

RECEIVED

OCT 19 1970

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SEP 4 1970

Department of Water Administration
AFFIDAVIT OF PUBLICATION

Department of Water Administration

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Glen and Dave Allen, Route #3, Box 611, Nampa, Idaho have received an approved Permit No. 32886/02-2422 issued by the Idaho Department of Water Administration authorizing the diversion of 12.0 cubic feet per second of water from the Snake River, trib. of the Columbia River. The priority to be established under this permit is May 12, 1966 and the permit was approved May 16, 1966.

Water is to be diverted by sprinkler and surface irrigation from a point within the NW1/4SE1/4, Sec. 36, T. 1 N, R. 3 W, B.M., Canyon County to be used for irrigation in the N1/2, N1/2SW1/4, SW1/4SW1/4, SE1/4, Sec. 36, T. 2N, R. 3W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before May 16, 1977. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director Idaho Dept. of
Water Administration
August 27; September 3, 1970

STATE OF IDAHO,
County of Canyon.

)
) ss.

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

August 27; September 3, 1970

Subscribed and sworn to before me this

3rd day of September, 19 70

Adward Kurr
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

02-2422
32886

Rge. 3W

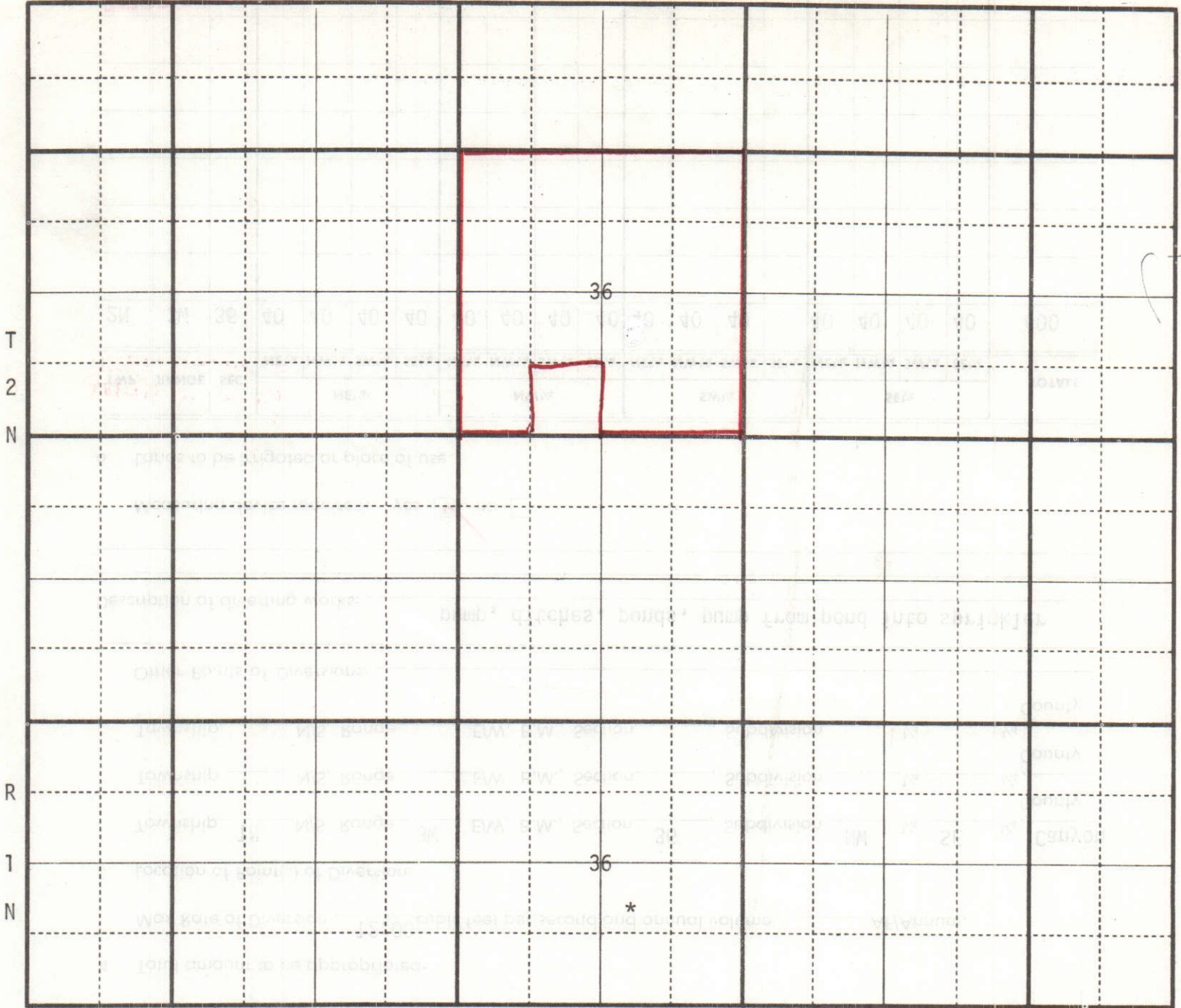


Diagram of System

02 24 22

R3W

26 25

35 36

B₁

55.9

18.9

A
83.3

25

36

C
48.5

E

54.5

D₁

18.1

B₂

15.4

F
9.1

D₂

3.3

J

46.9

I

40.8

H

80.4

G

35.0

M

37.8

L

30.7

D187
2850

K

39.0

C

64.2

B

47.1

A

36.0

D304

Allan Bros.

Exam for 02-2422

Westinghouse Motor

100 H.P

Ser: 627B531 G38

Johnston Pump

Ser: JY14077

14" discharge

Westinghouse Motor

75 H.P

Ser: 1-34V8928

Johnston Pump

Ser: No Serial

14" Discharge

159

159

159

152

118

588

39	40	40	40
39	40	40	40
39	38 pond	40	35
40		39	39

35 36

2 1

This 40 is will be ligensed under 02-2280 for .80 cfs.

Allan Bros. receive water from the Hat Butte Canal system. The canal runs into a pond. They pump from the pond with 2 pumps and motors into a buried pipe which takes the water to the place of use. They are allotted 500" from the Canal. this is for all of Section 36. there is also a permit No. 02-2280 which will be Licensed for 40 acres in the SESW for .8 cfs. This permit will be for the remainder of the water or 9.2 cfs. The water master, Ted Blazer, has recorded 500" of water from their P.D from the canal. there are 2 sparting meters installed for each at his pumps. There is also another permit (no. 02-2368) for this same land. I believe it will be cancelled.

02-2422

Area = 588 acres

Q = 9.2 cfs.

V = 588 x 4.5 = 2646 AF

02-2280

Area = 40 acres

Q = .8 cfs

V = 4.5 x 40 = 180 AF

02-2368

relinquish

← Cement canal.

relift pond

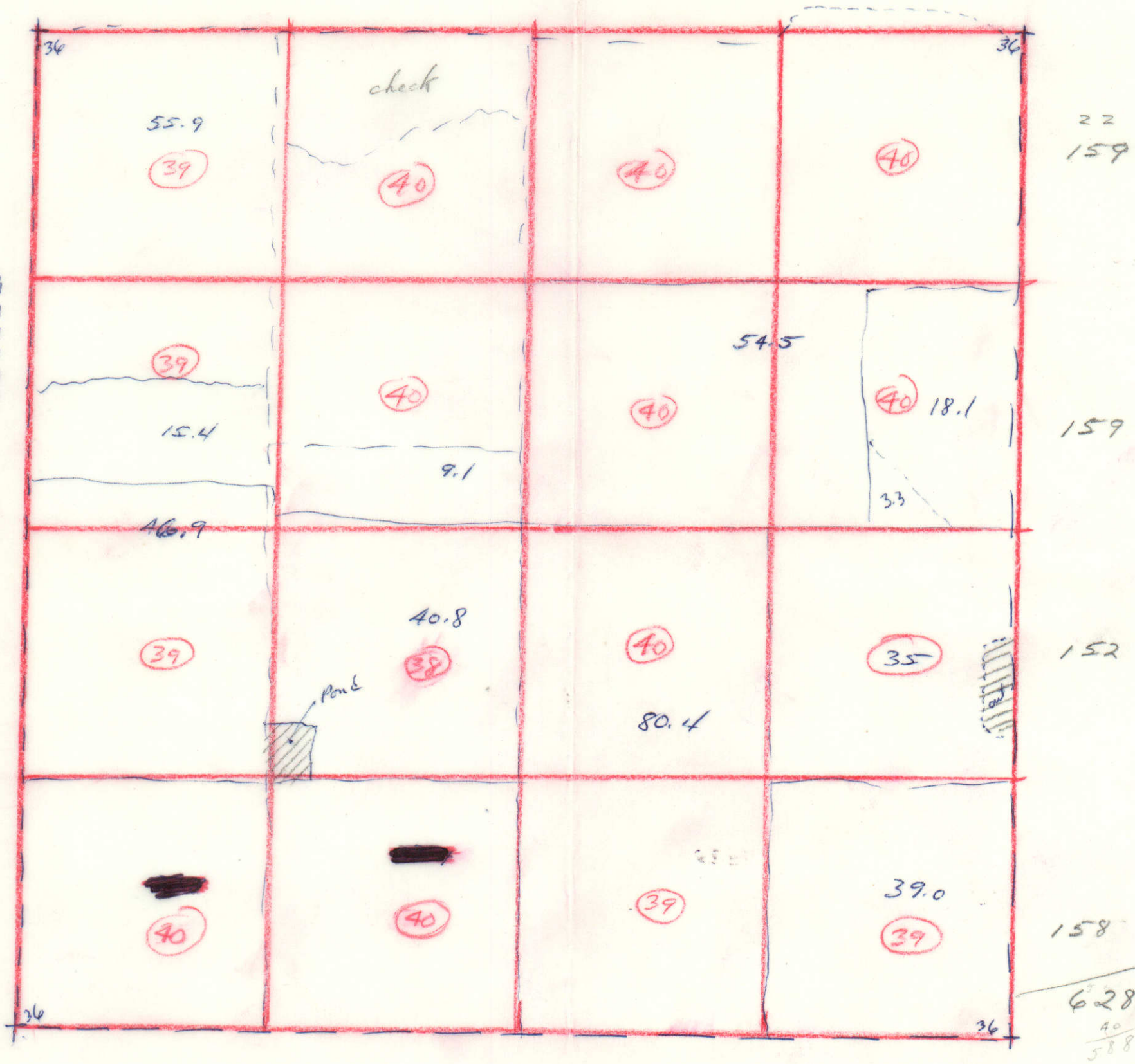
There is a waste water pond located in the NESW. He also irrigates from this pond

02-2422

to snake river
Lot 7 3N-1W Sec 36

(acreage taken from
45CS main photo)

Allen Bros.

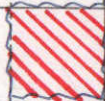


Glen & Dave Allen

Rge. 36W.B.M.

Twp 2N.

36



Point of Diversion

NW 1/4 SE 1/4 Section 36

Twp. 1N. Rge 36W.B.M.

Hat Butte Project

Permit Map No. 32886
As Approved
CARL E. TAPPAN
State Reclamation Engineer
MAY 16 1966

Office Copy

b32886

Should questions arise during
the processing of this applica-
tion, please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3699

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APR 03 1990

Department of Water Resources
Western Regional Office

APPROVED

Name of applicant Harvest Farms Co.Phone 800-547-7023Post Office address P.O. Box 650, Cottage Grove, OR 97424

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Add additional source
2. Describe the reason for the proposed changes Aquisition of additional farms with numerous
points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
(A)	02-02280	3-2-64	.8	Irrigation	3-15 to 11-15
(B)	02-02368	4-8-65	9.86	Irrigation	3-15 to 11-15
(C)	02-02422	5-12-66	1.74	Irrigation	3-15 to 11-15
(D)	63-03593	3-29-67	3.94	Irrigation	3-15 to 11-15

2. Total amount of water being transferred 16.34 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Snake River tributary to Columbia River
Groundwater (63-03593) N/A
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	NE	36	1N	3W	Canyon County	Hat Butte - all surface rights
	NW	NW	NW	31	2N	2W	Canyon County	Nato

5. Lands irrigated or place of use:

	Twp.	Rge.	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	
(A)	2N	3W	36												40					40
(B)	2N	3W	36	39	30	39	26	11	15	38	38	39	40	39		20	40	40	39	493
(C)	2N	3W	36		9		13	28	23							14				87
(D)	2N	2W	31			25		40	40	40	40									185
									4.1	4.2										

PART 1**6. General Information:**

a. Description of diversion system Rights from Snake River served by 11-600 HP pumps, 1-300 HP pump through penstock to delivery point on land. Groundwater served by one drilled well with vertical turbine pump. All water pumped to a common pond and redistributed through a common irrigation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. N/A

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

The applicant intends to increase flexibility of the system by using a common distribution point and delivery through a common irrigation system. No more than 620 acres will be irrigated with surface water and no more than 185 acres will be irrigated with groundwater.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

02-02280/02368/

This is to certify that I have examined Application for Transfer of Water Rights No. 02422, 63-03593

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

RECEIVED

FEB 16 1993

Witness my hand this

8th

day of

February

19 93

J. Glen Sexton
CHIEF, WATER ALLOC. BUREAU

CONDITIONS OF APPROVAL
Transfer of Water Right
No. 02-02280/02368/02422, 63-03593

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under these rights is subject to the provisions of an Agreement and Stipulation between the water right holder and protestants dated 8/3/92.
5. The water right holder shall maintain a bi-directional flow meter in the line between Section 36, T2N, R3W and Section 31, T2N, R2W, B.M. This meter shall be open for inspection by the Hat Butte Canal Co. ditch rider and by the Department.
6. There shall be no net exchange of water between the above-referenced sections, as determined during each two week period when the Hat Butte system is delivering water to Hat Butte members.
7. These rights are limited to a combined annual volume of 2790.0 acre feet from the Snake River and 832.5 acre feet from groundwater.
8. These rights when considered separately are limited to the irrigation of the following number of irrigated acres in a single irrigation season:

02-02280	40 acres
02-02368	493 acres
02-02422	87 acres
63-03593	185 acres

Dated this 8th day of February, 1993.

J. Stan Saylor
Chief, Water Alloc. Bureau

RECORDED

FEB 16 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 02-02280 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other

*N/A pld i
source
transfer*

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Date or priority 3-2-64

5. Water is used for the following purpose:

amount .8/140 cu for IRRIGATION purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .8 cubic feet per second and/or 180 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	NE	36	1N	3W	Canyon	Hat Butte
		NW	SE					

8. Lands irrigated or place 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	
2N	3W	36												40					40

Total acres 40

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 02-02368 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Snake River tributary to Columbia River

4. Date or priority 4-8-65

5. Water is used for the following purpose:

amount 9.86/1725.5 cu for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 9.86 cubic feet per second and/or 2218.5
~~1725.5 cu~~ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	NE	36	1N	3W	Canyon	Hat Butte
		NW	SE					

8. Lands irrigated or place 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	
2N	3W	36	39	30	39	26	11	15	38	38	39	40	39		20	40	40	39	493
			40		40	25	10		39.2		40	39	37.8						

Total acres 493

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 02-02422 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Date or priority 5-12-66

5. Water is used for the following purpose:

amount 1.84 1.74/305.4 cu for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.84 cubic feet per second and/or 414.0 304.5 cu acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	NE	36	1N	3W	Canyon	Hat Butte
		NW	SE					

8. Lands irrigated or place 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	
2N	3W	36		9		13	28	23							14				87
				10		11	28.5	25							17.5				92

Total acres 87 92

9. Describe any other water rights used for the same purpose as described above _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03593 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to N/A

4. Date or priority 3-29-87

5. Water is used for the following purpose:

amount 3.94/888 ~~cu~~ for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.94 cubic feet per second and/or 888 ~~cu~~ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	31	2N	2W	Canyon	Naito
		NE						
01		NW	NW	31	2N	2W	Canyon	Naito

8. Lands irrigated or place of use:

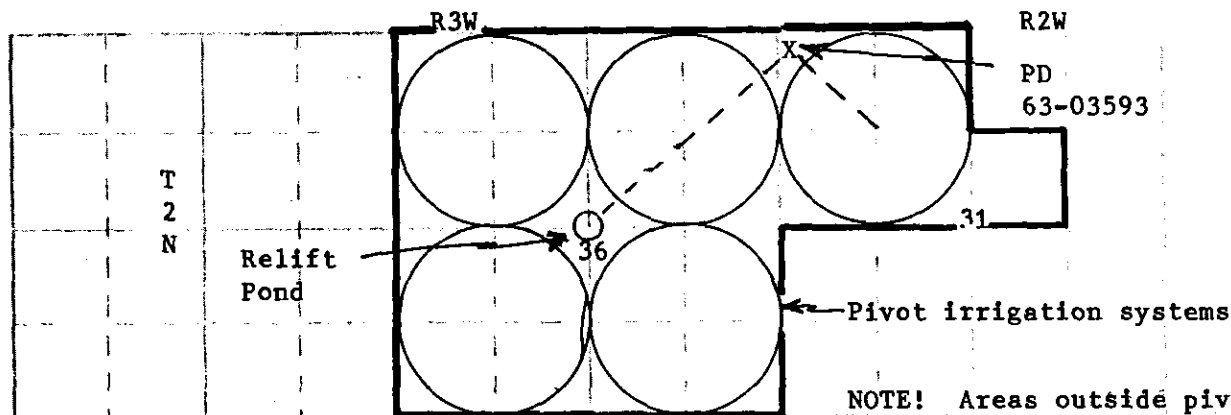
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	2W	31			25		40	40	40	40									185
					39		38.7			39.5									197.2
								↑	↑										
								Lot 1	Lot 2										

Total acres ~~185~~ 197.2

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



NOTE! Areas outside pivits irrigated with alternate sprinkler systems.

NOTE! PD for Snake River rights off map.

FILED

FEB 16 1993

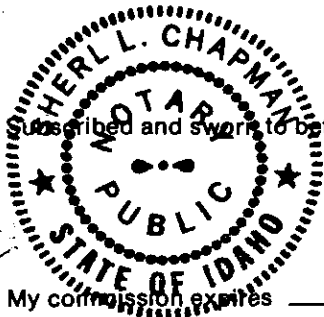
PART 3**B. CHANGES IN NATURE OF USE** N/A

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
 (Signature of Applicant)

Described and sworn to before me this 3 day of April, 19 90.

[Signature]
 (Notary Public)

My commission expires 6/14/94

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 2 attachments

Received by SC Date 4/3/90 Protest filed by _____

Prelim. check by SC Fee \$50 _____

Received by RZ Date 4/3/90 W011812 _____

Published in Press-Tribune ID STATEMAN, PR, LM, TN Copies of protest forwarded by _____

Pub. dates 4/18 & 4/25/90 4/19 & 4/26/1990 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DRT

Copy of transfer sent to lien holder _____

RECORDED

FEB 16 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32886/02-2422 Priority May 12, 1966 Amount 1.84 cfs

THIS IS TO CERTIFY, that Glenn and Dave Allen
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 32886/02-2422 issued pursuant to Application for Permit dated May 12, 1966,
and has submitted proof to the Department of Water Resources on February 4, 1976,
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 12.44 cfs of water from the Snake River,
tributary to the 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>Nov. 15</u>	at <u>1.84</u> cfs and	<u>414 acre feet or</u>
	from _____ to _____	_____ cfs and	<u>4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 1.84 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
414 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36,
Twp. 1 N, Rge. 3 W, B. M. in the County of Canyon

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 $\frac{1}{4}$	
2 N	3 W	36		10		11	28.5	25							17.5				92

Total number of acres irrigated 92

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of
August, 19 76.

Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32886/02-2422)
in the name of Glen and Dave Allen)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

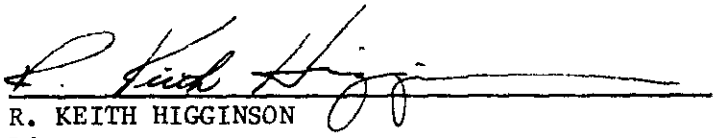
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32886 was issued previous to that date;

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

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Administration of the application of the water to beneficial use on or before May 16, 1977. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the department.

Dated this 23rd day of July, 1970.


R. KEITH HIGGINSON
Director

RKH/DG

02-2422
32886

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

APPLICATION No. 41053
PERMIT No. 32886
DISTRICT No.

03-2422

1. Name of Applicant: **Glen and Dave Allen**

Postoffice address: **Route #4, Nampa**

County: **Canyon**

State: **Idaho**

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: **12** cubic feet per second. or **600** miners inches.

3. Source of water supply: **Snake River** which is a tributary of **Columbia River**

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

corner of Section , T. , R. , B.M., and is in the **NW 1/4 SE 1/4**

of section **36**, T. **1 N**, R. **3 W**, B. M., County of **Canyon**

5. Water is to be used for **irrigation**

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

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

7. Estimated cost of works: \$ **84,000.00**

8. Kind of works: **Sprinkler and surface irrigation**

9. Height of dam **feet**; length of dam at top **feet**; length of dam at bottom

feet; material used in dam:

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

11. Ditch: Width at bottom **feet**; width at water line **feet**; depth of water **feet**;

dimensions of flume:

Diameter of pipe **inches**; length of conduit **miles**.

Average grade per mile **feet**.

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

13. The time required for the complete application of the water to the proposed use is **6** additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **none**

LICENSE ISSUED FOR **1.84** SEC. FL

16. (a) Is reservoir to be used? **yes, run-off waste only** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ DAVID ALLEN

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: May 12, 1966 4:15 P.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32886

Recorded in Book 115 Page 32886 Approved May 16, 1966

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

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

Work to begin on or before July 16, 1966 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **November 16, 1968**

The whole of said work to be completed on or before **May 16, 1971**

Beneficial use of water appropriated in accordance herewith, to be made on or before May 16, 1977

WITNESS My hand this 16th day of May, 1966.

/s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, _____ ROBERT E. SMYLLIE _____, Governor of the State of Idaho,
and _____ LOUIS E. CLAPP _____, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this _____ 16th _____
day of _____ May _____, 19 _____ 66

STATE OF IDAHO

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
2N	3 W	36	x	x	x	x	x	x	x	x	x	x	0	x	x	x	x	600	

Notice is hereby given that Glen and Dave Allen, Route #3, Box 611, Nampa, Idaho have received an approved Permit No. 32886/02-2422 issued by the Idaho Department of Water Administration authorizing the diversion of 12.0 cubic feet per second of water from the Snake River, trib. of the Columbia River. The priority to be established under this permit is May 12, 1966 and the permit was approved May 16, 1966.

Water is to be diverted by sprinkler and surface irrigation from a point within the NW1/4SE1/4, Sec. 36, T. 1 N, R. 3 W, B.M., Canyon County to be used for irrigation in the N1/2, N1/2SW1/4, SW1/4SW1/4, SE1/4, Sec. 36, T. 2N, R. 3W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before May 16, 1977. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director Idaho Dept. of

^{Department}
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

August 27; September 3, 1970

Subscribed and sworn to before me this

3rd day of September, 1970

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

02-2422
32886

HARVEST FARM CO.
13735 MISSOURI AVENUE
NAMPA, IDAHO 83686
(208) 467-9712

63-10741

02-2280
2422
2368

FACSIMILE MESSAGE SHEET

DATE 2-18-93TO: Dept. of Water ResourcesFAX NUMBER: 307-7866

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Address Change

LOCATION: _____

FROM: Selen

WE ARE SENDING 1 PAGES (INCLUDING THIS PAGE). TO
SEND A FAX MESSAGE TO US, CALL (208) 465-7413. TO TALK
TO US, CALL (208) 467-9712.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON

AS POSSIBLE.

Please change address as
indicated.

Thank You,

Selen

HARVEST FARM COMPANY
13735 MISSOURI AVENUE
NAMPA, IDAHO 83686

Computer updated
2/23/93
SE

MEMORANDUM

TO: Files 02-02368/02422 & 63-03593
FROM: Cindy Zimmerman
DATE: February 8, 1993
RE: Transfer No. 3699

=====
See file 02-02280 for all correspondence regarding the above
referenced transfer.

MICROFILMED

FEB 16 1993

1 Bruce M. Smith
2 ROSHOLT ROBERTSON & TUCKER
3 P. O. Box 2139
4 Boise, Idaho 83701-2139
5 Telephone: (208) 336-0700
6 4775p/dj/8-5-91

7 Attorneys for Harvest Farm Co.

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AUG 16 1991

Department of Water Resources

10 BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT
11 OF WATER RESOURCES

12 IN THE MATTER OF)	
13 APPLICATION FOR TRANSFER)	HARVEST FARM CO.'S FIRST
14 NO. 3699 BY HARVEST FARM)	SET OF INTERROGATORIES,
15 COMPANY AFFECTING WATER RIGHT)	REQUESTS FOR PRODUCTION
NOS. 02-02280, 02-02368,)	OF DOCUMENTS, AND
02-02422 and 63-03593,)	REQUESTS FOR ADMISSION

16 TO: HAT BUTTE MUTUAL CANAL CO., and its attorney of
17 record, Josephine Beeman:

18 Harvest Farm Co., by and through its attorney of
19 record, Bruce M. Smith, hereby requires you to answer and
20 respond to the following Interrogatories under oath within
21 fifteen (15) days after service hereof, in the manner
22 prescribed by Rule 33 of the Idaho Rules of Civil Procedure.

23 You are hereby requested, pursuant to Rule 34 of the
24 Idaho Rules of Civil Procedure, to produce for Harvest Farm
25 Co., the documents below requested at the office of Rosholt,
26 Robertson & Tucker, on Friday, the 30th day of August, 1991, by
27 5:00 p.m.

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1 Harvest Farm Co. request that the above-named either
2 admit or deny the following Requests for Admission within
3 fifteen (15) days after service hereof, pursuant to Rule 36(a)
4 of the Idaho Rules of Civil Procedure.

5 PRELIMINARY STATEMENT

6 a. When answering these interrogatories, requests
7 for production and requests for admission, you are requested to
8 furnish all information available to you, including information
9 in the possession of your attorneys, investigators, employees,
10 agents, representatives, guardians, physicians or any other
11 person or persons acting on your behalf, and not merely such
12 information as is known by you on personal knowledge.

13 b. If you cannot answer any of the following
14 interrogatories, requests for production and requests for
15 admission in full, after exercising due diligence to secure the
16 information, so state, and answer to the extent possible,
17 specifying your inability to answer the remainder, and stating
18 whatever information or knowledge you have concerning the
19 unanswered portions.

20 c. Each interrogatory, requests for production and
21 requests for admission is intended to and does, request that
22 each and every, all and singular, the particulars in parts
23 thereof, be answered with the same force and effect as if each
24 part and particular were the subject of and were asked by a
25 separate interrogatory.

26 d. The term "anyone acting on your behalf" includes,
27 but is not limited to, your representatives, attorneys,
28 insurance carriers, investigators, and guardians.

1 be hired or appointed by you, your insurance carrier, your
2 attorneys or their representatives, or a court of law.

3 e. The term "person" means and includes natural
4 persons, corporations, partnerships, associations and any other
5 kind of business or legal entity.

6 f. The term "document" means and includes any kind
7 of written, typewritten or printed material whatsoever
8 including, but without limitation, papers, agreements,
9 contracts, notes, memoranda, correspondence, letters,
10 telegrams, statements, books, reports, studies, minutes,
11 records, accounting books, maps, plans, drawings, diagrams,
12 photographs, analyses, surveys, studies, transcriptions and
13 recordings of which you have any knowledge or information,
14 whether in your possession or under your control or not,
15 relating or pertaining in any way to the subject matters in
16 connection with which it is used, and includes, but without
17 limitation, originals, all file copies, and all other copies,
18 no matter how or by whom prepared, and all drafts prepared in
19 connection with such writings, whether used or not.

20 g. The term "you" means each and every member of the
21 Hat Butte Select Members.

22 h. The term "Hat Butte" means the membership of that
23 Hat Butte Tenancy-In-Common.

24 i. The term "Hat Butte system" means the irrigation
25 system which delivers water to the members of the Hat Butte.

26 j. The term "Hat Butte Mutual Canal Co." means the
27 corporation organized under the laws of the State of Idaho

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1 which was issued a certificate of incorporation on January 25,
2 1963.

3 k. A request for the description of documents shall
4 be deemed to include a request for the following information
5 with respect to each of said documents:

6 1. The nature and substance of the document with
7 sufficient particularity to enable the same to be precisely
8 identified.

9 2. The date, if any, which the document bears.

10 3. The date the document was sent.

11 4. The date the document was received.

12 5. The person or persons executing the documents
13 and the identity of all persons participating in the
14 preparation thereof, if different from the person executing it.

15 6. The person to whom the document is addressed.

16 7. Any file number used in connection with the
17 document.

18 8. The present location of the original or a
19 legible copy of the document, and

20 9. The full name, present address and telephone
21 number of the person or persons having possession, custody or
22 control of each such original or legible copy.

23 1. A request for the description of a person shall
24 be deemed to include a request for the following information
25 with respect to such person:

26 1. The person's full name.

27 2. The person's last known residence and
28 business address.

FEB 16 1993

1 3. The person's telephone number, and
2 4. The person's company affiliation at the date
3 of the transaction referred to and the capacity in which the
4 person was then serving said company.
5 m. A request for the description of oral
6 communications shall be deemed to include a request for the
7 following information with respect to each of said oral
8 communications:
9 1. The date and place thereof.
10 2. Whether said communication was in person or
11 by telephone.
12 3. A description of each person who participated
13 in or heard of said communication, in the manner described in
14 Paragraph (i) of this Preliminary Statement.
15 4. The substance of what was said by each person
16 who participated in said communication, and
17 5. A chronological description of all documents
18 or recordings, summarizing, confirming or in any manner
19 referring to said communication, in the manner described in
20 Paragraph (g) of this Preliminary Statement.
21 n. These interrogatories, requests for production
22 and requests for admission are deemed continuing. If, after
23 responding to these interrogatories, requests for production
24 and requests for admission, you acquire any information
25 responsive thereto, file and serve supplemental responses
26 containing such information, as required by the Idaho Rules of
27 Civil Procedure.
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1 INTERROGATORY NO. 1: Please identify every person,
2 entity, individual or organization who owns or shares ownership
3 in any lands receiving water from the Hat Butte irrigation
4 system. For each such owner, provide a legal description for
5 each discrete parcel of property owned and the size of each
6 such discrete parcel in acres.

7 REQUEST FOR PRODUCTION NO. 1: Please produce all
8 documents, including title insurance and deeds, indicating
9 present ownership of, and title to, these lands.

10 INTERROGATORY NO. 2: Please identify all water right
11 applications, permits, licenses, and adjudication claims which
12 you assert permit(s) water to be diverted and delivered through
13 the Hat Butte system to the lands described in Interrogatory
14 No. 1.

15 REQUEST FOR PRODUCTION NO. 2: Please produce copies
16 of the water right applications, permits, licenses, and
17 adjudication claims identified in Interrogatory No. 2.

18 INTERROGATORY NO. 3: Please identify all land(s) and
19 the owner(s) of such land(s), not identified in Interrogatory
20 No. 1, to which water has ever been delivered through the Hat
21 Butte system.

22 INTERROGATORY NO. 4: Have you or do you know of
23 anyone who has ever applied Hat Butte system-delivered water to
24 any lands not included within the area served by Hat Butte at
25 the time of such application. If the answer to this is
26 anything other than "No", please describe in detail the
27 circumstances and nature of that application.

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1 INTERROGATORY NO. 5: What is the source and total
2 volume of all irrigation water delivered through the Hat Butte
3 system to you for each of the years 1980-1990.

4 REQUEST FOR PRODUCTION NO. 3: Please produce any and
5 all documents which indicate the amounts, source, cost of the
6 water and/or assessments to you for the water identified in
7 Interrogatory No. 5.

8 INTERROGATORY NO. 6: Please identify any application,
9 permit, license or adjudication claim you have for water other
10 than that received through the Hat Butte system for use on the
11 lands identified in Interrogatory No. 1.

12 INTERROGATORY NO. 7: Have you ever failed to receive
13 any water deliverable through the Hat Butte system to which you
14 were entitled based on the water rights identified in
15 Interrogatory No. 2? If your answer is anything other than
16 "No", please explain in detail the circumstance(s) and date(s)
17 on which the failure occurred and what, if anything, you did to
18 mitigate for such failure.

19 INTERROGATORY NO. 8: Please identify the amount of,
20 purpose for, and calculation of each assessment made by Hat
21 Butte or the Hat Butte Mutual Canal Co. to you for the years
22 1980-90.

23 REQUEST FOR PRODUCTION NO. 4: Please produce all
24 documents that identify and/or describe the assessments
25 identified in Interrogatory No. 8.

26 REQUEST FOR PRODUCTION NO. 5: Please produce all
27 correspondence to or from you that relates to Hat Butte or the
28 Hat Butte Mutual Canal Co. and any of either entity's business,

FEB 16 1993

1 including development of the Hat Butte system and establishment
2 of the Hat Butte Tenancy-In-Common or the Hat Mutual Canal Co.

3 INTERROGATORY NO. 9: Please describe the components
4 of any irrigation system, including pumps, ditches, handlines,
5 sprinklers, or any other irrigation system equipment, located
6 on any lands identified in Interrogatory No. 1 through which or
7 by means of which you transport or use, or have at any time
8 done so, water delivered through the Hat Butte system.

9 INTERROGATORY NO. 10: Have any lands ever been added
10 to or deleted from the area served by the Hat Butte system
11 since its creation? If your answer is anything other than
12 "No", please describe the lands, the owner of the lands, and
13 the circumstances under which such lands were added to or
14 deleted from the area, including any financial payments
15 associated with the addition or deletion.

16 INTERROGATORY NO. 11: When was the Hat Butte system
17 developed and by whom?

18 INTERROGATORY NO. 12: Who drafted the Hat Butte
19 Tenancy-In-Common agreement?

20 INTERROGATORY NO. 13: Who drafted the Hat Butte
21 Mutual Canal Co. Articles of Incorporation and By-Laws?

22 REQUEST FOR PRODUCTION NO. 6: Please produce copies
23 of all minutes of the meetings of the Board of Directors of the
24 Hat Butte Mutual Canal Co.

25 REQUEST FOR PRODUCTION NO. 7: Please produce copies
26 of all minutes of the meetings of the Tenancy-In-Common.

27 REQUEST FOR PRODUCTION NO. 8: Please produce copies
28 of all resolutions of the Hat Butte Mutual Canal Co.

FEB 16 1993

1 REQUEST FOR PRODUCTION NO. 9: Please produce copies
2 of all decisions by the Tenancy-In-Common.

3 REQUEST FOR PRODUCTION NO. 10: Please produce all
4 documents including, but not limited to, correspondence,
5 memoranda, and notes between you and any other member of the
6 Hat Butte Select Members that relate to the operation or
7 maintenance of the Hat Butte system.

8 INTERROGATORY NO. 14: Pursuant to its application for
9 transfer of a water right, if Harvest Farm Co. receives and
10 uses only that amount of water which has historically been
11 delivered to the Allen Place through the Hat Butte system, how
12 are you injured?

13 REQUEST FOR ADMISSION NO. 1: Please admit that the
14 Hat Butte system does not deliver the total amount of water
15 which it is capable of delivering during any two week period
16 that the system is in operation.

17 INTERROGATORY NO. 15: If your answer to Request for
18 Admission No. 1 is anything other than "Admit", please
19 identify, beginning with the date of the first delivery, what
20 you claim the system is capable of delivering for each
21 consecutive two week period in terms of rate of diversion and
22 total volume of water and what the Hat Butte system has
23 delivered for each consecutive two week period of the
24 irrigation season beginning with date of first delivery for the
25 years 1985-1991.

26 REQUEST FOR ADMISSION NO. 2: Please admit that during
27 periods of maximum demand on the Hat Butte system, the system
28

16 1993

1 cannot deliver the total amount of water that all members of
2 Hat Butte demand.

3 INTERROGATORY NO. 16: Please identify what provision
4 in the Tenancy-In-Common Agreement prohibits a transfer of a
5 water right such as that filed by Harvest Farm Co.

6 REQUEST FOR PRODUCTION NO. 11: Please produce all
7 documents related to development and construction of the Hat
8 Butte system.

9 REQUEST FOR PRODUCTION NO. 12: Please produce all
10 documents related to the development and organization of the
11 Hat Butte Tenancy-In-Common and/or the Hat Butte Mutual Canal
12 Co.

13 INTERROGATORY NO. 17: For what purposes were the
14 Tenancy-In-Common agreement amended in each of the years 1966,
15 1969, and 1988.

16 INTERROGATORY NO. 18: What is the capacity of the Hat
17 Butte system for each two week period of the irrigation system?

18 REQUEST FOR ADMISSION NO. 3: Please admit that the
19 more efficiently the Hat Butte system is operated, the lower
20 energy costs per acre foot of water delivered will be.

21 INTERROGATORY NO. 19: If your answer to Request for
22 Admission No. 3 is anything other than "Admit", please explain
23 why this is not true.

24 REQUEST FOR ADMISSION NO. 4: Please admit that each
25 member of the Tenancy-In-Common has paid for its share of the
26 costs for construction of the Hat Butte system.

FEB 16 1993

REQUEST FOR ADMISSION NO. 5: Please admit that the construction costs for the Hat Butte system have been completely paid for in full.

INTERROGATORY NO. 20: Please explain how the operation of the Harvest Farm Co. commingled system would allow Harvest Farm Co. to avoid sharing in the operation and maintenance costs based on the 75% power/25% ownership formula for costs.

REQUEST FOR ADMISSION NO. 6: Please admit that shifting demand for water from periods of high demand to periods of lower demand and thus creating a more even flow of water results in more efficient use and less costs.

INTERROGATORY NO. 21: If your response to Request for Admission No. 6 is anything other than "Admit," please explain why this is not true.

REQUEST FOR PRODUCTION NO. 13: Please produce a copy of any certificate of stock that you have in the Hat Butte Mutual Canal Company.

DATED this 15th day of August, 1991.

ROSHOLT, ROBERTSON & TUCKER

By: Bruce M. Smith
Bruce M. Smith

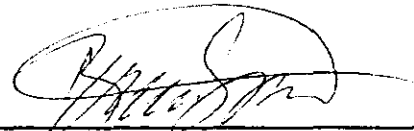
CERTIFICATE OF MAILING

I hereby certify that on this 16th day of August, 1991, I served a copy of the foregoing APPLICATION FOR SUBPOENA TO PRODUCE DOCUMENTS, by depositing same in the United States

INTERROGATORIES, REQUESTS FOR PRODUCTION
OF DOCUMENTS, AND REQUESTS FOR ADMISSION -11-

1 mail, postage prepaid, in an envelope, addressed to the
2 following:

3 Ms. Josephine Beeman
4 Davis, Wright & Tremaine
5 702 W. Idaho, Suite 700
6 Boise, Idaho 83702


Bruce M. Smith

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FEB 16 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2490

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

JUN 18 1990

June 15, 1990

Bruce M. Smith
Nelson, Rosholt, Robertson, Tolman & Tucker, Chartered
P.O. Box 2139
Boise, ID 83701-2139

Department of Water Resources

RE: Application for Transfer of Water Rights Nos. 02-02280, 02-02368, 02-02422, and 63-03593 on the Allen/Naito Property, in the Name of Harvest Farms Co.

Dear Bruce:

We are in receipt of your letter dated May 29, 1990, in which you proposed that Harvest Farms Company install a totalizing flow meter in the pipeline between the Allen Place and the Naito property, with the intent of allowing no net exchange of water between the two pieces of property. Your letter was accompanied by a copy of a letter of the same date from Sherl Chapman to Norm Young, which reiterates the efficiencies gained by operating the Allen and Naito systems in a connected manner, but does not address the fact that this diversion system constitutes the unauthorized expansion of places of use of water rights.

The response that we have received from the protestants to the application for transfer regarding your proposal is that it is not acceptable in that it allows for the placement of Snake River water on the Naito property without proper approval. This assessment is consistent with state water law regarding the place of use of water.

Accordingly, the Department requires that from now until either an approval of the proposed transfer is issued, or an agreement is made between the parties in this matter, the Naito land can be irrigated only at the instants when the Naito well is pumping. This will ensure that Snake River water is not placed on the Naito property, because the capacity of the Naito well exceeds the flow requirements of the sprinkler system on the Naito property. Irrigation of the Naito property at a time when the Naito well is not pumping will be considered to be illegal use of water, and will be cause for the initiation of enforcement action by the Department. Interested parties in this matter are being requested to assist in the policing of this requirement via the mailing of copies of this letter.

Regarding our discussion in May with respect to the West End Project, we are still awaiting the Harvest Farms Co. proposal as to the place of use of Snake River water. Please provide this proposal no later than Friday, June 22, 1990, so that your input can be considered prior to the Department taking further action in this matter.

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Page 2

Application for Transfer in the Name of Harvest Farms Company

As we discussed, Department personnel are analyzing information gathered at the field examination conducted yesterday relative to the injection wells on the West End property. This office will be advertising the injection well applications soon.

Thank you for your assistance in seeking practical resolutions to the matters addressed herein.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf:

John F. Aslip, III
James and Martha Rosti
Donald E. Tiegs
Margrieta M. Stam
Maurice Clements
Barbara L. Craven
Harvest Farms Co.
Sherl Chapman

Sky View Farms, Inc., Garrett W. Goulet, Mgr.
George and Charles Pintler
Kenneth Tiegs
John H. Brandt
Stephen A. Bradbury, Esq.
Tiegs Farm Inc., c/o William B. Cunningham
Lance Salladay, Esq.
State Office (Norm Young, Lotwick Reese)

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 18, 1990

Distribution: See List of Interested Parties Below

RE: Application for Transfer of Water Rights Nos. 02-02280, 02-02368, 02-02422, and 02-03593 in the Name of Harvest Farms Co., Notice of Conference
63

Dear Interested Party:

The above-referenced application for transfer proposes changes in the points of diversion and places of use at a farming operation known as the Allen/Naito property. Recently the Department mailed a letter to protestants of the application, which specified the principle items we can consider in review of the application and suggested that protestants attempt to resolve this matter directly with the applicant within twenty (20) days.

An associated item of concern at the Allen/Naito property is a proposed injection well, no. 63-W-34. Earlier this week the Department arranged for a conference to be held relative to the injection well at the main office of the Department, located at 1301 N. Orchard, at 1:00 pm on Wednesday, May 23.

The purpose of this letter is to advise you that in the interest of efficiency, because many of the protestants to the injection well are also protestants to the Application for Transfer, the Department will conduct a water right conference regarding the Application for Transfer immediately following the discussion regarding the proposed injection well. The purposes of the water right conference are to more thoroughly define the issues of protest, to discuss potential resolutions of these issues, and to establish a timeline for further activities in this matter.

Due to the shortness of notice in this situation, if you are not able to attend the conference you will have an opportunity to provide written comment on these issues, to be received by this office no later than May 29, 1990.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

RECEIVED
MAY 21 1990

Department of Water Resources

List of Interested Parties:

John F. Aslip, III
James and Martha Rosti
Donald E. Tiegs
Margrieta M. Stam
Maurice Clements
Barbara L. Craven
Harvest Farms Co.
Sherl Chapman

Sky View Farms, Inc., Garrett W. Goulet, Mgr.
George and Charles Pintler
Kenneth Tiegs
John H. Brandt
Stephen A. Bradbury, Esq.
Tiegs Farm Inc., c/o William B. Cunningham
Bruce Smith, Esq.
State Office (Norm Young, Lotwick Reese)

REPROFILMED

FEB 16 1993



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

August 17, 1976

Re: Permit Nos. 02-2368
02-2422

David and Glenn Allen
dba Allen Brothers
Route 4, Box 4234A
Nampa, ID 83651

Dear Sirs:

Enclosed herewith are copies of the water right licenses issued on the above referenced permits.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enc.

MICROFILMED

July 29, 1976

David & Glenn Allen
dba Allen Brothers
Route 4, Box 4234 A
Nampa, Idaho 83651

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permits No. 32308/02-2368 and 32866/02-2422 and found 12.44 cfs of water being diverted from the Snake River. The Department is prepared to issue water licenses under these permits as follows:

Permit 32308/02-2368

Amount of water that can be recognized as beneficially used under Idaho law: 9.86 cfs

The maximum quantity diverted shall not exceed 2,218.5 acre feet, or 4.5 af per acre, per year.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 1 N, Rge. 3 W, B. M.

Beneficial use: Irrigation of 493 acres within the NE $\frac{1}{4}$ (135), NW $\frac{1}{4}$ (102.2), N $\frac{1}{2}$ SW $\frac{1}{4}$ (79), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (37.8), SE $\frac{1}{4}$ (139); Sec. 36, Twp. 2 N, Rge. 3 W, B. M.

Priority date established: April 8, 1965

Permit 32866/02-2422

Amount of water that can be recognized as beneficially used under Idaho law: 1.84 cfs

The maximum quantity diverted shall not exceed 414 acre feet, or 4.5 af per acre, per year.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 1 N, Rge. 3 W, B. M.

Beneficial use: Irrigation of 92 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (10), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (11), N $\frac{1}{2}$ NW $\frac{1}{4}$ (53.5), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (17.5); Sec. 36, Twp. 2 N, Rge. 3 W, B. M.

Priority date established: May 12, 1966

Page 2
Allen Brothers
Re: 02-2368 & 02-2422
July 29, 1976

If you do not concur with these findings please contact us within 10 days, otherwise water licenses will be issued as set forth on the first page of this letter.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

MICROFILMED

Rge. 3W

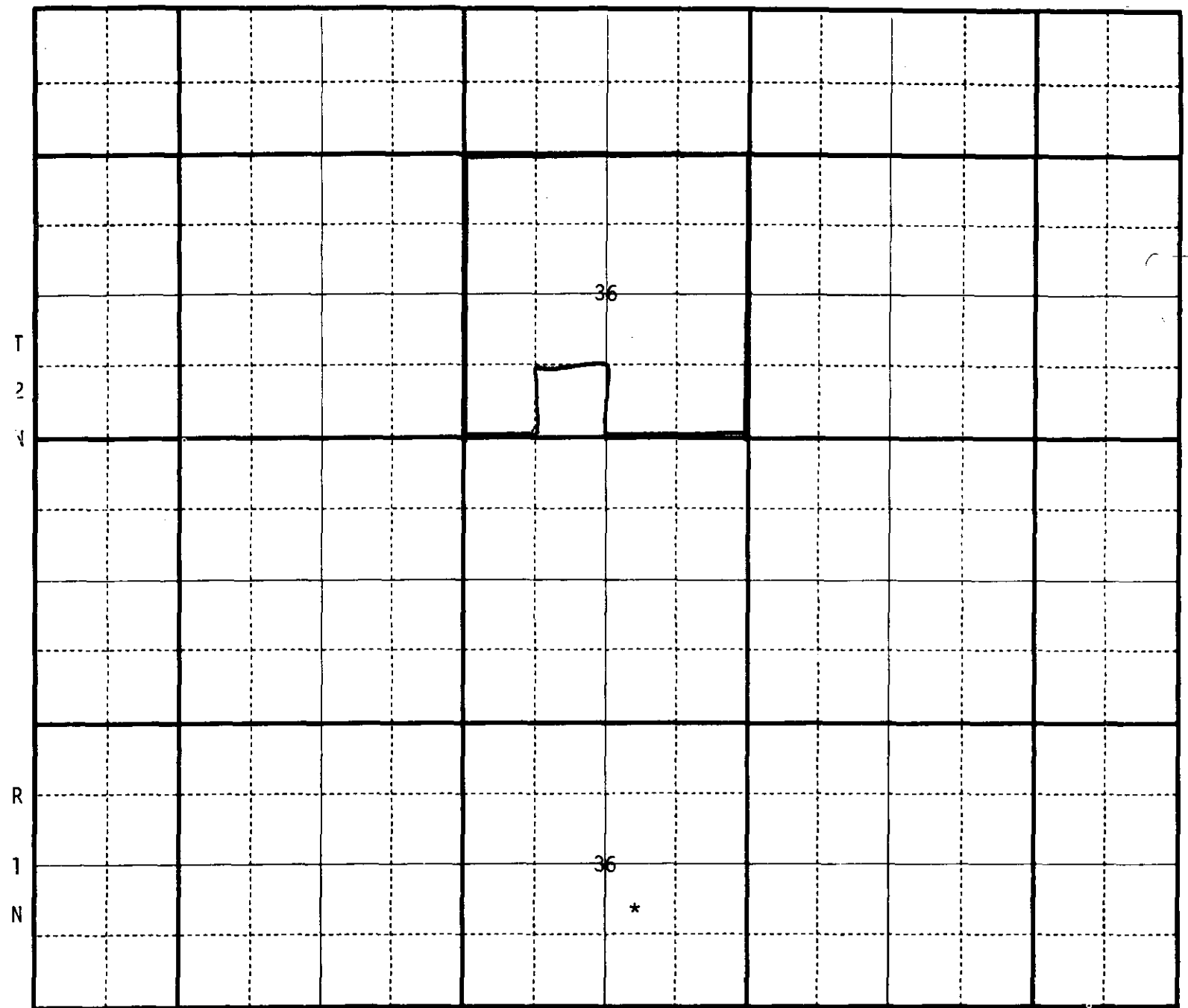
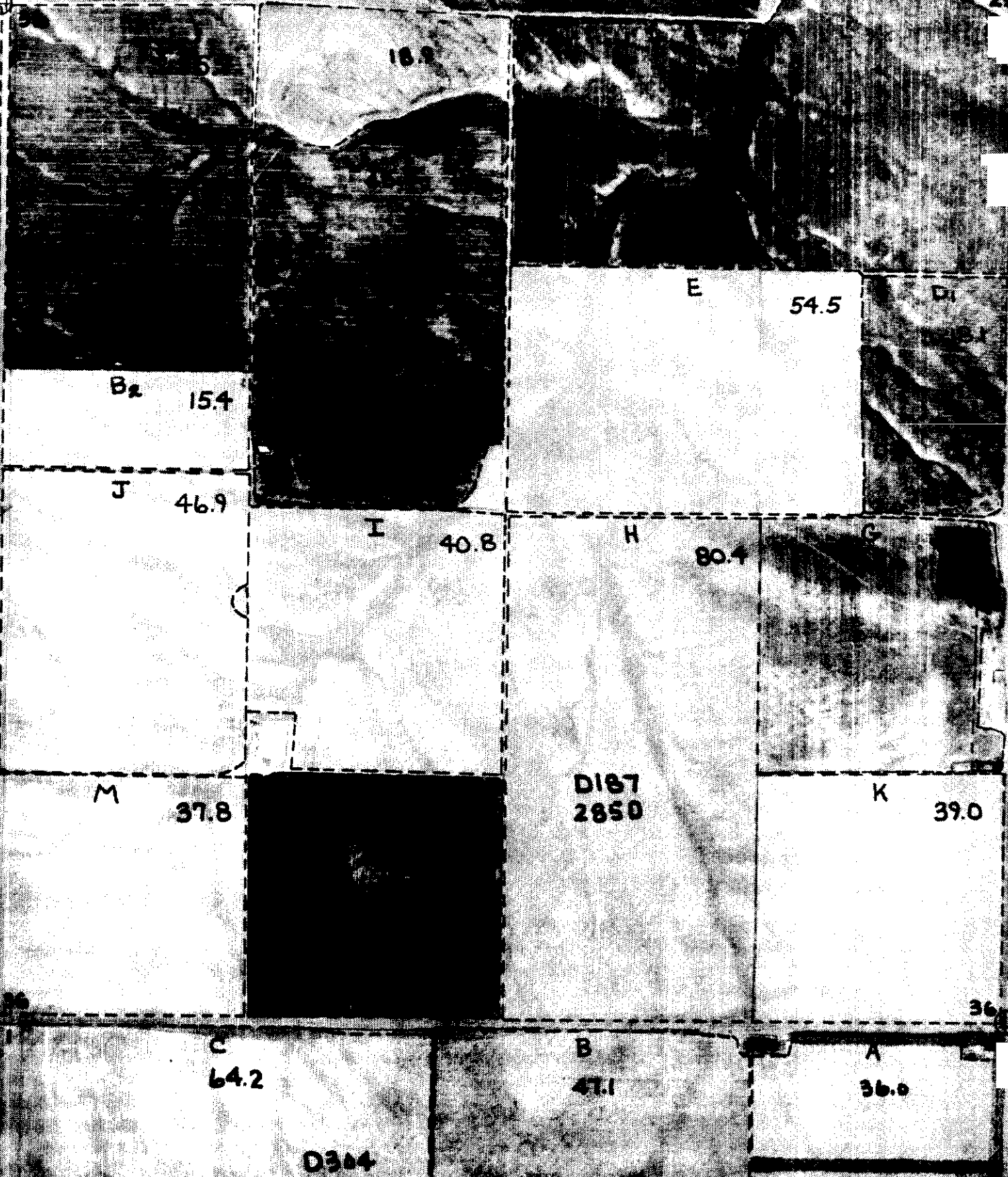


Diagram of System

R3W

26 25
35 34

25



DATE OF EXAM 7-14-76

ACREAGE

Found 624.8
Recommended 91.8

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 12.44 c.f.s. V = 413.0 AF/Ann. from March 1 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

3258.3 gpm 7.26 cfs 5 rev - 35 sec each rev = 1 AF 5.001 AF County
942455 560821 35 sec
Total Q measured 942455 * 1 560821 * 2 Method of measurement in line flow meter
acre feet x .001 66520 Heiseys
Total Q recommended 1.84 cfs Meter No. 61840 Type Spalling Condition Working
Total V recommended 413.0 AF/ANN

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Total Q = .001 AF x 5 rev = $\frac{0.005}{35 \text{ sec}} \times 43560 = 6.22 \text{ cfs} \times 2 \text{ pumps} = 12.44 \text{ cfs}$

Total V = 91.8 acres x 4.54 AF/acre = 413.1 AF/ANN

SYSTEM DESCRIPTION:

Rediverting water from pond with two pumps & motors. Pump #1 Westinghouse 100 HP serial # 6651 & Johnson pump serial # JY14077
Pump #2 - General Electric 100 HP serial # GJJ 704138, Johnson vertical pump
each pumping into 12" mainlines and into sprinkler system

REMARKS:

P.D. is from Snake River via Hot Butte Mutual Canal Co.
Permit # 02-2368 covers gone land

Examiner's Signature Peter Chomich Date 7-14-76
Checked by JH Date 7-14-76
Approved by _____ Date _____

Hy 45

turn right Missouri

3 mile west on Miss

turn south 1 3/4 mile

look white at top of H. 11

February 5, 1976

Re: Permit No. 02-2368 & 02-2422

Glenn & David Allen
Route 4, Box 4234A
Nampa, Idaho 83651

Gentlemen:

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

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

If you have any questions concerning the field exam, please contact our District Office in **Boise**.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Identification No. _____

Permit No. 02-2422

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Glenn & David Allen
b) Post Office Address Rt 4 Box 4234A Nampa, Idaho
2. Permit Number 02-2422
3. Date of Priority that you are prepared to establish May 12, 1966
4. a) Source from which water was appropriated Snake River
b) Location of the point of diversion: NW 1/4 SE 1/4, Section 36
Township 1N, Range 3W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 12 for irrigation purposes from March 1 to Oct 25 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 12 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Ted Blazer Hat Butte Mutual Canal Co
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Hat Butte Mutual Canal Co.
b) Describe the agreement or understanding by which you take water from the works: Pay for power and O. & M.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Pump, ditches, ponds, pump from pond into sprinkler
b) Describe the type and size of measuring device which you have installed at your point of diversion: 2-12" inline flow meter
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam. 2-576 2

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NE 1/4	SW 1/4	SE 1/4	
5N	3W	36	40	40	40	40	40	40	40		40	40	40	40	40	40	40	40	600

Total number of acres irrigated 600

10. Remarks: _____

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

Feb 4 76
(Date)

David R. Allen
(Signature)

State of Idaho)
County of Ada) ss.

On this 4th day of February, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Cathy L. Shaw
Notary Public residing at Boise, Id

My commission expires 12-26-78

ALLAN Bros.

Exam for 02-2422

Westinghouse Motor

100 H.P

Ser: 627B531 G38

Johnston Pump

Ser: JY14077

14" discharge

Westinghouse Motor

75 H.P

Ser: 1-34V8928

Johnston Pump

Ser: No Serial

14" discharge

159

159

152

118

588

39	40	40	40
39	40	40	40
39	38 Pond	40	35
40	35 36	39	39

This 40 is will be licensed under 02-2280 for .80 cfs.

Allan Bros. receive water from the Hat Butte Canal system. the Canal runs into a pond. They pump from the pond with 2 pumps and motors into a buried pipe which takes the water to the place of use. They are allotted 500" from the Canal. this is for all of Section 36. there is also a permit No. 02-2280 which will be licensed for 40 acres in the SE 1/4 for .8 cfs. This permit will be for the remainder of the water or 9.2 cfs. The water master, Ted Blazey, has recorded 500" of water from their P.D. from the canal. there are 2 sparkling meters installed for each at his pumps. There is also another permit (No. 02-2368) for this same land. I believe it will be cancelled.

02-2422

Area = 588 acres

Q = 9.2 cfs.

V = 588 x 4.5 = 2646 AF

02-2280

Area = 40 acres

Q = .8 cfs

V = 4.5 x 40 = 180 AF

02-2368

relinquish.

← Cement canal.

relift pond

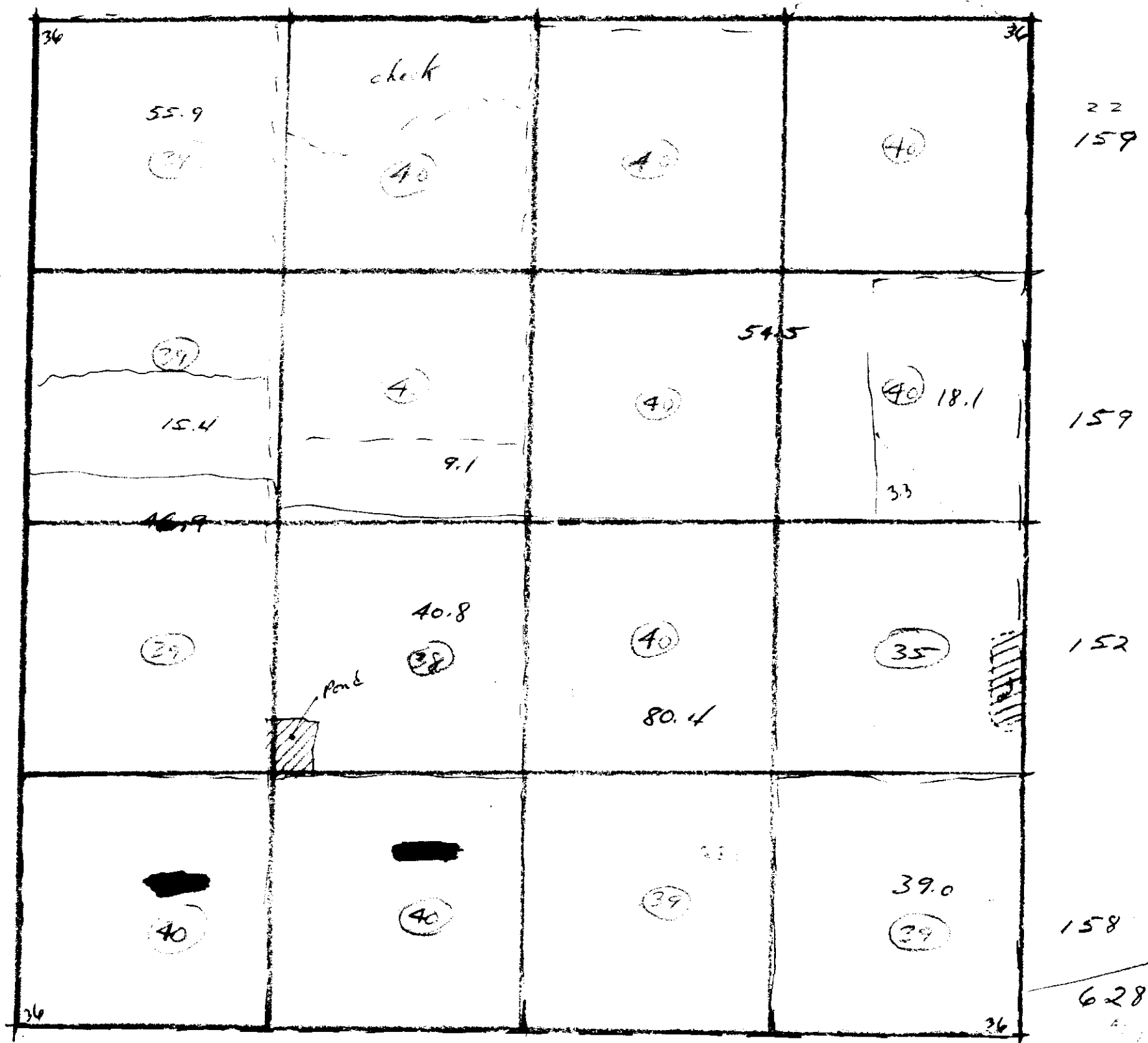
to Snake river
Lot 7 3N-1W Sec 36

02-2422

There is a waste water pond located in the NESW. He also irrigates from this pond

(acreage taken from)
ASCS main photo

Allen Bros.



STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 10, 1971

Re: Permits No. 32308/02-2368 - David Allen
32886/02-2422 - Glenn & David Allen

Glenn & David Allen
Route 3 - Box 611
Nampa, Idaho 83651

Gentlemen:

We wish to advise you that our field examiner has completed a field examination in connection with the above referenced permits. Therefore, if you will submit proof of beneficial use of the water, the Department is prepared to issue the water licenses for these permits. We are enclosing two proof affidavits for your use in this matter.

We are also enclosing a copy of the letter of this date which is being forwarded to Mr. C. Elwood White. We have been advised that you now own the land covered under this permit. In the event you wish to have this license issued in your name, we are enclosing the Department's assignment form for your use in having Mr. White assign this permit to you.

If you have any questions regarding the above matters, please contact us at once.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: B/U affidavits (2)
Copy of 9-10-71 letter to
Mr. White
Assignment form

02-2422

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 10, 1971

Re: Permit No. 31747/02-2280

Mr. C. Elwood White
Route 2
Meridian, Idaho 83642

Dear Mr. White:

A representative of this department has made an examination of the works covered by your Permit No. 02-2280 and has found the following:

Quantity of water diverted: 0.80 cubic feet per second

Amount of water that can be recognized as beneficially used under Idaho law: 0.80 cubic feet per second

The maximum quantity diverted shall not exceed 180 acre feet per season.

Beneficial Use: Irrigation of 40 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36,
T. 2 N, R. 3 W, B.M.

The priority date established is : March 2, 1964

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

02-2422

October 20, 1970

Re: Permit No. 32886/02-2422

Glenn and David Allen
Route #3, Box 611
Nampa, Idaho 83651

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until May 16, 1977, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

32886
02-2422

September 28, 1970

Re: Permit No. 32886/02-2422

Glenn and David Allen
Route #3, Box 611
Nampa, Idaho 83651

Gentlemen:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until May 16, 1977; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Idaho Free Press, Nampa, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

02-2422
32886

September 8, 1970

Re: Permit No. 32886/02-2422

Idaho Free Press
P.O. Box 88
Nampa, Idaho 83651

Gentlemen:

We are returning the affidavit of publication and the bill of publication for the above referenced permit that you submitted to this department on September 4, 1970.

Please be advised that the expense of publication is to be paid by Glenn and David Allen, Route #3, Box 611, Nampa, Idaho. Upon receipt of the payment, please forward the affidavit of publication to the Allens.

Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DM/DG

Enc: affidavit of publication
bill of publication

32886
02-2422

August 19, 1970

Re: Permit No. 32886/02-2422

Glenn and David Allen
Route #3, Box 611
Nampa, Idaho 83651

Gentlemen:

The legal notice for the above-referenced permit is being published in the
Idaho Free Press, Nampa, Idaho on August 27
and September 3, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

02-2422
32886

August 19, 1970

Re: Permit No. 32886/02-2422

Idaho Free Press
P.O. Box 88
Nampa, Idaho 83651

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Glenn and David Allen, Route #3, Box 611, Nampa, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

32886
02-2422

NOTICE OF EXISTING WATER PERMIT

RECEIVED

Notice is hereby given that Glen and Dave Allen, Route 44, Nampa, Idaho

have ~~had~~ received an approved Permit No. 32886/02-2422 issued by the Idaho Department of Water Administration authorizing the diversion ~~of~~ of 12.0 cubic feet per second ~~per second~~ of water from the Snake River, trib. of the Columbia River. The priority to be established under this permit is May 12, 1966 and the permit was approved May 16, 1966.

Water is to be diverted by sprinkler and surface irrigation from a point within the NW 1/4, Sec. 36, T. 1 N, R. 3 W, B. M., Canyon County to be used for irrigation in the N 1/2, N 1/2 SW 1/4, SW 1/4, SE 1/4, Sec. 36, T. 2 N, R. 3 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before May 16, 1977. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the Idaho Free Press, Nampa, Idaho on August 27 and September 3, 1970.

Permit No. 02-2422

Director:

You are hereby authorized to have the above notice published at my expense in the Idaho Free Press of Nampa, Idaho; published in the county in which the works are situated.

Glen & David Allen
(Signature)

Route 3 Box 611
(Address)

8-14-70
(Date)

Nampa, Idaho

32886
02-2422

August 5, 1970

Re: Permit No. 32886/02-2422

Glen and Dave Allen
Route #4
Nampa, Idaho

Gentlemen:

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

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: order
advertising package

02-2422
32886

May 19, 1966

Re: Permit No. 32836

Glen and Dave Allen
Route #4
Nampa, Idaho

Dear Mr. Allen:

We enclose Permit No. 32886 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

XXXXXXXXXXXXXXXXXXXX

We also enclose Departmental Receipt No. 33208 which was issued covering payment in the amount of \$ 7.75 ~~for the fee~~ was given to you ~~for the fee~~ for the fee ~~for the fee~~ for the fee mentioned permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw
permit
Enc:

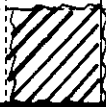
32886

Glen & Dave Allen

Rge. 36. B.M.

Twp 2N.

36



Point of Diversion

Twp. 1N. Rge. 36. B.M.
NW 1/4 SE 1/4 Section 36
H&T Beattle Project

Office Copy

RECEIVED
MAY 11 1965
STATE AGRICULTURAL ENGINEER

632586

ACKNOWLEDGEMENT

Date: _____

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. _____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

David Allen

Applicant

532886