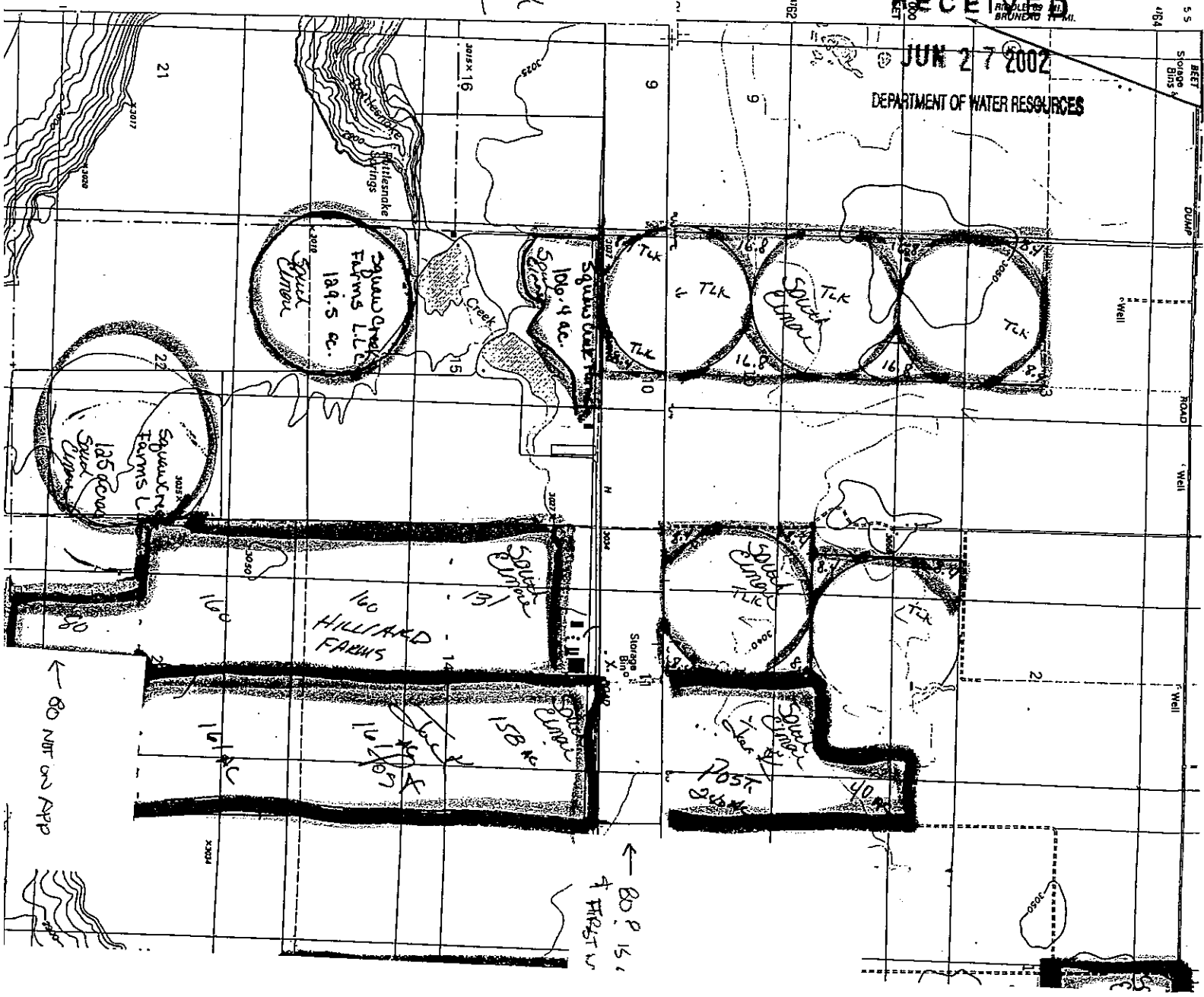
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South Elmore Total 2530.2

NOV 14 2003

South
Cane

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JUN 27 2002
DEPARTMENT OF WATER RESOURCES



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JUN 27 2002

DEPARTMENT OF WATER RESOURCES



CUSTOMER CONSENT FORM

(To Release Idaho Power Company Customer Account Information)

I, the customer of record, do hereby agree and allow Idaho Power Company to release the following account information (Indicate information to be released):

- ☒ Electrical Usage
- ☒ Irrigation Information
- ☐ Credit Information
- ☒ Service Location / Address
- ☐ Other _____

This information may be released to the following person(s) or representative of the following organization(s):

Name Department of Water Resource Attn: Cynthia Bridge Clark
Address 1301 W. Orchard St. Box 83720
Bowie, Id. 83720

Information may be released on the following account:

Name South Elmore Irrigation Co., Inc.
Service Location Refer to attached
Account Number 11

List additional accounts on the back.

Signed South Elmore Irrigation Co. [Signature] Date 6-18-02
CUSTOMER OF RECORD
DBA [Signature]

This authorization is valid until _____ (Date)

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NOV 14 2003



IDAHO POWER COMPANY
P.O. BOX 70
BOISE, IDAHO 83707

RECEIVED

JUN 27 2002

DEPARTMENT OF WATER RESOURCES

So Elmore Canal Co
So Elmore Irrig. Co., Inc
Box 396
Mt Home, ID 83647-0396

March 28, 2001

Dear Customer:

This letter is to confirm that your Offer to Reduce Electrical Energy Consumption submitted in response to Idaho Power Company's Request for Proposals issued February 16, 2001, has been accepted. Enclosed is a copy of your Offer to Reduce Electrical Energy Consumption which is signed by Idaho Power Company. Also enclosed is a copy of your Offer Form Worksheet which details the Offered Energy Reduction of 30,776,840 you have committed to provide during the 2001 growing season and the Base Energy Consumption Amount of 30,776,840 from which the actual energy reduction provided will be computed.

As stated in Idaho Power's Request for Proposals, the metered service points included in your accepted offer must remain connected for electric service during the full term of the program. If you have metered service points that are currently not connected for service, you do not need to contact us. Idaho Power will confirm that each metered service point is connected for service, and if it is not, will coordinate to have our crews perform the necessary work. If you prefer to have your service disconnected during the winter, you may contact us after November 15, 2001 to request a service disconnection.

As a condition for participating in the Irrigation Buy Back Program, you are required to remain as the responsible party for each of the metered service points included in your accepted offer. If you become the responsible party for additional metered service points not included in your offer, Idaho Power will include the energy consumption for each additional metered service point in computing both a revised Base Energy Consumption Amount and the actual energy reduction provided. Becoming the responsible party for metered service points not included in your offer could affect your ability to provide the energy reduction committed to in your offer.

Idaho Power will begin making monthly payments in May for energy reductions actually provided, as detailed in the Request for Proposals. If you would prefer to have your payments deferred until 2002, please contact us. Interest will not be paid on deferred payments.

We look forward to your participation in this program. If you have any questions, please feel free to contact us.

Sincerely,

Idaho Power Company

Contact Numbers:
In Boise 388-2323
Outside Boise 1-800-488-6151

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NOV 14 2003



For general Customer Service Account questions, please
call 1-800-488-6151, within the Boise area, 388-2323.

For more in-depth Irrigation related questions, please
contact the IPCo Agricultural Rep for your area:

Account Information as of: 5/1/2002

SO ELMORE CANAL CO
PO BOX 396
MOUNTAIN HOME ID 83647-0396

Blackfoot, American Falls & Rupert
Dennis Elison 236-7744
Burley, Twin Falls & Jerome
Richard Hawkes 736-3215
Fairfield, Gooding & Hagerman
Quentin Nesbitt 388-2519
Glenns Ferry, Grand View, & Boise
Rex Winn 388-6366
Nampa, Weiser & Vale
Mike Liechty 465-8626

IRRIGATION ACCOUNTS

Name	Account #	Old Pump #	Current Pump #	Service City	Meter #	HP
SO ELMORE CANAL CO	5706189916	0490 POST	05S06E0101	MTN HOME	50665495	40
SO ELMORE CANAL CO	1670099078	0530 TLK	05S06E1001	MTN HOME	3473465	450
SO ELMORE CANAL CO	4647520399	0535 SQUAW CRK	05S06E1002	MTN HOME	92536530	250
SO ELMORE CANAL CO	2062180799	0520 HERGERT IDR	05S06E1003	MTN HOME	50757009	200
SO ELMORE CANAL CO	7752995172	0550 POST	05S06E1101	MTN HOME	3473467	250
SO ELMORE CANAL CO	9827941458	0540 360	05S06E1102	MTN HOME	3473494	210
SO ELMORE CANAL CO	8005278767	0545 HP 150	05S06E1104	MTN HOME	1495942	150
SO ELMORE CANAL CO	3615369333	0552 HP 275	05S06E1105	MTN HOME	2142552	150
SO ELMORE CANAL CO	9935731949	0570 POST	05S06E1201	MTN HOME	83080746	150
SO ELMORE CANAL CO	3322546438	0580 POST	05S06E1202	MTN HOME	58189843	325
SO ELMORE CANAL CO	6659177263	0565 POST	05S06E1302	MTN HOME	2628343	150
SO ELMORE CANAL CO	834017651	0567 HP 250	05S06E1303	MTN HOME	2209668	250
SO ELMORE CANAL CO	2343002609	0527 300 HP	05S06E1502	MTN HOME	1495960	300
SO ELMORE CANAL CO	9704288936	0628 FLYHSUB	05S07E1702	MTN HOME	2628340	4,300
SO ELMORE CANAL CO	6883809921	0620 SMALL RELIFT	05S07E1703	MTN HOME	3473498	250
SO ELMORE CANAL CO	6883809921	0625 T L K	05S07E1704	MTN HOME	3473511	325
SO ELMORE CANAL CO	2900268224	0605 T L K	05S07E1705	MTN HOME	50595070	150
SO ELMORE CANAL CO	7974117760	0610 LARGE RE-IDR	05S07E1706	MTN HOME	2628362	600
SO ELMORE CANAL CO	6698104358	0615 T L K	05S07E1707	MTN HOME	2628367	1,100
SO ELMORE CANAL CO	4746561557	0645 T L K	05S07E2101	MTN HOME	2209651	125
SO ELMORE CANAL CO	2465865652	0640 T L K	05S07E2102	MTN HOME	70139610	250
SO ELMORE CANAL CO	9301012071	0635 T L K	05S07E2103	MTN HOME	4029549	100

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NOV 14 2003

STATEMENT
OF

Instrument # 335466
Elmore County, Idaho
01:52pm Mar. 26, 2002
For: HALL, FRIEDLY & WARD
No. of Pages: 2 Fee: \$6.00
GAIL L. BEST, Recorder
Deputy: JC

SOUTH ELMORE IRRIGATION CO.
CONCERNING LIEN FOR MAINTENANCE CHARGES

THIS STATEMENT is filed by South Elmore Irrigation Co.
pursuant to Idaho Code Section 42-2202.

1. The name of the company is South Elmore Irrigation Co. The company is an Idaho corporation.

2. The general or common name of the canal system and irrigation works owned by the company is the South Elmore Project.

3. The general description of the South Elmore Project is as follows: Water is drawn from a pumping station located on the north bank of the Snake River in the South one-half of Section Twenty-eight, Township Five South, Range Seven East, Boise Meridian, in Elmore County, Idaho, and distributed through a system of canals, pipelines and relifts to farm ground in Sections One, Three, Ten, Eleven, Thirteen, Fourteen and Fifteen in Township Five South, Range Six East, Boise Meridian; and Sections Seventeen, Twenty and Twenty-eight, in Township Five South, Range Seven East, Boise Meridian, all in Elmore County, Idaho.

4. The estimated charge for the 2002 farming season for energy costs, reasonable administrative charges, tolls, assessments for the purpose of maintaining and operating such irrigation works and conducting the business of the corporation is \$1,601,325.00. If the actual expenses exceed the estimated expenses, each stockholder shall pay his proportionate share in full by December 15, 2002.

NOV 14 2003

Each shareholder's approximate prorata share of the total expenses for the 2002 farming season is as follows:

<u>NAME</u>	<u>SHARE OF EXPENSES</u>
TLK Farms	\$ 834,720.00
Jack Post	491,405.00
Squaw Creek Farms	184,040.00
James C. Hilliard & Barbara G. Hilliard	91,160.00
TOTAL	\$1,601,325.00

DATED this 26th day of March, 2002.

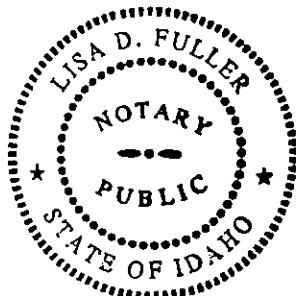
SOUTH ELMORE IRRIGATION CO.,
an Idaho corporation,

By [Signature]
Jack Post
Its President

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 26th day of March, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack Post, known to me to be the president of SOUTH ELMORE IRRIGATION CO., the corporation that executed the foregoing instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



[Signature]
Notary Public for Idaho,
Residing at Mountain Home, ID
My commission expires: 01-20-04

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NOV-14 2003

Total acres

South Elmore 2530.2

Clower Hollow 1071.5

3,601.7

~~TKK 294.3~~

Beegh 360.

Bente 301.5

Post 1724.5

Hilliard 440.

Sq. Creek 430.6

TLK 345.1

3,601.7 acres
total

for South
Elmore &
Clower Hollow.

~~TKK 294.3~~

South Elmore participants:

Jack Post

Teefy Ketterling (TLK Farms)

Squaw Creek Farms (Sid Wing)

Hilliard Farms (James Hilliard)

Clower Hollow participants:

John Bente

Beegh Farms (P.A. Beegh)

Jack Post

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CUSTOMER CONSENT FORM

(To Release Idaho Power Company Customer Account Information)

I, the customer of record, do hereby agree and allow Idaho Power Company to release the following account information (indicate information to be released):

- ☒ Electrical Usage
- ☒ Irrigation Information
- ☐ Credit Information
- ☒ Service Location / Address
- ☐ Other _____

This information may be released to the following person(s) or representative of the following organization(s):

Name Department of Water Resources Attn: Cynthia Bridge Clark
Address 1301 W. Orchard St. Box 83720
Bowie, Id. 83720

Information may be released on the following account:

Name South Elmore Irrigation Co., Inc.
Service Location Refer to attached
Account Number " "

List additional accounts on the back.

Signed South Elmore Irr. Co. [Signature] Date 6-18-02
CUSTOMER OF RECORD

DBA _____

This authorization is valid until _____ (Date)

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NOV 14 2003



**Washington
Mutual**

FAX COVER SHEET

Date: 6-27-02

To: Cynthia Clark

Company Name:

Fax Number: 327-7866

From: Chris Abola - South Elmore
Freight

Company Name:

Fax Number 208-580-2559

Phone Number: 208-580-2581

Number of pages including this page: 5

If you are missing or are unable to read any of the pages please call the phone number listed above to have pages resent.

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- ☒ Electrical Usage
- ☒ Irrigation Information
- ☐ Credit Information
- ☒ Service Location / Address
- ☐ Other _____

This information may be released to the following person(s) or representative of the following organization(s):

Name Department of Water Resource Attn: Cynthia Bridger Clark
Address 1301 W. Orchard St. Box 83720
Bow, Id. 83720

Information may be released on the following account:

Name Clower Hollow, LLC
Service Location Refer to attached
Account Number " "

List additional accounts on the back.

Signed Clower Hollow LLC [Signature] Date 6-18-02
CUSTOMER OF RECORD
P.C. Bergh-Bergh Farms - 25%
Lerry L. Kuntzberg - 25%
DBA _____
This authorization is valid until _____ (Date)

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NOV 14 2003



CLOVER HOLLOW



6/14/02

IDAHO POWER ACCOUNT #s & LOCATIONS

<u>ACT #</u>	<u>SERVICE LOCATIONS</u> (MTN. HOME)
7731944438 (SA 1815751788)	058 07E 1701
3380083411 (SA 6717352004)	045 07E 2701
338 0083411 (SA 6672944046)	05 ^S 06E 0501
338 0083411 (SA 8422001933)	055 07E 1708
338 0083411 (SA 24573003)	045 07E 2702
338 0083411 (SA 9602 098617)	055 07E 0501

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Address 1301 W. Orchard St. Box 83720
Bowie, Id. 83720

Information may be released on the following account:

Name South Elmore Irrigation Co., Inc.
Service Location Refer to attached
Account Number " "

List additional accounts on the back.

Signed South Elmore Irr. Co. [Signature] Date 6-18-02
CUSTOMER OF RECORD

DBA _____
[Signature]

This authorization is valid until _____ (Date)

MICROFILMED

NOV 14 2003



Account Information as of: 5/1/2002

SO ELMORE CANAL CO
PO BOX 396
MOUNTAIN HOME ID 83647-0396

For general Customer Service Account questions, please
call 1-800-488-6151 in the Boise area, 388-2323.

For more in-depth Irrigation related questions, please
contact the IPCo Agricultural Rep for your area:

Blackfoot, American Falls & Rupert	Dennis Elison	236-7744
Burley, Twin Falls & Jerome	Richard Hawkes	736-3215
Fairfield, Gooding & Hagorman	Quentin Nesbitt	388-2519
Glenns Ferry, Grand View, & Boise	Rex Winn	388-6366
Nampa, Weiser & Vale	Mike Liechty	465-8626

IRRIGATION ACCOUNTS

Name	Account #	Old Pump #	Current Pump #	Service City	Meter #	HP
SO ELMORE CANAL CO	5706189916	0490 POST	05S06E0101	MTN HOME	50665495	40
SO ELMORE CANAL CO	1670099078	0530 TLK	05S06E1001	MTN HOME	3473465	450
SO ELMORE CANAL CO	4647520399	0535 SQUAW CRK	05S06E1002	MTN HOME	92536530	250
SO ELMORE CANAL CO	2062180799	0520 HERBERT IDR	05S06E1003	MTN HOME	50757009	200
SO ELMORE CANAL CO	7752995172	0550 POST	05S06E1101	MTN HOME	3473467	250
SO ELMORE CANAL CO	9827941458	0540 360	05S06E1102	MTN HOME	3473494	210
SO ELMORE CANAL CO	8005278767	0545 HP 150	05S06E1104	MTN HOME	1495942	150
SO ELMORE CANAL CO	3615369333	0552 HP 275	05S06E1105	MTN HOME	2142552	150
SO ELMORE CANAL CO	9935731949	0570 POST	05S06E1201	MTN HOME	83080746	150
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SO ELMORE CANAL CO	6883809921	0620 SMALL RELIFT	05S07E1703	MTN HOME	3473498	250
SO ELMORE CANAL CO	6883809921	0625 T L K	05S07E1704	MTN HOME	3473511	325
SO ELMORE CANAL CO	2900268224	0605 T L K	05S07E1705	MTN HOME	50595070	150
SO ELMORE CANAL CO	7974117760	0610 LARGE RE-IDR	05S07E1706	MTN HOME	2628362	600
SO ELMORE CANAL CO	6898104358	0615 T L K	05S07E1707	MTN HOME	2628367	1,100
SO ELMORE CANAL CO	4746561557	0645 T L K	05S07E2101	MTN HOME	2209651	125
SO ELMORE CANAL CO	2465865652	0640 T L K	05S07E2102	MTN HOME	70139610	250
SO ELMORE CANAL CO	9301012071	0635 T L K	05S07E2103	MTN HOME	4029549	100

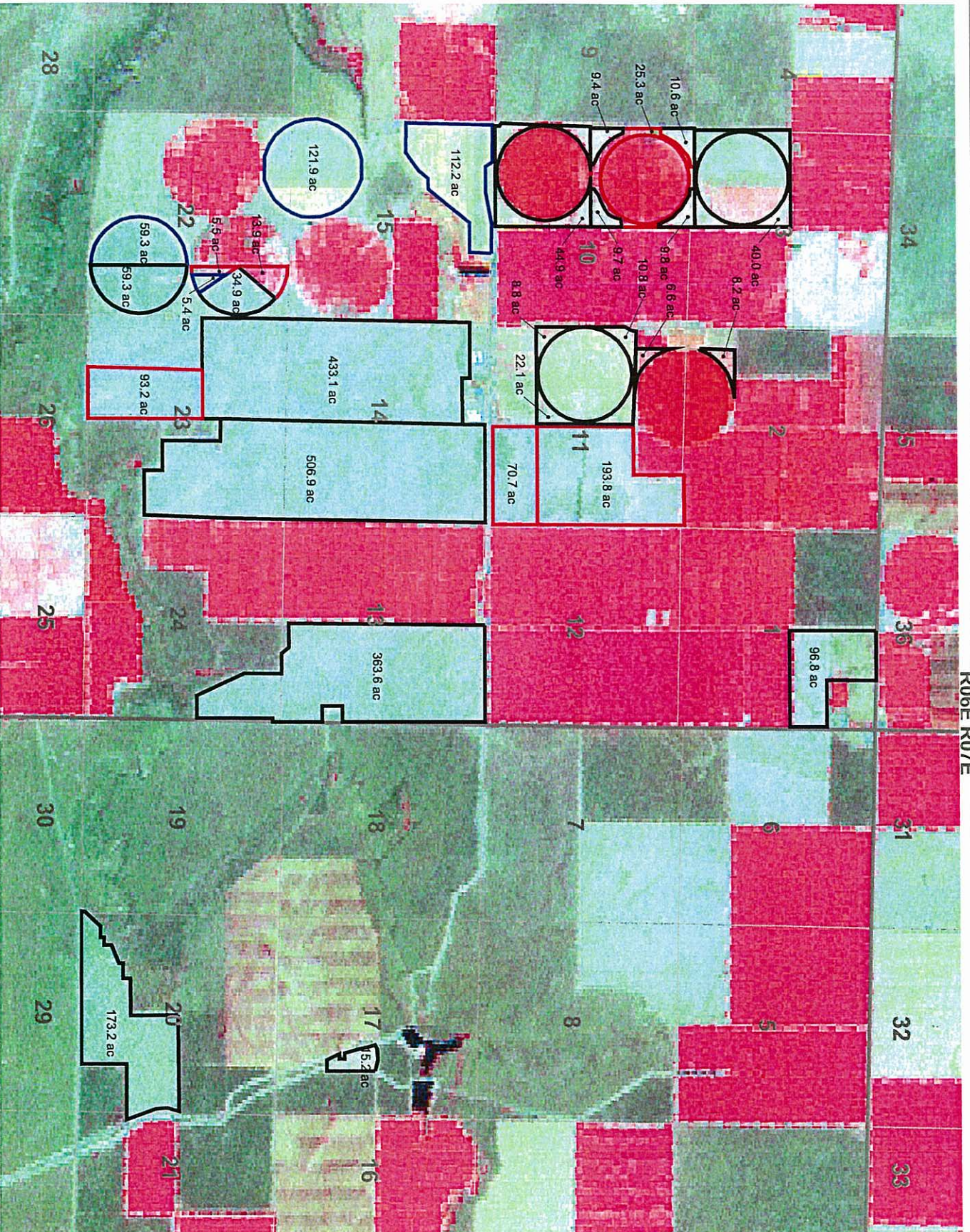
MICROFILM

NOV 14 2003



Prepared by:
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83709
(208) 327-7900

Imagery: July 26, 2002



R06 R07E

T04S
T05S

MICROFILMED
NOV 14 2003

South Elmore Irrigation Company

Payment No.1 Acreage Estimates for Rental of Water from
High-Lift Pumps from the Snake River to the Water Supply Bank

Prepared: October 1, 2002

1000 0 1000 2000 Meters

ELIGIBLE
INELIGIBLE
QUESTIONABLE
Township/Range Lines
Section Lines



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

July 1, 2003

RECEIVED

JUL 6 2003

SOUTH ELMORE IRRIGATION COMPANY
PO BOX 396
MOUNTAIN HOME ID 83647

Department of Water Resources

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NOS. 2-2269, 2-2345,
AND 2-2367 TO THE WATER SUPPLY BANK**

Dear Lessor,

The department has conducted an initial review of Agreement No. 1425-03-MA-10-3920 ("Agreement") between you and the United States Bureau of Reclamation ("Reclamation") submitted to this office as an Application to Sell or Lease a Water Right to the Water Supply Bank ("bank"). The application was submitted in connection with the 2003 Snake River Pilot Leasing Program initiated by Reclamation.

Please consider that the offered part(s) of the water rights ("rights") are accepted into the bank under the following terms:

1. Payment for rental of the right(s) from the bank is contingent upon the determination that the acres associated with the rental application have a valid Snake River water right(s), and that they qualify for payment as provided in Contract no. 1425-03-WL-10-2003 between the United States Bureau of Reclamation and the Idaho Department of Water Resources to Implement the Rental of Water Rights Under the Pilot Program for Leasing of Snake River Natural Flow Water Rights for 2003, said agreement dated June 25, 2003 ("Contract").
2. While part(s) of a right(s) is in the bank, the owner of the right may not use that part of the right.
3. While a right is in the bank, forfeiture provisions are stayed.
4. Acceptance of a right into the bank does not confirm the validity of the right or any elements of the water right.
5. The right(s) will be considered released from the bank on December 31, 2003.

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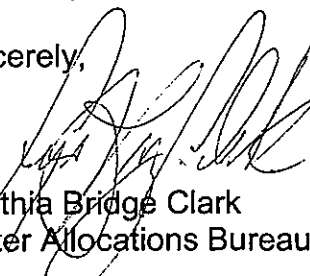
JUL 15 2003

NOV 14 2003

The Agreement and Contract specify that one half of the estimated payment will be paid on or around July 1, 2003, and the second half shall be issued after the irrigation season has ended. Payment to the individual lessors will be issued at a pay rate per acre identified in the individual Agreement between Reclamation and the lessors minus a ten percent (10%) administrative fee as provided in the Water Supply Bank rules. The department has invoiced Reclamation for the funds associated with the first payment as required in the Contract. A state warrant will be issued in the amount of \$120,939.75 for the first payment for rental of water from the bank in accordance with the above referenced Agreement. The Controller's office will issue the warrant directly to the address identified above.

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocations Bureau

c: IDWR - W. Region
2-2269, 2-2345, and 2-2367

E. Gail McGarry
Program Manager, Water Rights & Acquisition
Bureau of Reclamation
1150 N Curtis, Suite 100
PN 3100
Boise ID 83706-1234

MICROFILMED
MICROFILMED JUL 15 2003
NOV 14 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

June 25, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JONATHON C BOWLING
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK UNDER
WATER RIGHT NOS. 2-2159, 2-2354, 2-2398, 2-7184, 2-7229, 2-2386, 2-2387,
2-2388, 2-7148, 2-2249, 2-2250, 2-2251, 2-2252, 2-2253, 2-2254, 2-2255, 2-
2256, 2-2361, 2-7001, 2-2371, 2-7053, 2-2262, 2-2194A, 2-2194B, 2-2206, 2-
2217, 2-2218, 2-2269, 2-2345, 2-2367, AND 2-2379

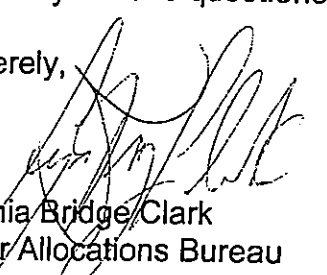
Dear Mr. Bowling:

The Department of Water Resources acknowledges receipt of the Application to Rent Water from the Water Supply Bank and the corresponding Rental Agreement in the name of Idaho Power Company, Inc. Enclosed is a copy of a fully executed Rental Agreement in connection with the rental of an estimated 42,182 acre-feet of water from the Snake River during the 2003 irrigation season. Idaho Power Company, Inc. is authorized to divert water in compliance with the conditions of water use described in the fully executed agreement.

The Contract between the United States Bureau of Reclamation and the Idaho Department of Water Resources to Implement the Rental of Water Rights Under the Pilot Program for Leasing of Snake River Natural Flow Water Rights for 2003, specifies that the U.S. Bureau of Reclamation will make the required payments to the State Water Supply Bank for the rental of the water rights identified in the Rental Agreement.

If you have questions, please feel free to contact me.

Sincerely,


Cynthia Bridge Clark
Water Allocations Bureau

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JUL 15 2003

NOV 14 2003

Encl: 1

c: IDWR Western Regional Office

Rich Rigby
ESA Coordinator, Bureau of Reclamation
1150 N Curtis, PN 3030
Boise ID 83706-1234

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JUL 15 2003



An IDACORP Company

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JUN 19 2003

Department of Water Resources

Jonathon C. Bowling, P.E.
Engineering Leader
Water Management Department

(208) 388-2905
(208) 388-6495 FAX
jbowling@idahopower.com

June 17, 2003

Hal Anderson
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83720

Dear Hal,

Attached please find signed copies of the Water Bank Rental Application and Rental Agreement pursuant to the agreement between the State of Idaho, Department of Water Resources and the U.S. Bureau of Reclamation for the rental of water in the Middle Snake River for augmentation purposes.

Idaho Power Company has agreed to facilitate this agreement between the above-mentioned parties and is under no financial obligation. As agreed, the U.S. Bureau of Reclamation will be financially responsible for the leased water.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jon Bowling".

Jonathon C. Bowling, P.E.

c: John P. Prescott
James C. Tucker

MICROFILMED

JUL 15 2003

MICROFILMED

NOV 14 2003

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985

ERO

Denver • Boise

www.eroresources.com
eroboise@eroresources.com

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JUL - 1 2003

DEPARTMENT OF WATER RESOURCES

July 1, 2003

Idaho Department of Water Resources
1301 N Orchard
Boise, ID 83706

RE: South Elmore Irrigation Company

Dear Cynthia:

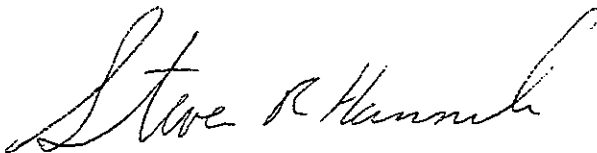
Enclosed is an Amended Notice of Claim to A Water Right for 02-2269 and 02-2367 in the name of South Elmore Irrigation Company. The purpose of these amended claims is to define the place of use to include lands that have been irrigated with SEIC water since before 1987 but were not correctly identified with the existing water rights. These amended claims do not add more irrigated acres or claim more water than the licenses allow. The distribution of the irrigated lands is shown on the enclosed map.

The goal of these amended claims is to settle up any remaining issues surrounding the 2002 rental of water from high-lift pumpers from the Snake River to the Water Supply Bank (Memorandum of Agreement (MOA) No. 1425-02-MA-10-3460). Specifically, this letter addresses questions of eligibility regarding the Squaw Creek Farms LLC portion.

Also, an Affidavit from the former president of the SEIC is included to state that SEIC and Snake River water was used to historically irrigate the lands belonging to Squaw Creek Farms LLC.

If you have any questions, please call.

Regards,



Steven R. Hannula

MICROFILMED

NOV 14 2003

Consultants in
Natural Resources
and the Environment

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DEPARTMENT OF WATER RESOURCES

AFFIDAVIT OF JOHN WISSEL,

former President of South Elmore Irrigation Company

I, John Wissel, was president of South Elmore Irrigation Company (SEIC) from the late-1970s to the mid-1980s. As president, I was familiar with the daily operations and use of water by the irrigation company during that time period. The following is my statement regarding water delivery to the land suitable for growing crops in the SW Section 15 and all of the land in the west half of Section 22 T5S, R6E.

These lands were irrigated by South Elmore Irrigation Company water. The water delivered was tail water from the SEIC pumping system. This tail water was generally available for crops in most years. There were some years when water ran short or acres were shifted around so a full allotment of SEIC water was not or could not be delivered.

SEIC water is the only source of water available to these lands. Crops grown on these lands were irrigated by SEIC water or not at all.

The information contained in this statement is true to the best of my knowledge.

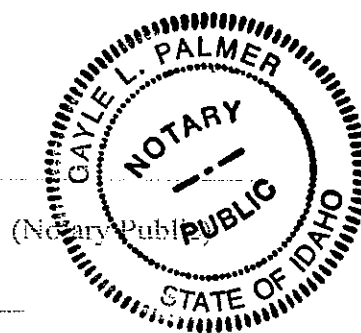
John Wissel
John Wissel

Subscribed and sworn before me this 17th day of

April

20 03

Gayle L. Palmer

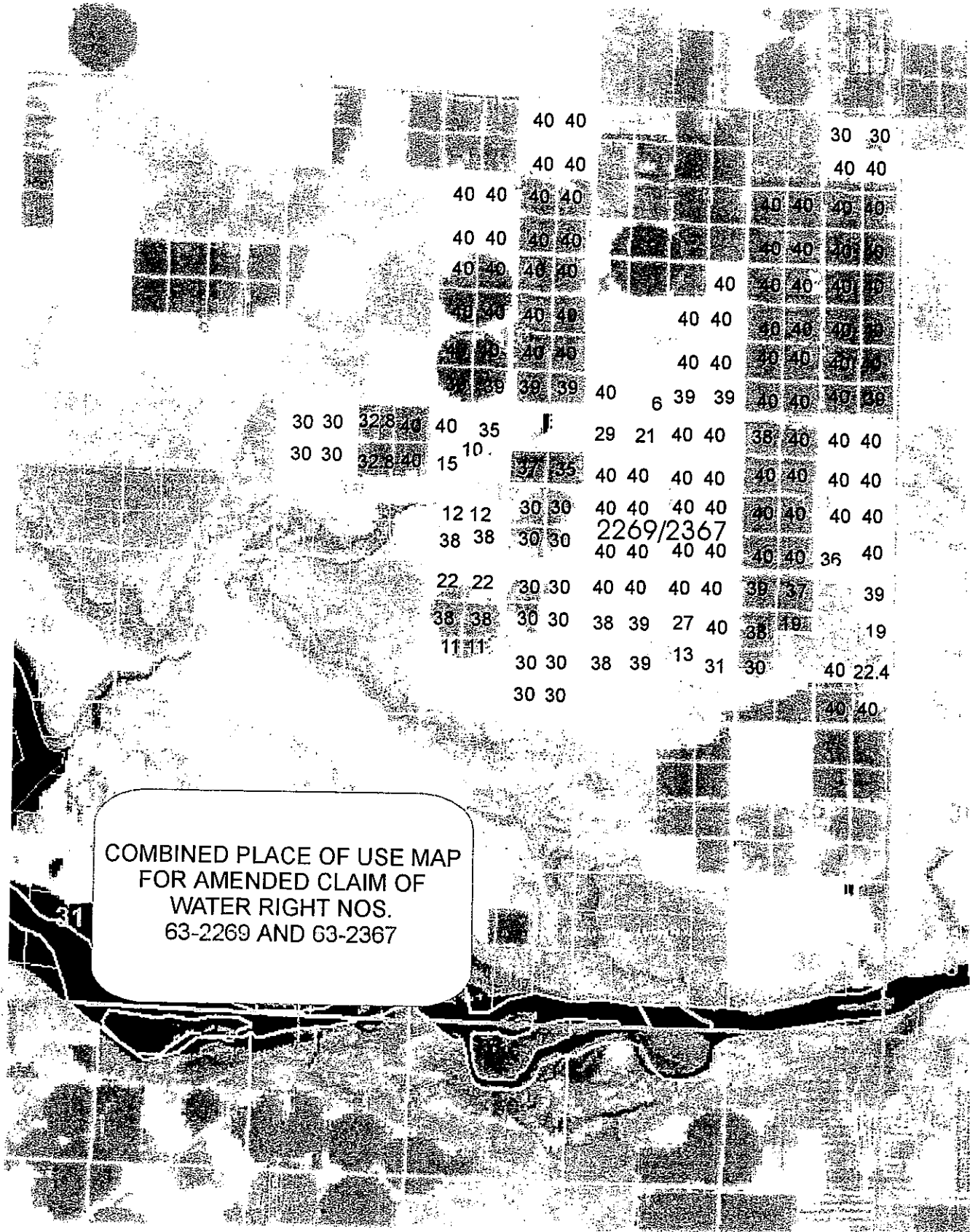


My commission expires

7-26-07

MICROFILMED

NOV 14 2003



COMBINED PLACE OF USE MAP
FOR AMENDED CLAIM OF
WATER RIGHT NOS.
63-2269 AND 63-2367

MICROFILMED
NOV 14 2003

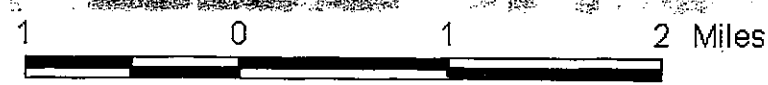
South Elmore Irr

Satellite Imagery co



ation Company

ed: July 26, 2002



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NOV 14 2003

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JUL - 1 2003
DEPARTMENT OF WATER RESOURCES

RECEIVED

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

111 - 1 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT (02-2367)
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) SOUTH ELMORE IRRIGATION CO. Phone (208) 587-9881
Mailing Address P.O. Box 396, Mountain Home, ID Zip 83647
2. Date of Priority (Only one (1) per claim) Mar 22, 1965
3. Source of water supply (a) SNAKE RIVER
Which is tributary to (b) COLUMBIA RIVER
4. a. Location of point of diversion is: Township 5S Range 7E Section 28,
1/4 of NE 1/4 of SW 1/4, Govt. Lot 02, B.M., County of ELMORE
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as
enlarged and the depth of each well. Water is pumped from the Snake River and delivered to the land through a series of
relifts, pumps, ponds and pipes.

MICROFILMED

NOV 14 2003

6. Water is claimed for the following purposes:

(both dates are inclusive)
For IRRIGATION purposes from 4-1 to 10-31 amount 12.92 (cfs) or 2584 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 12.92 (cfs) and/or (b) 2584 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
(see attached land list)																			

Total number of acres irrigated 646

11. In which county (ies) are lands listed above as place of use located? ELMORE

12. Do you own the property listed above as place of use? Yes _____ No XX
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
02-2269

14. Remarks: _____ or None ()

South Elmore Irrigation Company (SEIC) owns the water right, the land is owned by SEIC share owners.

MICROFILMED

Last Name _____ Ident. Number NOV 14 2003

15. Basis of Claim (Check One) ☐ Beneficial Use ☐ Posted Notice ☒ License ☐ Permit ☐

Decree _____

If applicable provide IDWR Water Right Number 02-2367

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

of South Elmore Irrigation Co. Title _____

Organization _____, that I have signed the foregoing document in the space below as President of South Elmore Irrigation Co.

and that the statements contained in the foregoing document are true and correct. Organization _____

Signature of Authorized Agent X [Signature]

Title and Organization President, South Elmore Irrigation Co. Date June 23, 2003

State of Idaho/or _____)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of June 20 03

Notary Public [Signature]

Residing at Mountain Home, Idaho

My Commission Expires 01-20-04

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Jay R. Friedly will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address 340 East 2nd North, Mountain Home, ID 83647

Date June 23, 2003

MICROFILMED

NOV 14 2003

Last Name _____ Ident. Number _____

Land List for AMENDED CLAIM of 2367

TWP	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
5S	6E	11													6
		15				35	40		8	10	12	38			143
		16				30	30	30	30						120
		22		30	30				30	7.6			30	30	157.6
		23							39	38					77
		24										22.4	40	40	142.4

646.0

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1994 1 4 2003

Combined Land List for AMENDED CLAIM for 02-2269 & 02-2367

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			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	
5S	6E	1	30	30	40	40					40	40	40	40	40	40	40	40	460
		3	40	40	40	40					40	40	40	40	40	40	40	40	480
		10	40	40	40	40	40	40	40	40	40	40	39	39	40	40	39	39	636
		11	40		40	40							40	6	40	40	39	39	324
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639
		13	40	40	40	40	36	38	40	40	40	40	40	40	40	40	36	40	630
		14	40	40	40	40	21	29	40	40	40	40	40	40	40	40	40	40	610
		15			37	35	35	40	15	10	12	12	38	38	30	30	30	30	392
		16	40	32.8	32.8	40	30	30	30	30									265.6
		22	30	30	30	30	22	22	38	38	11	11			30	30	30	30	382
		23	40	40	27	40	40	40	38	39	39	38			31	13			425
		24	39			19	37	39	38	19	30	30			22.4	40	40	40	363.4
5S	7E	17									39	34				21			94
		18													20				20
		20											21	38	40	40	40		179
		21	40	40	40	34					40	37							231
		22					40	40	40	40									160
																			6291.0

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NOV 14 2003

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

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 JUL - 1 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
 OF RIGHTS TO THE USE OF WATER FROM
 THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

**AMENDED NOTICE OF CLAIM
 TO A
 WATER RIGHT (02-2269)
 ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) SOUTH ELMORE IRRIGATION CO

Phone (208) 587-9881

Mailing Address P.O. Box 396, Mountain Home, ID

Zip 83647

2. Date of Priority (Only one (1) per claim) Feb 19, 1964

3. Source of water supply (a) SNAKE RIVER

Which is tributary to (b) COLUMBIA RIVER

4. a. Location of point of diversion is: Township 5S Range 7E Section 28,
1/4 of NE 1/4 of SW 1/4, Govt. Lot 02, B.M., County of ELMORE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
 _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Water is pumped from the Snake River and delivered to the land through a series of relifts, pumps, ponds and pipes.

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NOV 14 2003

6. Water is claimed for the following purposes:

(both dates are inclusive)
For IRRIGATION purposes from 4-1 to 10-31 amount 87.11 (cfs) or 22580 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 87.11 (cfs) and/or (b) 22580 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
(see attached land list)																			

Total number of acres irrigated 5645

11. In which county (ies) are lands listed above as place of use located? ELMORE

12. Do you own the property listed above as place of use? Yes _____ No XX
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
02-2367

14. Remarks: _____ or None ()

South Elmore Irrigation Company (SEIC) owns the water right, the land is owned by SEIC share owners.

MICROFILMED

NOV 14 2003

Last Name _____ Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License XX Permit _____

Decree _____

If applicable provide IDWR Water Right Number 02-2269

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

of South Elmore Irrigation Co. Title _____

Organization _____, that I have signed the foregoing document in the space below as President

of South Elmore Irrigation Co. Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X _____

Title and Organization President, South Elmore Irrigation Co. Date June 23, 2003

State of Idaho/or _____)

County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of June 20 03

Notary Public Lisa D. Fuller

Residing at Mountain Home, Idaho

My Commission Expires 01-20-04

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Jay R. Friedly will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Jay R. Friedly

Address 340 East 2nd North, Mountain Home, ID 83647

Date June 23, 2003

MICROFILMED

Last Name _____ Ident. Number NOV 14 2003

Land List for AMENDED CLAIM OF 02-2269

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			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	
5S	6E	1	30	30	40	40					40	40	40	40	40	40	40	40	460
		3	40	40	40	40					40	40	40	40	40	40	40	40	480
		10	40	40	40	40	40	40	40	40	40	40	40	39	40	40	39	39	636
		11	40		40	40								40	40	40	39	39	318
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639
		13	40	40	40	40	36	38	40	40	40	40	40	40	40	40	36	40	630
		14	40	40	40	40	21	29	40	40	40	40	40	40	40	40	40	40	610
		15			37	35			15	2	2			38	30	30	30	30	249
		16	40	32.8	32.8	40													145.6
		22	30			30	22	22	38	8	11	3.4			30			30	224.4
		23	40	40	27	40	40	40	38	39					31	13			348
		24	39			19	37	39	38	19		30							221
5S	7E	17									39	34				21			94
		18													20				20
		20											21	38	40	40	40		179
		21	40	40	40	34					40	37							231
		22					40	40	40	40									160

5645.0

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Combined Land List for AMENDED CLAIM for 02-2269 & 02-2367

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	6E	1	30	30	40	40					40	40	40	40	40	40	40	40	460
		3	40	40	40	40					40	40	40	40	40	40	40	40	480
		10	40	40	40	40	40	40	40	40	40	40	39	39	40	40	39	39	636
		11	40		40	40							40	6	40	40	39	39	324
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639
		13	40	40	40	40	36	38	40	40	40	40	40	40	40	40	36	40	630
		14	40	40	40	40	21	29	40	40	40	40	40	40	40	40	40	40	610
		15			37	35	35	40	15	10	12	12	38	38	30	30	30	30	392
		16	40	32.8	32.8	40	30	30	30	30									265.6
		22	30	30	30	30	22	22	38	38	11	11			30	30	30	30	382
		23	40	40	27	40	40	40	38	39	39	38			31	13			425
		24	39			19	37	39	38	19		30			22.4	40	40	40	363.4
5S	7E	17									39	34				21			94
		18													20				20
		20											21	38	40	40	40		179
		21	40	40	40	34					40	37							231
		22					40	40	40	40									160

6291.0

NOV 14 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

February 6, 2003

TERRY KETTERLING
SOUTH ELMORE IRRIGATION CO INC
PO BOX 396
MOUNTAIN HOME ID 83647

**RE: PAYMENT NO. 2 FOR RENTAL OF WATER FROM HIGH-LIFT PUMPERS
FROM THE SNAKE RIVER TO THE WATER SUPPLY BANK. WATER
RIGHTS 2-2269, 2-2367, 2-7263**

Dear Mr. Ketterling:

During the 2002 irrigation season, South Elmore leased all or portions of the water right licenses referenced above to the Water Supply Bank ("bank"). Enclosed is a state warrant in the amount of \$97,650.47 for the second and final payment for rental of water from the Water Supply Bank. Also enclosed is a map identifying the lands that qualified for payment.

Payment for rental of the right(s) from the bank was contingent upon a determination that the acres associated with the rental application have a valid Snake River water right(s), and that they qualify for payment as provided in Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation ("USBR") and the Idaho Department of Water Resources ("department"). Eligibility of the lands was verified by the department based on interpretation of satellite imagery and field visits. As specified in the MOA, the rental rate for the right holder is \$45.45 per acre-foot (af). The annual diversion volume was determined using US Geological Survey and IDWR data (up to a maximum of 3 acre-feet per annum per acre). Based on the available data, payment to South Elmore Irrigation Company will be calculated at 2.88 acre-feet per annum per acre (afa per acre).

The total number of acres considered for payment is based on measurement of the lands using available satellite imagery, and may differ from the totals specified on the lease applications to the bank. In the case of South Elmore Irrigation Company, 2149.0 acres were measured and determined to be eligible by the department. The maximum number of acres eligible for payment shall not exceed the total number of acres specified for lease on the entity's application.

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On October 8, 2002, the department sent a warrant for \$182,971.47 to South Elmore Irrigation Company, as the first payment for rental of water from the bank. The first payment was calculated based on 75% of the *estimated eligible acres*. Lands recommended for denial or whose eligibility was in question, were not included in the total estimated eligible acres.

Based on satellite imagery and site visits, it was determined Mr. Jack Post of the South Elmore Irrigation Company, watered leased lands during the 2002 irrigation season. Mr. Post provided documentation that the land was watered for dust abatement purposes and estimated the total amount diverted to have been 14.8 acre-feet. Reclamation approved a pro-rata reduction of 14.8 acre-feet from the total volume rented from South Elmore.

A total of 415.9 acres were found to be ineligible based on criteria set forth in the MOA: 44.7 acres were irrigated during the 2002 irrigation season, 217.1 acres were not irrigated in either 2000 or 2001, and 195.4 acres are not currently authorized under a valid water right (41.3 of the unauthorized acres overlap those acres not irrigated in previous years). The department has been in contact with members of the South Elmore Irrigation Company regarding the eligibility status of the lands, and understands that the company is working with ERO Consulting to clarify the status the company's water rights.

The attached map identifies the eligibility status of lands as determined by the department. It indicates whether the lands are eligible or ineligible, and identifies the number of acres measured.

The total payment issued to South Elmore Irrigation Company was calculated based on the total number of acres determined to be eligible for payment multiplied by 2.88 afa per acre, and further multiplied by \$45.45 per acre-foot. The second payment represents the difference between the first and total payments. Below is a summary of the payments issued to South Elmore Irrigation Company for rental of the referenced water rights from the bank:

Acres Requested on Lease App. (ac)	Total Eligible Acres (ac)	Authorized Diversion Rate (afa per acre)	Irrigation Reductions (af)	Total Volume Rented (af)	Payment(s) to Applicant @ \$45.45 per acre-foot		
					1st Payment	2 nd Payment	Total Payment to Applicant
2530.2	2149.0	2.88	14.8	6174.3	\$182,971.47	\$97,650.47	\$280,621.94

It is our understanding that the company plans to submit documentation to support the eligibility of some of the lands that have been identified as ineligible for payment. This payment will be considered the final payment for the rental of water rights for the 2002 irrigation season unless the documentation submitted warrants a change in the eligibility status of the lands.

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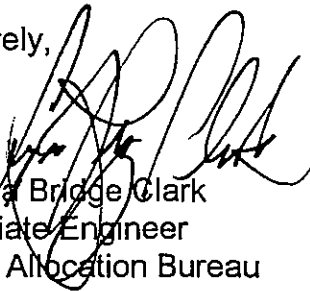
NOV 14 2003

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JUL 15 2003

If you have questions, please feel free to contact the department.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosures

c: Western Regional Office

Rich Rigby, ESA Coordinator
Bureau of Reclamation
1150 N Curtis, PN 3030
Boise ID 83706-1234

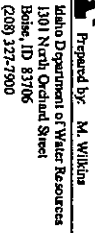
Debbie Allen
IDWR, Fiscal Section

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NOV 15 2003

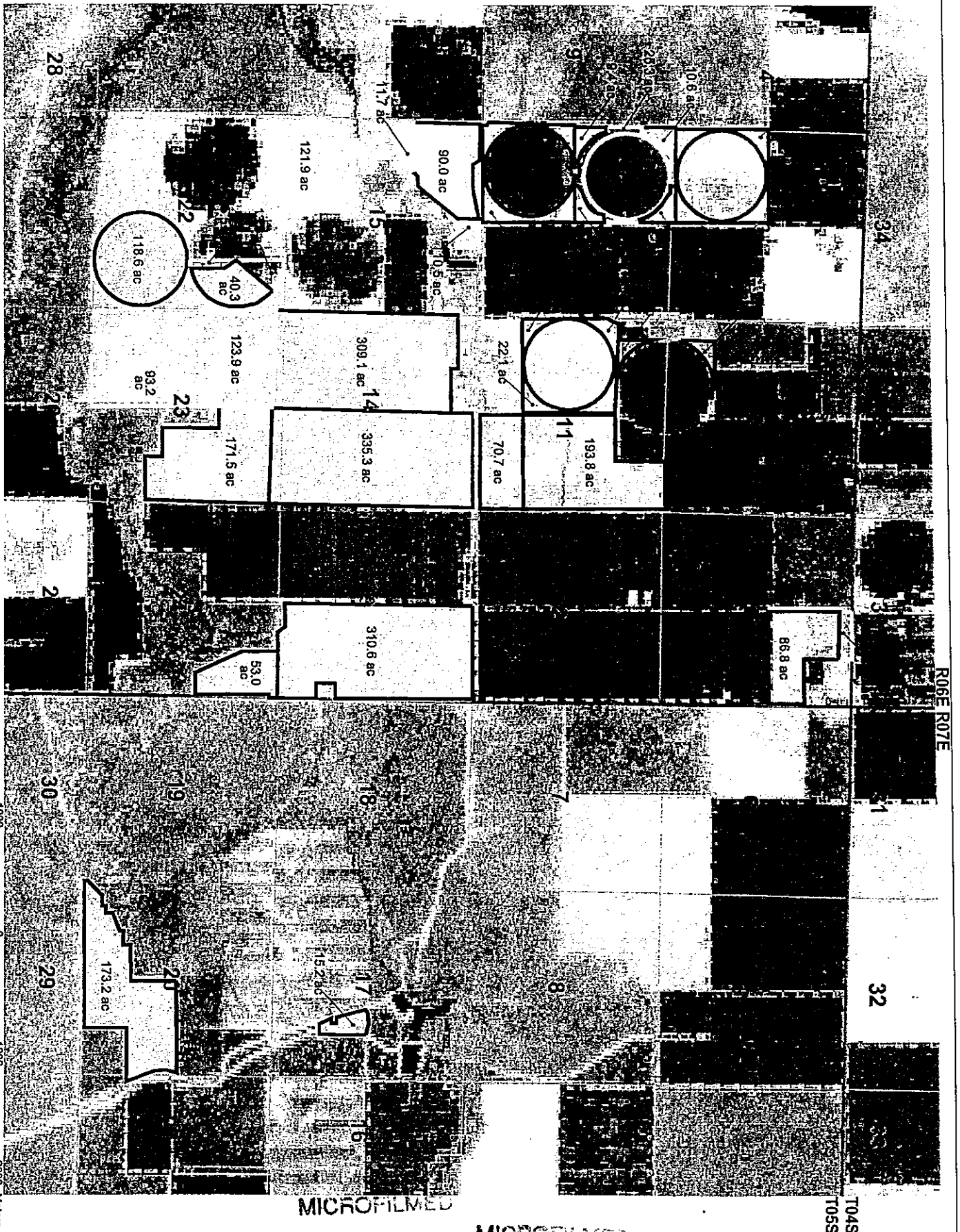


Imagery: July 26, 2002

South Elmore Irrigation Company

Acreeges for Final Payment for Rental of Water from High-Lift Pumps from the Snake River to the Water Supply Bank

Prepared: February 5, 2003



NOV 14 2003

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~~JUL 15 2003~~

Clark, Cynthia (Bridge)

From: Baxter, Garrick
Sent: Wednesday, January 15, 2003 5:18 PM
To: Howerton, Ron; Clark, Cynthia (Bridge)
Subject: RE: Enlargement Question

Ron and Cynthia,

I have had an opportunity to review the information you submitted to me. The issue presented is whether IDWR can recognize a particular enlargement claim by South Elmore Irrigation Company ("South Elmore") in the SRBA. After researching the issue further, I have concluded that this question is best dealt with in two parts: First, does the 1996 transfer preclude IDWR from recommending the enlargement claim? Second, if the transfer does not preclude IDWR from recommending an enlargement claim, is there currently sufficient evidence in the file for IDWR to recommend an enlargement claim in the SRBA. The answer to both of these questions is no.

I have taken the following timeline from Ron Howerton's memo dated January 15, 2003 and modified it slightly:

- 1975: Licensed rights 02-2269 & 02-2367 did not include field #8.
- 1987: NAPP photography from 1987 shows that field #8 has been developed.
- 1989: SRBA 02-2269 & 02-2367 claims did not include field #8.
- 1989: Land went into CRP.
- 1996: IDWR transfer 4881 (02-2269 & 02-2367) amended the SRBA claims and did not include field #8. However, condition of approval stated that approval of this transfer does not preclude the opportunity for review of the water right(s) in the ongoing Snake River Basin Adjudication. Also a memo in the transfer file per reviewer Lori Graves said that "Rather than to hold up this transfer per SRBA review, only the acres specific to this transfer were reviewed and verified so that the processing could proceed. Dated 7/22/96. (Acres were transferred from and to tracts that were separate from field #8).
- 1997: Application permit 61-7735 for groundwater states that the only water on these applied for lands were Mountain Home District water. (Not Snake River) *** Mountain Home Irrigation District indicates that to their knowledge they have never served the lands of field #8.

In 1996, South Elmore sought and was granted a transfer for water right nos. 02-2269 & 02-2367. However, field no. 8 was not included in the place of use for this transfer. The question arises whether or not South Elmore should now be precluded from claiming that these two water rights were enlarged prior to 1987 to include field no. 8. Generally, IDWR treats transfers as binding upon claimants. However, where a particular issue is not directly addressed in a transfer and a claimant is able to present additional evidence to IDWR that the transfer does not accurately represent the historical use of water, IDWR can consider the evidence when preparing recommendations in the SRBA. As it relates to water right nos. 02-2269 & 02-2367, the transfer did not investigate any acres other than those that were to be dried up and where the new irrigation was to take place. Furthermore, IDWR's NAPP from 1987 indicates that the field no. 8 was in fact irrigated in 1987. If the applicant can submit additional evidence to support that the land was irrigated prior to 1987 (for example, an affidavit from the previous land owner or a farm employee), then IDWR should evaluate this additional information and consider it in its recommendation.

This leads to the second part of my analysis. Presently, the claimant had not submitted sufficient evidence for which IDWR can recommend an enlargement claim. If South Elmore should desire to file an enlargement claim, South Elmore will also need to be prepared to present evidence showing from what source was this land watered because there is conflicting evidence in the file as to whether or not this land was irrigated under water right nos. 02-2269 & 02-2367 or with ground water. Thus, before IDWR can make a recommendation on any

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enlargement claim, additional evidence will have to be presented to IDWR.

If you have any questions or would like to discuss, please contact me.

Garrick

-----Original Message-----

From: Howerton, Ron
Sent: Monday, January 13, 2003 3:47 PM
To: Baxter, Garrick
Cc: Clark, Cynthia (Bridge); Howerton, Ron
Subject: Enlargement Question
Importance: High

Ref: Telephone conversation this morning 1/13/03.

Garrick,

Here is a memo I made that sums up our brief discussion this morning and a second memo detailed by Cynthia.

Please let me know if an enlargement claim might be recognized by the SRBA?

Water Allocations needs to know this, in order to process a water bank project.

Thank you,

Ron Howerton
Senior Water Right Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705
(208) 334-2190
rhowerto@idwr.state.id.us

<< File: Meeting Memo--Sid Wing from South Elmore.doc >> << File: south elmore water bank.doc >>

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NOV 14 2003²

MEMORANDUM

SUBJECT: Eligibility of South Elmore Irrigation Company lands for Snake River water into supply bank for high lift pumpers project. Versus SRBA recommendations

WHOM WITH: Cynthia Clark

WATER RIGHTS: Transfer 4881 (02-2269 & 02-2367)

SENIOR AGENT: RON HOWERTON

DATE: January 22, 2003

NARRATIVE:

I have been asked to do a review of a pre-pre recommendation of the above water rights. The information is needed, as per Cynthia Clark from the Allocation Section at 1301 IDWR office is gathering and preparing information for putting portions of South Elmore Irrigation Company lands water from the Snake River into the water bank.

This preliminary claim review is not intended for making a recommendation. It will serve to provide the Allocations Section with guidance to do the water bank request.

The issue before me is whether South Elmore Irrigation Company may file an enlargement claim for a particular field identified as field # 8?

Field # 8 is described as:

T05S, R06E, S15, SESW, SWSW & S22, NENW, NWNW.

Time Line for field #8.

1975: Licensed rights 02-2269 & 02-2367 did not include field #8.

1989: SRBA 02-2269 & 02-2367 claims did not include field #8.

1989: Land went into CRP.

1996: IDWR transfer 4881 (02-2269 & 02-2367) amended the SRBA claims and did not include field #8.

1997: Application permit 61-7735 for groundwater states that the only water on these applied for lands was Mountain Home District water. (Not Snake River)

Legal Question:

2003: With the information above may South Elmore Irrigation Company file an enlargement claim to include field #8?

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NOV 14 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

December 27, 2002

GAIL MCGARRY
MANAGER OF WATER RIGHTS & ACQUISITIONS
BUREAU OF RECLAMATION
1150 N CURTIS PN 3030
BOISE ID 83706-1234

RE: WATER RIGHT RENTAL FROM HIGH-LIFT PUMPERS FROM THE SNAKE RIVER. ELIGIBILITY OF LANDS IRRIGATED FOR DUST ABATEMENT. WATER RIGHT NOS. 2-2269, 2-2367, 2-7255, 2-7263, and 2-7317

Dear Ms. McGarry:

This letter is confirmation of our discussions regarding the diversion of water for dust abatement by Mr. Jack Post of the South Elmore Irrigation Company, and the decision to reduce the total lease payment rather than declaring the associated lands ineligible for payment under Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources.

As we have discussed, it was determined through satellite imagery and during site visits, that Mr. Post applied water to lands during the irrigation season. Though the associated Snake River water right was rented from the Water Supply Bank ("bank") through an agreement with the Bureau of Reclamation, Mr. Post did not notify the Department or receive authorization to divert water during the irrigation season. The lands were therefore identified as ineligible for payment based on criteria set forth in the MOA, section II.b and II.e.2.

After notification of the eligibility status of the lands, Mr. Post contacted the Department by telephone and submitted a letter, dated December 2, 2002, to explain the use of the water and to document the amount applied (see attached). He stated that prior to deciding to place the lands into this year's pilot program, the field had been prepared for seeding. He indicated that blowing soil had become a hazard; therefore, water was applied for dust abatement purposes. He calculated that a total of 14.8 acre-feet of water were applied during the irrigation season.

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The Department acknowledges that the unauthorized diversion of water by Mr. Post was a violation of the MOA. However, it is our understanding that the Bureau has decided that due to extenuating circumstances, the total lease payment issued to South Elmore Irrigation Company will be reduced by 14.8 acre-feet rather than determining that the lands were completely ineligible.

Please contact me if you have any questions.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosure

c: Western Regional Office

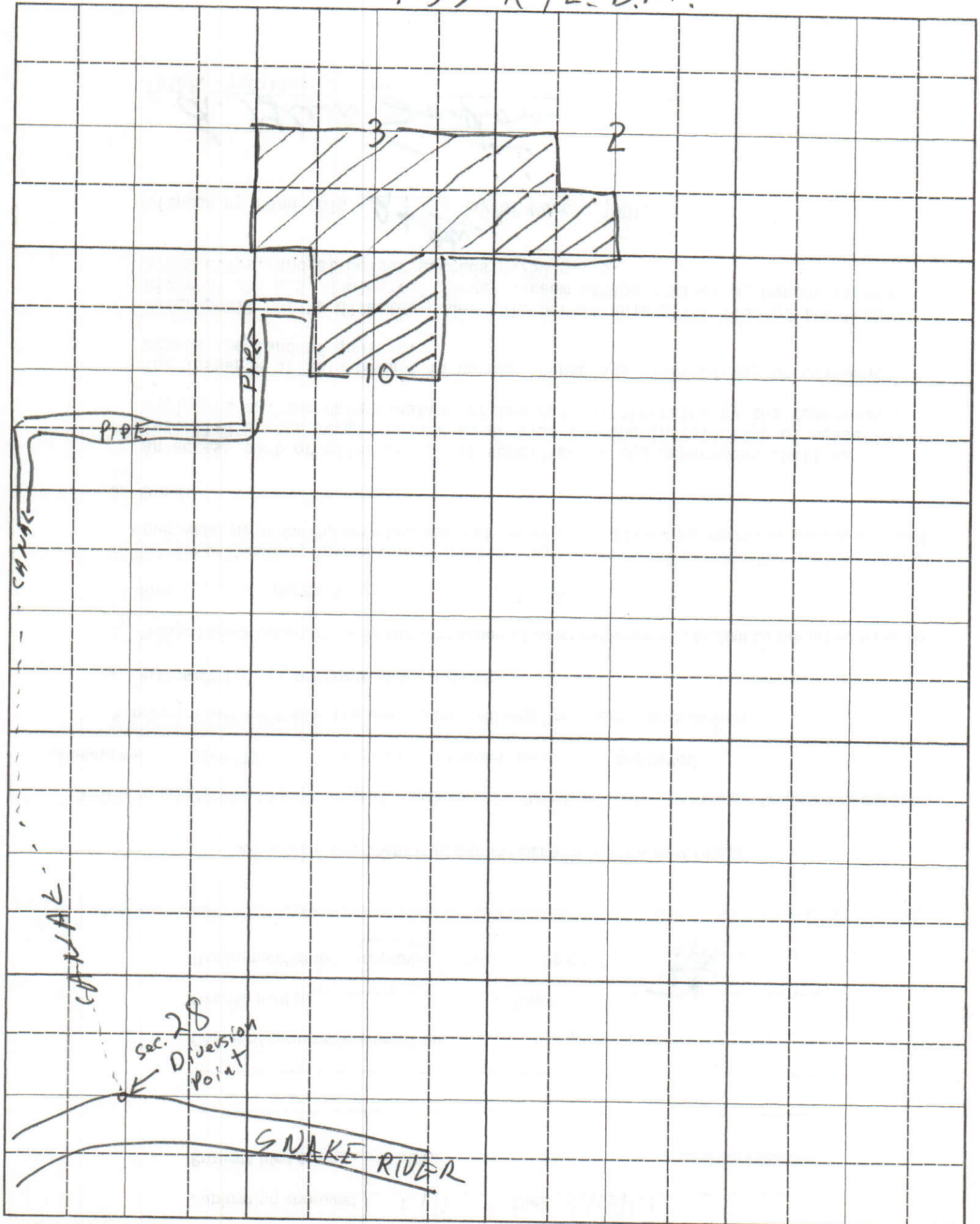
Jack Post
Post Farms
PO Box 298
Mountain Home, Idaho 83647

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

T5S R7E B.M.



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.

Dennis J. Voorhes, attorney
(Applicant)
for applicants Dean Nelson
and Arnold Bingham

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

02-7317

NELSON, DEAN
BINGHAM, ARNOLD
RT. 54E4, HAMMETT, ID 83627
Source: SNAKE RIVER tributary to
COLUMBIA RIVER

Dated Filed: 02/12/1981

Amount: 12.00 CFS

Diversion Point: NESW Sec 28 T 05S
R 07E, ELMORE Co.

Use: IRRIGATION (12.00 CFS) from
03/01 to 11/01

Place of Use: NWSW SWSW SESW
Sec 02 T 05S R 07E NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE Sec 03 T 05S R 07E NWNE
SWNE NENW SENW Sec 10 T 05S R
07E FOR 600 ACRES

Diversion Means: MOTOR, PUMP,
PENSTOCK, CANALS, PONDS &
PIPELINE.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before MARCH 16, 1981.

C. STEPHEN ALLRED

Director

Published 2/26 & 3/5/81.

*o.k.
neh*

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 26 day

of Feb, 1981, and

the last publication having been made on the

5 day of Mar

1981; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 5

day of March, 1981.

[Signature]
Notary Public

RECEIVED
MAR 9 1981

Department of Water Resources
Western Regional Office

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This is a detailed cadastral map of a river valley, showing sections 15 through 34. The map includes a grid of section lines, with bearings and distances labeled. A river flows through the center, and a lake is visible in the bottom left. Section numbers and acreage are provided for each section. The map is oriented with North at the top.

Section Data:

Section	Acreage
Sec. 15	640
Sec. 16	640
Sec. 17	640
Sec. 18	640
Sec. 19	640
Sec. 20	640
Sec. 21	640
Sec. 22	640
Sec. 27	636.17
Sec. 28	553.72
Sec. 29	592.09
Sec. 32	578.58
Sec. 33	632.46
Sec. 34	502.69

Other Labels:

- BEARINGS AND DISTANCES:** N. 89° 50' W., S. 89° 56' W., N. 89° 48' W., N. 89° 57' W., N. 89° 54' W., N. 89° 51' W., N. 89° 50' W., N. 89° 55' W., N. 89° 56' W., N. 89° 57' W., N. 89° 58' W., N. 89° 59' W., N. 89° 50' E., S. 89° 50' E.
- Distances:** 79.86, 79.82, 79.88, 79.84, 79.80, 79.76, 79.72, 79.68, 79.64, 79.60, 79.56, 79.52, 79.48, 79.44, 79.40, 79.36, 79.32, 79.28, 79.24, 79.20, 79.16, 79.12, 79.08, 79.04, 79.00, 78.96, 78.92, 78.88, 78.84, 78.80, 78.76, 78.72, 78.68, 78.64, 78.60, 78.56, 78.52, 78.48, 78.44, 78.40, 78.36, 78.32, 78.28, 78.24, 78.20, 78.16, 78.12, 78.08, 78.04, 78.00, 77.96, 77.92, 77.88, 77.84, 77.80, 77.76, 77.72, 77.68, 77.64, 77.60, 77.56, 77.52, 77.48, 77.44, 77.40, 77.36, 77.32, 77.28, 77.24, 77.20, 77.16, 77.12, 77.08, 77.04, 77.00, 76.96, 76.92, 76.88, 76.84, 76.80, 76.76, 76.72, 76.68, 76.64, 76.60, 76.56, 76.52, 76.48, 76.44, 76.40, 76.36, 76.32, 76.28, 76.24, 76.20, 76.16, 76.12, 76.08, 76.04, 76.00, 75.96, 75.92, 75.88, 75.84, 75.80, 75.76, 75.72, 75.68, 75.64, 75.60, 75.56, 75.52, 75.48, 75.44, 75.40, 75.36, 75.32, 75.28, 75.24, 75.20, 75.16, 75.12, 75.08, 75.04, 75.00, 74.96, 74.92, 74.88, 74.84, 74.80, 74.76, 74.72, 74.68, 74.64, 74.60, 74.56, 74.52, 74.48, 74.44, 74.40, 74.36, 74.32, 74.28, 74.24, 74.20, 74.16, 74.12, 74.08, 74.04, 74.00, 73.96, 73.92, 73.88, 73.84, 73.80, 73.76, 73.72, 73.68, 73.64, 73.60, 73.56, 73.52, 73.48, 73.44, 73.40, 73.36, 73.32, 73.28, 73.24, 73.20, 73.16, 73.12, 73.08, 73.04, 73.00, 72.96, 72.92, 72.88, 72.84, 72.80, 72.76, 72.72, 72.68, 72.64, 72.60, 72.56, 72.52, 72.48, 72.44, 72.40, 72.36, 72.32, 72.28, 72.24, 72.20, 72.16, 72.12, 72.08, 72.04, 72.00, 71.96, 71.92, 71.88, 71.84, 71.80, 71.76, 71.72, 71.68, 71.64, 71.60, 71.56, 71.52, 71.48, 71.44, 71.40, 71.36, 71.32, 71.28, 71.24, 71.20, 71.16, 71.12, 71.08, 71.04, 71.00, 70.96, 70.92, 70.88, 70.84, 70.80, 70.76, 70.72, 70.68, 70.64, 70.60, 70.56, 70.52, 70.48, 70.44, 70.40, 70.36, 70.32, 70.28, 70.24, 70.20, 70.16, 70.12, 70.08, 70.04, 70.00, 69.96, 69.92, 69.88, 69.84, 69.80, 69.76, 69.72, 69.68, 69.64, 69.60, 69.56, 69.52, 69.48, 69.44, 69.40, 69.36, 69.32, 69.28, 69.24, 69.20, 69.16, 69.12, 69.08, 69.04, 69.00, 68.96, 68.92, 68.88, 68.84, 68.80, 68.76, 68.72, 68.68, 68.64, 68.60, 68.56, 68.52, 68.48, 68.44, 68.40, 68.36, 68.32, 68.28, 68.24, 68.20, 68.16, 68.12, 68.08, 68.04, 68.00, 67.96, 67.92, 67.88, 67.84, 67.80, 67.76, 67.72, 67.68, 67.64, 67.60, 67.56, 67.52, 67.48, 67.44, 67.40, 67.36, 67.32, 67.28, 67.24, 67.20, 67.16, 67.12, 67.08, 67.04, 67.00, 66.96, 66.92, 66.88, 66.84, 66.80, 66.76, 66.72, 66.68, 66.64, 66.60, 66.56, 66.52, 66.48, 66.44, 66.40, 66.36, 66.32, 66.28, 66.24, 66.20, 66.16, 66.12, 66.08, 66.04, 66.00, 65.96, 65.92, 65.88, 65.84, 65.80, 65.76, 65.72, 65.68, 65.64, 65.60, 65.56, 65.52, 65.48, 65.44, 65.40, 65.36, 65.32, 65.28, 65.24, 65.20, 65.16, 65.12, 65.08, 65.04, 65.00, 64.96, 64.92, 64.88, 64.84, 64.80, 64.76, 64.72, 64.68, 64.64, 64.60, 64.56, 64.52, 64.48, 64.44, 64.40, 64.36, 64.32, 64.28, 64.24, 64.20, 64.16, 64.12, 64.08, 64.04, 64.00, 63.96, 63.92, 63.88, 63.84, 63.80, 63.76, 63.72, 63.68, 63.64, 63.60, 63.56, 63.52, 63.48, 63.44, 63.40, 63.36, 63.32, 63.28, 63.24, 63.20, 63.16, 63.12, 63.08, 63.04, 63.00, 62.96, 62.92, 62.88, 62.84, 62.80, 62.76, 62.72, 62.68, 62.64, 62.60, 62.56, 62.52, 62.48, 62.44, 62.40, 62.36, 62.32, 62.28, 62.24, 62.20, 62.16, 62.12, 62.08, 62.04, 62.00, 61.96, 61.92, 61.88, 61.84, 61.80, 61.76, 61.72, 61.68, 61.64, 61.60, 61.56, 61.52, 61.48, 61.44, 61.40, 61.36, 61.32, 61.28,

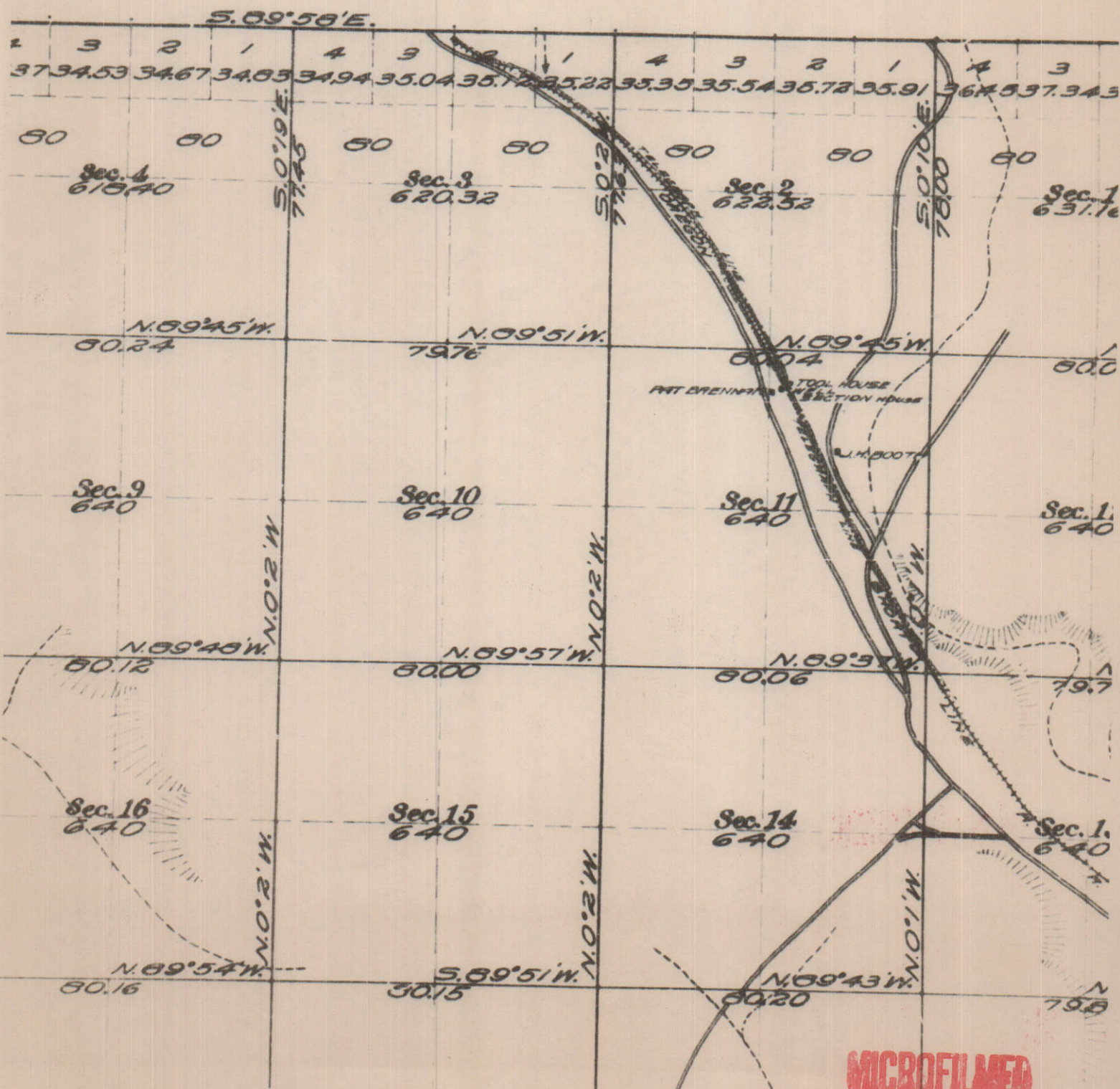
O O P P Q

By Whom Surveyed.	Contract		Amount of Surveys			When Surveyed.	
	No.	Date	Mis.	chs.	lks.	Began.	Completed.
Frank D. Merrill	225	1	2	00	00		

(4-675a)

557
ge No 7 East of the Boise Meridian, 1

d D c C b B a



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7317 Priority February 12, 1981 Amount 9.3 cfs

THIS IS TO CERTIFY, that South Elmore Irrigation Company
of Mountain Home, Idaho, has complied with the terms and conditions of Permit
No. 02-7317 issued pursuant to Application for Permit dated February 12, 1981,
and has submitted proof to the Department of Water Resources on December 3, 1984,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 131.14 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>9.3</u> cfs and	<u>2325.0</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 9.3 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2325.0 acre feet per year, said waters to be diverted within the Gov. Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 28, Twp 5S, Rge 7E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	7E	2									6	37	38	25					106
		3									39	40	39	37	37	39	37	35	303
		10				18				38									56

Total number of acres irrigated 465

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CONDITIONS OF APPROVAL

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

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with Right Nos. 02-2210, 02-2269, 02-2345, 02-2367, 02-7255 & 02-7263 shall not exceed 131.14 cfs.

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1ST day of NOVEMBER, 19 85.

Acting for the Director



STATE OF IDAHO

Licensing

RECEIVED
APR 2 1985

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

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

Comes now South Elmore Irrigation Co.

Phone _____

of (address) P.O. Box U Mtn. Home, ID 83647

, 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. 02-7317, and requests that the permit and permit map be changed as follows:

1. Point of diversion: No change $\frac{1}{4}$ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M.,
County of _____ . Other points of diversion: _____

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

Amount No change 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)

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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	7E	2									6	37	38	25					106
		3									39	40	39	37	37	39	37	35	303
		10					18			38									56

Total number of acres to be irrigated = 465

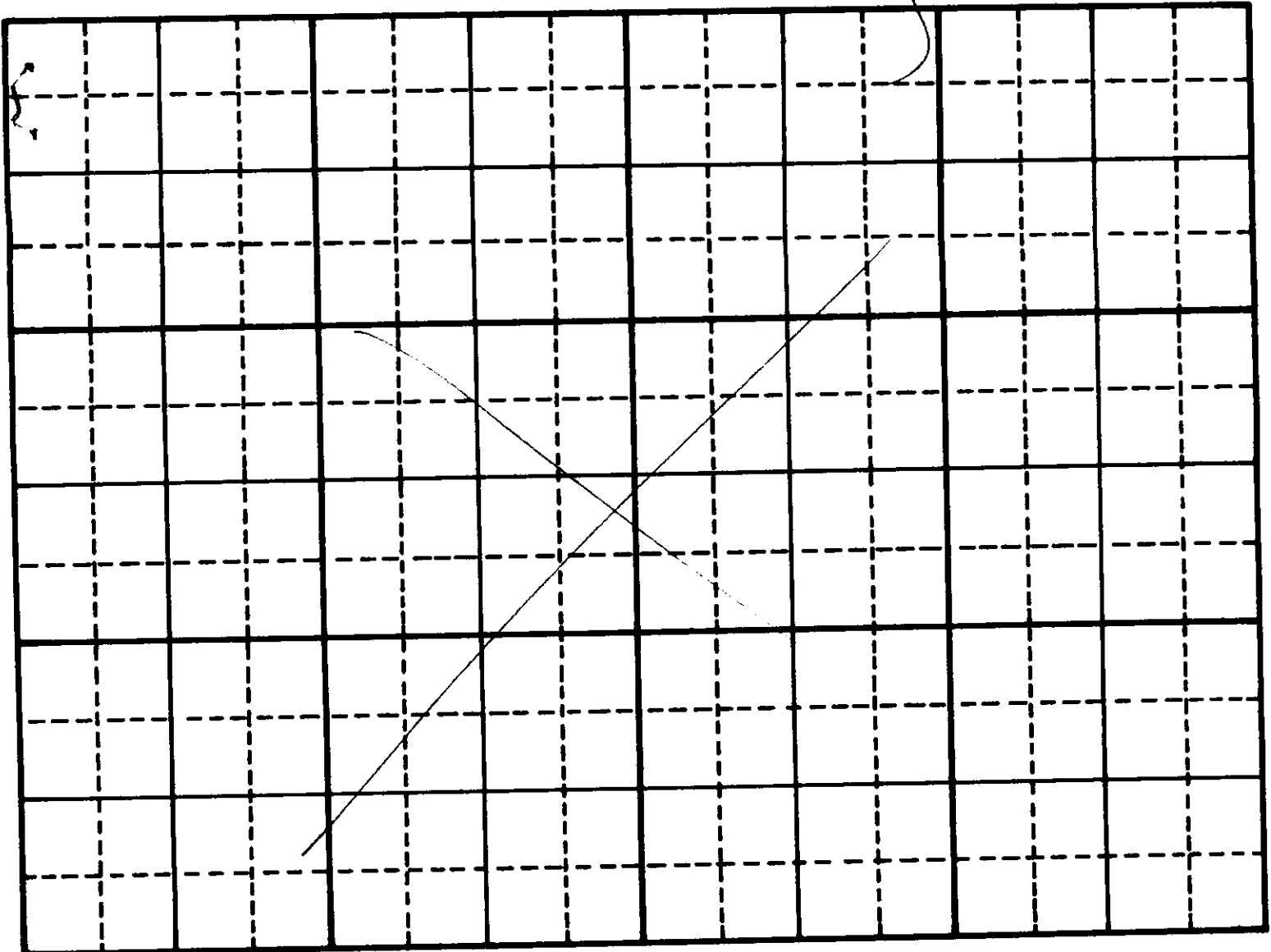
4. a. Who owns the property at the point of diversion? _____
b. Who owns the land to be irrigated or the place of use? _____
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches. *Not Necessary*

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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 Mountain Home, Idaho, this 26th day of March, 1985
By John Wissel President
SOUTH ELMORE IRRIGATION CO.

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓

Receipted by CCW Date 4-3-1985 #36362

Publication prepared by N/A Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby
Approve the above Application for Amendment for Permit No. 02-7317.

Witness my hand this 1ST day of NOVEMBER, 19 85.

Acting for the Director

Robert C. Young

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
~~Original Permit~~	~~02-7317~~	~~Dean Nelson & Arnold Bingham~~	~~12.0 cfs~~
Full Assignment	02-7317	South Elmore Irrigation Co.	12.0 cfs

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State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

MAY 10 1982

Department of Water Resources

Dean Nelson and
I, Arnold Bingham, hereby assign to South Elmore Irrigation Company
of P.O. Box U, Mountain Home, Idaho 83647
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 02-7317
to appropriate the public waters of the State of Idaho.

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

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

Made this 30 day of January, 19 82.

Arnold T. Bingham
Permit Holder

Dean Nelson
Permit Holder

Gene P. Nelson
Spouse of Permit Holder.

Blanche K. Bingham
Spouse of Permit Holder

State of ^{UTAH} ~~Idaho~~)
County of DAVIS) ss.

On this 30th day of January, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (they) executed the same.

seal

William R. Hollingshead
Notary Public residing at
Clinton Utah

My commission expires:

2/4/84

DEAN NELSON and ARNOLD BINGHAM,
Partnership
dba BILLY RIO FARMS
Route 54 E4
Hammett, Idaho 83627

March 23, 1981

RECEIVED

Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

MAR 24 1981

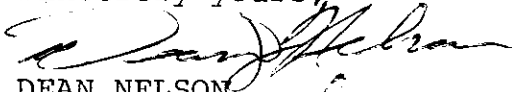
Department of Water Resources

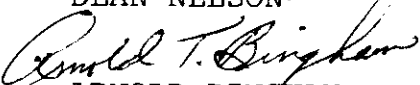
ATTN: Ms. Robyn Hampe

Dear Ms. Hampe:

Please be advised that Dennis S. Voorhees was and is our lawful attorney in fact for purposes of an application for permit to appropriate water, Application No. 02-7317. We hereby ratify the application made by Mr. Voorhees on our behalf.

Sincerely yours,


DEAN NELSON


ARNOLD BINGHAM

DN/AB/pbj

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

Dean Nelson

1. Name of applicant Arnold Bingham Phone 587-8111 #6156

Post office address Route 54 E 4, Hammett, ID 83627

2. Source of water supply Snake which is a tributary of Columbia

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 5S

Range 7E B.M. E/more County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 12.0 cfs for irrigation purposes from Mar. 1 to Nov. 1 (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)

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

5. Total quantity to be appropriated:

a. 12.0 ^{D.S.V.} cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. water will be lifted from river w/gas-fired motor and pump, penstock, canals, ponds, and pipe to places of use.

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

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

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
(Month/Day) (Month/Day)

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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: _____

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

[illegible]

Total number of acres to be irrigated 600

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 U.S. Gov't, easement in
applicant's South E/more Irr. Co.

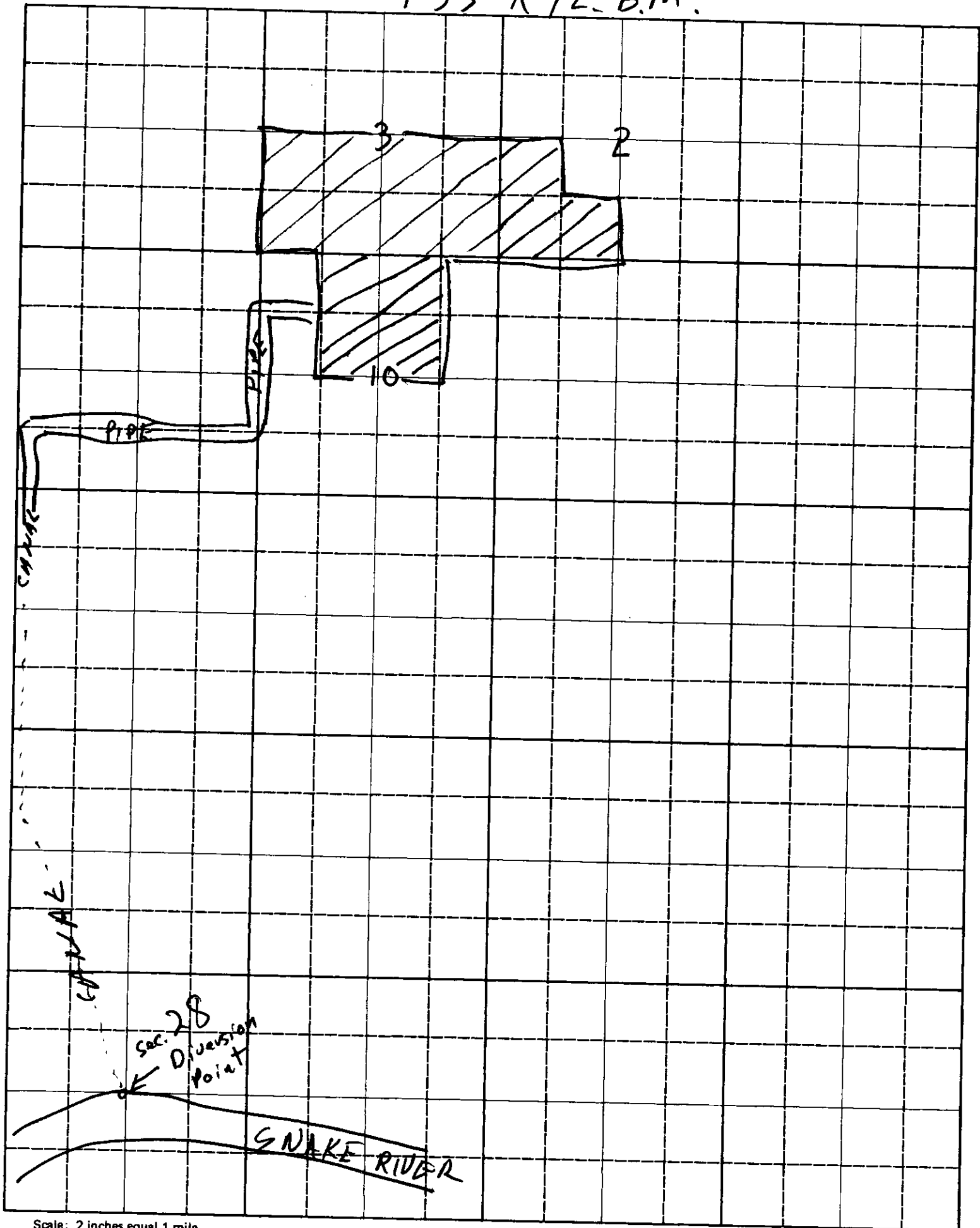
b. Who owns the land to be irrigated or place of use applicant's

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing applicant's are members of South E/more Canal Co.

10. Remarks _____

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

T5S R7E B.M.



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.

Dennis L. Voorhes, attorney
(Applicant)
for applicants Dean Nelson
and Arnold Bingham

Proposed Priority 2/12/81

Received by DBS Date 2/12/81 Time 4:15

Preliminary check by DBS Fee \$ 265.00

Receipted by hll Date 2/12/81 # 17295

Publication prepared by hll Date 2/19/81

Published in Mountain Home News

Publication dates 2/25 & 3/6/81

Publication approved h/h Date 3/13/81

Protests filed by: none.

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS RA

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. 02=7317, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Water shall not be diverted under this permit unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceeds 4,750 c.f.s.

Witness my hand this 24th day of March, 1981.

D. Glen Saxton
Chief, Operations Bureau

**NOTICE OF APPLICATION
FOR WATER RIGHTS**

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

03-7317

NELSON, BERNARD
BINGHAM, ARNOLD
RT. 54EA, HAMMETT, ID 83627
Connects SHASE RIVER tributary to
COLUMBIA RIVER

Dated Filed: 02/12/1981
Flowage: 1200 CFS
Elevation Point: NWSW Sec 28 T 06S
R 07E, ELMORE Co.

Use: IRRIGATION (1200 CFS) from
0901 to 1101

Place of Use: NWSW SWSW 8ENW
Sec 02 T 06S R 07E NWSW NWSW
SWSW 8ENW NESE NWSE SWSE
SESE Sec 03 T 06S R 07E NWNE
SWNE NENW SENW Sec 10 T 06S R
07E FOR 600 ACRES

Diversion Means: MOTOR, PUMP,
PENSTOCK, CANALS, PONDS &
PIPELINE

If issued, the permit will be subject
to all prior water rights. Protests
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water Resources,
92 S. Cole Road, Boise, Idaho 83709 on
or before MARCH 31, 1981.

C. STEPHEN ALLARD
Director
Published 030 & 2501

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Floyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-

tion having been made on the 26 day

of Feb, 1981, and

the last publication having been made on the

5 day of Mar

1981; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Floyd S. Waters

Subscribed and sworn to me this 5

day of March, 1981.

[Signature]
Notary Public

*o.k.
ned*

MICROFILMED

June 12, 1992

SOUTH ELMORE IRRIGATION CO.
P.O. BOX U
MOUNTAIN HOME ID 83647

RE: Water Right No. A02-07317

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

June 8, 1992

SOUTH ELMORE IRRIGATION CO.
P.O. BOX U
MOUNTAIN HOME ID 83647

RE: Water Right No. A02-07317

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

May 19, 1992

SOUTH ELMORE IRRIGATION CO.
P.O. BOX U
MOUNTAIN HOME ID 83647

RE: Water Right No. A02-07317

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

November 4, 1985

RE: Permit No. 02-7317

South Elmore Irr. Co.
c/o Jay R. Friedly
Hall, Friedly & Roberts
340 E. 2nd N.
Mtn. Home, ID 83647

Gentlemen:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 36362 in the amount of \$20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

NOV 7 1984

02-7317
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

See attached printout 131055

$$465 \text{ acres} \times 0.2 = 9.3055 \quad 465 \text{ acres} \times 5 \text{ AF} = 2325 \text{ AF/A}$$

- b) Volume Calculations for Irrigation:

245 days
5.0 AFA

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 465 \times 5 = 2325 \checkmark$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 9.2 \times 245 \times 1.9835 = 4519 \checkmark$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2325 \text{ AF/ANNUM.}$$

- c) Volume Calculations for Other Uses:

none

2. Overlap Review

- a) Other water rights with same place of use: none

OR

- b) Other water rights with same point of diversion: 02-8210, 02-2269, 02-2345, 02-2367

02-7255

- c) Analysis:

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RECOMMENDED AMOUNTS

30 day #3

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3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	02-7317	2-12-1981	9.3 cfs	2-12-1981	12-3-1984	131.14 cfs

4. Permit Holder: ~~South Elmore Canal Co~~ South Elmore Irrigation Company
 Address: ^{P.O.} Box 4, Mountain Home, Ida 83647

5. Source: Snake River tributary to Columbia River

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation ✓	3/15 ~~11/15~~	9.3 ✓	2325.0 AF ✓

Allowable Maximums:

9.3 ✓

2325.0 AF

~~2325~~

7. Point(s) of Diversion: no change-

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
	GL 2	~~3~~	NE	SW	28	55	7E	Elmore

8. Place(s) of Use change not on permit - no govt lots for p.u.

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	
55	7E																		
~~55~~	~~7E~~	2									(6)	37	38	25				106 ✓	
		3									39	40	39	37	37	39	37	35	
		10					18			38								56 ✓	
Total Acres 465 ✓																			

9. Recommended Conditions/Remarks:
~~Maximum diversion shall not exceed 131 cfs when combined with 02-2210, 02-2269, 02-2345, 02-2367, 02-7255, & 02-7263~~
 This right when combined with Right Nos. 02-2210, 02-2269, 02-2345, 02-2367, 02-7255 and 02-7263 shall not exceed 131.14 cfs.

10. 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

11. Examiner's Signature John X Meyer Date 10/9/84
 Checked in Regional Office by GHS Date 11/2/84
 Approved in State Office by Kay Walker Date 2/12/85

HALL, FRIEDLY & ROBERTS

ATTORNEYS AT LAW
340 EAST 2ND NORTH
MOUNTAIN HOME, IDAHO 83647

PERCE HALL
JAY R. FRIEDLY
DON L. ROBERTS

TELEPHONE
(208) 587-4412

April 1, 1985

RECEIVED
APR 2 1985

Department of Water Resources

Mr. Jim Johnson
Water Distribution Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: South Elmore Irrigation Co.
Permit No. 02-7317

Dear Mr. Johnson:

I am enclosing the application for amendment for Permit No. 02-7317 on behalf of South Elmore Irrigation Co.

I have also enclosed our check payable to you in the amount of \$20.00 for the filing fee.

Sincerely yours,


Jay R. Friedly

JRF:dm

Enclosure

cc: Sherl Chapman

MICROFILMED



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director
February 14, 1985

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

RE: Permit No. 02-7317

South Elmore Irrigation Co.
P.O. Box U
Mtn. Home, ID 83647

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 02-7317 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 9.3 cfs Source: Snake River trib to Columbia River

The maximum quantity diverted shall not exceed 2325.0 acre feet
per year.

Point(s) of diversion: Gov. Lot 2 (NE $\frac{1}{4}$ SW) Sec. 28, Twp 5S, Rge 7E

Beneficial Use: Irrigation of 106 acres within SW $\frac{1}{4}$, Sec. 2; 303 acres within
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; and 56 acres within E $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10; Twp 5S, Rge 7E

Priority date established: February 12, 1981

Conditions (if any): This right when combined with Right Nos. 02-2210, 02-2269,
02-2345, 02-2367, 02-7255 & 02-7263 shall not exceed 131.14 cfs.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

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B 7 E

543B

40

B 544 39

544B

39

OUT 37

37

6

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37

37

OUT

6

37

25

25

H
145.8

E
181.9

4

3

9

10

38

38

38

3

2

10

11

10

38

33

18

20 = 02-7255

02-7317

Under
Right
02-7255

F
123.2

39

39

T
5
5

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VOR

MEASUREMENT FOR SD.ELMORE IRR.CO.DTH

PAGE 1

MEASUREMENT LOCATION BRIDGE OVER CONCRETE DITCH
MEASURED BY JKN

LEGAL DESCRIPTION
V = 2.218N +
V = 2.234N +

SEC TWP RNG
.002 FOR N <= 1
.015 FOR N > 1

DI	ANCE FROM	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
INITIAL POINT							
FEET	FEET	SQ. FT.			SEC	FT/SEC	CFS
.000	.000	.000	0	.000	.000	.000	.000
1.000	.800	.600	50	40.000	3.352	7.892	
2.000	1.500	1.300	75	40.000	4.155	7.335	
3.000	2.400	2.400	75	40.000	4.155	10.845	
4.000	2.500	2.500	80	40.000	4.742	12.329	
5.000	3.700	3.700	80	40.000	4.464	15.517	
6.000	3.700	3.700	80	40.000	4.464	15.517	
7.000	3.700	3.700	80	40.000	4.464	15.517	
8.000	3.700	3.700	80	40.000	4.464	15.517	
9.000	3.400	3.400	75	40.000	4.155	14.232	
10.000	2.300	2.100	50	40.000	1.454	19.257	
11.000	1.400	1.400	50	40.000	3.630	5.052	
12.000	.800	.600	50	40.000	3.630	2.904	
13.000	.000	.000	0	.000	.000	.000	
TOTALS		30.700				131.145	

POOR QUALITY ORIGINAL

UNRECORDED

W-200
-63

South Elmore Irr. Co.
STATE OF IDAHO T JKN
DEPARTMENT OF RECLAMATION

Date 9/17, 1954 DISCHARGE MEASUREMENT NOTES

Sage R. River at Columbia R.

	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
EW	0100				0	40					
1400	1	1	.8		60		3.35			.8	2.68
2300	2	1	1.8		75		4.19			1.8	7.54
3400	3	1	2.4		75		4.19			2.4	10.06
4700	4	1	2.6		85		4.73			2.6	12.3
5400	5	1	3.7		80		4.47			3.7	16.54
6400	6	1	3.7		80		4.47			3.7	16.54
7100	7	1	3.7		80		4.47			3.7	16.54
8400	8	1	3.7		80		4.47			3.7	16.54
9400	9	1	3.4		75		4.19			3.4	14.27
10400	10	1	2.3		80		4.47			2.3	10.28
11400	11	1	1.4		65		3.61			1.4	5.1
12400	12	1	.8		65	✓	3.61			.8	2.89
EW	13										
13400											
Total capacity of all pumps running										131.28	
computer C 55 = 131.145											

of Sheets. Comp. by

Chk. by

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Per examiner these rights are
from same p/d.

02-2210 - Lic. - 17.9 cfs
02-2269 - Lic. - 87.11 cfs
02-2345 - permit - rec. 3.2 cfs -
02-2367 - Lic. - 12.92 cfs
02-7255 - Lic. - 19.2 cfs
02-7263 - permit - rec. 12.0 cfs -
02-7317 - permit - rec. 9.3 cfs no proof cat.
161.63 cfs exceeds
Capacity —

Capacity = 131.14 cfs
(as measured by JKN on 9-19-84, see attachment)

Rights must be conditioned to limit
to capacity of system.

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J.K.N

Pumps at South Elmore gov. co - 8/14/84
pump station

Number of pump reading from up-stream -
down stream

	HP	Serial #	Pump make	Serial #
#1 U.S. Motors	2000	C601524- 608	Johnson	no plate
2- U.S. Motors	2000	C601524 - 656	"	
3 U.S. Motors	2000	C601524 95-03980	"	J2 1183
4 U.S. Motors	2000	C601524- 603	"	no plate
5- Westinghouse	1500	1581	Jayne	962 07
6 Westinghouse	800	15-79	Jayne	894 21
3 penstocks				

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Total Acres 465

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10. Other water rights on these lands none
11. Other water right diverted from same p.d. 02-2210, 02-2269, 02-2345, 02-2367
02-7255 + 02-7263
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

Too complicated to draw.
Took measurement by concrete bridge
4 ft bottom concrete ditch.

13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks Diversion rate limiter

15. 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 |

16. Examiner's/Consultant's Signature John R. Doyne Date 10/9/84
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination 9/19/84

Date

CONSULTANT SEAL

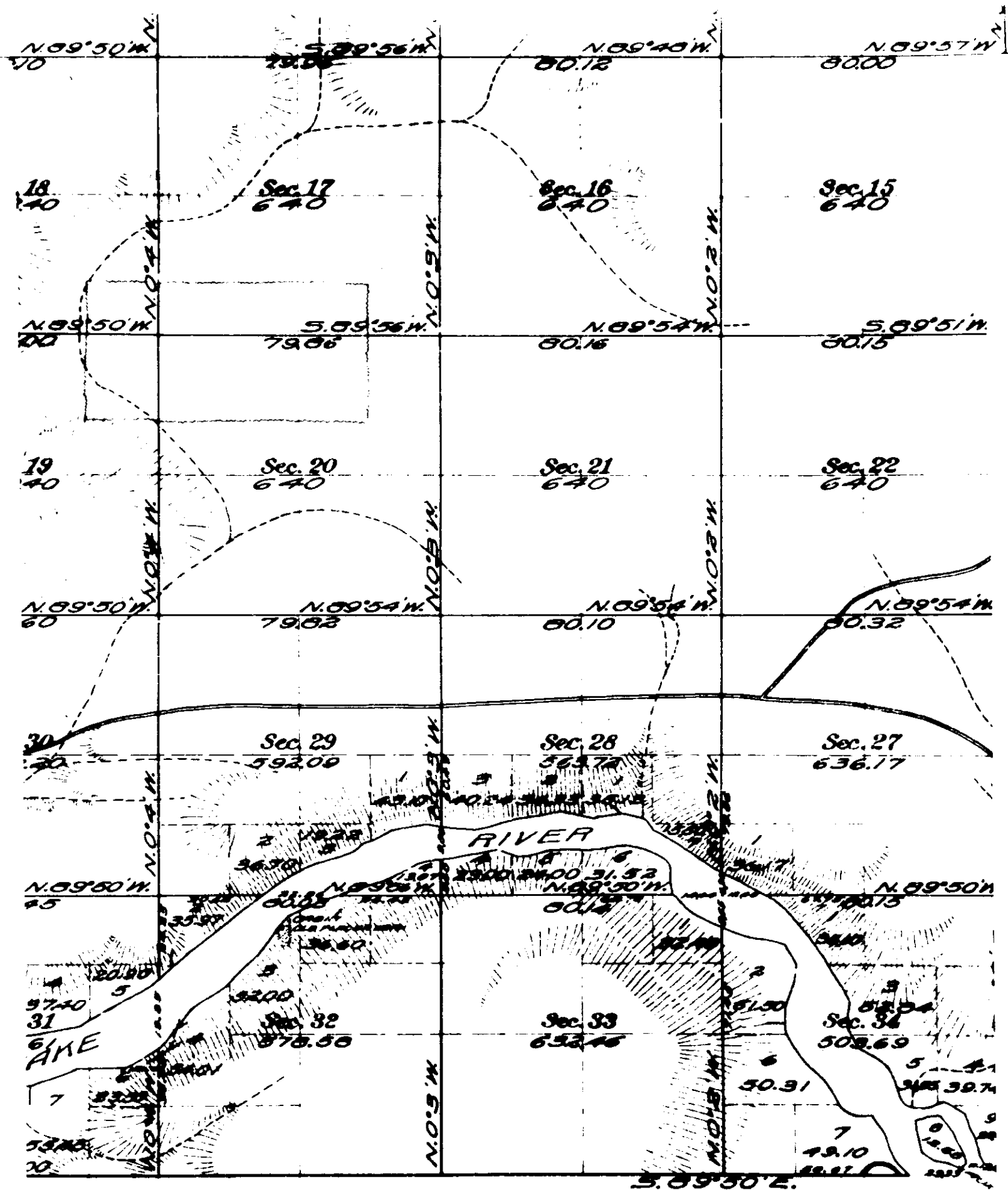
MEMO

From: Kay Walker

To: File *02-7317*

The overlap analysis was limited to that recommended by the Snake River
Adjudication staff.

MICROFILMED



O

o

P

P

Q

q

By Whom Surveyed.	No.	Contract		Amount of Surveys		When Surveyed.	
		Date		Mrs.	chs.	Began.	Completed.

By Whom Surveyed. No. Contract Date Amount of Surveys Mrs. chs. lbs. When Surveyed. Began. Completed.

(4-6754)

55-
ge No 7 East of the Boise Meridian, 1

d

D

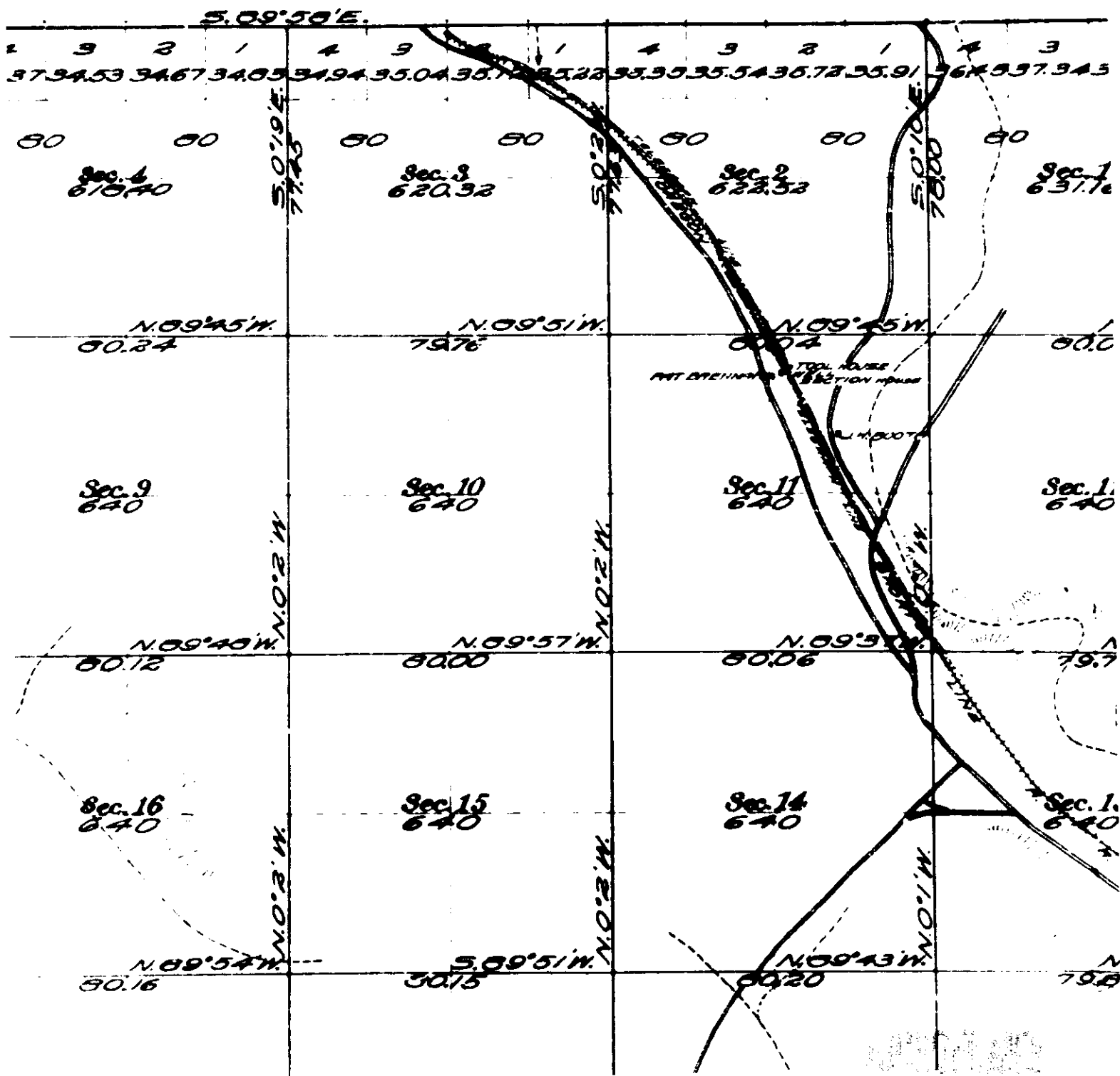
c

C

b

B

a



February 7, 1985

Art Duncan
P. O. Box 1087
Twin Falls, ID 83303

Dear Mr. Duncan:

Re: Permit Nos. 02-7317 and 37-7779

In your letter dated January 14, 1985, you ask whether or not proof has been submitted for the above-referenced permits.

For Permit No. 02-7317 the proof has been submitted and the field inspection completed.

For Permit No. 37-7779 the proof has been submitted, but the field inspection has not been done.

If I can be of further assistance, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

MICROFILMED

John Hancock Mutual Life Insurance Company

T.L. McKelrnan
Senior Agricultural Investment Officer
Second Floor, South 176 Stevens Street
Spokane, Washington 99204
(509) 747-5126

1-14-85

To - Dept of Water Resources

RECEIVE
JAN 17 1985

Re: # 37-7779 - Grandlamine
02-7317 - South Elmore

Department of Water Resources

Would you please advise if the
Necessary Beneficial Use forms have
been filed on below permits

37-7779 - Grandlamine (Nelson)
Camas County

02-7317 - South Elmore Drain
(Billy Rio)

THANK you -

Sincerely

Art Duncan
P.O. Box 1087

Twid Falls, ID

83303

MICROFILMED

January 10, 1985

John W. Wissel, President
South Elmore Irrigation Company
P. O. Box 11
Mountain Home, ID 83647

Dear Mr. Wissel:

Re: Permit No. 02-7317

This office acknowledges receipt of the proof of beneficial use postcard submitted to this office on December 3, 1984.

It is my understanding that a field inspection of the extent of use has been completed by John Noyes of our Western Regional Office. At a future date, this office will advise you of his recommendations for licensing.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

cc: Jay R. Friedly
Western Region

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7317.

Permit Holder: South Elmore Irr. Co.

Post Office Address: Box 4 Mountain Home

83647 Tel. No. _____

Source of Water: _____

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 561 _____ (acres)
☐ Other _____

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No
 Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

11/30/84 Date **MICROFILMED** by John A. W. [unclear] - Pres Signature of Permit Holder

South Fork Irrigation

P.O. Box U

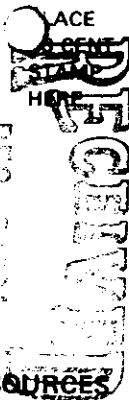
Mountain Home, ID 83647



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources
Western Regional Office

DEC 2 1981



MICROFILMED

HALL, FRIEDLY & ROBERTS

ATTORNEYS AT LAW

340 EAST 2ND NORTH

MOUNTAIN HOME, IDAHO 83647

PERCE HALL
JAY R. FRIEDLY
DON L. ROBERTS

TELEPHONE
(208) 587-4412

November 30, 1984

Mr. John Noyes
Department of Water Resources
Western Region
Statehouse Mail
Boise, Idaho 83720

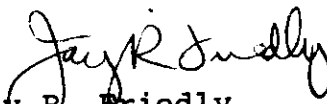
Re: Permit No. 02-7317

Dear Mr. Noyes:

I am enclosing the Proof Card signed by John W. Wissel,
President of South Elmore Irrigation Company for Permit No.
02-7317.

Thank you for your assistance.

Sincerely yours,


Jay R. Friedly

JRF:dm

Enclosure

RECEIVED
DEC 3 1984

Department of Water Resources
Western Regional Office

MICROFILMED

May 19, 1982

RE: Permit No. 02-7317

South Elmore Irrigation Company
P.O. Box U
Mountain Home, ID 83647

Gentlemen:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

NOT RECORDED
NOT RECORDED

HALL & FRIEDLY, CHARTERED

LAW OFFICE

340 EAST 2ND NORTH

MOUNTAIN HOME, IDAHO 83647

MAY 10 1982

Department of Water Resources

PERCE HALL
JAY R. FRIEDLY
DON L. ROBERTS

May 7, 1982

TELEPHONE
(208) 587-4412

Mr. Jim Johnson
Water Distribution Supervisor
Department of Water Resources
State House
Boise, Idaho 83720

Re: Permit Nos. 02-7317 and 02-7255

Dear Mr. Johnson:

I am enclosing Assignment of Permit Nos. 02-7317 and 02-7255 from Dean Nelson and Arnold Bingham to South Elmore Irrigation Company. Would you please complete the assignment of these permits to South Elmore Irrigation Company.

Sincerely yours,

Jay R. Friedly
Jay R. Friedly

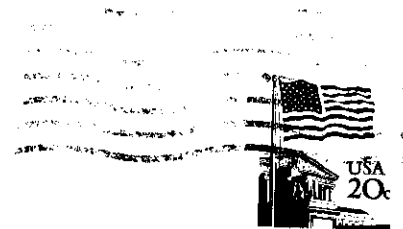
JRF:dm

Enclosure

ENCLOSURE

HALL & FRIEDLY, CHARTERED

**LAW OFFICE
340 East 2nd North
MOUNTAIN HOME, IDAHO 83647**



Mr. Jim Johnson
Water Distribution Supervisor
Department of Water Resources
State House
Boise, Idaho 83720

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

January 11, 1982

RE: Permits Nos. 02-7317 and 02-7255

Hall & Friedley
340 E. 2nd North
Mountain Home, ID 83647

Dear Mr. Friedly:

Thank you for your letter of December 23, 1981. I have enclosed an Assignment form which is used when a permitholder assigns all or part of his interest in the permit to another party.

If you have any other questions, please contact me at 334-4123.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosure

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*please
pull files RC*

HALL & FRIEDLY, CHARTERED
LAW OFFICE
340 EAST 2ND NORTH
MOUNTAIN HOME, IDAHO 83647

PERCE HALL
JAY R. FRIEDLY
DON L. ROBERTS

December 23, 1981

RECEIVED

DEC 24 1981

Department of Water Resources

TELEPHONE
(208) 587-4412

Department of Water Resources
State House Mail
Boise, Idaho 83720

Re: Permit Nos. 02-7255 and 02-7317

Gentlemen:

I write to you as the attorney for South Elmore Irrigation Company. Dean Nelson and Arnold Bingham desire to transfer to South Elmore Irrigation Company their interest in Permit No.s 02-7255 and 02-7317. Would you please send me the forms necessary for them to transfer these permits.

Sincerely yours,

Jay R. Friedly
Jay R. Friedly

JRF:dm

cc: Dean Nelson

MAIL ROOM



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

March 31, 1981

Dean Nelson &
Arnold Bingham
Rt. 54 E 4
Hammett, Idaho 83627

Dear Sirs,

RE: Permit No. 02-7317

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install a measuring device, or an access 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 access port.

The exercise of this permit may also be affected by the Supreme Court's review of the case of Idaho Power Company vs. State of Idaho, et al., Ada County Civil No. 62237, currently being appealed to the Supreme Court of Idaho. Since the use of water under your permit may affect the flows in the Snake River between Milner Dam and Hells Canyon the final decision in this case may determine to what extent the exercise of your permit is subject to water rights of Idaho Power. While the Supreme Court is reviewing this case, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or subsequent license.

Note also that water shall not be diverted under this permit unless the base flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceeds 4,750 c.f.s. In addition, there are many applications for permit for the use of the Snake River water that are prior to your permit. These applications have been filed for the irrigation of lands that the applicants are attempting to obtain under the Federal Land Laws such as Desert Entry and Carey Act. If these lands are developed, and if the base flow is maintained, then no water would be available for this permit. Therefore, you should carefully consider these facts before making any expenditures for the construction of your system.

Sincerely,

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

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

FEBRUARY 19, 1981

Mountain Home News
Drawer 0
Mountain Home, ID 83647

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 MARCH 16, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

02-2317-

NELSON, DEAN
BINGHAM, ARNOLD

RT. 54E4, HAMMETT, ID 83627

Source: SNAKE RIVER tributary to COLUMBIA RIVER

Date Filed: 02/12/1981

Amount: 12.00 CFS

Diversion Point: NESW Sec 28 T 05S R 07E, ELMORE Co.

Use: IRRIGATION (12.00 CFS) from 03/01 to 11/01

Place of Use: NWSW SWSW SESW Sec 02 T 05S R 07E NESW NWSW SWSW SESW NESE NWSE
SWSE SESE Sec 03 T 05S R 07E NWSW SWNE NENW SENW
Sec 10 T 05S R 07E FOR 600 ACRES

Diversion Means: MOTOR, PUMP, PENSTOCK, CANALS, PONDS & PIPELINE.

RECORDED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before MARCH 16, 1981.

C. STEPHEN ALLRED

Director

Published 2/26 & 3/5/81.

RECEIVED