

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 28 1983

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant Peter Etcheverry Phone (307) 279-3645
Post office address Cokeville, Wyoming 83114

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 13 South
Range 46 E. B.M. Bear Lake County, additional points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.8 CFS for Irrigation purposes from May 1 to Sept. 30 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.8 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Water will be pumped at the source.
Type of pump is unknown until completion of the well.

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

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

c. Proposed well diameter is 10 inches; proposed depth of well is 200 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13 S.	46 E	22											40						40

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above. None

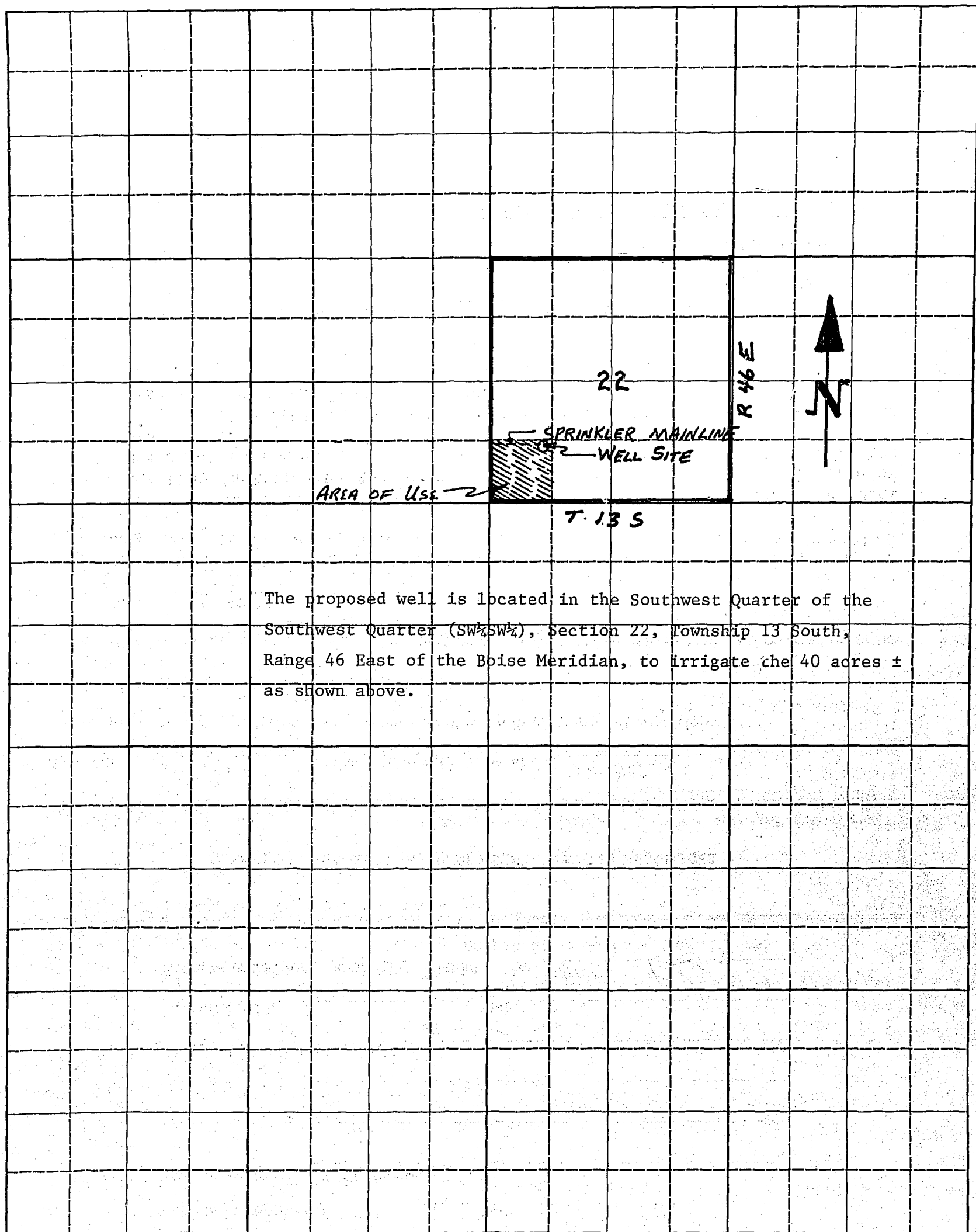
9. a. Who owns the property at the point of diversion Peter Etcheverry and John Etcheverry

b. Who owns the land to be irrigated or place of use Peter Etcheverry and John Etcheverry

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

10. Remarks _____

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



The proposed well is located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 22, Township 13 South, Range 46 East of the Boise Meridian, to irrigate the 40 acres $\pm$ as shown above.

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.

Etchevery Bros
B. Peter Etchevery
John Etchevery
 (Applicant)

Proposed Priority 7/28/83

Received by maya Date 7/28/83 Time 11:30a

Preliminary check by HWT Fee \$ 45.00 # 32833

Receipted by maya Date 7/28/83

Publication prepared by BP Date 8/31/83

Published in News Examiner

Publication dates 9/8 - 9/15/83

Publication approved CW Date 10-13-83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC kw

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. 11-7325, 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 November 1, 1984.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

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

Witness my hand this 31st day of October, 1983.

L. Glen Saylor
Chief, Operations Bureau

SEP 22 1983
Nº 2390

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Marie B. Nye

being duly sworn,

deposes and says:

That he is the *Publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 7, 19*83*, and ending
with the issue of *September 15*, 19*83*

Fees, *\$125.00*

Subscribed and sworn to before me this *26th* day
of *September*, 19*83*

Veronica Green

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *September*, 19*84*

LEGAL NO. 2390 NOTICE OF APPLICATION FOR WATER RIGHT

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

11-7326

MCFARLAND, F.H. &/or DOROTHY C.
P.O. BOX 811, SODA SPRINGS, ID 83276
Source: UNNAMED STREAM trib. to
SINKS
Date Filed: 08/08/1983
Diversion Pt: SESW Sec 16 T 10S R 42E
Use: IRRIGATION (0.60 CFS)
STOCKWATER (0.03 CFS)
In: NESW SESW Sec 16 T 10S R 42E FOR 30
ACRES

11-7327

SULEX CO. TRUST
P.O. BOX 102, ST. CHARLES, ID 83272
Source: SPRING trib. to SINKS
Date Filed: 08/16/1983
Diversion Pt: NENE Sec 09 T 16S R 45E
Use: STOCKWATER (0.02 CFS)
In: NENE Sec 09 T 16S R 45E

11-7325

ETCHEVERRY, PETER
COKEVILLE, WY 83114
Source: GROUNDWATER
Date Filed: 07/28/1983
Diversion Pt: SWSW Sec 22 T 13S R 46E
Use: IRRIGATION (0.80 CFS)
In: SWSW Sec 22 T 13S R 46E FOR 40
ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 26, 1983.

KEN DUNN, Dir.

9-8, 9-15
40 LINES

11-2325

ETCHEVERRY, PETER

COKEVILLE, WY 83114

Source: GROUNDWATER

Date Filed: 07/28/1983

Diversion Pt: SMSW Sec 22 T 13S R 46E

Use: IRRIGATION (0.80 CFS)

In: SMSW Sec 22 T 13S R 46E FOR 40 ACRES

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

ETCHEVERRY, Peter

INITIAL REVIEW BY: T.G. Blau

APPLICATION NUMBER: 11 7325

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____

Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: Sept 26, 1983

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-13-83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 7-29-1983 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Ernest Carlson

Date: Oct 17, 1983

STATE OFFICE REVIEW:

203, 416

OIC 04

- ☐ See attached sheet for more information.

By: KW

Date: 10/28/83

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

September 27, 1983

RE: Claim to a Water Right No. 11-4267 DERRICOTT
11-4268 DINGLE IRRIGATION CO.
11-4269 KUNZ

Application for Permit No. 11-7325 ETCHEVERRY
11-7326 McFARLAND
11-7327 SULEX CO. TRUST

News Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on September 8 and 15, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

*Colleen
10-7-83
cw*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

ETCHEVERRY, PETER
COKEVILLE, WY 83114

NOVEMBER 08, 1983

RE: PERMIT NO. 11-7325

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138151

ETCHEVERRY, PETER
COKEVILLE, WY 83114

PROOF DUE NOTICE

AUGUST 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 11-7325 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1984. (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.

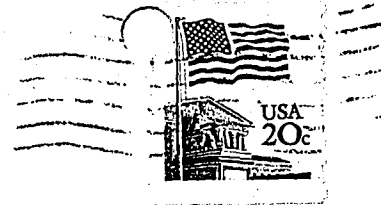
SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

Peter Cheverry

Cokeville, Wyoming 83114



RECEIVED

SEP 7 1984



IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

Department of Water Resources

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. 11 7325.

Name(s) of Permit Holder: Peter Etcheverry

Post Office Address: Cokeville, Wyoming 83114

Tel. No. 307 279 3645

Source of Water: Well

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 40 (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.

9/4/84
Date

Peter Etcheverry
Signature of Permit Holder

07/94

For Office Use Only
\$25.00 Filing Fee
Receipt # E023871
Date 2-2-98

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

ASSIGNMENT OF PERMIT

FEB 02 1998

To change the ownership of a permit

Department of Water Resources
Eastern Region

Etcheverry Bros., A Partnership
I, John Etcheverry, hereby assign to Weston R. Barker & Carlene Barker
(Permit Holder)
of 500 Sage Street, Evanston, WY 82930 (307) 789-3533
(Full Address and Phone Number)

RECEIVED

All my right, title, and interest in and to Permit No. 11-7325
to appropriate the public waters of the State of Idaho.

Department of Water Resources

OR (for partial assignments)

~~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 portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.~~

Made this 27 TH day of January, 1998.

Etcheverry Bros.
By: John Etcheverry
Permit Holder(s)

State of Idaho)
County of Bear Lake)
SS

On this 27 th day of January, 1998, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Marilyn Bissegger

Notary Public

SEAL

My commission expires: 04/08/2002

Marilyn Bissegger
Signature

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~ORIGINAL APPLICATION~~	~~11-07325~~	~~ETCHEVERRY BROS, A~~ ~~PARTNERSHIP, JOHN~~ ~~ETCHEVERRY~~	~~0.08~~
FULL ASSIGNMENT	11-07325	BARKER, WESTON R. & BARKER, CARLENE	0.08

APRIL 9, 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 30, 1984

PETER ETCHEVERRY

COKEVILLE WY 83114

RE: Permit No. 11-7325

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

DEC 10 1986

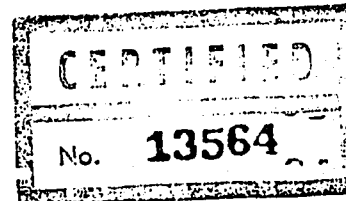
150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Department of Water Resources

11-7325
ETCHEVERRY, PETER
COKEVILLE, WY 83114

December 8, 1986

EXAMINATION FEE NOTICE



Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

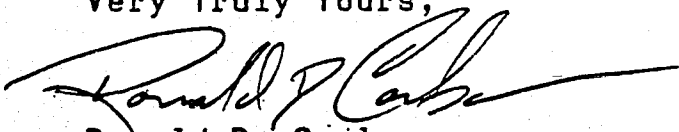
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures

4/86

RECEIVED

JAN 5 1987

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received 100.00Date 1-5-87Receipt # 39983Receipt by MDSent to S.O.

JAN 14 1987

1. Permit No. 11-7325

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)2. Permit Holder: Peter Etcheverry3. Post Office Address: 430 North Main Cokeville, Wyoming 83114Telephone No. 307 279-36454. Source of Water: Well

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 40 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 0.8 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

7/85

8. Person to contact to accompany the department representative during the field examination:

Peter Etcheverry

(Name)

430 North Main Cokeville, Wyoming

(Address)

307 279-3645

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)12/27/86

Date

Peter Etcheverry Owner
Signature of Permit Holder (and title, if appropriate)*copy returned for file*

Weston R. Barker
500 Sage Street
Evanston, WY 82930
Phone: 307-789-3533

RECEIVED

FEB 02 1998

Department of Water Resources
Eastern Region

January 21, 1998

RECEIVED

FEB 09 1998

Department of Water Resources

Mr. Greg Taylor
State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

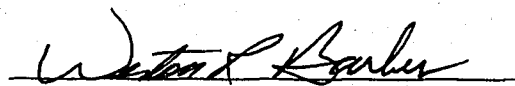
RE: Assignment of Permit #11-7325

Dear Mr. Taylor:

I appreciate your prompt response to my request for forms required to effect assignment of Permit #11-7325.

I have enclosed the completed assignment between Etcheverry Bros., a Wyoming Partnership, and Weston R. Barker and Carlene Barker. If you should have any questions, I would appreciate your giving me a call at 307-789-3533.

Sincerely,


Weston R. Barker



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 9, 1998

WESTON R BARKER
CARLENE BARKER
500 SAGE ST
EVANSTON WY 82930

RE: ASSIGNMENT OF PERMIT 11-07325

Dear Water Right Holder(s):

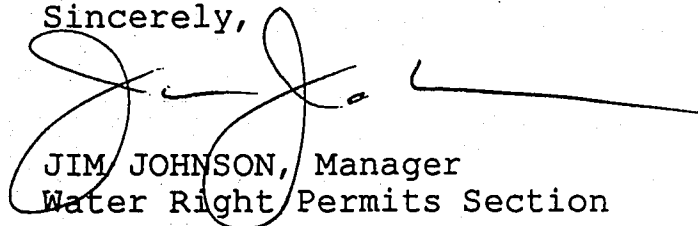
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to Weston R Barker and Carlene Barker. We have modified our computer records to reflect this change in ownership.

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

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

07/94

For Office Use Only

\$25.00 Filing Fee

Receipt # 1042541

Date 6/8/98

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 08 1998

Department of Water Resources

ASSIGNMENT OF PERMIT
To change the ownership of a permit

Weston R. Barker
I, Carlene Barker, hereby assign to Kenneth Rigby, Tamra Rigby, Tanya Rigby
(Permit Holder)
of 236 South, 650 East, Burley, ID 83318
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 11-7325
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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.

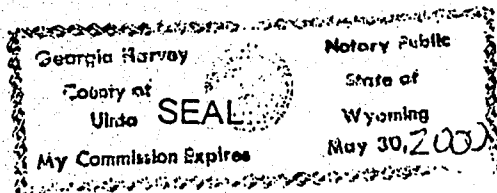
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this 23 day of JANUARY, 1998.

Weston R Barker
Carlene Barker
Permit Holder(s)

Wyoming
State of ~~Idaho~~
County of Uinta SS

On this 23 day of JANUARY, 1998, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Georgia Harvey
Notary Public

My commission expires: _____

Signature

COPY
CARRIE SKINNER

RECEIVED

JUN 08 1998

Department of Water Resources

6-5-98

Cindy

Enclose please find a certified copy of
of an assignment of permit. I have
talked with Harold Jones in Idaho Falls
and he stated that you could change the
^{ownership}~~title~~ in permit 11-7325 with it. The
original is in Escrow at First Idaho Title
Co in Montpelier, Id. I have also enclosed
a check for 25⁰⁰ for a filing fee

If you have any questions please
call Janice work 678-1157
home 654-2364

Thank you
Janice Legley

P.S. Harold said you could
call him if necessary!



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

July 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KENNETH RIGBY
TAMRA RIGBY
TANYA RIGBY
236 SOUTH 650 EAST
BURLEY ID 83318

RE: ASSIGNMENT OF PERMIT 11-07325

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence changing ownership of the above referenced permit to you. Our computer records have been modified to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

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

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 11-07325

Priority: July 28, 1983

Maximum Diversion Rate: 0.49 CFS
Maximum Diversion Volume: 126.0 AF

It is hereby certified that TANYA RIGBY
TAMRA RIGBY
KENNETH RIGBY
236 SOUTH 650 EAST
BURLEY ID 83318 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated ; and has submitted Proof of
Beneficial Use on January 01, 1900. An examination indicates that the works have a diversion capacity
of 0.49 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.49 CFS	126.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, Twp 13S, Rge 46E, B.M. BEAR LAKE County

PLACE OF USE: IRRIGATION

Twp	Range	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	46E	22												36.0					36.0

Total Acres: 36

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22ND day of AUGUST, 2001.

Acting for

KARL J. DREHER
Director

Department of Water Resources

Permit No. 11-07325

1. Owner: Kenneth Rigby, Tamra Rigby Phone No. 1-208-654-2364

Current Address: 236 South 650 East, Burley, Idaho 83318

2. Accompanied by: No one Showed EXAM DATE: 7-23-98

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

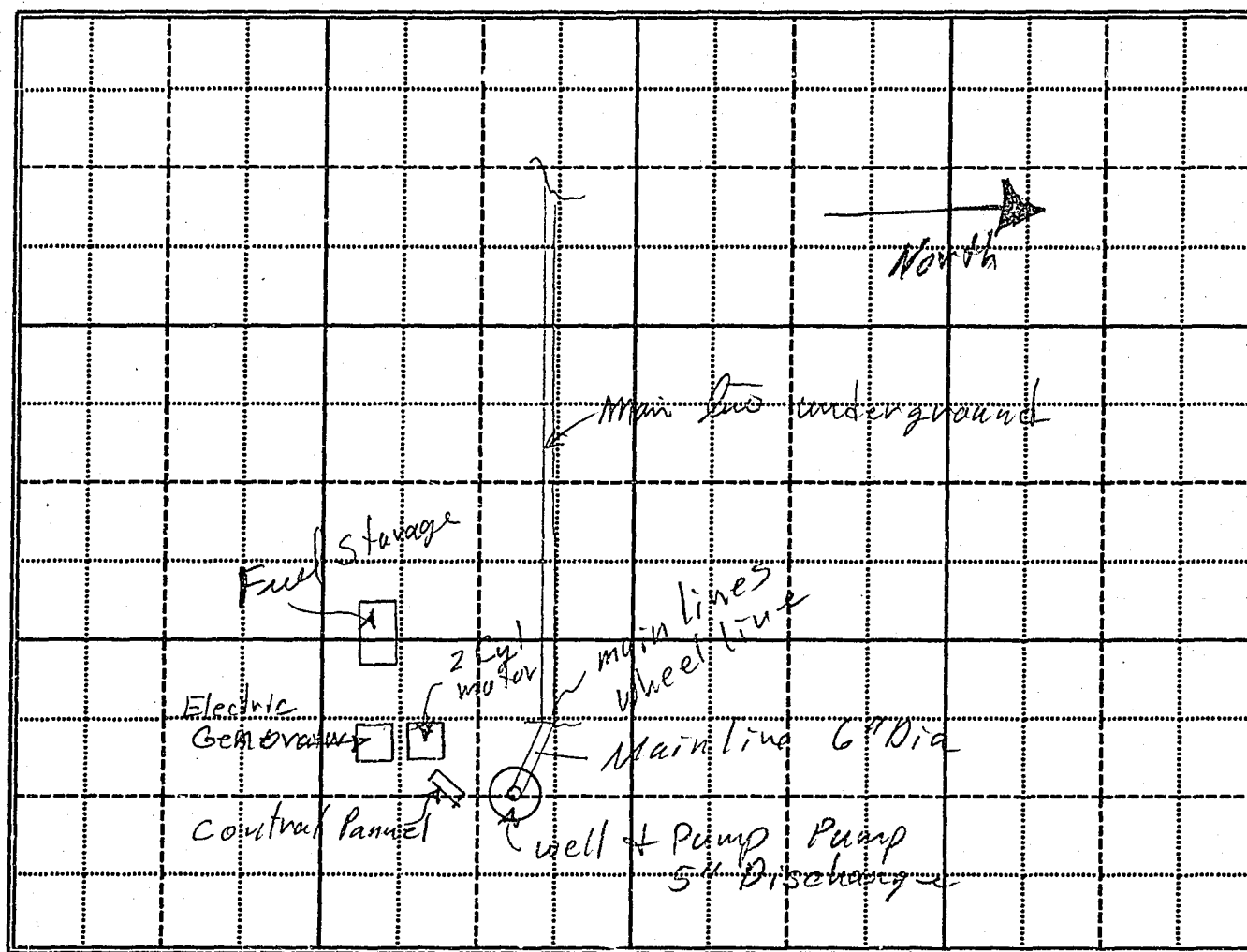
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
—	Franklin	15	C8-001918	Franklin	4" Dia.

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Pollysonic 220 gal/min / 448.8 = 0.4902 → 0.50
CFS

E. NARRATIVE/REMARKS/COMMENTS

Electric Pump is driven by a Elect generator which is driven by a Diesel Engine Name plate not readable on generator - Generator SN-BC 32961FR - Engine is Air Diesel 2 cylinder. The pump is a submersible and discharges to a 5" line that connects to a 6" main line One 4" wheel line is run - line has 32 sprinklers on it

Operating pressure at 1st sprinkler head 50 psi.

2 acres removed for roads on south and east side of the quarter. 2 acres on SW 1/4 removed on west side of canal

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

MODE SELECT
T0 CHECK

0222.9 MMSEC
101.82 % T0

07-23 12:1900 *H
+003.00 % AI2

MODE SELECT
INPUT

OUTER DIAMETER
6.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1031 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1440 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
3.910 IN U

07-23 12:2100 *H
+ E 0GPM

MODE SELECT
T0 CHECK

0222.9 MMSEC
100.67 % T0

07-23 12:2100 *H
+003.00 % AI2

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-23 12:2300 *R
+190.203E 0GPM

ZERO MODE
ZERO OPR

07-23 12:2400 *R
+222.168E 0GPM

07-23 12:2400 *R
+216.356E 0GPM

DAMPING SET
6% SEC

PRT PERIOD
01 MIN

PRT UNIT GPH
NO

PRT UNIT GPM
YES

PRT UNIT MGD
NO

PRT UNIT FPS
NO

PRT UNIT INTEG
NO

PRT UNIT AI1
NO

PRT UNIT AI2
YES

START TIME
07-23 12:26

OPERATION TIME
1 HOR

12:26+218.734E 0GPM 00R
+003.00% AI2 00R

12:27+218.470E 0GPM 00R
+003.00% AI2 00R

12:28+218.206E 0GPM 00R
+003.00% AI2 00R

12:29+218.734E 0GPM 00R
+003.00% AI2 00R

12:30+220.055E 0GPM 00R
+003.00% AI2 00R

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12:35+217.677E 0GPM 00R
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12:36+217.941E 0GPM 00R
+003.00% AI2 00R

12:37+219.791E 0GPM 00R
+003.00% AI2 00R

12:38+217.149E 0GPM 00R
+003.00% AI2 00R

2

① 2 12:39+219.262E 0GPM 00R
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12:40+217.413E 0GPM 00R
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12:41+218.734E 0GPM 00R
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12:43+218.470E 0GPM 00R
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12:44+217.149E 0GPM 00R
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12:50+216.885E 0GPM 00R
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Permit #11-07325

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PRT PERIOD
0 MIN

07-23 13:2900 *R
+003.00 % AI2

MODE SELECT
T0 CHECK

0222.1 MMSEC
100.34 % T0

0222.1 MMSEC
100.34 % T0

MODE SELECT
T0 CHECK

0222.9 MMSEC
101.82 % T0

07-23 12:1900 *H
+003.00 % AI2

MODE SELECT
INPUT

OUTER DIAMETER
6.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1031 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1440 M/S-

SENSOR MOUNTING
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TYPE OF SENSOR
? SMALL

DATA CHANGE
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SPACING
3.910 IN U

07-23 12:2100 *H
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ZERO MODE
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+222.168E 0GPM

07-23 12:2400 *R
+216.356E 0GPM

DAMPING SET
60 SEC

PRT PERIOD
01 MIN

PRT UNIT GPH
NO

PRT UNIT GPM
YES

PRT UNIT MGD
NO

PRT UNIT FPS
NO

PRT UNIT INTEG
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PRT UNIT AI1
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PRT UNIT AI2
YES

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13:02+216.356E 0GPM 00R
+003.00% AI2 00R

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Permit # 11-07325

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+003.00% AI2 00R

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13:22+217.413E 06PM 00R
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13:23+217.677E 06PM 00R
+003.00% AI2 00R

13:24+216.885E 06PM 00R
+003.00% AI2 00R

13:25+216.356E 06PM 00R
+003.00% AI2 00R

13:26+218.470E 06PM 00R
+003.00% AI2 00R

13:27+217.149E 06PM 00R
+003.00% AI2 00R

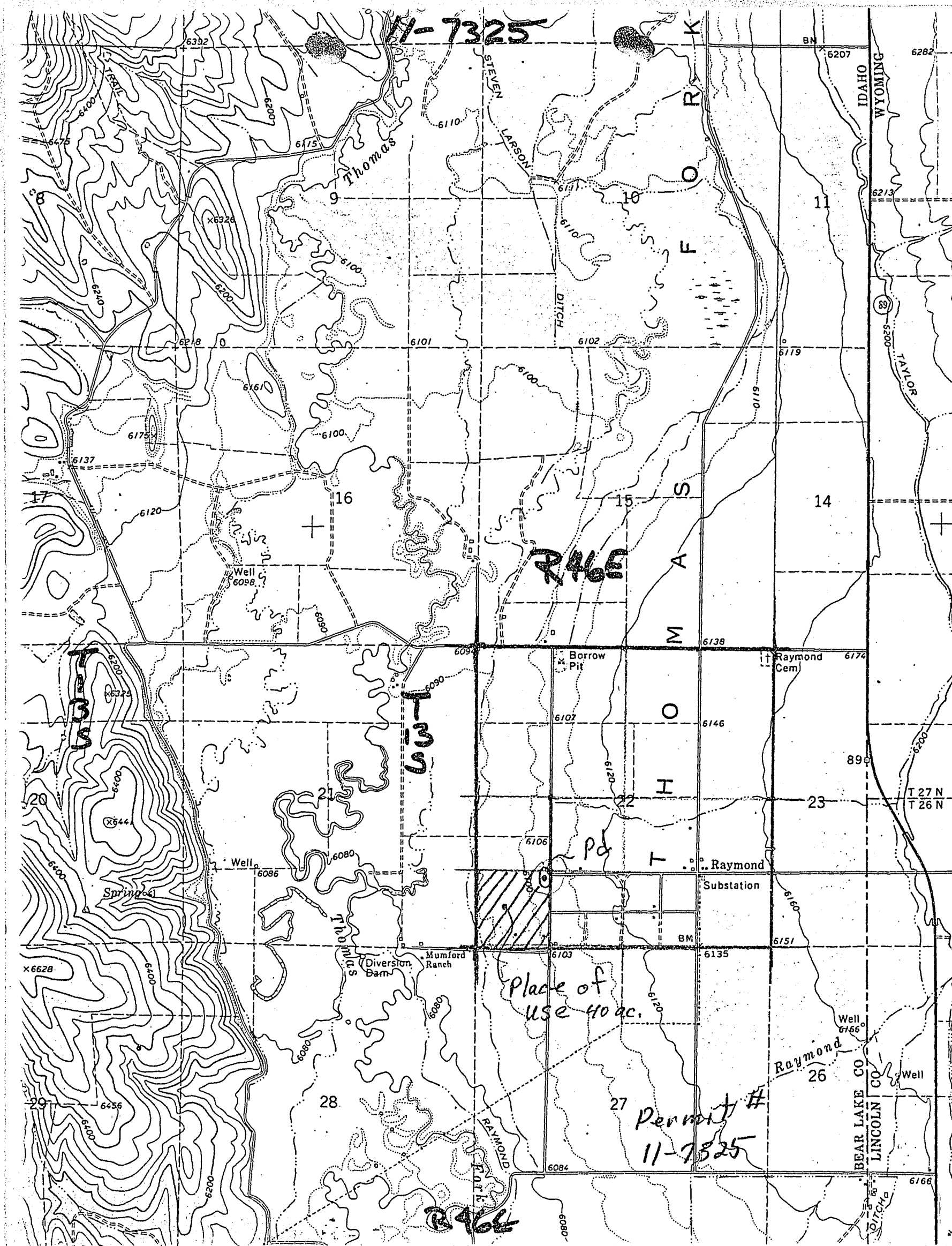
PRT PERIOD
0 MIN

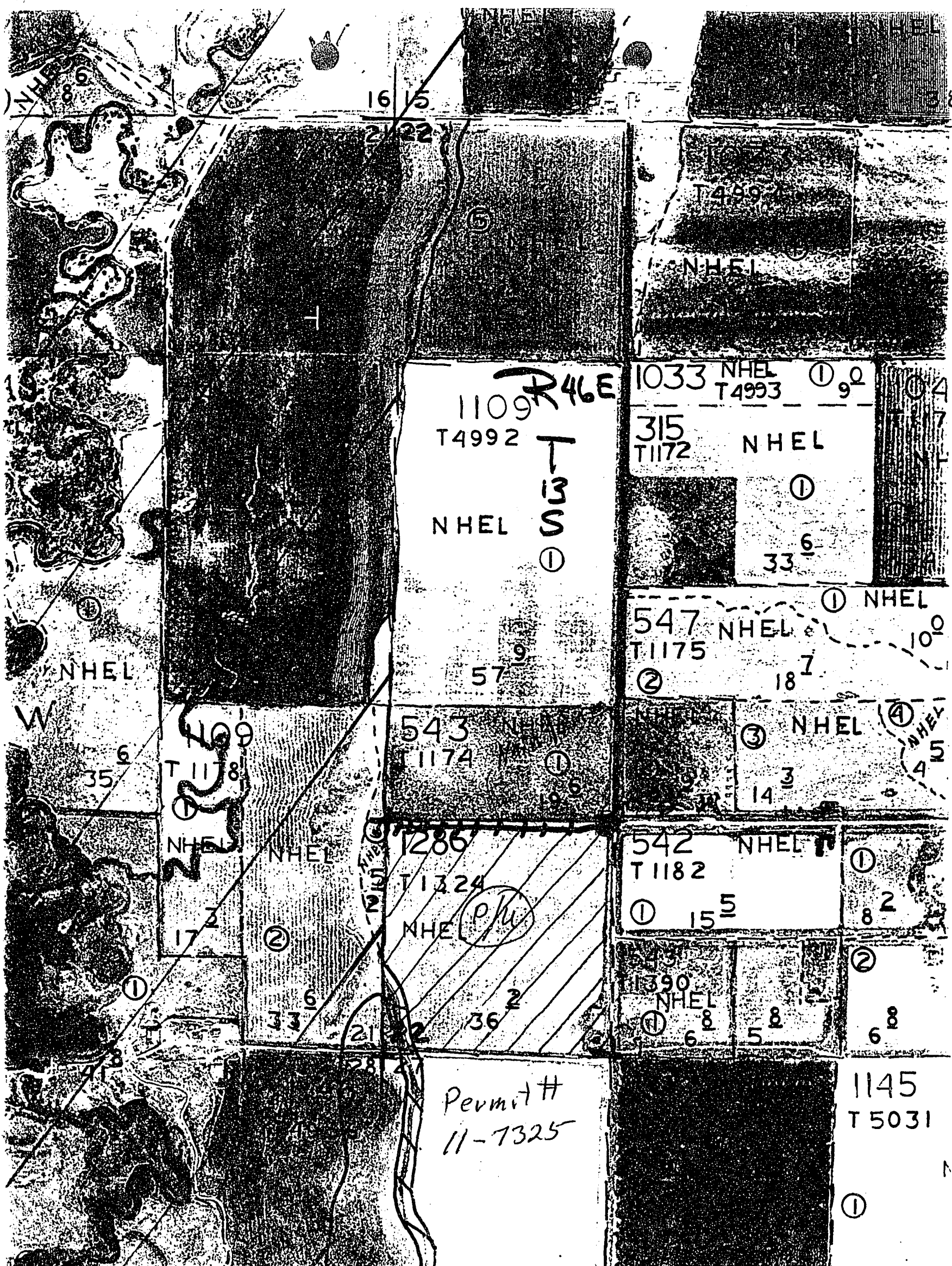
07-23 13:2900 *R
+003.00 % AI2

MODE SELECT
T0 CHECK

0222.1 MMSEC
100.34 % T0

0222.1 MMSEC
100.34 % T0







Picture of Generator Looking south



Well looking South

To Main
line

Permit # 11-7325

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\left(\frac{220 \text{ gal}}{1 \text{ min}}\right) \left(\frac{1 \text{ cfs}}{448.8 \text{ gal/min}}\right) = 0.4902 \rightarrow 0.50 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	5/1	8/30	.50	
Totals:			.50	

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name Lee Simmons Date 7-23-98Reviewer Dennis M. Dunn Date _____

SEAL



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 27, 2001

KENNETH AND TAMRA RIGBY
236 SOUTH 650 EAST
BURLEY ID 83318

RE: Water Right No. 11-7325

Dear Mr. and Mrs. Rigby:

As I explained to Mrs. Rigby over the telephone yesterday, I am drafting a water right license for the water use established under Permit 11-7325, which you acquired from the Barkers in 1998. Our field examiner reported that the place of use for Permit 11-7325 is 36 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T13S, R46E, in Bear Lake County.

IDWR issues many ground water permits for supplemental irrigation. When licensing ground water irrigation rights, IDWR requires them to remain supplemental to surface water use if they were developed that way. In other words, the conditions on the license will require continued use of the surface water, and ground water use will be allowed only when the surface water is not available. Peter Etcheverry, who held Permit 11-7325 before the Barkers, indicated on his application that there is no other source of water for the place of use for the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T13S, R46E. The field examiner sent to verify your ground water use did not mention surface water use, either. However, according to our records Water Right 11-165, which was decreed in 1902 for a diversion from the Thomas Fork, includes the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T13S, R46E, in its authorized place of use. I have enclosed a printout of Water Right 11-165 for you to review.

I called the day before yesterday to make sure that I was correct in concluding that Permit 11-7325 was not developed as a supplemental use. The draft license I have enclosed does not carry the supplemental use conditions. Please call me at 208-327-7946 if this or any other aspect of the license does not appear correct to you. If I have not heard from you by August 10, 2001, I will recommend that the license be issued as drafted.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

S:\SKeen\Name\trs\rigby.doc

MEMORANDUM

DATE: August 9, 2001

TO: Water right file 11-7325

FROM: Shelley W. Keen *SWK*

RE: Surface water availability

This morning I spoke with Ken Rigby (work # is 208-678-0431) about the availability of surface water at the place of use for ground water right 11-7325. According to Mr. Rigby there is some water available from the Taylor Canal, but it hasn't been used for many years because the delivery ditches are in disrepair. He assured me that 11-7325 was developed as a primary source of supply.

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 23, 2001

KENNETH RIGBY
TANYA RIGBY
TAMRA RIGBY
236 SOUTH 650 EAST
BURLEY ID 83318

RE: License No. 11-7325 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

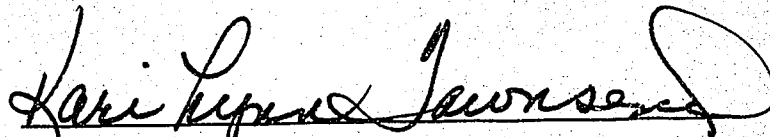
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on August 23, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 11-7325

**TANYA RIGBY
TAMRA RIGBY
KENNETH RIGBY
236 SOUTH 650 EAST
BURLEY ID 83318**


**Kari Lynn Townsend
Secretary**