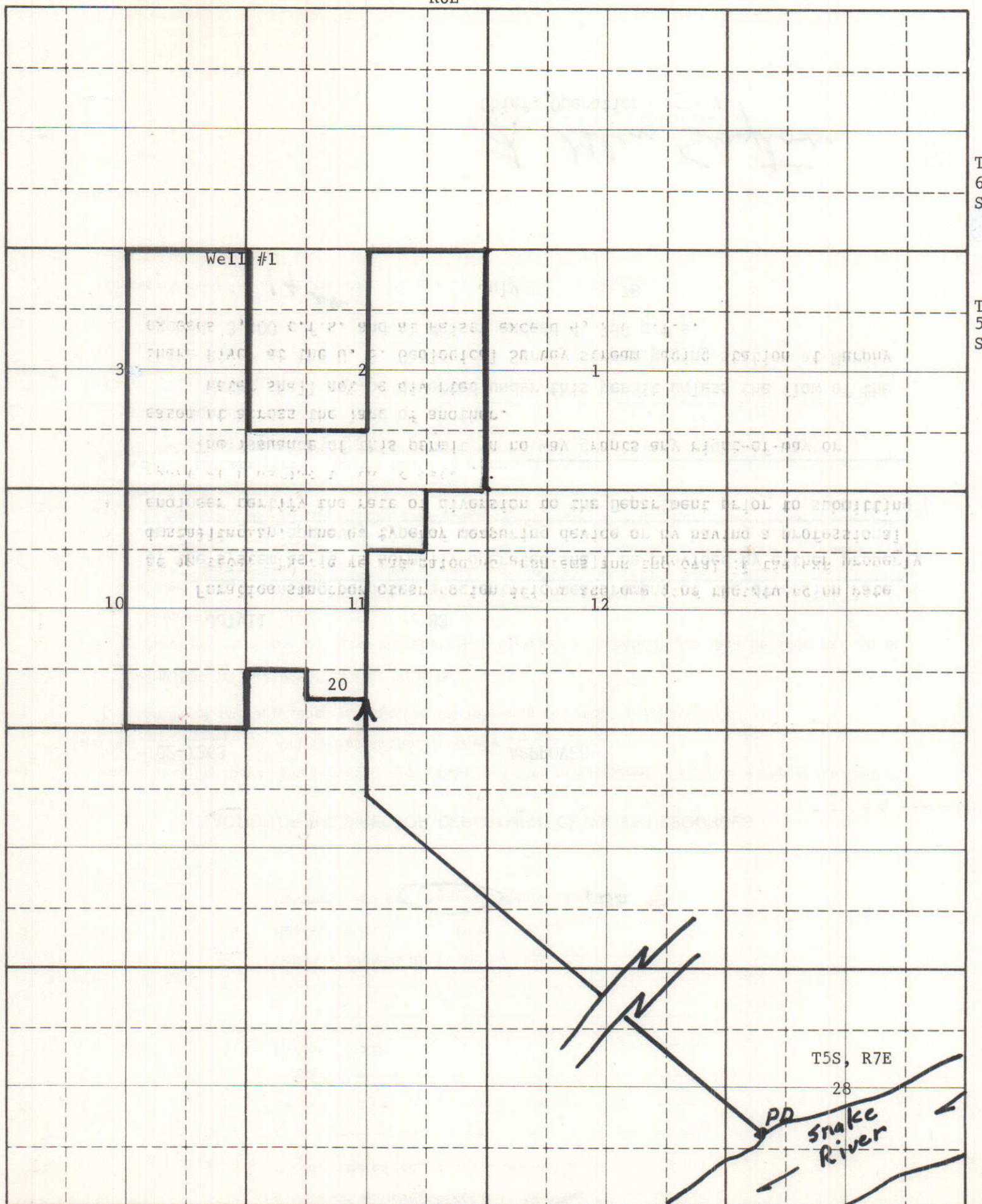


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R6E



Scale: 2 inches equal 1 mile

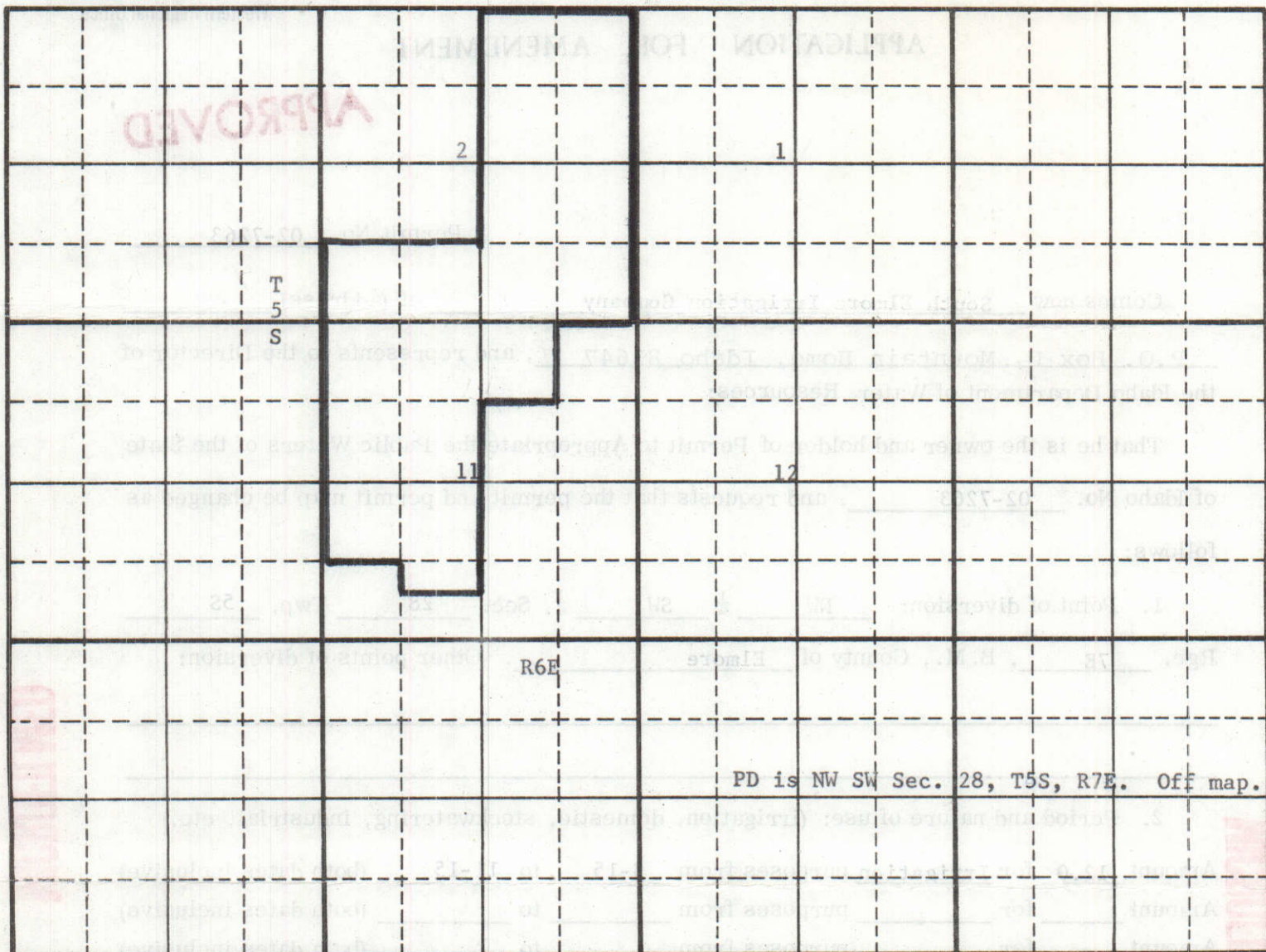
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Blaine M. Mahan*  
(Applicant)

RECEIVED

00.020-220.00

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



Scale: 2 inches equal 1 mile

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

Signed at Mountain Home, Idaho this 4th day of June, 1982.

SOUTH ELMORE IRRIGATION COMPANY

By: John A. [Signature]  
(signature)

MICROFILMED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 02-7263 are met.

Witness my hand this 3<sup>rd</sup> day of November, 19 83.

L. Glen Saxton  
Chief, Operations Bureau

6/22/82  
# 22999  
20.00 \$P

**NOTICE OF CORRECTION**

Notice is hereby given that notice of Application for Amendment of a Water Right Permit No. 02-7263 in the name of South Elmore Irrigation Company was published in error on 7/29 and 8/5/83.

The source of water was advertised as being groundwater.

WHEREAS, the actual source of water is the Snake River.

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, Statehouse, 450 W. State Street, Boise, Idaho 83720 on or before October 10, 1983.

Ken Dunn, Director  
Published in the Mountain Home News on 9/22 and 9/29/83.

82

**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 publication having been made on the 22 day of September, 1983, and the last publication having been made on the 29 day of Sept. 1983...; 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 MOUNTAIN 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 29th day of September, 1983

Deane W. Swenson  
Notary Public

MICROFILMED

RECEIVED  
OCT 04 1983

Department of Water Resources  
Western Regional Office

**NOTICE OF AMENDED APPLICATION FOR PERMIT**

Notice is hereby given that permit No. 02-7263 in the name of South Elmore Irrigation Company was filed on June 1, 1978 for the diversion of 12.9 cfs from a groundwater source with a point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 28 Twp 5 S Rge 7E B.M. to be used for Irrigation purposes from 3/15 to 11/15 within portions of Sec 2, 3, 10 & 11, Twp 5S Rge 6E, B.M. for 1340 acres.

The permit holder now proposes to amend the permit by changing the place of use to the E $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec 2; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec 11 Twp 5S Rge 6E for 700 acres.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before August 16, 1982.

A. KENNETH DUNN  
Director

Published 7/28 and 8/5/82.

**Affidavit of Publication**

County of Elmore }  
STATE OF IDAHO } ss.

I, Lloyd S. Water 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 publication having been made on the 28 day of July, 1982; and the last publication having been made on the 5 day of August, 1982; 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 MOUNTAIN 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. Water

Subscribed and sworn to me this 12th day of August, 1982

Robert W. Swenson  
Notary Public

**MICROFILMED**

**RECEIVED**

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Department of Water Resources  
Western Regional Office

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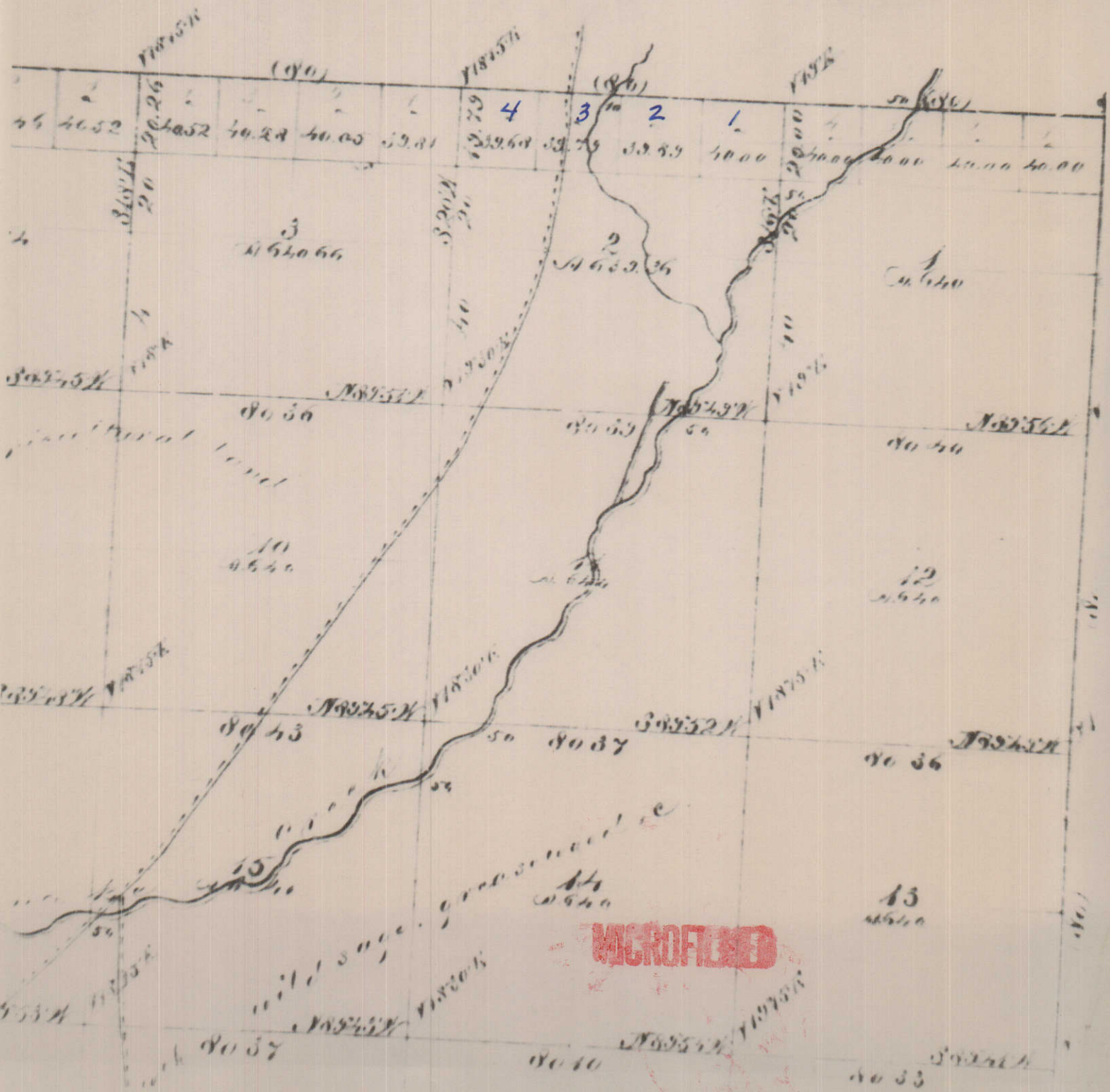
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Range No 6 East Boise Meridian.



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 8<sup>th</sup> day of August, 2002.

Jonathan C. Brooks  
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 7<sup>th</sup> day of August, 2002.

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

MICROFILMED

NOV 14 2009



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](http://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

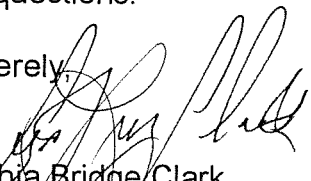
RE: Revised Water Supply Bank Rental Agreement between the Idaho Department of  
Water Resources and Idaho Power Company

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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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  
jbowling@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,

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

c: John P. Prescott  
James C. Tucker

MICROFILMED

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, HELLS CANYON COMPLEX
- 2. Location of point of diversion 1/4 1/4, Section \_\_\_\_\_, (BROWNLEE, DIXON, AND HELLS CANYON DAMS) County.  
Township \_\_\_\_\_, Range \_\_\_\_\_, B.M. \_\_\_\_\_
- 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

yab

MICROFILMED

NOV 14 2003

12/99

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 \_\_\_\_\_

MICROFILMED

NOV 14 2003

*JUB*

**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
<b>TOTALS:</b>	<b>14690.2 ac</b>		<b>43606.9 af</b>

## 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.

MICROFILMED

NOV 14 2003

JAB

08-5-02

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:

MICROFILMED

NOV 14 2003

*yeb*

## 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 6<sup>th</sup> day of August, 2002.

Jonathan C. Bowling  
Renter  
Engineering Leader

JCB

MICROFILMED

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

*JCB*

6-26-02

Cynthia,

Clover Hollow irrigated

all land in 2000.

If you need anything -  
else let me know.

I'll be gone until  
July 9<sup>th</sup> then I'll be  
home until the 15<sup>th</sup>

Home # 587-9640.

Thanks,  
Chris

**WESTERN BANK**  
A DIVISION OF WASHINGTON MUTUAL

Mountain Home Branch  
(208) 580-2581

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MICROFILMED

NOV 14 2003

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.

[Handwritten signature]
(Signature of Applicant/Authorized Agent)

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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 ~~599-2234000~~ 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		
			<i>See attached water right</i>																	

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				Totals	
			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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3

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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 MOA 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 MOA 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)

[Signature] - See  
(Signature of applicant) Bus

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., also  
 land that will not be irrigated this year.

TWP.	RANGE	SEC.	NEK				NWK				SWK				SEK				TOTALS
			NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
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						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.	NEK				NWK				SWK				SEK				TOTALS
			NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
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	2.5											69.5
5S	7E	17																12.7	12.7
5S	7E	20											30.5	37		37	37	39.7	181.2

TWP.	RANGE	SEC.	NEK				NWK				SWK				SEK				TOTALS
			NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	

MICROFILMED South Elmore Total 2530.2

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Sketch  
C/ma

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ATKINS  
BRUNER & ASSOCIATES  
INC.

JUN 27 2002

DEPARTMENT OF WATER RESOURCES

T 5 S  
R 16 E

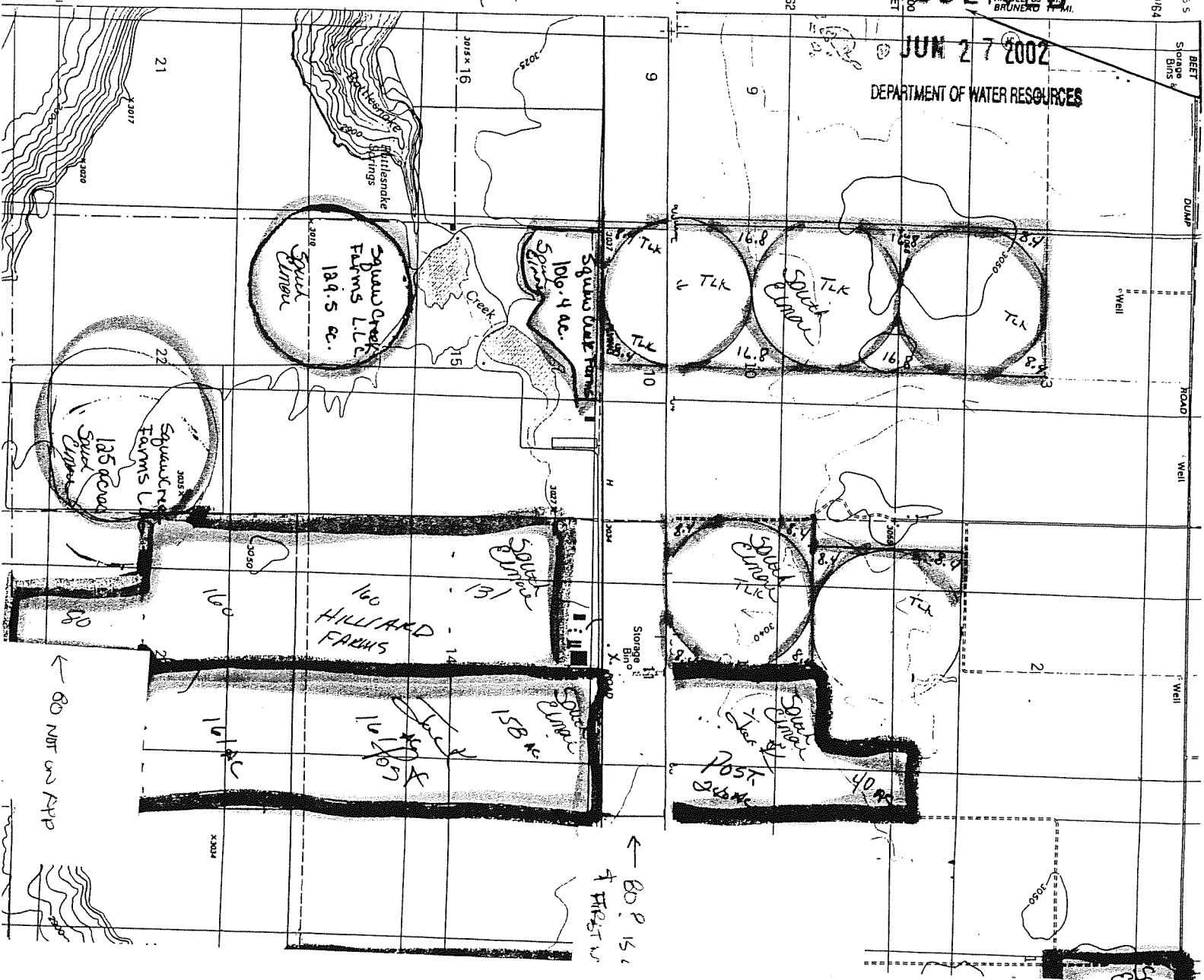
BEET  
S1000  
E1000

DUMP

ROAD

Well

Well



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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 organizations(s):

Name Department of Water Resources Attn: Cynthia Budge 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 Irrigation Co. [Signature] Date 6-18-02  
CUSTOMER OF RECORD  
 DBA [Signature]  
Terry Kitterling

This authorization is valid until MICROFILMED (Date)  
NOV 14 2003



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

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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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For general Customer Service Account questions, please call 1-800-488-6157 or 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	<i>Dennis Elison</i>	236-7744
Burley, Twin Falls & Jerome	<i>Richard Hawkes</i>	736-3215
Fairfield, Gooding & Hagerman	<i>Quentin Nesbitt</i>	388-2519
Glenns Ferry, Grand View, & Boise	<i>Rex Winn</i>	388-6366
Nampa, Weiser & Vale	<i>Mike Liechty</i>	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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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

STATEMENT  
OF

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.

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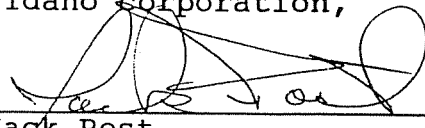
NOV 14 2003

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
<hr/>	
TOTAL	\$1,601,325.00

DATED this 26th day of March, 2002.

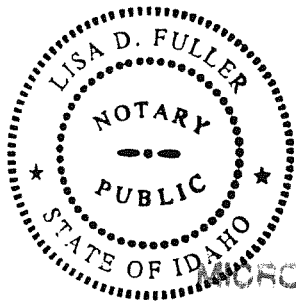
SOUTH ELMORE IRRIGATION CO.,  
an Idaho corporation,

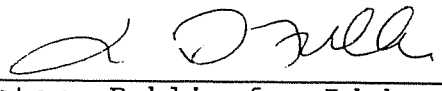
By   
\_\_\_\_\_  
Jack Post  
Its President

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.



  
\_\_\_\_\_  
Notary Public for Idaho,  
Residing at Mountain Home, ID  
My commission expires: 01-20-04

NOV 14 2003

6-23-02

Total acres

South Elmore 2530.2

Clower Hollow 1071.5

} 3,601.7

~~TKK Shensig 294.3~~

Beech 360.

Bentz 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 Shensig 294.3~~

South Elmore participants:

Jack Post

Teeey Kettleing (TLK Farms)

Squaw Creek Farms (Sid Wing)

Hilliard Farms (James Hilliard)

Clower Hollow participants:

John Bentz

Beech Farms (P.A. Beech)

Jack Post



**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 " "

List additional accounts on the back.

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

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  
Fragtion

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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### CUSTOMER CONSENT FORM

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- Irrigation Information
- Credit Information
- Service Location / Address
- Other \_\_\_\_\_

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

Information may be released on the following account:

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

List additional accounts on the back.

Signed Clover Hollow LLC [Signature] Date 6-18-02  
CUSTOMER OF RECORD

DBA P.C. Bergh-Bergh Farms -25%  
[Signature] -25%

This authorization is valid until \_\_\_\_\_ (Date)

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 NOV 14 2003

6/14/02

# CLOVER HOLLOW

IDAHO POWER ACCOUNT #s & LOCATIONS

<u>ACT #</u>	<u>SERVICE LOCATIONS (MTN. HOME)</u>
7731944438 (SA 1815751788)	058 07E 1701
3380083411 (SA 6717352004)	045 07E 2701
338 0083411 (SA 6672944046)	05 <sup>S</sup> 06E 0501
338 008 3411 (SA 8422001933)	05507E 1708
338 008 3411 (SA 24573003)	04507E 2702
338 008 3411 (SA 9602 098617)	055 07E 0501

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### CUSTOMER CONSENT FORM

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- Electrical Usage
- Irrigation Information
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- Service Location / Address
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 Address 1301 W Orchard St. Box 83720  
Bowie, Id. 83720

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 Account Number " "

List additional accounts on the back.

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

This authorization is valid until \_\_\_\_\_ (Date)

MICROFILMED

NOV 14 2003



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

Account Information as of: 5/1/2002

- 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

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

**IRRIGATION ACCOUNTS**

Name	Account #	Old Pump #	Current Pump #	Service City	Meter #	HP
SO ELMORE CANAL CO	5706189916	0490 POST	05S06E0101	MTN HOME	50665495	40
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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	2465865552	0640 T L K	05S07E2102	MTN HOME	70139610	250
SO ELMORE CANAL CO	9301012071	0635 T L K	05S07E2103	MTN HOME	4029549	100

MICROFILMED

NOV 14 2003

Identification No. \_\_\_\_\_

Application No. 02-7263

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR PERMIT APPROVED**

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

1. Name of applicant Blaine Mecham Phone: 587-7538  
post office address 595 E. 16th N., Mountain Home, Idaho 83647

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

3. a. Location of point of diversion is NW ¼ of SW ¼ of Section 28 Township 5S  
Range 7E B.M. Elmore County; additional points of diversion if any: None

b. If water is not consumed, it will be discharged into All water consumed at a point in \_\_\_\_\_ ¼  
of \_\_\_\_\_ ¼ of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 12.0 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12.0 cubic feet per second and/or

b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Vertical turbine short coupled pump,  
penstock and canals now existing for Elmore Irrigation Company. Steel and/or  
aluminum mainlines and sprinklers.

b. Height of storage dam None feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_

Period of year during which storage will occur None to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)

c. Proposed well diameter is None inches; proposed depth of well is \_\_\_\_\_ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.

b. Estimated construction cost is \$ 195,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation: N/A

(1) Give the place of use of water: \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼ of Section \_\_\_\_\_ Township, \_\_\_\_\_  
Range \_\_\_\_\_ B.M.

(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.

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

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

(5) If water is to be used for other purposes describe: \_\_\_\_\_

APPROVED

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

TWP.	RANGE	SEC.	NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTALS
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
5S	6E	2	40	40	40	40						40	40	40	40	40	40	400	
5S	6E	3	40	40	40	40								40	40	40	40	320	
5S	6E	10	40	40	40	40								40	40	40	40	320	
5S	6E	11		40			40	40	40	40	40	40	20					300	

Total number of acres to be irrigated 1340

c. Describe any other water rights used for the same purposes as described above. 02-2210, 02-2269

9. a. Who owns the property at the point of diversion U.S. Federal Government - Bureau of Land Management

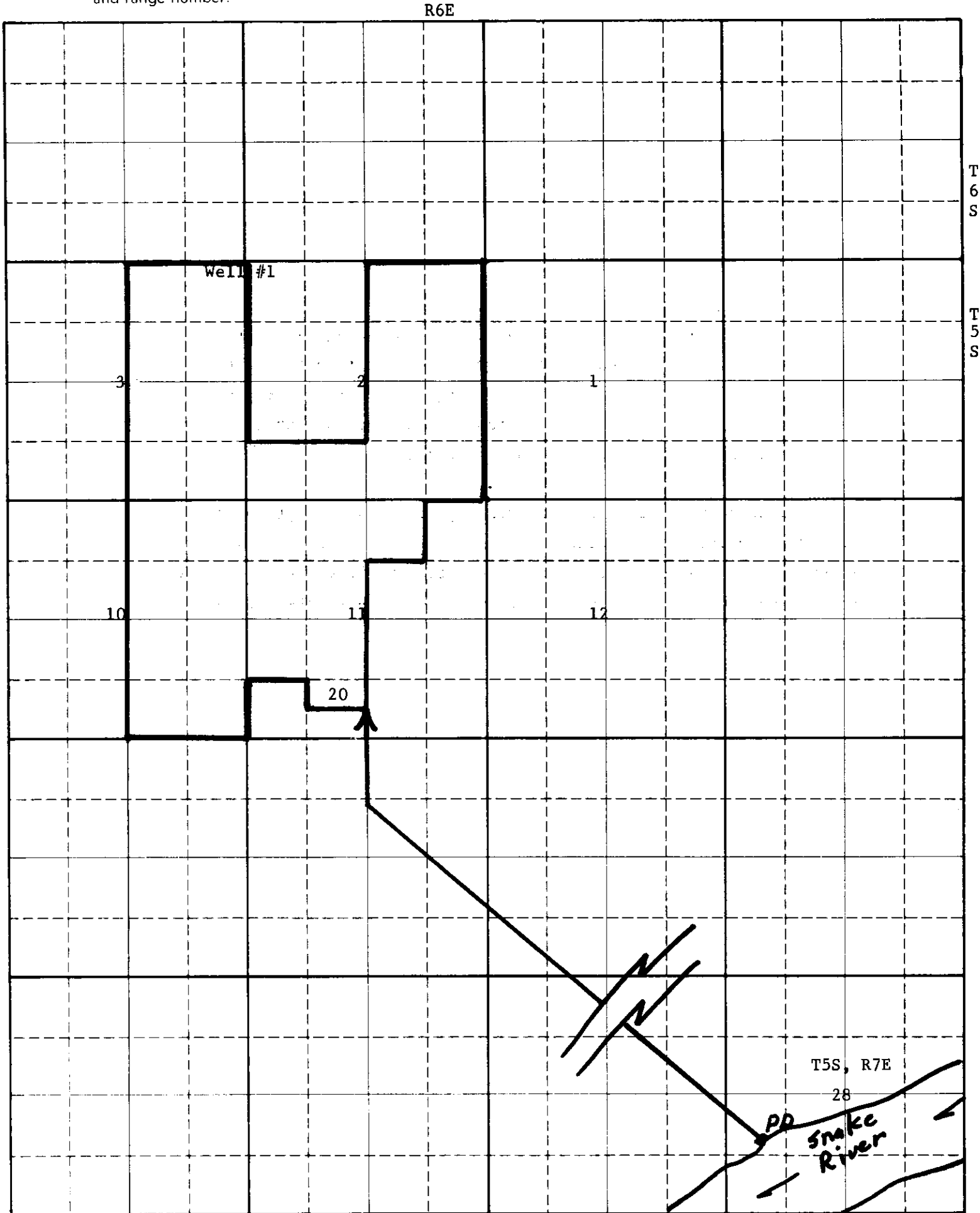
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Existing right of way permit from B.L.M. #016279 and #015762. Right of ways include P.D., penstock and canals where located on Federal land.

10. Remarks Notification has been given to the BLM of the new construction to be done at the existing site. They have indicated no problems and approval of the expansion is expected momentarily. The U. S. Army Corps of Engineers has stated the project is exempt from Section 404 and Section 10 permit requirements because of the location and no spoil will be put in the river. Idaho Power Company has agreed to connect power to the pump when it is installed and the BLM approves the addition to the transmission line right of way. Based upon flow records for 1977, water is available for appropriation under Idaho State Law.

Other water rights appurtenant to portions of this ground are to be used in connection with this water and will bring the total water supply to one miners inch per acre.

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



Scale: 2 inches equal 1 mile

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

*Blaine M. [unclear]*  
(Applicant)

Proposed Priority 6/01/78

Received by CSB Date 1 June 78 Time 2:24  
Preliminary check by CSB Fee \$ 195.00 # 11105  
Received by alw Date 6-1-78  
Publication prepared by alw Date 6-8-78  
Published in Mountain Home News  
Publication dates June 15 + 22, 1978  
Publication approved alw Date 6-26-78  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by DGS JG

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7263, 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 July 1, 19 83.
- c. 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 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 exceed 4, 750 c.f.s.

Witness my hand this 14<sup>th</sup> day of July 19 78.

J. Glen Saxton  
Chief, Operations Bureau

**State of Idaho  
Department of Water Resources**

**WATER RIGHT LICENSE**

License of Water Right No. 02-7263 Priority June 1, 1978 Amount 12.0 cfs

THIS IS TO CERTIFY, that South Elmore Irrigation Company  
of Mountain Home, Idaho, has complied with the terms and conditions of Permit  
No. 02-7263 issued pursuant to Application for Permit dated June 1, 1978,  
and has submitted proof to the Department of Water Resources on May 27, 1983,  
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>12.0</u> cfs	and <u>3455.0</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 12.0 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  
3455.0 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	6E	2	39	40	40	39							36	40	39	40	40	39	392
5S	6E	11		39			40	34	39	40	40	40		27					299

Total number of acres irrigated 691

**MICROFILMED**

**MICROFILMED**

**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 all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

This right when combined with Right Nos. 02-2210, 02-2269, 02-2345, 02-2367, 02-7255 & 02-7317 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 15<sup>th</sup> day of NOVEMBER, 19 85.

Acting for the Director

Norman C Young

STATE OF IDAHO

*Licensing*

RECEIVED

JUN 28 1985

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

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

APPROVED

Comes now South Elmore Irrigation Company Phone \_\_\_\_\_

of (address) P.O. Box U, Mountain 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. 02-7263, and requests that the permit and permit map be changed as follows:

1. Point of diversion: Gov. Lot 2 (NE 1/4 SW 1/4) Section 28, Township 5S, Range 7E, B.M., County of Elmore. Other points of diversion: \_\_\_\_\_

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

NO CHANGE

Amount 12.0 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

3. Place of use or land to be irrigated:

NO CHANGE

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	
5S	6E	2	L.1 39	L.2 40	40	39							36	40	39	40	40	39	392
		11		39			40	34	39	40	40	40		27					299

Total number of acres to be irrigated = 691

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: \_\_\_\_\_

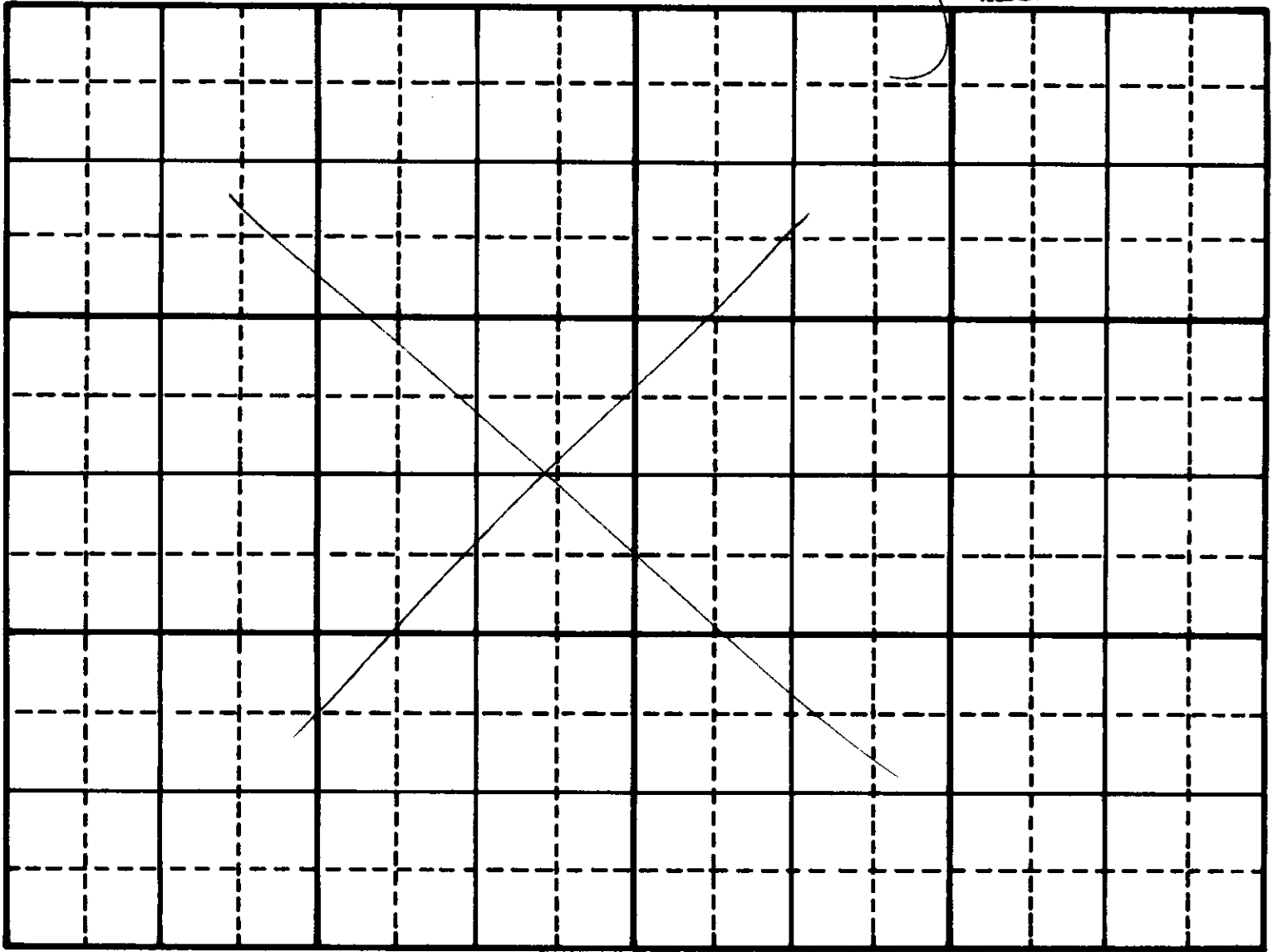
RECORDED  
MICROFILMED

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

MICROFILMED



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 Mtn. Home, Idaho, this 26<sup>th</sup> day of June, 1985.

South Elmore Irrigation Co.

By John A. Wissel  
(Signature)

John A. Wissel,  
President

FOR DEPARTMENT USE ONLY

Preliminary check by Jim Fee = \$20.00

Received by CCW Date 6-28-1985 #36920

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 referenced Application for Amendment for Permit No. 02-7263.

Witness my hand this 1<sup>ST</sup> day of NOVEMBER, 1985.

Norman Young  
Acting for the Director

4/20/85

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
<del>Original Permit</del>	<del>02-7263</del>	<del>Blaine Meham</del>	<del>12.0 cfs</del>
Full Assignment	02-7263	South Elmore Irrigation Company	12.0 cfs

RECORDED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 02-7263 IN THE  
NAME OF SOUTH ELMORE IRRIGATION COMPANY

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before July 1, 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

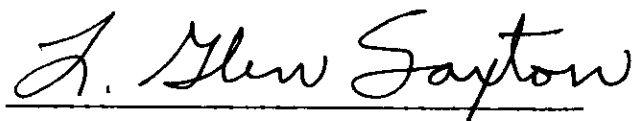
WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on May 27, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 02-7263 be REINSTATED with no advance in priority.

Dated this 31<sup>st</sup> day of August, 1983.



L. GLEN SAXTON  
Chief, Operations Bureau

**MICROFILMED**

**RECEIVED**

JUN 22 1982

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources  
Western Regional Office

APPLICATION FOR AMENDMENT

**APPROVED**

Permit No. 02-7263

Comes now South Elmore Irrigation Company of (address) \_\_\_\_\_

P.O. Box 11, Mountain Home, Idaho 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. 02-7263, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 28 Twp. 5S  
Rge. 7E, B.M., County of Elmore. Other points of diversion:

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

Amount 12.0 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

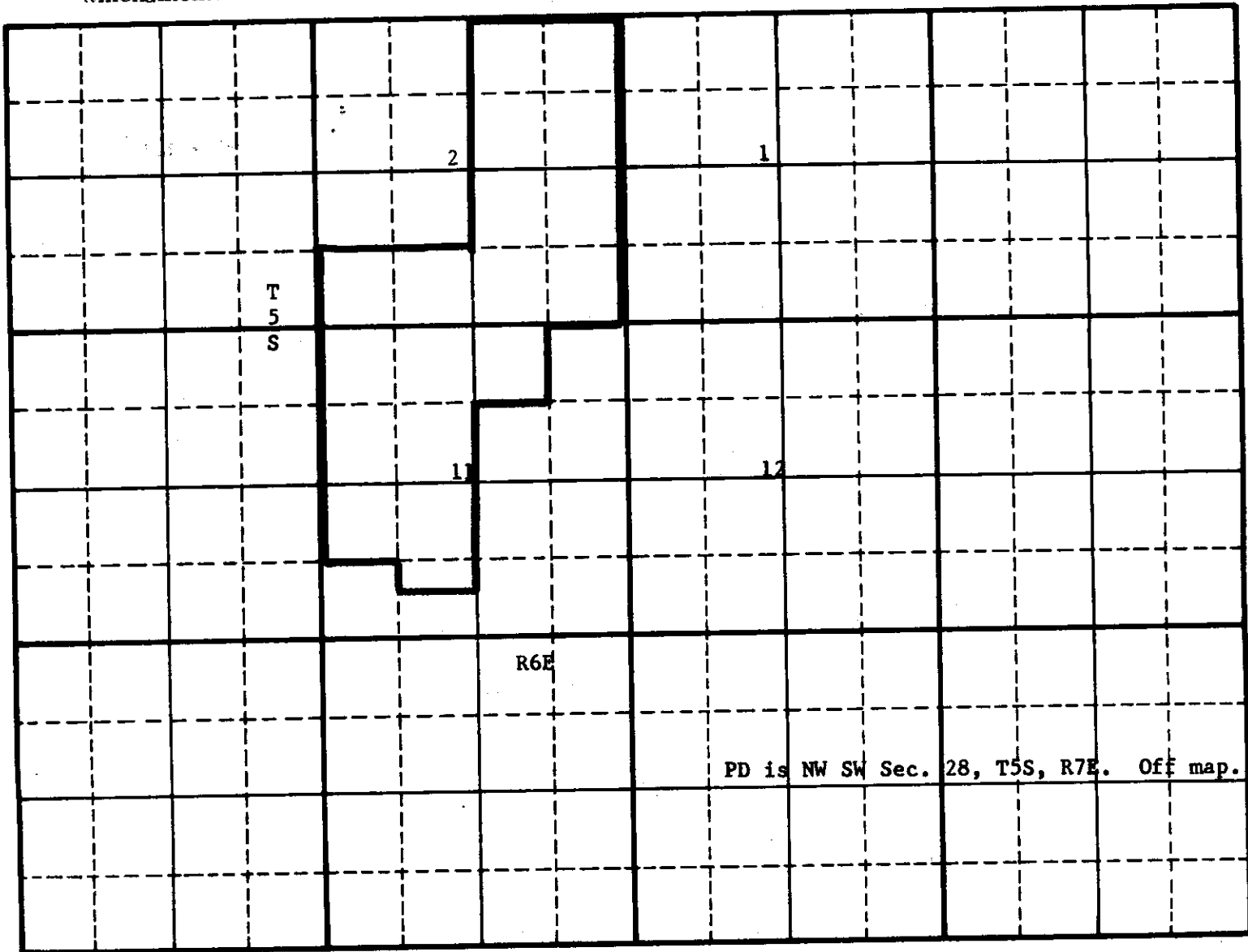
TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	6E	2	40	40	40	40							40	40	40	40	40	40	400
5S	6E	11		40			40	40	40	40	40	40		20					300

Total number of acres to be irrigated 700

MICROFILMED

MICROFILMED

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



Scale: 2 inches equal 1 mile

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

Signed at Mountain Home, Idaho this 4th day of June, 1982.

SOUTH ELMORE IRRIGATION COMPANY

By: John A. W. [Signature]  
(signature)

MICROFILMED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources

hereby Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 02-7263 are met.

Witness my hand this 3<sup>rd</sup> day of November, 19 83.

L. Glen Saxton  
Chief, Operations Bureau

6122/82  
# 22 429  
20.00 ± P

7-2538

RECEIVED

State of Idaho

NOV 25 1981 Department of Water Resources

RECEIVED

NOV 23 1981

ASSIGNMENT OF PERMIT  
Department of Water Resources

Department of Water Resources  
Western Regional Office

I, Blaine Mecham, hereby assign to South Elmore Irrigation Company  
of P. O. Box U, Mountain Home, Idaho 83647  
Address

*Handwritten:* K to process PC 11/25/81

CHECK ONE

- All my right, title, and interest in and to Permit No. 02-7263 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 20<sup>th</sup> day of November, 19 81.

Blaine Mecham  
Permit Holder

Marjette Mecham  
Spouse of Permit Holder

State of Idaho )  
County of Elmore ) ss.

On this 20<sup>th</sup> day of November, 19 81, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

Jay R. Sueddy  
Notary Public residing at  
Mountain Home, Idaho

My commission expires:  
For Life

*Handwritten stamp:* NOV 23 1981

**NOTICE OF PUBLICATION**

Notice is hereby given that copies of Application for Amendment of a Water Right Permit No. 68-7368 in the name of South Elmore Irrigation Company was published in error on 7/29 and 8/5/83.

The source of water was advertised as being groundwater.

WHEREAS, the actual source of water is the Snake River

and the same 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, Statehouse, 450 W. State Street, Boise, Idaho 83720 on or before October 10, 1983.

Ken Dunn, Director  
 Published in the Mountain Home News on 9/22 and 9/29/83.

82

## 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 publication having been made on the 22 day of September, 1983, and the last publication having been made on the 29 day of Sept. 1983....; 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 MOUNTAIN 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 29th day of September, 1983

Allen W. Swenson  
 Notary Public

MOUNTAIN HOME NEWS

**RECEIVED**  
 OCT 3 1983

Department of Water Resources  
 Western Regional Office

**NOTICE OF PUBLICATION**  
 Notice is hereby given that the  
 No. 12345 of the State of Idaho  
 Mineral Lands, Section 11, Twp 43 N., R. 12 E.,  
 on July 1, 1982, the publication of  
 123 of said notice, the first publica-  
 tion having been made on the 28th day  
 of July, 1982, and the last publica-  
 tion having been made on the 5th day  
 of August, 1982; 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 MOUNTAIN 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 12th day of August, 1982  
 Oscar W. Swenson  
 Notary Public

# 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 28 day  
 of July, 1982, and  
 the last publication having been made on the  
 5 day of August,  
 1982; 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 MOUNTAIN 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 12th day of August, 1982

*Oscar W. Swenson*  
 Notary Public

PROTECTED

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

02-7263

Name: BLAINE MECHAM  
Address: 595 E. 16th N.,  
Mountain Home, Idaho  
Source: SNAKE RIVER  
Priority Date: June 1, 1978  
County: Elmore  
Amount: 12.0 cfs  
Point of Diversion: NW¼SW¼  
Sec 28 T 5S-R 7E B.M.  
Use: irrigation of 1340 acres  
from Mar 15 to Nov 15  
Place of Use: E½, S½SW¼ Sec  
2; E½, Sec 3; E½ Sec 10;  
NW¼NE¼, NW¼, N½SW¼,  
SE¼SW¼, Sec 11 T 5S-R 6E B.M.  
Means: pump, canals, & pipe-  
lines

*OK  
alw  
6-26-78*

02-7264

Name: BLAINE MECHAM  
Address: 595 E. 16th N.,  
Mountain Home, Idaho  
Source: SNAKE RIVER  
Priority Date: June 1, 1978  
County: Elmore  
Amount: 13.36 cfs  
Point of Diversion: SE¼NE¼  
Sec 33 T 5S-R 7E B.M.  
Use: irrigation of 635.85 acres  
from Mar 15 to Nov 15  
Place of Use: SW¼NW¼,  
N½NW¼, Sec 4; NE¼, NE¼-  
NW¼, NE¼SE¼ Sec 5 T 6S-R  
7E; NW¼NE¼, SE¼NE¼,  
N½NW¼, NE¼SE¼, SW¼SE¼  
Sec 33 T 5S-R 7E B.M.

Means: pump, pond & pipelines  
If issued, the permits 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, 923 S. 10th  
Boise, Idaho 83720.

C. STEPHEN ALLRED  
Director

Published in the Mountain Home  
News, Mountain Home, Idaho  
June 15 and June 22, 1978

**RECORDED**  
JUN 17 1978

70215  
6-26-78

**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 ...*15*... day  
of ...*June*..., 19*78*, and  
the last publication having been made on the  
...*22*... day of ...*June*...  
19.*78*...; 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 ...*22*...  
day of ...*June*..., 19*78*

*[Signature]*  
Notary Public

**RECORDED**

June 8, 1992

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

RE: Water Right No. A02-07263

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



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](http://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 PUMPER  
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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NOV 14 2003

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 <sup>nd</sup> 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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If you have questions, please feel free to contact the department.

Sincerely,



Cynthia Bridge Clark  
Associate Engineer  
Water Allocation Bureau

Enclosures

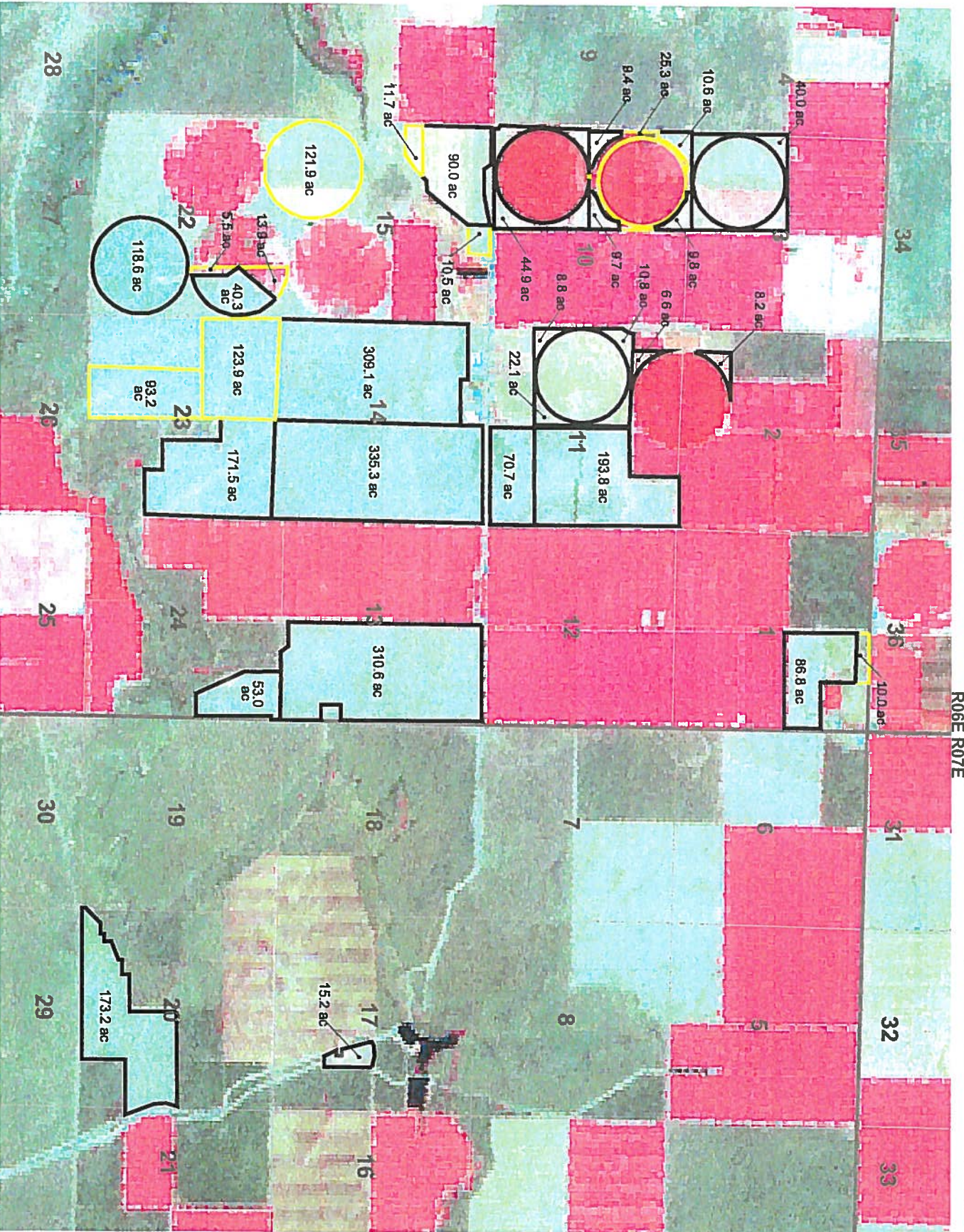
c: Western Regional Office

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

Debbie Allen  
IDWR, Fiscal Section

MICROFILMED

NOV 14 2003



Imagery: July 26, 2002



Prepared by: M. Wilkins  
 Idaho Department of Water Resources  
 1301 North Orchard Street  
 Boise, ID 83706  
 (208) 327-7900

**South Elmore Irrigation Company**  
 Acres for Final Payment for Rental of Water from  
 High-Lift Pumps from the Snake River to the Water Supply Bank

Prepared: February 5, 2003

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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](http://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. ELIGILITY 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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NOV 14 2003



**POST FARMS**

**ACK AND KARLA**

BOX 298  
MOUNTAIN HOME  
IDAHO 83647  
ELMORE

208-587-7197

RECEIVED

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:

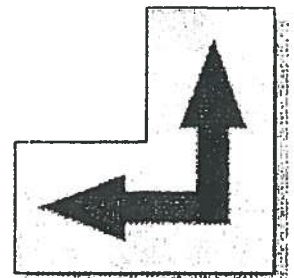
This letter is a follow-up to our telephone conversation concerning the above parcel. Due to extremely dry conditions during the summer, we were not able to grow any vegetation to hold the soil. This field had been bedded in the spring, and we were not able to keep it from blowing. This field became 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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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](http://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

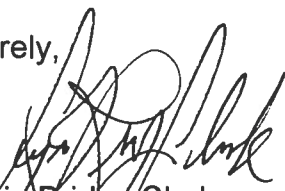
The attached map identifies the eligibility status of lands based on the review to date. It indicates whether the lands are eligible, ineligible or whether there are questions surrounding their eligibility at this time.

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

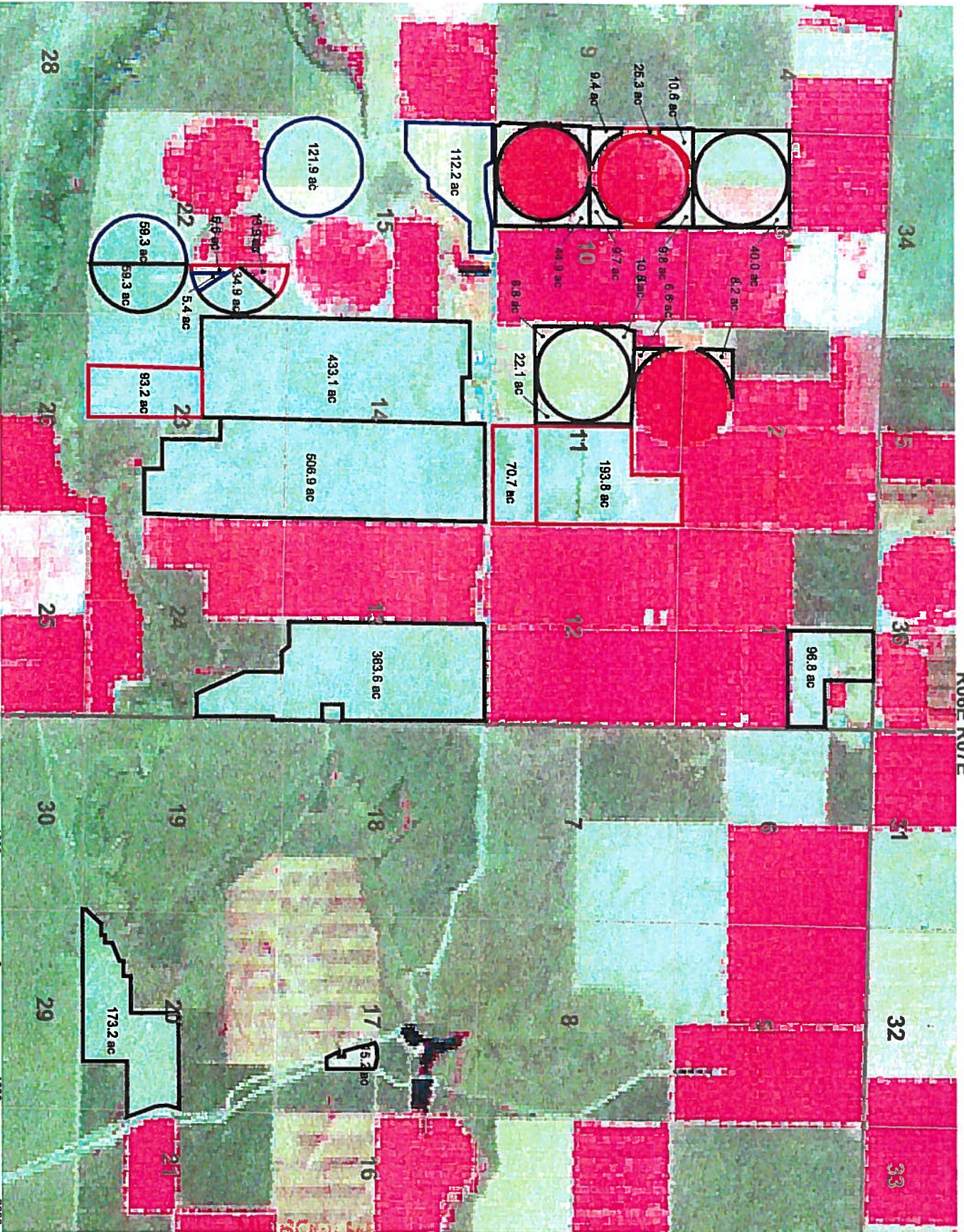
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NOV 14 2003



Prepared by:  
 Idaho Department of Water Resources  
 1801 North Oxford Street  
 Boise, ID 83720  
 (208) 325-1900

Imagery: July 26, 2002



R06E R07E

T04S  
T05S

NOV 14 2003

# South Elmore Irrigation Company

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

Prepared: October 1, 2002



- 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](http://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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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](http://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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NOV 14 2003

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



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 1 2003

Department of Water Resources

SOUTH ELMORE IRRIGATION COMPANY
PO BOX 396
MOUNTAIN HOME ID 83647

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.

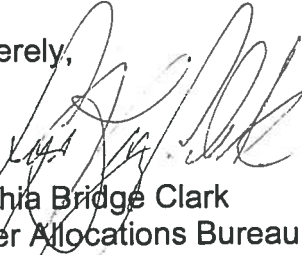
MICROFILMED 15 2003

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  
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**

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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

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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.

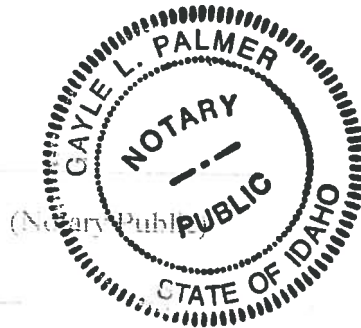
The information contained in this statement is true to the best of my knowledge.

*John WisSEL*  
John WisSEL

Subscribed and sworn before me this 17<sup>th</sup> day of April, 2003.

*Gayle L Palmer*

My commission expires 7-26-07



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20 34 39 21

40 40 40 40  
2269/2367  
40 34 40 40

40 40 37 40

21 38 40



ation Company

ted: July 26, 2002

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JUL - 1 2003

DEPARTMENT OF WATER RESOURCES

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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 DEPARTMENT OF WATER RESOURCES  
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,  
\_\_\_\_\_ ¼ of NE ¼ of SW ¼, 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 \_\_\_\_\_, \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼ of  
\_\_\_\_\_ ¼, 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 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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE 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.

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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 02-2367  
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 \_\_\_\_\_

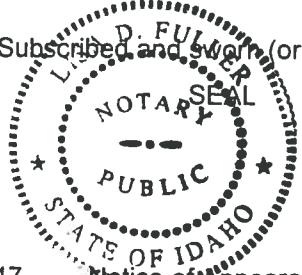
**For Organizations:** I do solemnly swear or affirm that I am President  
of South Elmore Irrigation Co. Title \_\_\_\_\_  
Organization \_\_\_\_\_, that I have signed the foregoing  
document in the space below as President of South Elmore Irrigation Co.  
Organization \_\_\_\_\_

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 2003  
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	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	11													6
		15				35	40		8	10	12	38			143
		16				30	30	30	30						120
		22			30	30			30		7.6			30	157.6
		23								39	38				77
		24								22.4	40	40	40		142.4

646.0

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NOV 14 2003

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	
5S	6E	1	30	30	40	40			40	40	40	40	40	40	460
		3	40	40	40	40			40	40	40	40	40	40	480
		10	40	40	40	40	40	40	40	40	39	39	40	39	636
		11	40		40	40				40	6	40	40	39	324
		12	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	36	630
		14	40	40	40	40	21	29	40	40	40	40	40	40	610
		15			37	35	40	15	10	12	38	38	30	30	392
		16	40	32.8	32.8	40	30	30	30						265.6
		22	30	30	30	30	22	22	38	11	11		30	30	382
		23	40	40	27	40	40	40	38	39	38		31	13	425
		24	39			19	37	39	38	19	30		22.4	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 2013

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

RECEIVED  
JUL 1 - 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,  
\_\_\_\_\_ ¼ of NE ¼ of SW ¼, 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 \_\_\_\_\_, \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼ of  
\_\_\_\_\_ ¼, 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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE 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.

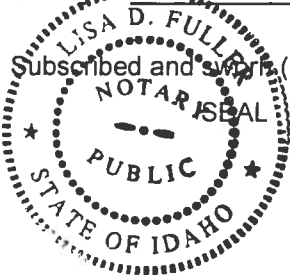
Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am President  
of South Elmore Irrigation Co., 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.

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 2003  
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 02-2269

TWP	RANGE	SEC.	NE¼			NW¼			SW¼			SE¼			Total
			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	460
		3	40	40	40	40			40	40	40	40	40	40	480
		10	40	40	40	40	40	40	40	39	39	40	40	39	636
		11	40		40	40				40		40	40	39	318
		12	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	36	630
		14	40	40	40	40	21	29	40	40	40	40	40	40	610
		15			37	35			15	2	2	38	30	30	249
		16	40	32.8	32.8	40									145.6
		22	30			30	22	22	38	8	11	3.4	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	179
		21	40	40	40	34					40	37			231
		22					40	40	40	40					160
														5645.0	

NOV 14 2003

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			
5S	6E	1	30	30	40	40					40	40	40	40	40	40	460
		3	40	40	40	40					40	40	40	40	40	40	480
		10	40	40	40	40	40	40	40	39	39	40	40	40	39	39	636
		11	40		40	40							40	6	40	39	324
		12	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	36	40	630
		14	40	40	40	40	21	29	40	40	40	40	40	40	40	40	610
		15				37	35	40	15	10	12	12	38	38	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	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	363.4		
5S	7E	17								39	34				21	94	
		18											20		20		
		20										21	38	40	40	179	
		21	40	40	40	34				40	37					231	
		22					40	40	40	40						160	

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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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 25, 2003

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

MICROFILMED  
JUL 15 2003

MICROFILMED

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

MICROFILMED

JUL 15 2003

JUL 14 2003



RECEIVED  
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,

Jonathon C. Bowling, P.E.

c: John P. Prescott  
James C. Tucker

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](http://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 <sup>nd</sup> 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.

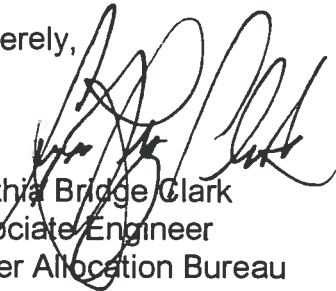
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NOV 14 2003 MICROFILMED

NOV 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

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NOV 14 2003



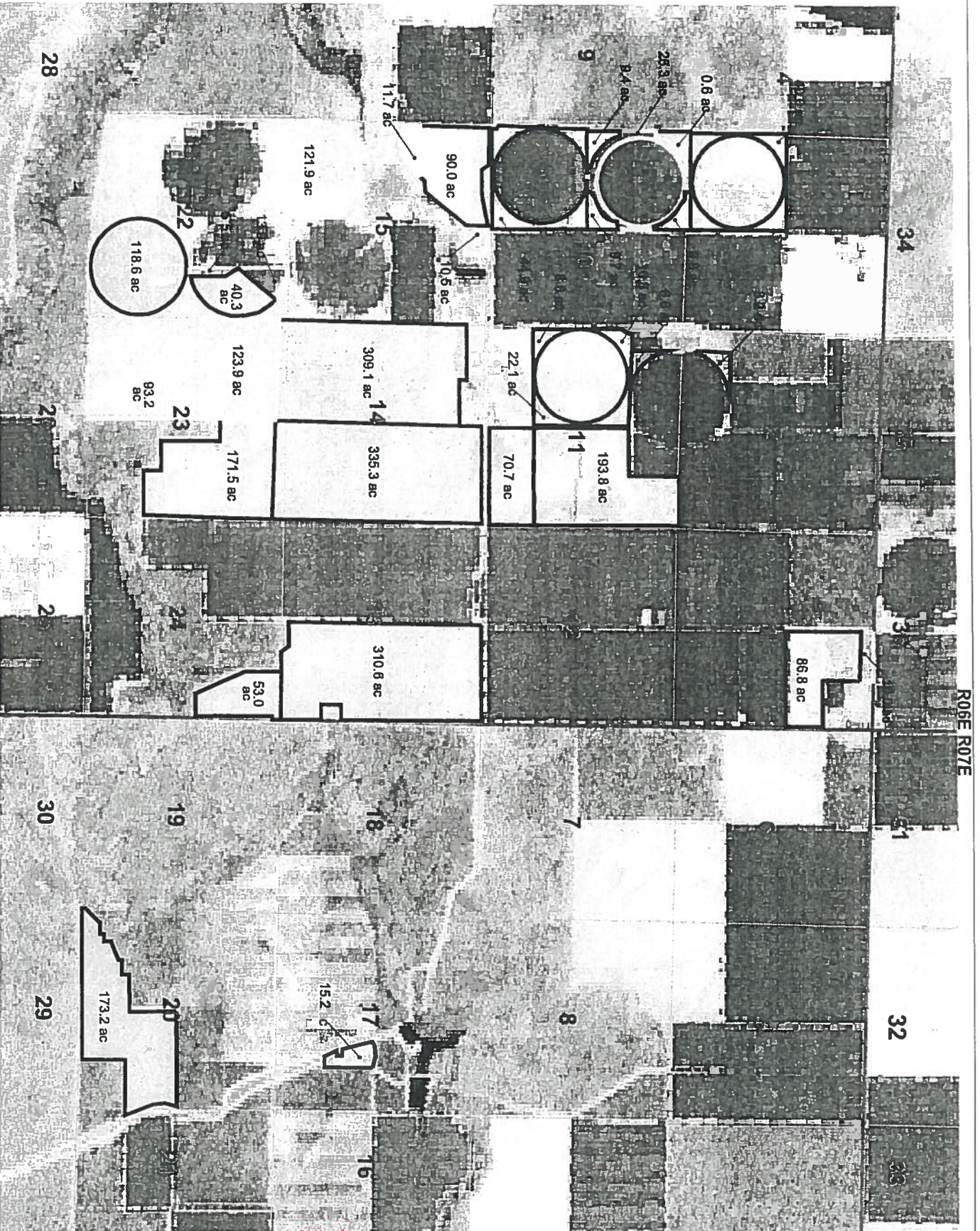
Imagery: July 26, 2002



Prepared by: M. Williams  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83706  
(208) 327-7900

# South Elmore Irrigation Company Acreages for Final Payment for Rental of Water from High-Lift Pumps from the Snake River to the Water Supply Bank

Prepared: February 5, 2003



ELIGIBLE  
INELIGIBLE  
Township/Range Lines  
Section Lines

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NOV 14 2003

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JUL 15 2003

T04S  
T05S

ROBE R07E

## 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 groundwater. Thus, before IDWR can make a recommendation on any

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 2003

## 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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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



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](http://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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NOV 15 2003

DRAFT

RECEIVED

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

DRAFT

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NOV 14 2003

# 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:

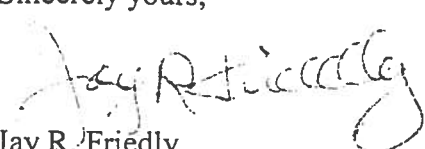
The stock books for South Elmore Irrigation Co. indicate Squaw Creek Farms, L.L.C., owns 1,064.0 shares of stock in South Elmore Irrigation Co. as follows:

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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NOV 14 2003

WARRANTY DEED

FOR VALUE RECEIVED

Charlie 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 Elmore more particularly described as follows, to wit:

Mountain Home, Id 83647 County, State of Idaho,

(See Attached)

James

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 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 6, 1996

[Signature of Charlie W. Smith]

Charlie W. Smith

[Signature of Lillian M. 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.

MICRON Signature: \_\_\_\_\_

NOV 14 2013 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 [Signature of Marla Becken] Deputy

Fee \$ 9.00

LEGAL DESCRIPTION

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'J3" 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°00'38" 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

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.

MICHO  
NOV 14 2003

RECEIVED

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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NOV 14 2003



POST FARMS

ACK AND KARLA

BOX 298  
MOUNTAIN HOME  
IDAHO 83647  
ELMORE

208-587-7197

RECEIVED

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:

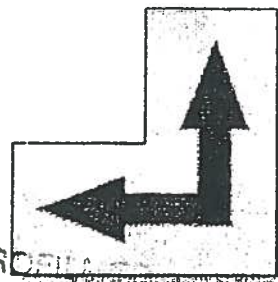
This letter is a follow-up to our telephone conversation concerning the above parcel. Due to extremely dry conditions during the summer, we were not able to grow any vegetation to hold the soil. This field had been bedded in the spring, and we were not able to keep it from blowing. This field became 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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JUL 15 2003

## 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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R06E R07E

T04S  
T05S

32

FIELD NO. 1  
96.8 ac. total

86.8 ac

FIELD NO. 3

70.7 ac

FIELD NO. 7  
112.2 ac total

FIELD NO. 8

FIELD NO. 6  
54.3 ac total

FIELD NO. 4

FIELD NO. 5

FIELD NO. 2  
64.8 ac total

193.8 ac

310.6 ac

123.9 ac

93.2 ac

FIELD NO. 9

59.3 ac

34.9 ac

53.0 ac

173.2 ac



- ELIGIBLE
- INELIGIBLE
- QUESTIONABLE
- Township/Range Lines
- Section Lines

**South Elmore Irrigation Company**  
 Acreage Estimates for Rental of Water from  
 High-Lift Pumpers from the Snake River to the Water Supply Bank

Prepared: November 8, 2002

Imagery: July 26, 2002

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



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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 INTO HOME IRRIGATION DIST  
SO THE DATE ON APPL. FOR QW 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 Lizard Creek Farm LLC Phone 587-5319  
Mailing address Mountain Home Idaho PO Box 1207  
83647 (Woods Wing)

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 4.0 for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
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. \_\_\_\_\_

Mtn 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 PUD + 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 King  
Signature of Applicant (and title, if applicable)

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

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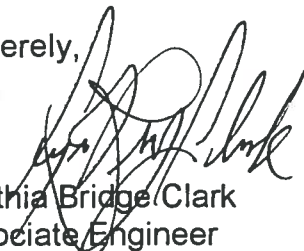
The attached map identifies the eligibility status of lands based on the review to date. It indicates whether the lands are eligible, ineligible or whether there are questions surrounding their eligibility at this time.

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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JUL 15 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  
580-3581 work*

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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](http://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 PUMPER 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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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.

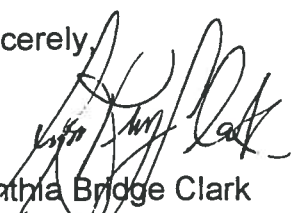
Please submit your request in writing by describing the preferred payment option. Specify the date you would like the final payment issued for option no. 1, or for option no. 2, specify the dates for issuance and the percentage amounts of the early and final payments. All payments will be issued to the 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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June 12, 1992

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

RE: Water Right No. A02-07263

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

May 19, 1992

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

RE: Water Right No. A02-07263

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. 02-7263

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. 36920 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

02-7263  
Permit No.

1. Measurement Calculations

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

See attached certified measurement of this permit dated 8/11/1983 from Sheryl Chapman.

certified measurement 12.38 cfs - permit 12.0 cfs

Except 12.0 cfs

acre feet 691 acres x 5 = 3455 AFA

b) Volume Calculations for Irrigation:

irrig. require = 5.0 / 245 days

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 691 \times 5 = 3455.0 \text{ AFA}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 12.0 \times 245 \times 1.9835 = 5831.5$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{3455.0}$

c) Volume Calculations for Other Uses:

none

2. Overlap Review

a) Other water rights with same place of use:

none

b) Other water rights with same point of diversion:

02-2269, 02-2367, 02-2210  
02-2345, 02-7317 & 02-7255

c) Analysis:

1- 800 HP pumping plant is designated for this permit according to Sheryl Chapman's attached letter.

800 HP Westinghouse Serial # 1S-79  
Layne pump 89421

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RECOMMENDED AMOUNTS

30 day #1

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Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
02-7263	6/1/78	12.0 cfs	6-01-1978	5-27-1983	131.14 cfs

3. Permit Holder: South Elmore Irrigation Company

4. Address: P.O. Box 4, Mountain Home, Ida 83647

5. Source: Snake River tributary to Columbia River

6. Beneficial Use: Irrigation Period of Use: 3/15 to 11/15 Rate of Diversion: 12.0 Annual Volume: 3455.0 AF

245 days

Allowable Maximums: 12.0 3455.0 AF

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
	<u>642</u>	<u>SE</u>	<u>NE</u>	<u>SW</u>	<u>28</u>	<u>5S</u>	<u>7E</u>	<u>Elmore</u>

8. Place(s) of Use

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	
<u>5S</u>	<u>6E</u>	<u>2</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>						<u>36</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>392</u>	
<u>5S</u>	<u>6E</u>	<u>11</u>		<u>39</u>			<u>40</u>	<u>34</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>27</u>					<u>299</u>	
Total Acres <u>691</u>																			

9. Recommended Conditions/Remarks:

~~R10~~  
 R16 (5.0)  
 R17 (02-2210, 02-2269, 02-2345, 02-2367, 02-7255, 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 K Moyer Date: 8/14/84

Checked in Regional Office by: 665 Date: 7/27/84

Approved in State Office by: Kay Walker Date: 10-25-84  
11-8-84

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

June 27, 1985

RECEIVED

JUN 28 1985

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

Department of Water Resources

Re: South Elmore Irrigation Co.  
Permit No. 02-7263

Gentlemen:

I am enclosing Application For Amendment Of A Permit on behalf of South Elmore Irrigation Company. The application has been signed by John A. Wissel, president. I am also enclosing our check payable to you in the amount of \$20 for the filing fee.

Sincerely yours,

Jay R. Friedly

JRF:11

Enclosure

MICROFILMED

RECEIVED

JUN 18 1985

HALL, FRIEDLY & ROBERTS

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

Department of Water Resources

TELEPHONE  
(208) 587-4412

PERCE HALL  
JAY R. FRIEDLY  
DON L. ROBERTS

June 12, 1985

Ms. Kay Walker  
Idaho Department of Water Resources  
State House  
Boise, Idaho 83720

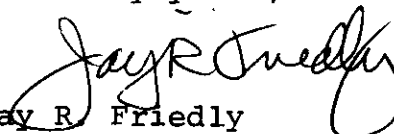
Re: South Elmore Irrigation Co.  
Permit Nos. 02-7263 and 02-2345

Dear Ms. Walker:

I am writing to you as the attorney for South Elmore Irrigation Co. regarding the above permits. I received a letter from you to South Elmore Irrigation Co. dated May 31, 1985. The letter notifies us that we have fifteen days within which to forward the amendments to you. Pursuant to our telephone conversation on June 11, 1985, it is my understanding that the Department will allow us until the end of the month within which to provide you with this information.

If that is not correct, please let me know at once.

Sincerely yours,

  
Jay R. Friedly

JRF:dm

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*no response  
req'd - files  
on call-up  
for 7/1/85.  
kw*

CONVERSATION MEMORANDUM

DATE 6-11-85

FILE 02-7263

NAME OF PARTY

EMPLOYEE

Jay Friedley, Attorney  
Ray Walker

02-2345

RE: South Elmore Irrig. Co.

Mr. Friedley requested additional time for South Elmore Irr. Co. to respond to our 15 day letter. They have been working with Sherl Chapman on this and need more time to complete their review. He requested no action be taken until the end of June.

Have put on call-up for July 1, 1985.

**MICROFILMED**

May 31, 1985

RE: Permit Nos. 02-7263 & 02-2345

South Elmore Irr. Co.  
P.O. Box U  
Mountain Home, ID 83647

Dear Permit Holder:

On April 16, 1985, we forwarded amendments to you to be completed to amend the permits to correspond with the findings of the field examiner so that we could issue the licenses.

As of this date, we have not received the amendments. If we do not receive them within fifteen (15) days, we will assume you no longer have any interest in the permits and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:sc

**MICROFILMED**



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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

April 16, 1985

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

RE: Permit No. 02-7263

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

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 02-7263 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 12.0 cfs Source: Snake River

The maximum quantity diverted shall not exceed 3455.0 acre feet per year.

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

Beneficial Use: Irrigation of 691 acres within Gov. Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), Gov. Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ), S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 2; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 11; Twp. 5S, Rge. 6E

Priority date established: June 1, 1978

Conditions (if any): This right when combined with Right Nos. 02-2210, 02-2269, 02-2345, 02-2367 and 02-7255 shall not exceed 131.14 cfs. See attached for more conditions.

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

**MICROFILMED**

SEP 23 1984

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

Department of Water Resources

Permit No. 02-7263

1. Owner: South Elmore Irr. Co.  
Current Address: Box U Mountain Home 83647

Phone No. 587-8683

2. Accompanied by: Bandy Meyer EXAM. DATE: 8/13/84  
Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Relationship to Permit Holder: assist ditch rider

3. Source: Snake tributary to Columbia

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<u>Westinghouse</u>	<u>800</u>	<u>15-79</u>	<u>Jayne</u>	<u>89421</u>

\*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

1-800 HP motor 36" penstock

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<u>See certified water measurement</u>						

7. Measurements  Additional data/computation sheets attached

12.0 cfs as per permit - measured 12.38 cfs  
6.91 x 5 = 34.55 AFA  
total capacity = 131.14 cfs - see attached

8. Point(s) of Diversion: Indicate Method of Determination

Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
<u>62</u>	<u>SE</u>	<u>NE</u>	<u>SW</u>	<u>28</u>	<u>55</u>	<u>7E</u>		<u>Elmore</u>	

9. Place(s) of Use: Irrigation - give acres served by system at time of exam. Indicate Method of Determination Photo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>55</u>	<u>6E</u>	<u>2</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>						<u>36</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>392</u>	
		<u>11</u>		<u>39</u>			<u>40</u>	<u>34</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>		<u>27</u>				<u>299</u>	
<b>Microfilm</b>																			
Total Acres <u>691</u>																			

10. Other water rights on these lands none
11. Other water right diverted from same p.d. 02-2269, 02-2367, 02-2210  
02-2345, 02-7317 02-7255
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.

**ENCLOSURE**

*list of motors*

- 1- 800 HP for this permit - 30" penstock*
- 4- 2000 HP motors*
- 1- 1500 HP motor*

*3 penstocks - main delivery system is through concrete ditches dumped to holding ponds - pressurized sprinkler systems.*

13.  *no* Photo of Diversion & System Attached  Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 K. Hoyle Date 8/14/89

Consultant's License Number \_\_\_\_\_

IDWR Director's Authorization to Conduct Beneficial Use Examination \_\_\_\_\_

Date \_\_\_\_\_ CONSULTANT SEAL

U-200  
-63

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

Date 9/19, 1964 DISCHARGE MEASUREMENT NOTES

Sawtooth R. River at: Columbia R.

Sta.	Dist. from Initial Point	Width	Depth	Observed flow depth	Revolutions	Time in seconds	VELOCITY		Adjusted for Cor. angle or	Area	Discharge
							At point	Mean in vertical			
EW 0100					0	40					
1400	1	1	.8		60		3.35			.8	2.68
2100	2	1	1.8		75		4.19			1.8	7.54
3100	3	1	2.4		75		4.19			2.4	10.06
4700	4	1	2.6		85		4.73			2.6	12.3
5700	5	1	3.7		80		4.47			3.7	16.54
6700	6	1	3.7		80		4.47			3.7	16.54
7700	7	1	3.7		80		4.47			3.7	16.54
8700	8	1	3.7		80		4.47			3.7	16.54
9700	9	1	3.4		75		4.19			3.4	14.27
10700	10	1	2.3		80		4.47			2.3	10.28
11700	11	1	1.4		65		3.61			1.4	5.1
12700	12	1	.8		65	✓	3.61			.8	2.89
EW 13700	13										

Total capacity of all pumps running 131.28

computer C55 = 131.145

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MEASUREMENT FOR SO. ELMORE IRR. CO. DTH

MEASUREMENT LOCATION BRIDGE OVER CONCRETE DITCH  
 RELEASED BY JKN ON 09/19/84

LEGAL DESCRIPTION  
 V = 2.218N + .022 FOR N OF 1  
 W = 2.324N + .316 FOR N OF 1

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
	FEET	SQ. FT.		SEC.	FT/SEC	CS
.000	.000	.000	0	.000	.000	.000
1.000	.500	.800	50	40.000	3.352	2.852
2.000	1.500	1.800	75	40.000	4.155	7.007
3.000	2.400	2.400	75	40.000	4.100	11.107
4.000	2.500	2.500	80	40.000	4.742	15.349
5.000	3.700	1.700	50	40.000	4.454	19.807
6.000	3.700	1.700	50	40.000	4.454	16.357
7.000	3.700	1.700	50	40.000	4.454	12.907
8.000	3.700	1.700	50	40.000	4.454	9.457
9.000	3.400	1.400	50	40.000	4.300	6.007
10.000	2.300	2.300	50	40.000	4.454	2.557
11.000	1.500	1.400	50	40.000	3.530	.007
12.000	.500	.800	50	40.000	3.530	2.504
13.000	.000	.000	0	.000	.000	.000

33.500

Total Capacity → 131.143

of system as measured by adj. examiner 9/19/84.

POOR QUALITY ORIGINAL

MICROFILMED

162.2

125.1

351

B440

445B

40

39

2

40

39

E  
161.3

A  
167.7

40

39

02-7263

F  
80.4

36

40

40

39

C  
10.7

3  
0

Food Yard

34

40

39

B434  
3915

B  
166.1

D  
41.5

39

40

02-7263

40

40

D  
312.5

H  
154.4

02-7263 227

VOK

E  
64.0

02-7367

I  
79.1

B434  
434B

A  
73.2

# Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

TO: Mr. Dave Shaw, Regional Supervisor, Western Division  
Idaho Department of Water Resources

FROM: Sherl L. Chapman, Consultant

DATE: May 3, 1982

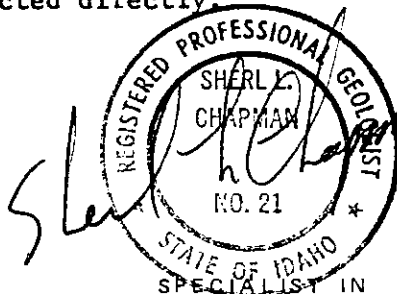
SUBJECT: CERTIFIED WATER MEASUREMENT, BLAINE MECHAM PERMIT

The flow from irrigation facilities owned by Mr. Blaine Mecham of Mountain Home, Idaho, was measured by me personally on April 23, 1982. The irrigation facilities consist of a Westinghouse 800 horsepower electric motor, vertical turbine short coupled pump, a 36 inch penstock and open canal distribution. The water is comingled with other waters produced for South Elmore Irrigation Company and delivered through canals of that company to bench lands above the Snake River. Normal operating pressure for the system throughout the irrigation season averages 200 pounds per square inch at the river station regardless of the number of pumps in operation.

The flow was measured at the river station in a 16 inch steel discharge pipe with a Collins air/water manometer. Laminar flow through the pipe was excellent and very little turbulence was encountered even along the side walls of the discharge pipe. Average velocity in the pipe was 9.63 feet per second and the produced flow at 200 pounds per square inch delivery pressure at the pump was 12.38 cubic feet per second or 5,556 gallons per minute. The access ports for the Collins air/water manometer were equipped with 3/4 inch gate valves which would allow additional measurement in the future if deemed necessary.

If any questions arise regarding this measurement, this firm should be contacted directly.

**MICROFILMED**



Department of Water Resources  
Western Regional Office

*Sherl L. Chapman*

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

May 3, 1982

RECEIVED  
MAY 12 1982

Department of Water Resources  
Western Regional Office

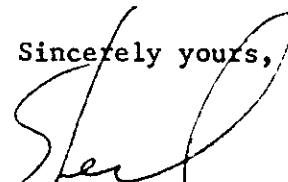
Mr. Dave Shaw  
Western Division  
Department of Water Resources  
92 South Cole Road  
Boise, Idaho 83709

Dear Dave:

Enclosed you will find a copy for Request for Examination for Proof of Beneficial Use for Mr. Blaine Mecham, Mountain Home, Idaho, and a certified water measurement. The request is for permit #02-7263 in the amount of 12.0 cubic feet per second for irrigation from March 15th to November 15th. The description of works include a vertical turbine, shout coupled pump, a Westinghouse 800 horse-power electric motor, penstock and canals with the water conveyed through the existing South Elmore Irrigation Company facilities. The land, as outlined in the application, has been put into crop production. I have measured the discharge from the irrigation works with a Collins air/water manometer which eliminates the need for a Department examiner to measure the facilities. As you have indicated in our past conversations, it may be necessary for your Department examiner to review the acreage prior to licensing. I would suggest that such examination be conducted during this year's irrigation season since Mr. Mecham would like to complete licensing of the water right.

I have enclosed the request post card and measurement for your files and if you have any questions or need additional information, please let me know.

Sincerely yours,



Sherl L. Chapman  
Consultant

SLC:kje  
enclosures

**MICROFILMED**

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

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)

OK/5/5  
Rights must be conditioned to limit  
to capacity of system.

kw 11-8-84

**MICROFILMED**

Overlap Review for Permit 02-7263

as per micro-fische 11/8/84:

plu - 61-0132 Rattlesnake Res.  
Long Tom Res.  
Little Camas Res.  
02-2367 Snake-Lic.

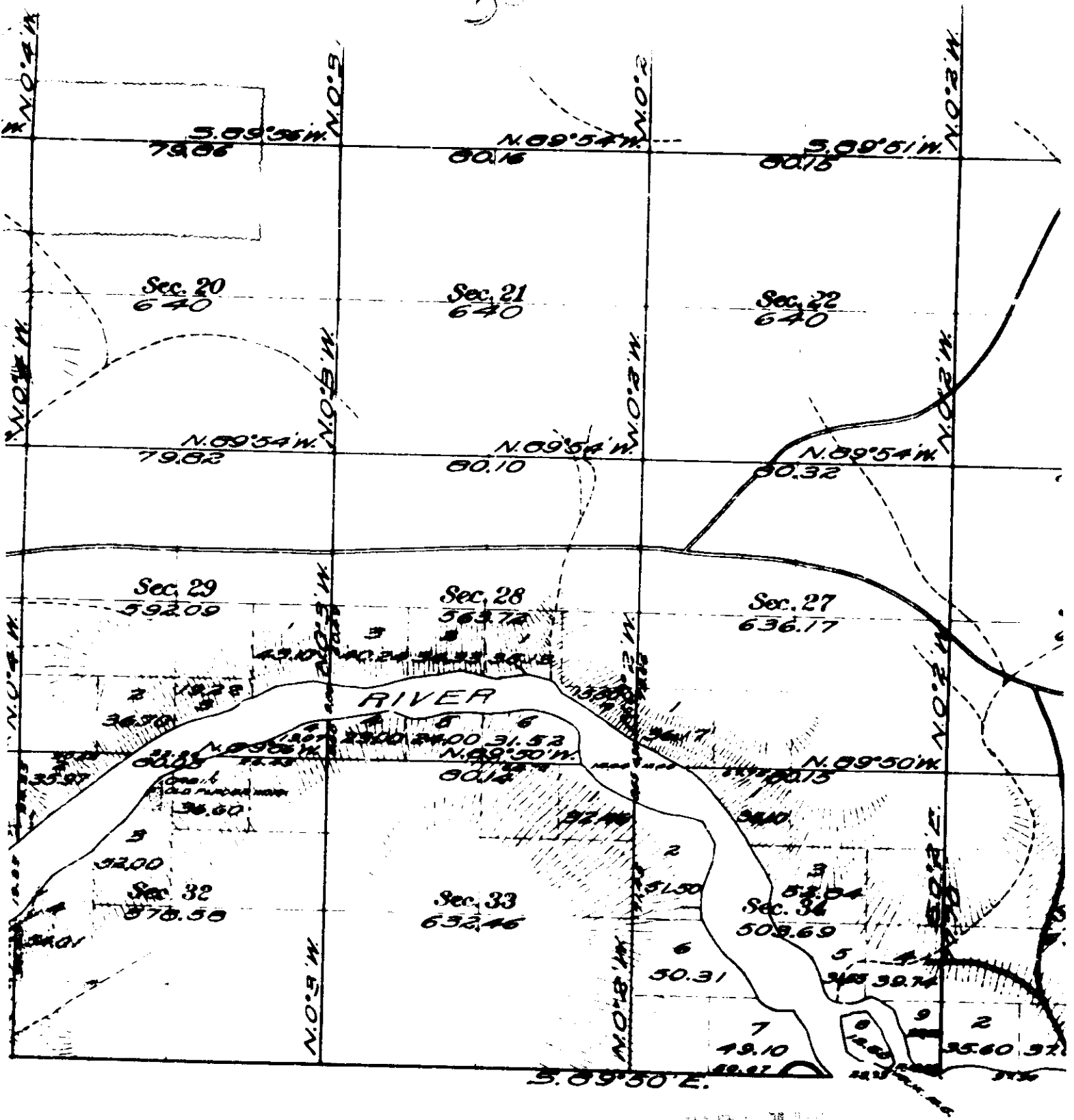
02-2367 - same diversion point, <sup>per examined</sup>  
per map (attached to exam) there  
is no plu overlap. see  
attached pld overlap review.

OK/5/84 61-0132 - different source - Recommend  
R16(5.0) for plu overlap.

kw 11-8-84

**MICROFILMED**

55-7E



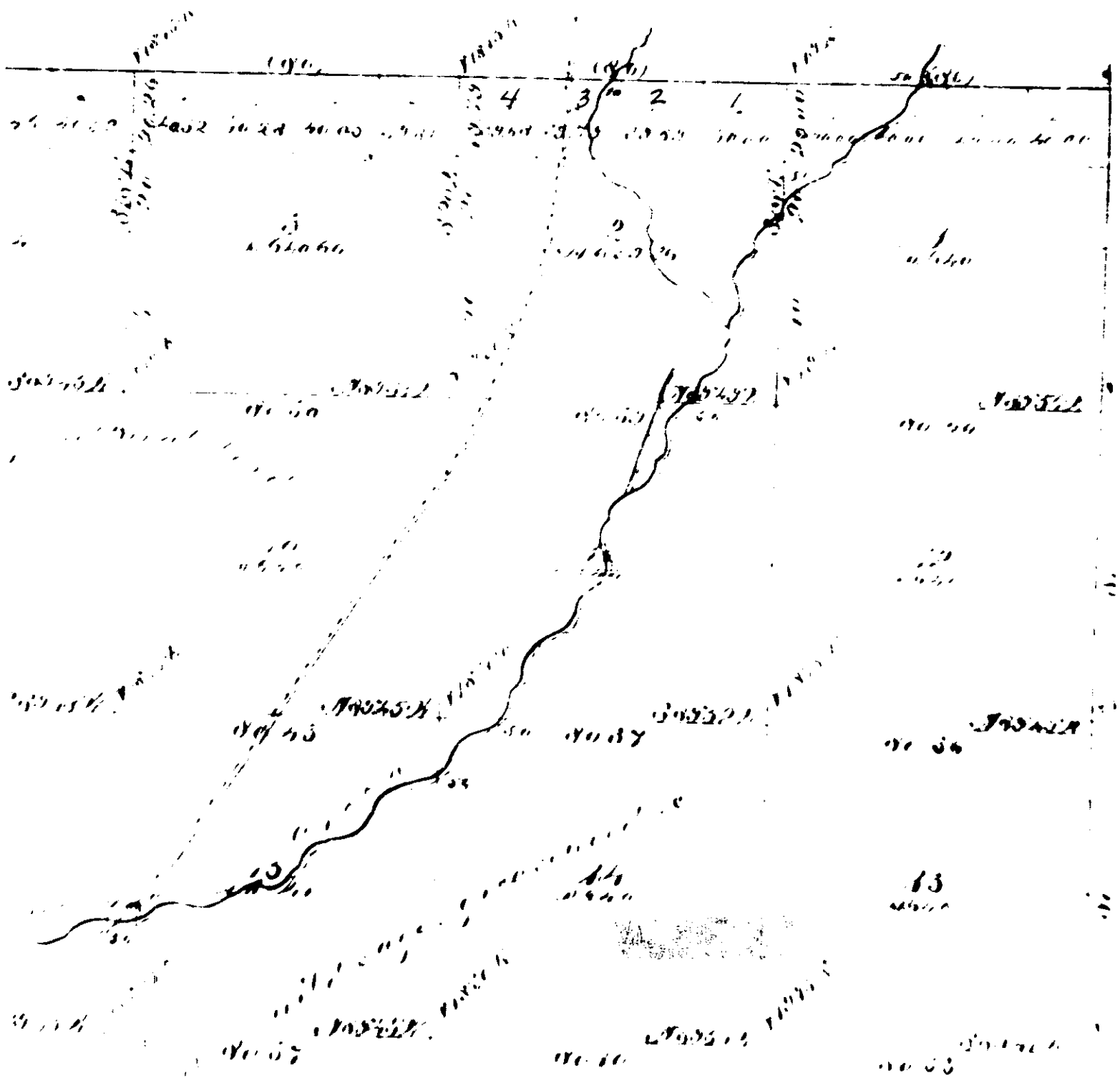
Q P n Q 9 R

Surveyed	Contract No	Contract Date	Amount of Surveys		When Surveyed		
			Mi.	chs.	Uts.	Began.	Completed.
Maxwell	325	January 8, 1910	0	79	50	Feb. 14, 1910	Feb. 14, 1910
"	"	"	1	79	23	"	"
"	"	"	0	26	74	"	"
"	"	"	1	52	21	"	"

The ab Meridian in this off

55-6E

Map of Forest Reserve Map of ...



November 3, 1983

RE: Permit No. 02-7263

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

Gentlemen:

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

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:sc

Enclosure

CONVERSATION MEMORANDUM

DATE 10/20/83

FILE 02-7263

NAME OF PARTY SHERL CHAPMAN

EMPLOYEE JAN BROUER

RE: APP. FOR AMENDMENT No. 02-7263

SHERL STATED THE REASON FOR FILING <sup>AP</sup> APP. FOR AMENDMENT FOR PERMIT NO. 02-7263 WAS BECAUSE THE LANDS LISTED IN SECTIONS 10 & 3 WERE ALREADY COVERED ADEQUATELY UNDER OTHER WATER RIGHTS & SECTIONS 2 & 11 WERE NOT. THEREFORE, WITH THE REDUCTION IN ACREAGE & THE SAME AMOUNT OF WATER IT BROUGHT THE AMOUNT OF WATER PER ACRE UP TO ALMOST 1" PER ACRE FOR 700 ACRES (12.0 CFS).

SEE PERMIT No. 02-2269

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Amendment of a Water Right Permit No. 02-7263 in the name of South Elmore Irrigation Company was published in error on 7/29 and 8/5/83. — 82

The source of water was advertised as being groundwater.

WHEREAS, the actual source of water is the Snake River.

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, Statehouse, 450 W. State Street, Boise, Idaho 83720 on or before October 10, 1983.

Ken, Dunn, Director

Published in the Mountain Home News  
on 9/22 and 9/29/83.

MICROFILMED

August 31, 1983

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

RE: Permit No. 02-7263

Gentlemen:

This office acknowledges receipt of the statement of beneficial use submitted for the above-referenced permit. Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you or a representative may show him the system.

A copy of the Order of Reinstatement is enclosed for your records.

If you have any questions regarding the field examination, please contact our Western Regional office at 334-2190.

Sincerely,

SHABLA CURTIS  
Gen. Typist/Water Allocation Section

Enclosure

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7263

Name(s) of Permit Holder: South Elmore Irrigation Company

Post Office Address: P.O. Box U, Mountain Home, ID 83647

Tel. No. 587-4412

Source of Water: Snake River

Extent of Use:  Domestic \_\_\_\_\_ (number of households)  
 Stockwater \_\_\_\_\_ (number and type of stock)  
 Irrigation 700 (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.

8-1-83

Date

SOUTH ELMORE IRRIGATION  
CO:  
BY: John A. [Signature]  
Signature of Permit Holder

PLACE  
TEN CENT  
STAMP  
HERE

~~RECEIVED~~

~~AUG 1 1983~~

*ML*

~~Department of Water Resources~~



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

RECEIVED

AUG 16 1983

Department of Water Resources

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Sharla *see*

DATE August 30, 1983

TO File #02-7263

SUBJECT B/U cards

Mr. Duncan sent a letter dated May 23 asking if a b/u card has yet been submitted. Our office replied on May 26 that we had not received one. Therefore, the permit lapsed on July 1. A b/u card was then received on August 16. However, on May 27 a b/u card was submitted with a letter from Sheriff Chapman to Western Region. Because the permit number was stated incorrectly on this card, Western did not immediately forward the card to the state office.

Therefore, the b/u card was submitted timely and can be reinstated with no advance in date of priority.

*Sharla*

SIGNATURE

MICROFILMED

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck *see*  
TO: File 02-7263  
DATE: 8/23/83

Date Proof Received

Aug. 16      228  
- July 1      182  
                    46

Proof Due

Number of Days Proof Late

Priority Date

+ 6/1/78      152  
                    46  
                    = 198

New Priority Date

July 17, 1978

Remarks

SEE MEMO  
TO FILE  
DATED 8-30-83

Jim

CONTINUED

CONTINUED

# *Sheri L. Chapman*

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

August 1, 1983

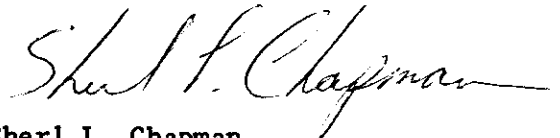
Mr. Dave Shaw  
Western Division  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Dear Dave:

Enclosed you will find a copy of request for examination for proof of beneficial use in the name of South Elmore Irrigation Company for permit #02-7263. Also enclosed is a certified water measurement that I made on this pumping plant. The amended permit requested 12.0 cfs for the irrigation of 700 acres. Proof of beneficial use had been submitted earlier in the name of Blaine Mecham but because the permit had been assigned to South Elmore Irrigation Company prior to the submission, it apparently is now necessary to resubmit proof of beneficial use in the name of South Elmore Irrigation Company. I've enclosed the proof of beneficial use post card and it is my understanding now that the only action necessary by the Department will be to verify the land irrigated.

If you have any questions with regard to the permit or the certified water measurement enclosed, please don't hesitate to call.

Sincerely yours,



Sheri L. Chapman  
Consultant

SLC:kje  
enclosures

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

# Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

**TO:** Mr. Dave Shaw, Regional Supervisor, Western Division  
Idaho Department of Water Resources

**FROM:** Sherl L. Chapman, Consultant

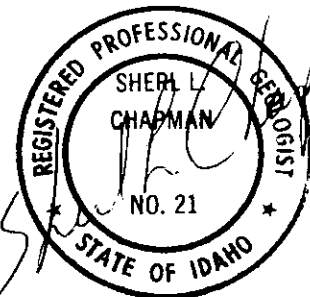
**DATE:** August 1, 1983

**SUBJECT:** Certified Water Measurement, Permit #02-7263

The water produced from irrigation facilities owned and operated by South Elmore Irrigation Company under permit #02-7263 was measured on April 23, 1982 by Sherl L. Chapman, Consultant. The pumping unit consists of a Westinghouse, 800 horsepower, electric motor, a vertical turbine, short coupled pump, and a 36 inch penstock which discharges into an open canal. The water is co-mingled with other waters produced for South Elmore Irrigation Company and delivered through canals of that company to bench lands above the Snake River. Normal operating pressure for the system throughout the irrigation season averages 200 pounds per square inch at the river station regardless of the number of pumps in operation.

The flow was measured at the river station in a 16 inch diameter steel discharge pipe from the 800 horsepower unit with a Collins air/water manometer. This discharge pipe receives flow only from the 800 horsepower unit that is noted under this permit. Laminar flow through the pipe was excellent and very little turbulence was found even along the side walls of the discharge pipe. Average velocity in the pipe was 9.63 feet per second and the produced flow at 200 pounds per square inch delivery pressure was 12.38 cubic feet per second or 5,556 gallons per minute. The access ports for the Collins air/water manometer were equipped with 3/4 inch gate valves which will allow additional measurement in the future if deemed necessary.

If questions arise regarding this measurement, please contact Sherl L. Chapman Consulting, 410 S. Orchard, Suite 144, Boise, Idaho 83705.



SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

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

LAPSE NOTICE

JULY 06, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 02-7263 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED APRIL 30, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

**CERTIFICATION OF MAILING**

I hereby certify that on 7/8/83  
a ~~copy~~/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

Marla Curtis

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 72-7263

Name(s) of Permit Holder: South Elmore Irrigation Company

Post Office Address: P.O. Box U, Mountain Home, ID 83647

Tel. No. 587-4412

Source of Water: Snake River

Extent of Use

<input type="checkbox"/> Domestic	(number of households)
<input type="checkbox"/> Stockwater	(number and type of stock)
<input checked="" type="checkbox"/> Irrigation <u>700</u>	(acres)
<input type="checkbox"/> 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.

5-19-83

Date

**SOUTH ELMORE IRRIGATION CO.**

By John O. Wise  
 Signature of Permit Holder

President

South E. Ore Irrigation Company

P. O. Box U

Mountain Home, ID 83647

PLACE  
13 CENT  
STAMP  
HERE

RECEIVED  
AUG 30 1983



RECEIVED  
AUG 30 1983  
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

Department of Water Resources  
Western Regional Office

# *Sherl L. Chapman*

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

May 19, 1983

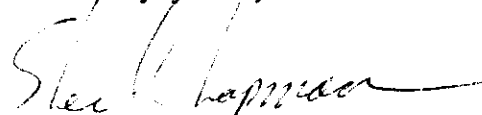
Mr. Dave Shaw  
Western Division  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Dear Dave:

Enclosed you will find a copy of request for examination for proof of beneficial use in the name of South Elmore Irrigation Company for permit #02-7263. Also enclosed is a certified water measurement that I made on this pumping plant. The amended permit requested 12.0 cfs for the irrigation of 700 acres. Proof of beneficial use had been submitted earlier in the name of Blaine Mecham but because the permit had been assigned to South Elmore Irrigation Company perior to the submission, it apparently is now necessary to resubmit proof of beneficial use in the name of South Elmore Irrigation Company. I've enclosed the proof of beneficial use post card and it is my understanding now that the only action necessary by the Department will be to verify the land irrigated.

If you have any questions with regard to the permit or the certified water measurement enclosed, please don't hesitate to call.

Sincerely yours,



Sherl L. Chapman  
Consultant

SLC:kje  
enclosures

**RECEIVED**  
MAY 27 1983

Department of Water Resources  
Western Regional Office

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

# Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

TO: Mr. Dave Shaw, Regional Supervisor, Western Division  
Idaho Department of Water Resources

FROM: Sherl L. Chapman, Consultant

DATE: May 19, 1983

SUBJECT: Certified Water Measurement, Permit #02-7263

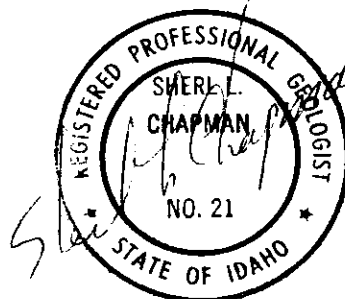
The water produced from irrigation facilities owned and operated by South Elmore Irrigation Company under permit #02-7263 was measured on April 23, 1982 by Sherl L. Chapman, Consultant. The pumping unit consists of a Westinghouse, 800 horsepower, electric motor, a vertical turbine, short coupled pump, and a 36 inch penstock which discharges into an open canal. The water is co-mingled with other waters produced for South Elmore Irrigation Company and delivered through canals of that company to bench lands above the Snake River. Normal operating pressure for the system throughout the irrigation season averages 200 pounds per square inch at the river station regardless of the number of pumps in operation.

The flow was measured at the river station in a 16 inch diameter steel discharge pipe from the 800 horsepower unit with a Collins air/water manometer. This discharge pipe receives flow only from the 800 horsepower unit that is noted under this permit. Laminar flow through the pipe was excellent and very little turbulence was found even along the side walls of the discharge pipe. Average velocity in the pipe was 9.63 feet per second and the produced flow at 200 pounds per square inch delivery pressure was 12.38 cubic feet per second or 5,556 gallons per minute. The access ports for the Collins air/water manometer were equipped with 3/4 inch gate valves which will allow additional measurement in the future if deemed necessary.

If questions arise regarding this measurement, please contact Sherl L. Chapman Consulting, 410 S. Orchard, Suite 144, Boise, Idaho 83705.

125-10000  
MAY 22 1983

Department of Water Resources  
Western Regional Office



May 26, 1983

A. T. Duncan  
P. O. Box 1087  
Twin Falls, ID 83301

Dear Mr. Duncan:

Re: Permit No. 02-7263 - Mecham

In reference to your letter dated May 23, 1983, the Statement of Beneficial Use postcard has not been received for the above-referenced permit as of this date.

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

Sincerely,

RITA I. FLECK  
Sr. Secretary

0000

RECEIVED

T. L. McKiernan  
Agricultural Investment Officer

MAY 24 1983

Second Floor  
South 176 Stevens Street  
Spokane, Washington 99204

A. T. Duncan  
Assistant Agricultural Investment Officer

P.O. Box 1087  
Twin Falls, Idaho 83301

John Hancock Mutual  
Life Insurance Company

3  
S-23-87

To - Dept of Water Admn.

Re - (02-7263) - MECHAN

Please Advise if Beneficial Use  
HAS BEEN filed on ABOVE Permit.

We show deadline of 7-1-83 -

Thank you -

*A. T. Duncan*

P.O. Box 1087

Twin Falls - ID

83301 -

MICROFILMED



*John Hancock* Companies

A. T. Duncan  
Assistant Agricultural Investment Officer  
PO Box 1087  
Twin Falls, ID 83301



MICROFILMED

DEPARTMENT of Water Resources  
STATEHOUSE  
BOISE, IDAHO -  
83720

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

138484

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

PROOF DUE NOTICE

APRIL 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 02-7263 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECORDED

NOTICE OF (APPLICATION FOR AMENDMENT )  
(AMENDED APPLICATION FOR PERMIT)

Notice is hereby given that (application)  
(permit ) No. 02-7263

in the name of South Elmore Irrigation Company

was filed on June 1, 1978 for the

diversion of 12.9 cfs from a groundwater source

with a point of diversion within the ~~N $\frac{1}{2}$ S $\frac{1}{2}$~~  SEC 28 Twp 5S Rge 7E

B.M. to be used for Irrigation

purposes from 3/15 to 11/15

to within portions of Sec 2, 3, 10 &

11, Twp 5S Reg 6E, B.M. for 1340 acres

The ( applicant )  
( ) now proposes to amend the  
( permit holder )

(application)  
( ) by changing the place of use to the E $\frac{1}{2}$ ,  
(permit )

~~S $\frac{1}{2}$ S $\frac{1}{2}$ , Sec 2; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{2}$ S $\frac{1}{2}$ , Sec 11 Twp 5S Rge 6E~~

for 700 acres

Any protest against the approval of the proposed amendment  
must be filed with the Department of Water Resources,  
92 S. Cole Road, Boise, Idaho 83709 on or before

August 16, 1982

A. KENNETH DUNN  
Director

Published 7/28 and 8/5/82

MICROFILMED

June 15, 1982

Blaine Mecham  
595 E. 16 N.  
Mountain Home, ID 83647

Dear Mr. Mecham:

Re: Permit No. 02-7263

Enclosed is the statement of beneficial use postcard submitted for the above-referenced permit.

Please be advised that on November 23, 1981, all right, title and interest in this permit was assigned to South Elmore Irrigation Company. In Idaho, a water right permit is personal property and only the permit holder or authorized agents may take action on a permit.

Please feel free to contact me if you have further questions concerning this permit.

Sincerely,

RITA I. FLECK  
Sr. Secretary

Enclosure

*Sherl L. Chapman*

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

June 21, 1982

Mr. Dave Shaw  
Department of Water Resources  
92 S. Cole Road  
Boise, Idaho 83709

Dear Dave:

Enclosed you will find an amendment to water right application 02-7263 presently in the name of South Elmore Irrigation Company. Proof of beneficial use for this water right has been filed and a certified measurement of the flow from the pumps serving these particular lands was provided sometime back. I believe the amendment is in order and accurately reflects the actual lands irrigated under the permit at the present time.

If you have any questions, please don't hesitate to call.

Sincerely yours,



Sherl L. Chapman  
Consultant

SLC:kje  
enclosure

**RECEIVED**

JUN 22 1982

Department of Water Resources  
Western Regional Office

*Sherl L. Chapman*

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

May 3, 1982

RECEIVED  
MAY 11 1982

Mr. Dave Shaw  
Western Division  
Department of Water Resources  
92 South Cole Road  
Boise, Idaho 83709

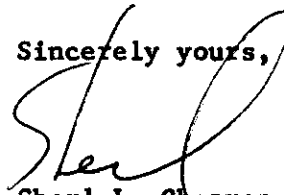
Department of Water Resources  
Western Regional Office

Dear Dave:

Enclosed you will find a copy for Request for Examination for Proof of Beneficial Use for Mr. Blaine Mecham, Mountain Home, Idaho, and a certified water measurement. The request is for permit #02-7263 in the amount of 12.0 cubic feet per setond for irrigation from March 15th to November 15th. The description of works include a vertical turbine, shout coupled pump, a Westinghouse 800 horse-power electric motor, penstock and canals with the water conveyed through the existing South Elmore Irrigation Company facilities. The land, as outlined in the application, has been put into crop production. I have measured the discharge from the irrigation works with a Collins air/water manometer which eliminates the need for a Department examiner to measure the facilities. As you have indicated in our past conversations, it may be necessary for your Department examiner to review the acreage prior to licensing. I would suggest that such examination be conducted during this year's irrigation season since Mr. Mecham would like to complete licensing of the water right.

I have enclosed the request post card and measurement for your files and if you have any questions or need additional information, please let me know.

Sincerely yours,



Sherl L. Chapman  
Consultant

SLC:kje  
enclosures

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

# Sheri L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

**TO:** Mr. Dave Shaw, Regional Supervisor, Western Division  
Idaho Department of Water Resources

**FROM:** Sheri L. Chapman, Consultant

**DATE:** May 3, 1982

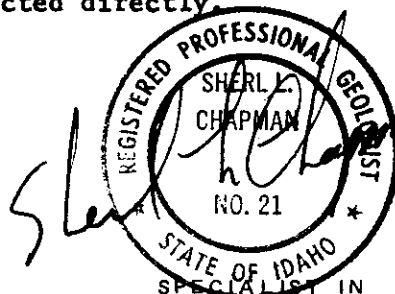
**SUBJECT:** CERTIFIED WATER MEASUREMENT, BLAINE MECHAM PERMIT

The flow from irrigation facilities owned by Mr. Blaine Mecham of Mountain Home, Idaho, was measured by me personally on April 23, 1982. The irrigation facilities consist of a Westinghouse 800 horsepower electric motor, vertical turbine short coupled pump, a 36 inch penstock and open canal distribution. The water is comingled with other waters produced for South Elmore Irrigation Company and delivered through canals of that company to bench lands above the Snake River. Normal operating pressure for the system throughout the irrigation season averages 200 pounds per square inch at the river station regardless of the number of pumps in operation.

The flow was measured at the river station in a 16 inch steel discharge pipe with a Collins air/water manometer. Laminar flow through the pipe was excellent and very little turbulence was encountered even along the side walls of the discharge pipe. Average velocity in the pipe was 9.63 feet per second and the produced flow at 200 pounds per square inch delivery pressure at the pump was 12.38 cubic feet per second or 5,556 gallons per minute. The access ports for the Collins air/water manometer were equipped with 3/4 inch gate valves which would allow additional measurement in the future if deemed necessary.

16" @ 9.63 = 13.45  
15 1/2" @ 9.63 = 12.62

If any questions arise regarding this measurement, this firm should be contacted directly.



Department of Water Resources  
Western Regional Office



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

November 30, 1981

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

RE: Permit No. 02-7263

Dear Sirs,

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,

JIM JOHNSON  
Water Distribution Supervisor

JJ:jg

Enclosure

July 21, 1978

Re: Permit No. 02-7263

Blaine Mecham  
595 E. 16th N.  
Mountain Home, ID 83647

Dear Mr. Mecham:

Your approved copy of Application for Permit No. 02-7263 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. The Department will provide specifications for the installation to you.

You must also be aware that there are many applications for permit for the use of Snake River water that are prior to your permit. These applications have been filed for the irrigation of land 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 a base flow is maintained in the Snake River as is the presently recommended policy approved by the state legislature then no water would be available for this permit. Therefore, you should consider carefully these facts before you make any expenditures for the construction of your system.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County. Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, 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 a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:kw  
Enclosure

1.  Name vs. Signature

7.  Place of Use for other than irrig.

2.  Source

8.  Place of Use for irrigation (add acres)

3.  Point of Diversion

9.  Property Owner at Pt. of Div. & Pl. of Use

4.  Amnt. & Period of Use

10.  Map

5.  Descrip. of Diverting Wrks.

11.  Fee & Rec't. No.

6.  Time req. for Proof of B/U

Copies Sent To:

Idaho Health Department

U.S.F.S.

Idaho Fish & Game Dept.

Dept. of Lands

Bureau of Land Management

Other

Dam Safety Information n/A (Goes to Permit Section)

Check:

Critical G.W. Area  yes  no

Other rights on same land 02-2210 - does not cover the same area.

Withdrawals of all protests received  yes  no

Conditions:

ID Power Co. Letter - Snake R.

Meas. Dev. or Sc. Meas.

ID Power Co. Letter - G.W. & Tribs.

Totalizing meter

Snake River Condition

Supplemental

Payette River Letter

Right-of-Way Cond.

Priority Date 6/1/78

Watermaster Cond.   
Wtr. Dist No.

Water Quality #16

Meas. Dev. Cond. for apps within a Water Dist.

Water Quality #10   
intrastate  interstate

Jan Grover  
Reviewer  
7/12/78  
Date

MICROFILMED

DATE

7/3

FROM Dave

TO Jan

SUBJECT 02-7263

I checked 02-2210 on my micro-film & it is shown to be used in SS 7E with the same POD as this app. Please check original file in your review & see if a transfer has been filed to put it on these lands. If so we may want a condition that will not allow 02-2210 to be used on more than 847 acres.

SIGNATURE

Thanks - Dave (over) No transfer filed

MICROFILMED

If 02-2210 is on these lands check for  
more than 1" / acre.



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGION

John V. Evans  
Governor

92 South Cole Road  
Boise, Idaho 83705  
(208) 384-2190

June 8, 1978

RE: Applications for Permit Nos. 02-7264 - Blaine Mecham  
02-7263 - Blaine Mecham

Mountain Home News  
P. O. 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. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

\_\_\_\_\_  
(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before July 3, 1978.

Sincerely,

RITA FLECK  
Secretary

*Bill submitted  
6-26-78 ale*

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 83705 on or before July 3, 1978.

C. STEPHEN ALLRED

Director

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