

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-32954
Permit No. G- 25127
District No.

1. Name of Applicant: VERN W. McFARLAND
Postoffice address: Franklin County: Franklin State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 0.1 or Idaho
Miners' inches 5 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well-pump
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16
Twp. 16 S. , Rge. 40 E. , B.M., County of Franklin
5. Water is to be used for: Irrigation, Stock-watering, Domestic
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Sprinkling System
8. Estimated cost of works: \$ 1295.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is completed years.
11. If applicant is a corporation, give:
 - I. (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 onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) .10 (cubic feet per second, inches or gallons per minute) is for new lands.

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

Applicant.

Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-25127

Recorded in Book 89 Page 25127 Approved September 3, 1954

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 _____ Completed _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before - -

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before **September 3, 1956**

Witness my hand this 3rd day of September, 1954

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, 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 3rd
day of September, 19 54.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

12.

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 $\frac{1}{4}$	
16 S.	40 E.	16			x	x	4.99
Permit No. G-25127 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that VERN W. McFARLAND of Franklin, County of Franklin, and State of Idaho, the holder of Permit No. G-25127, issued upon Application No. G-32954 bearing date of priority of August 21, 1954, authorizing the diversion of 0.1 second foot of the waters of a well (subterranean flow) County of Franklin, State of Idaho, for irrigation, domestic and stock watering purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.1 second foot of the waters of said well; that the point of diversion of said waters is in the SE$\frac{1}{4}$SW$\frac{1}{4}$ Section 16, Township 16 South, Range 40 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E$\frac{1}{2}$SW$\frac{1}{4}$ Section 16, Township 16 South, Range 40 East, B.M. Witness my hand this 7th day of May, A. D. 1956. MARK R. KULP State Reclamation Engineer Proof of completion of works made October 10, 1955 Certificate of Completion of Works issued May 7, 1956 DENISE ISSUED FOR 0.1 SEC. <i>Page #5703</i>							

Aug 14, 1954

RECEIVED
AUG 16 1954

Department of Reclamation

107 State House
Boise, Ida

Dear Sir.

Have recently
drilled a well located
on my property in
Franklin County and
would appreciate it
very much if you
would forward me
the necessary forms
for filing on said
well.

Sincerely

Wm W. McFarland

B25127

Q25127

August 16, 1954

Mr. Vern W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

In reply to your request of August 14 we enclose a form of application for permit to appropriate subterranean water from a well together with a pamphlet giving regulations and instructions in regard to filing same.

When this application is approved, it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application.

In order to complete your water right, proofs of Completion of Works and application of the water to Beneficial Use are required. The time required for making these proofs should be indicated under question 10.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

Q25127

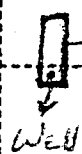
NAME OF APPLICANT

VERN W. McFARLAND

Form No. 0

Sec.

16 Twp. 16 So. R. 40 E.B.M.



Land to be irrigated

Permit Map No. 25127

As Approved

SEP 3 1954

MARK R. KULP

State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.

25127

September 13, 1954

RE: Permit No. G-25127

Mr. Varn W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

We enclose Permit No. G-25127 together with departmental receipt No. G-744 for the \$5.00 filing fee.

Although your application states that the works are completed and the water applied to Beneficial Use, we have allowed two years within which to make these proofs.

However, they may be made at any earlier date that you are prepared to make them, and we shall be glad to send the necessary forms and instructions upon request.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

25127

July 28, 1955

Department of Reclamation
Boise, Idaho

Dear Sir:

In Re. permit No. G-25127 I am now prepared to submit proof of completion of work and application of water to beneficial use.

Would you be kind enough to send me the necessary forms and instructions to Attorney Dell W. Smith, Preston, Idaho.

Yours Very Truly,

Ken W. McFarland

RECEIVED
JUL 29 1955
Department of Reclamation

825127



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

August 1, 1955

RECEIVED
AUG 30 1955
Department of Reclamation

RE: Permit No. G-25127

Mr. Dell W. Smith
Attorney At Law
Preston, Idaho

Dear Mr. Smith:

As requested by Mr. Vern W. McFarland we enclose forms for notice of proof of Completion of Works and Beneficial Use on Permit No. G-25127.

Form 36 should be completed in duplicate setting the time and place and naming the Notary Public before whom these proofs are to be made.

Since the statutes require publication once a week for four weeks in a county newspaper before the date set for proof, this date should be set far enough ahead to allow for four weeks publication and the proofs may be made at any place convenient for Mr. McFarland and his two witnesses.

Both copies of Form 36 to be returned to this Department together with Form 11 which is authorization for us to have the notice published at Permit Holders expense in the designated county newspaper.

We shall then send a copy of this notice to the newspaper with instructions in regard to publishing and shall send you or Mr. McFarland (as requested) the forms of deposition to be executed by Mr. McFarland and two witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeannette L. Anderson

Chief Clerk

A:cu
Enc.

* Would you kindly send the forms of deposition to Dell W. Smith at Preston, Idaho.

825127

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 25th 1955

(P. O.) Franklin, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Preston Citizen of Preston, Idaho published in

the county in which the works are situated.

Wm W. McFarland

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

825127

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USESESW
16
16S 40E

Notice is hereby given that at 10:00 A. M., on the 3rd.
day of October, 19 55, at Preston, County of
Franklin State of Idaho, before Dell W. Smith
proof will be submitted of the completion of works for the diversion of 0.1
cubic feet per second of the waters of Well- Pump
and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G-25127 heretofore issued by the Department
of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are Vern W. McFarland Post Office, Franklin, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of conveying
to the place of use, in accordance with the plans accompanying the application for
such permit, is 0.1 cubic feet per second.

3. The use to which said water has been applied is Irrigation - Stock Watering
Domestic purposes, and the amount applied to beneficial use is
0.1 cubic feet per second. E² SW

4. The place where said water is used is SE 1/4 of SW 1/4
Section 16 S, Range 40 E. B.M.

5. The date of priority which said user is prepared to establish is
MAY 20, 1954.

8-21

State Reclamation Engineer

825127



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 1, 1955

RE: Permit No. G-25127

RECEIVED
SEP 6 1955
Department of Reclamation

Mr. Dell W. Smith
Attorney at Law
Preston, Idaho

Dear Mr. Smith:

We return, herewith, the duplicate notice for proof of completion of works and beneficial use on Permit No. G-25127 of Vern W. McFarland which you sent us recently.

These notices should be completed showing the amount and the source of the water; the use as called for in Question 3; and place of use as called for in Question 4; and the date of priority in Question 5.

In order to have four weeks publication prior to October 3,¹⁰ publication will have to start September 8. Please set a later date as it will be impossible for your corrected notice to reach us and to be returned to the Preston Citizen in time for publication to start September 8. —

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

A:hll
Enc.

*Please set october 10, 1955
in place of october 3.*

Dell W. Smith

G-25127

✓
September 6, 1955

RE: Permit No. C-25127

Mr. Dell W. Smith
Attorney At Law
Preston, Idaho

Dear Mr. Smith:

We have completed the notice for Completion of Works and Beneficial Use proof on permit No. C-25127 of Vern W. McFarland to show that they will be made on October 10, 1955.

A copy of the notice is being sent to the Preston Citizen with instructions to publish it once a week for four weeks prior to that date and to send Mr. McFarland the Affidavit of Publication together with the statement of costs.

At the time set Mr. McFarland should appear before you together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

25127

25127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. G-25127

Date: September 6, 1955

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 10, 1955** the date set for proof, the expense of the publication to be paid by the applicant, **Vern W. McFarland** of **Franklin Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

25127

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

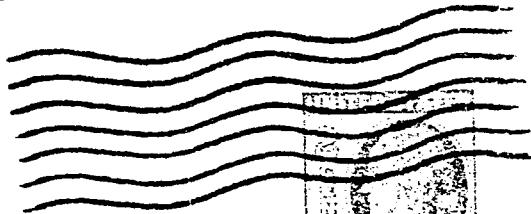
Notice is hereby given that at 10:00 A.M., on the 10th
day of October, 1955, at Preston, County of
Franklin, State of Idaho, before Dell W. Smith, Notary Public,
proof will be submitted of the completion of works for the diversion of
0.1 cubic ~~foot~~ per second of the waters of a well
and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. G-25127 heretofore issued by the
Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Vern W. McFarland, Franklin, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 0.1 cubic ~~foot~~ per second.
3. The use to which said water has been applied is Irrigation, stock watering & Domestic purposes, and the amount applied to beneficial use is 0.1 cubic ~~foot~~ per second.
4. The place where said water is used is E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, Township 16 South, Range 40 East, B. M., and the well is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section.
5. The date of priority which said user is prepared to establish is August 21, 1954.

MARK R. KULP

State Reclamation Engineer

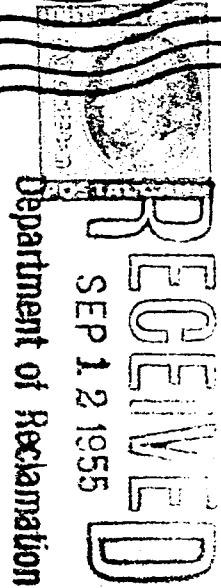
825127



THIS SIDE OF CARD IS FOR ADDRESS

Jeanne L. Anderson, Chief Clerk
State Department of Reclamation
Boise, Idaho

825127



Just A Short Message From
Don Smith of

The Preston Citizen

PRESTON, IDAHO

Sept. 9

This is to acknowledge receipt of publication
of proof of application for Vern W. McFarland
of Franklin, Idaho, and it will be published
four issues as ordered.

The Preston Citizen

825127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 25127

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Vern W. McFarland, Franklin, Idaho, Farmer, Franklin

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3 State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G 25127. Date of permit, September 3, 1954. Date of Priority, Sept 3, 1954.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Well and pump located on the SE¹/₄ of the SW¹/₄, Section 16, Township 16 South, Range 40 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. By a well and pump, and sprinkling system. The pump will pump five gallons per minute which forces the water to lands in a sprinkling system. The well is 60 feet deep. The casing is 4 inches. Water is 10 feet deep in the well.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation, stock watering, and domestic purposes. The water is used on the NE¹/₄ and the SE¹/₄ of the SW¹/₄, Section 16, Township 16 South, Range 40 E. B. M. Row crops have been grown as a result of use of water.

825127

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 0.1 of a cubic foot per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Since September 3, 1954, I have used the water from the well to irrigate during the summer months and for the house and watering stock the year round. During irrigation season I pump five gallons per minute.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. I have no other water right for the land.

(Sign) Ken W. Garland

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that

said testimony was subscribed and sworn to before me, at my office in Preston,

County of Franklin, State of Idaho, on this 10 th day of October,

A. D. 19 55,

Dell W. Smith

My commission expires April 3, 1957

S25127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 25127

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lester D. Lowe, age 52, Franklin, Idaho. Farmer, Franklin, Idaho

Ques. 2. Are you acquainted with Vern W. McFarland, the holder of Permit No. G 25127? How long have you known him and where does he reside?

Ans. 20 Years. He resides at Franklin, Idaho.

Ques. 3. Have you read or heard read said Permit No. G 25127, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water is well and a pump. Water is conveyed to place of use by a sprinklin system. The well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 16 South, Range 40 E.B.M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will handle 0.1 Cubic Foot per second and I have seen the same used.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. The pump will pump five gallons per minute and I did estimate the amount by seeing it pumped.

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Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation, stock watering, and domestic purposes.
It is used on the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 16, Township 16 South,
Range 40 E. B. M. Row crops have been grown as a result of use of water.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land cultivated is a rich soil and the same needs the full 0.1 Cubic
foot per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the works, water, or land

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since September 3, 1954, I have seen Vern W. McFarland pump five gallons
per minute on his land for irrigating row crops.

(Signed)

Lester B. Love

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston
County of Franklin, State of Idaho, on this 10th day of October
A. D. 1955.

Dell W. Smith

Notary Public.

My commission expires April 3, 1957

825127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 25127

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1: State your name, age, residence, occupation and postoffice address.

Ans. Earl P. Cole, age 49, Farmer, Franklin, Idaho, Franklin, Idaho

Ques. 2. Are you acquainted with Vern W. McFarland, the holder of Permit No. G 25127? How long have you known him and where does he reside?

Ans. 15 Years. He resides at Franklin, Idaho

Ques. 3. Have you read or heard read said Permit No. G 25127, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water is well and a pump. Water is conveyed to place of use by a sprinkling system. The well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16 Township 16 South, Range 40 E.B.M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will handle 0.1 Cubic Foot per second and I have seen the same used.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. The pump will pump five gallons per minute and I did estimate the amount by seeing it pumped.

825127

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation, stock watering, and domestic purposes. It is used on the NE¹/₄ and the SE¹/₄ of the SW¹/₄, section 16, Township 16 South, and range 40 E.R.M.. Row crops have been grown as a result of use of water.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land cultivated is a rich soil and the same needs the full 0.1 Cubic foot per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the works, water, or land.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since September 3, 1954, I have seen Vern W. McFarland pump five gallons per minute on his land for irrigating row crops.

(Signed) Leard P. Cole

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston, County of Franklin, State of Idaho, on this 10th day of October, A. D. 1955.

Dell W. Smith
Notary Public.

My commission expires April 3, 1957.

825127

✓
October 13, 1955

RE: Permit No. G-25127

Mr. Vern W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

We are in receipt of the depositions of yourself and two witnesses offered in proof of completion of works and beneficial use on Permit No. G-25127.

However, the affidavit of publication is a necessary part of the proofs and the Preston Citizen was instructed to send you this affidavit of publication, and, if you have not received it, we suggest you take the matter up with them at once.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

825127

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Olson E. Smith

, being duly sworn,

deposes and says:

That he is the Publisher of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for four 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 15, 1955, and ending

with the issue of October 6, 1955

Olson E. Smith

Fees, \$ 23.36

Subscribed and sworn to before me this 21st day

of Oct, 1955

Ed Larsen
Notary Public, Residing at Preston, Idaho

My Commission Expires May 5, 1955

NOTICE OF PROOF OF COMPLETION OF WORKS

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 10th day of October, 1955, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, Notary Public, proof will be submitted of the completion of works for the diversion of 0.1 cubic feet per second of the waters of a well and the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-25127 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Vern W. McFarland, Franklin, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 0.1 cubic foot per second.

3. The use to which said water has been applied is Irrigation,

stock watering & Domestic purposes, and the amount applied to beneficial use is 0.1 cubic foot per second.

4. The place where said water is used is E1/2SW1/4 Section 16, Township 16 South, Range 40 East, B. M., and the well is located in the SE1/4SW1/4 of said section.

5. The date of priority which said user is prepared to establish is August 21, 1954.

MARK R. KULP
State Reclamation Engineer
37-40c

RECEIVED
OCT 24 1955
Department of Reclamation

S25127

✓
October 24, 1955

RE: Permit No. G-25127

Mr. Vern W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

We have received from the Preston Citizen affidavit of publication which completes the proof of completion of works and beneficial use on your Permit No. G-25127.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

825127

March 19, 1956

RE: Permit No. G-25127

Mr. Vern W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

Inspection is required by law in connection with any permit being brought to license within the State of Idaho. Unless hindered by bad weather, I intend to make inspection in connection with your Permit on Thursday or Friday, March 29 or 30.

Please be prepared to accompany me on this inspection.

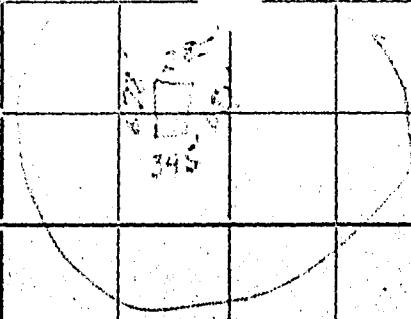
Yours Truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

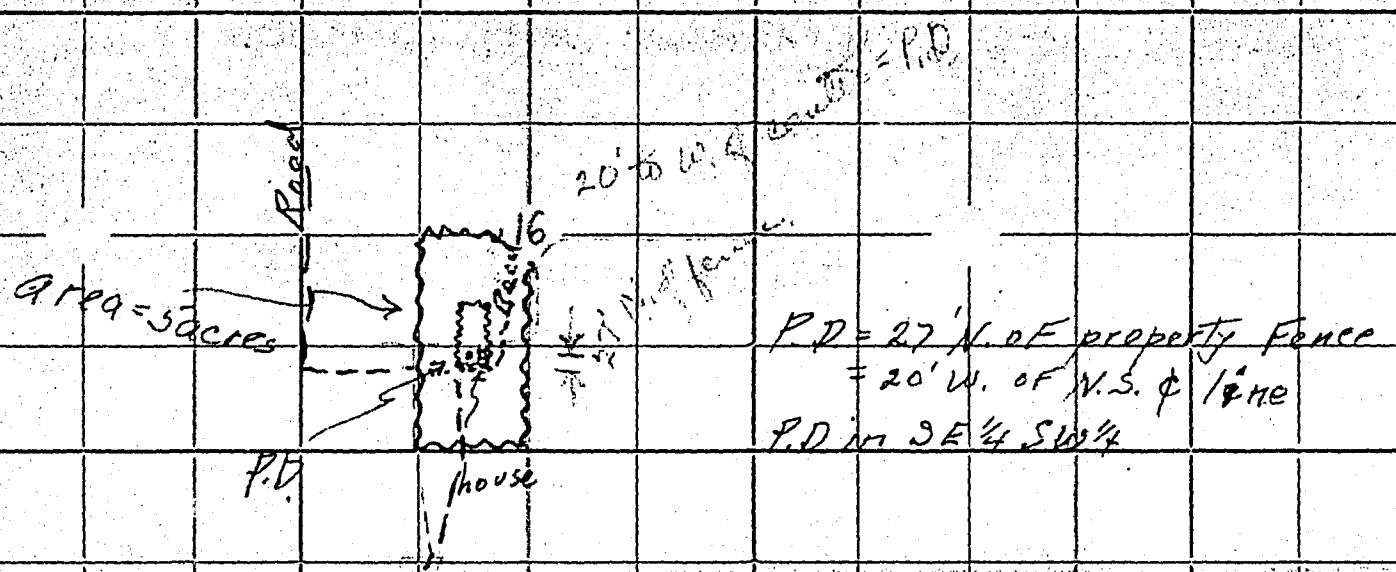
25127



Trak #13
← from records in
assessor's office

R-40E.

T.
16
S.



FRANKLIN

Subdivisions = Two

Area = 5 acres.

Q = 5 inches.

Use = domestic - irrigation
= cool milk sheds.
= use in milk house.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-25127

This proof is for Completion of works & Beneficial use In Water District No.

1. Name of applicant Vern W. McFarland, Franklin, Idaho
2. Source of water supply: Subterranean from a well.
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16
T. 16 S. R. 40 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Well is 6" diameter by 80' flowing well, cased to the bottom, capped and has a 2" outlet pipe. There is a centrifugal pump 1 $\frac{1}{2}$ by 1 $\frac{1}{4}$ operated by a Franklin 1 $\frac{1}{2}$ hp motor. Delivers the water through a sprinkler system to the pasture and the grounds. Water is also used for a dairy barn installation and for domestic use in the house.

5. Water is used for: Irrigation, domestic and stock watering.
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, Township 16 South, Range 40 East, B. M.

See the map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: There is a quite large mink farm for which water is also used to sprinkle the buildings to keep the mink cool during hot weather.

This examination was made on the 29 day of March, 1928

(Signed) E. M. Humphrey Examiner.

825127

April 4, 1956

RE: Permit No. G-25127

Mr. Vern W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. G-25127, which shows that you have irrigated 4.99 acres and have used water for domestic and cooling purposes in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, Township 16 South, Range 40 East, B.M. with water from a well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16.

A Certificate of Completion of Works and License can, therefore, be issued for 0.1 second foot of water upon receipt of the statutory fee of \$5.00 for completion of works and \$4.00 license fee, or a total of \$9.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll

25127

458, 51272
RECEIVED
Franklin, Idaho
April 28, 1956

Mr. Mark R. Kulp
Idaho State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Enclosed is a check for \$9.00 to cover the statutory fee and license fee requested in your letter of April 4, 1956, to comply with request.

The above fee is for Certificate of Completion of Works and License for water works shown on Permit No. G-25127.

Sincerely

Wm W. McFarland

25127

May 8, 1956

RE: Permit No. G-25127

Mr. Vern W. McFarland
Franklin
Idaho

Dear Mr. McFarland:

We enclose Certificate of Completion of Works also License and Certificate of Water Right confirming your right to the use of 0.1 second foot of the waters of a well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 16 South, Range 40 East, B.M., with priority of August 21, 1954, for irrigation, domestic and stock watering use on the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, same Township and Range.

We also enclose departmental receipt No. G-1842 for \$9.00 which includes \$5.00 completion of works fee and \$4.00 license fee.

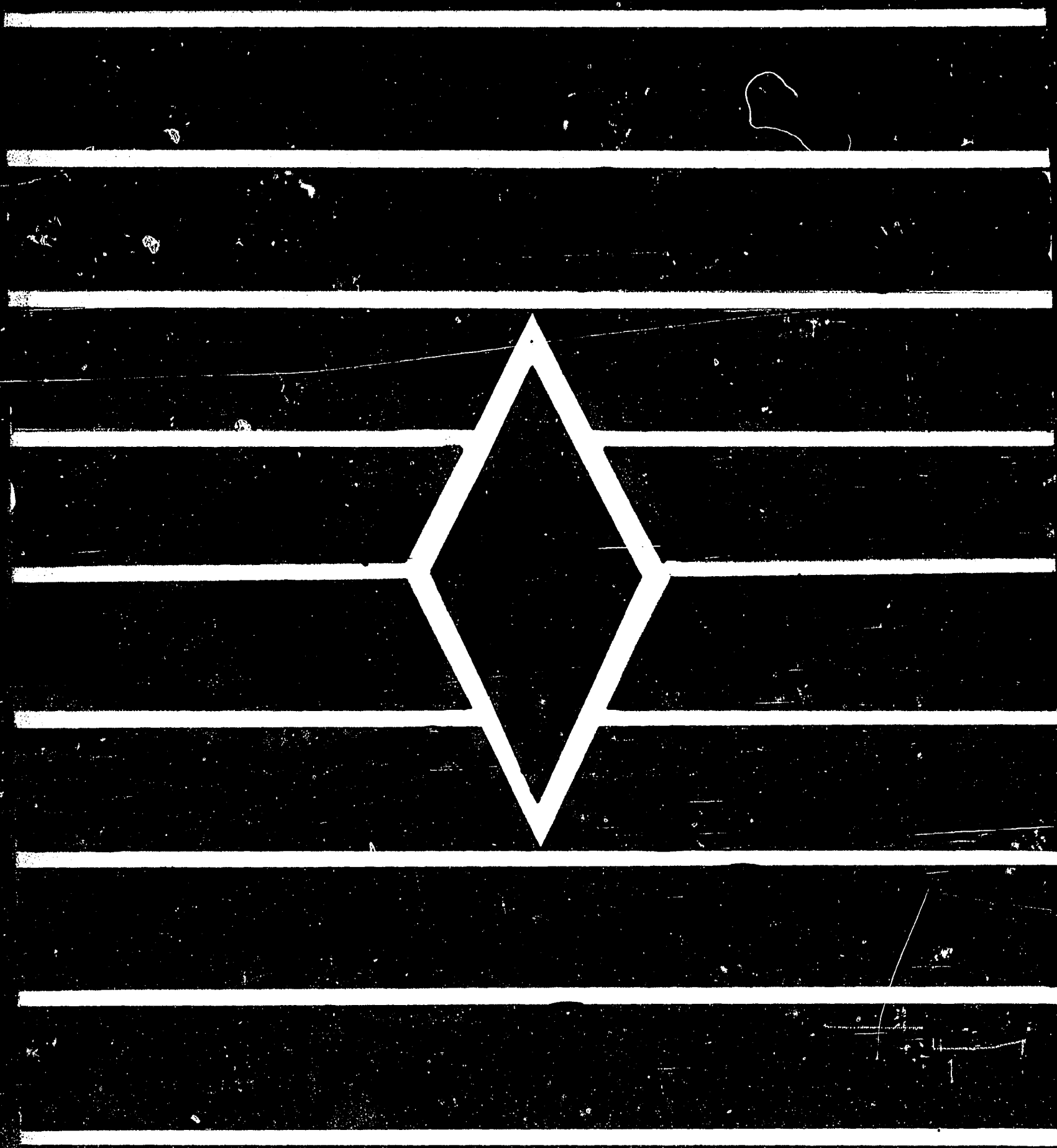
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

25127



State of Idaho
License and Certificate of Water Right

Water License No.....G-25127.....

Amount.....0.1 second foot

Water District No.....

Priority..August 21, 1954

THIS IS TO CERTIFY that VERN W. McFARLAND
of Franklin, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 21, 19 54 ; that Permit No. G-25127
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.1 second foot, was issued thereunder on May 7, 1956, showing that said works
were completed on the 10th day of October, 19 55 ; and that on the 10th
day of October, 19 55 ,

VERN W. McFARLAND

of Franklin, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well

, ~~subterranean~~ (subterranean flow), for the purpose of irrigation, domestic and
stock watering under Use Permit No. G-25127 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5703, on the 7th day of May, 19 56 ;

The right hereby confirmed dates from August 21, 19 54 ;

The Point of Diversion is located

in the SE $\frac{1}{4}$ $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Tp. 16 S, R. 40 E, B. M Franklin County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.1 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	40 E.	16	NE $\frac{1}{4}$ SW $\frac{1}{4}$) SE $\frac{1}{4}$ SW $\frac{1}{4}$)	4.99	5

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
7th day of May, 19 56 .

MARK R. KULP

State Reclamation Engineer.

(SEAL)

September 1, 1955

RE: Permit No. G-25127

Mr. Dell W. Smith
Attorney at Law
Preston, Idaho

Dear Mr. Smith:

We return, herewith, the duplicate notice for proof of completion of works and beneficial use on Permit No. G-25127 of Vern W. McFarland which you sent us recently.

These notices should be completed showing the amount and the source of the water; the use as called for in Question 3; and place of use as called for in Question 4; and the date of priority in Question 5.

In order to have four weeks publication prior to October 3, publication will have to start September 8. Please set a later date as it will be impossible for your corrected notice to reach us and to be returned to the Preston Citizen in time for publication to start September 9.

Very truly yours,

MARK R. KLP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

13-2181
25127

August 1, 1955

RE: Permit No. G-25127

Mr. Dell W. Smith
Attorney At Law
Preston, Idaho

Dear Mr. Smith:

As requested by Mr. Vern W. McFarland we enclose forms for notice of proof of Completion of Works and Beneficial Use on Permit No. G-25127.

Form 36 should be completed in duplicate setting the time and place and naming the Notary Public before whom these proofs are to be made.

Since the statutes require publication once a week for four weeks in a county newspaper before the date set for proof, this date should be set far enough ahead to allow for four weeks publication and the proofs may be made at any place convenient for Mr. McFarland and his two witnesses.

together copies of Form 36 to be returned to this Department the not with Form 11 which is authorization for us to have designated published at Permit Holders expense in the county newspaper.

We shall with instruction send a copy of this notice to the newspaper Mr. McFarland (as regard to publishing and shall send you or executed by Mr. McFarland) the forms of deposition to be and two witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Chio

A:en
Enc.

13-2181
25127

August 1, 1955

RE: Permit No.G-25127

Mr. Dell W. Smith
Attorney At Law
Preston, Idaho

Dear Mr. Smith:

As requested by Mr. Vern W. McFarland we enclose forms for notice of proof of Completion of Works and Beneficial Use on Permit No. G-25127.

Form 36 should be completed in duplicate setting the time and place and naming the Notary Public before whom these proofs are to be made.

Since the statutes require publication once a week for four weeks in a county newspaper before the date set for proof, this date should be set far enough ahead to allow for four weeks publication and the proofs may be made at any place convenient for Mr. McFarland and his two witnesses.

Both copies of Form 36 to be returned to this Department together with Form 11 which is authorization for us to have the notice published at Permit Holders expense in the designated county newspaper.

We shall then send a copy of this notice to the newspaper with instructions in regard to publishing and shall send you or Mr. McFarland (as requested) the forms of deposition to be executed by Mr. McFarland and two witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

13-3181
25127

September 1, 1955

RE: Permit No. G-25127

Mr. Dell W. Smith
Attorney at Law
Preston, Idaho

Dear Mr. Smith:

We return, herewith, the duplicate notice for proof of completion of works and beneficial use on Permit No. G-25127 of Vern W. McFarland which you sent us recently.

These notices should be completed showing the amount and the source of the water; the use as called for in Question 3; and place of use as called for in Question 4; and the date of priority in Question 5.

In order to have four weeks publication prior to October 3, publication will have to start September 2. Please get a later date as it will be impossible for your corrected notice to reach us and to be returned to the Preston Citizen in time for publication to start September 2.

Very truly yours,

W. F. K. LP
State Reclamation Engineer
By

Chief Clerk

A:hl
Enc.

13-2181
35127

Page 1 of 6
RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 20 2000

Transfer No. 5856
68539

DEC 29 2000

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Name of Applicant Doug R. RollisonPhone 208 646-2576Post Office address P.O. Box 277 Franklin Idaho 83237

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 _____

2. Describe the reason for the proposed changes The water will be used for commercial use in a dairy

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

1. Right Number 13-02181 Priority 08-21-1954 Amount (cfs/ac-ft) .1 Nature of Use Commercial Period of Use 1 January to 31 December
2. Total amount of water being transferred .1 cubic feet per second and/or 12.5 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE 1/4 16</u>	<u>16S</u>	<u>40E</u>	<u>Franklin</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>16S</u>	<u>40E</u>	<u>16</u>									<u>C</u>			<u>C</u>					

Total Acres _____

T68539

6. General Information:

a. Description of diversion system well and pump to a distribution system
in the dairy

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 No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None, the land is used as pasture.

d. Remarks:
The water will be used in an existing dairy.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-02181

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.10 CFS
STOCKWATER	to	
DOMESTIC	to	
	Totals	0.10 CFS

SOURCE

GROUNDWATER

Priority: 08/21/1954

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 16, Township 16S, Range 40E
FRANKLIN County

PLACE OF USE:

IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
16S	40E	16	:		:		:		:		04		01	:					5.0
																		TOTAL ACRES	5.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

CONDITIONS/REMARKS:

1. P/U NOT CLEARLY IDENTIFIED ON LIC.

Describe any other water rights used for the same purpose as described above:

None

Page 4 of 6

TRANS NO. 5856

Water Right No. 13-02181

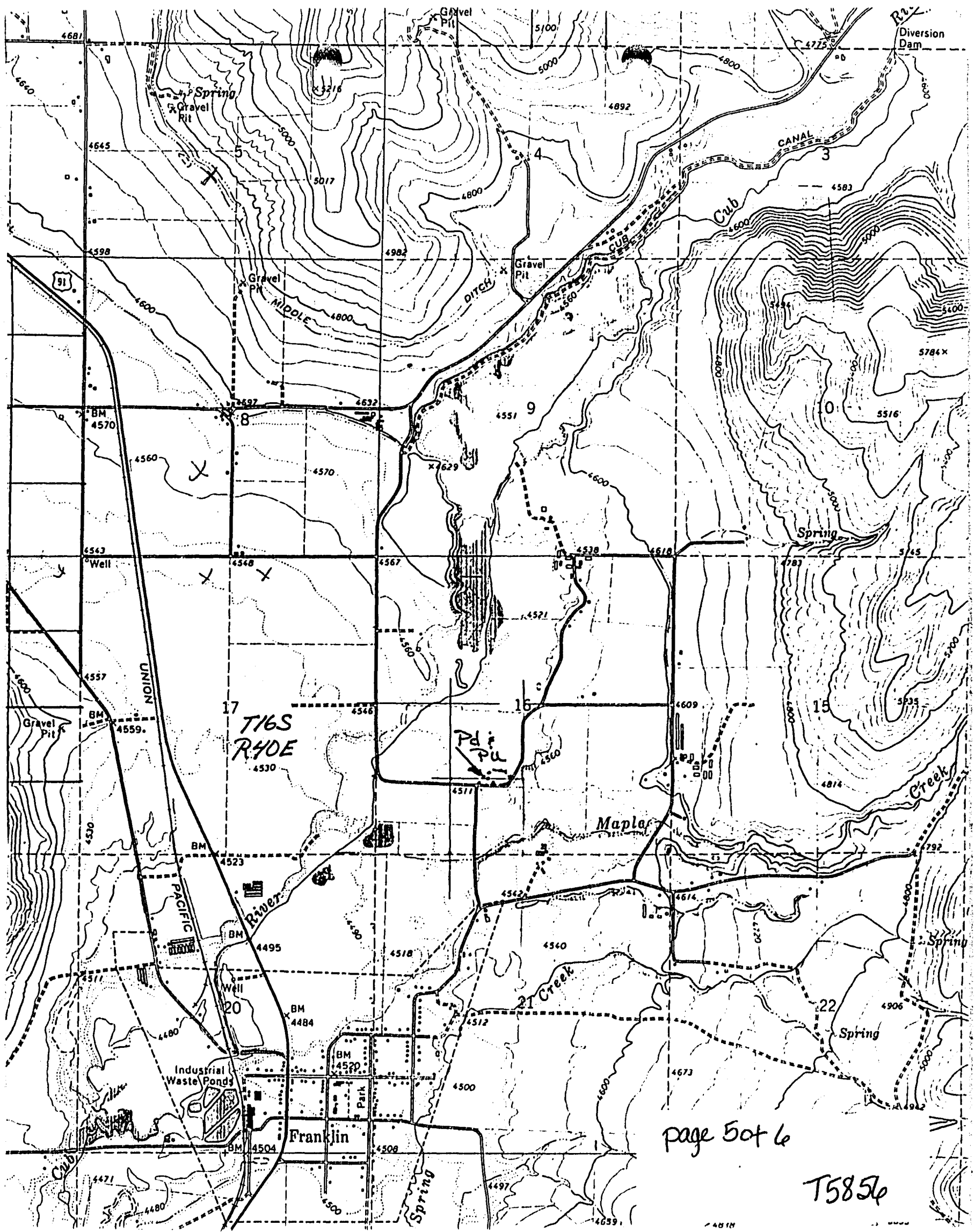
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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 _____



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Commercial Amount(cfs/af-ft) .1/12.5 cfs Hours/days/year 36.5 days/year Period of Use 1 Jan to 31 Dec

2. Quantity and quality of return flows and location of discharge:

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

None

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.



Doug Rallison
(Signature of Applicant) Vice President, Rallison's Double R Farms, Inc.

Subscribed and sworn to before me this 13th day of October, 2000.

Lael Parkinson
(Notary Public)

My commission expires 9-15-03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments
 Received by HWT Date 10-20-00 Protest filed by _____
 Prelim. Check by _____ Fee \$100.00
 Receipted by HWT # E026264 Date 10-20-00
 Published in Preston Citizen Copies of protest forwarded by _____
 Pub. Dates Nov 2 & 9, 2000 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by BR

Copy of transfer sent to lien holder _____

State of Idaho License and Certificate of Water Right

Water License No. G-25127 Amount 0.1 second foot

Water District No. Priority August 21, 1954

THIS IS TO CERTIFY that EVERETT W. MOFARLAND

Franklin, Idaho, made application for a permit to appropriate the

public waters of the State of Idaho, dated August 21, 1954, that Permit No. G-25127

was issued under said application; that Certificate of Completion of work, with a carrying capacity of

0.1 second foot, was issued thereunder on May 7, 1956, showing the said works

were completed on the 10th day of October, 1955; and that on the 10th

day of October, 1955,

EVERETT W. MOFARLAND

of Franklin, State of Idaho, made proof to the satisfaction of the

State Reclamation Engineer of Idaho, of the right to use the waters of a well

subterranean (subterranean flow) for the purpose of irrigation, domestic and

stock watering under Use Permit No. G-25127 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5703, on the 7th day of May, 1956.

The right hereby confirmed dates from August 21, 1954.

The Point of Diversion is located

in the SE 1/4 SW 1/4 Sec. 16, Tp. 16 S, R. 40 E, B. M. Franklin County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes

aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed 0.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	40 E.	16	NE 1/4 SW 1/4) SE 1/4 SW 1/4)	4.99	5

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place

of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of May, 1956.

(SEAL) MARK R. KULP, State Reclamation Engineer.

T 5886
ATTACHMENT 1 OF 4

13 2181

FILE NUMBER 36-00001
REVIEWER MSP

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE 220
NUMBER OF DRY CATTLE 50
NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS 0
3-4 MONTHS 0
5-8 MONTHS 0
9-12 MONTHS 0
13-15 MONTHS 0
16-24 MONTHS 0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS 1
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN 0
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) 0.00
OPERATION TIME OF SPRINKLERS (MIN/DAY) 0
NUMBER OF MILKINGS PER DAY 2
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) 70
HOURS PER DAY PUMP OPERATES FOR STOCKWATER USE 2.0
HOURS PER DAY PUMP OPERATES FOR COMMERCIAL USE 2.0
IS RECYCLED WATER USED TO FLUSH MILKHOUSE AND PARLOR FLOORS? N
IS RECYCLED WATER USED TO WASH COWS? N
IS A PLATE COOLER USED? Y
IS RECYCLED WATER USED FOR PLATE COOLER? (IF NO PLATE COOLER,
LEAVE BLANK) N
IF CORRAL MISTERS ARE USED: NUMBER OF MISTERS IN HOLDING PEN 0
NOZZLE DISCHARGE (GPM) 0.00
OPERATION TIME OF MISTERS (MIN/DAY) 0
DAYS PER YEAR MISTERS ARE USED 0

CALCULATIONS

DIVERSION RATE (CFS):

STOCKWATER
MILKING CATTLE (BASED ON MILK PRODUCTION) 0.13
DRY CATTLE @ 17.0 GPM/HD 0.02
REPLACEMENT CATTLE 0.00
TOTAL 0.15

COMMERCIAL
TOTAL 0.00

TOTAL DIVERSION RATE 0.23

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE 7.1
DRY CATTLE 0.8
REPLACEMENT CATTLE 0.0
TOTAL 7.9

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT 0.4
BACKFLUSH 0.2
PARLOR/MILKHOUSE/HOLDING PEN CLEANUP 2.0
CATTLE WASHING BASED UPON METHOD OF WASHING 0.2
PLATE COOLER 2.0
CORRAL MISTERS 0.0
TOTAL 4.7

TOTAL DIVERSION VOLUME 12.6

CONSUMPTIVE USE VOLUME (AFA)(assuming 100% consumptive):

STOCKWATER 7.9
COMMERCIAL 4.7

TOTAL CONSUMPTIVE USE 12.6

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
PUMP HORSEPOWER (HP)	25.00		0.00	0.00	0.00
LIFT (FT)	230		0	0	0
DISCHARGE PRESSURE (PSI)	40		0	0	0
FRICTION LOSSES (FT)	3.0		0.0	0.0	0.0
HOURS PER DAY PUMP OPERATES	12.0		0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) *	0.47	0.00	0.00	0.00	0.00
DIVERSION VOLUME (AFA) **	171.3	0.0	0.0	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS EVERY DAY OF THE YEAR.

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

DIVERSION RATE	4.80 CFS
ACRES OF IRRIGATION	240.0 ACRES
DIVERSION VOLUME	4.0 AC-FT/AC
CONSUMPTIVE USE VOLUME	3.0 AC-FT/AC
IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR BOTH (B)?	
	S

CALCULATIONS

IRRIGATION DIVERSION RATE PER ACRE	0.020 CFS/AC
REDUCTION OF IRRIGATION BASED ON DIVERSION RATE	11.5 ACRES
REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME	3.2 ACRES
REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE	4.2 ACRES

T 5856
ATTACHMENT 2 OF 4

188162

1-2

Recorded at the request of

Orval J. Rallison

11:10 a.m. MAY 06 1993 p.m.

WARRANTY DEED

LaRAE E. JOHNSON, RECORDER

By Sarah H. O. Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

ORVAL J. RALLISON and VAUNDA RALLISON, husband and wife,
the grantors, do hereby grant, bargain, sell and convey unto
RALLISON'S DOUBLE "R" FARMS, INC., an Idaho Corporation,
whose current address is: c/o Orval J. Rallison, Secretary
3487 East 3800 South
Franklin, Idaho 83237

the grantee, the following described premises, in Franklin County,
Idaho, to-wit:

PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, its heirs and assigns forever.
And the said Grantors do hereby covenant to and with the said
Grantee, that they are the owners in fee simple of said premises;
that they are free from all encumbrances and that they will warrant
and defend the same from all lawful claims whatsoever.

DATED this 5th day of May, 1993.

Orval J. Rallison
ORVAL J. RALLISON
Vaunda O. Rallison
VAUNDA RALLISON

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

On this 5th day of May, 1993, before me, a Notary Public in
and for said State, personally appeared ORVAL J. RALLISON and
VAUNDA RALLISON, known or identified to me to be the persons whose
names are subscribed to the within instrument, and acknowledged to
me that they executed the same.

Pamela H. Johnson
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 7-7-94

WARRANTY DEED - Page 1

T 5856
ATTACHMENT 3 OF 4

188162

22

EXHIBIT "A"

Township 16 South, Range 40 East of the Boise Meridian,
Franklin County, Idaho

Section 16: Commencing at a point which is 145 feet South and North 87°46' West 468 feet from the Northeast corner of Southwest quarter of said Section 16, running thence South 1°36' West 675 feet; thence North 87°46' West 700 feet; thence North 3°47' East 675 feet; thence North 87°47' East 675 feet to the place of beginning.

ALSO, Commencing at a point 820 feet South of the Northeast corner of the Southwest quarter of Section 16, running thence South 278 feet; thence South 35° West 348.75 feet; thence South 1°08' East 107 feet; thence North 88°22' West 297 feet; thence North 1°13' East 671 feet; thence South 87°47' East 487 feet to the place of beginning.

ALSO, Beginning at a point which is South 820 feet and North 87°46' West 487 feet of the Northeast corner of the Southwest Quarter of said Section 16, and running thence North 87°46' West 335 feet; thence South 2°3' West 678 feet; thence South 88°22' East 340 feet; thence North 1°13' East 671 feet to the place of beginning. EXCEPTING a right-of-way one rod wide and running East and West along the South boundary and lying on the North side of said South boundary line.

EXCEPTING: Beginning at a point 1491 feet South and 627 feet North 88°22' West from the Northeast corner of the Southwest Quarter of Section 16, running thence North 1°13' East 260 feet; thence South 88°22' East 544 feet; thence South 35° West 186.7 feet; thence South 1°08' East 107 feet; thence North 88°22' West 437 feet to the place of beginning.

T 5856
ATTACHMENT 4 OF 4

MAKE CHECK PAYABLE TO:
FRANKLIN COUNTY TREASURER
% JEANEITE MCKAY
39 WEST ONEIDA
PRESTON, ID 83263

TAX YEAR 2000 CODE AREA 7

2000 TAX BILL/RECEIPT
COUNTY OF FRANKLIN
STATE OF IDAHO

DAIRY

PARCEL #: 2869.01
STATE #:

REAL PROPERTY

VALUATION

LAND 600

IMPRVMTS 56,797

PERS. PROP.

MOBILE HM

SUBTOTAL 57,397

-HM EXEMP

TOTAL 57,397

1ST TAX 313.25
HALF LATE
INT
COST
TOT

2ND TAX 313.25
HALF LATE
INT
COST
TOT

RALLISON, ORVAL J.
3487 EAST 3800 SOUTH
FRANKLIN, IDAHO 83237

TAXING DISTRICT **RATE** **AMOUNT**
COUNTY .005074985 291.29
FRANKLIN CEMETERY .000151185 8.68
PRESTON SCHOOL #201 .005059474 290.40
LIBRARY DISTRICT .000629433 36.13

PT TN 13
16-16-40

SUBTOTAL 626.50

INST # 188162

TOTAL ACRES: 4.00

TAXES DELINQUENT FOR:

TOT TAX & SPECIALS .010915077 626.50
-CIRCUIT BREAKER EXEMPTION .00
SUBTOTAL 626.50

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

NET TAX AND SPECIALS DUE 626.50

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

RALLISON, ORVAL J.

2869.01
YR: 2000
CD: 7

DELINQUENCIES:

PARCEL #
2869.01

2ND HALF
313.25

STATE #

COUNTY: FRANKLIN

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2001

DATE PAID:
PAID BY:

CHECK#:
CASH

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

RALLISON, ORVAL J.

2869.01
YR: 2000
CD: 7

DELINQUENCIES:

PARCEL #
2869.01

1ST HALF
313.25

FULL
626.50

STATE #

COUNTY: FRANKLIN

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2000

DATE PAID:
PAID BY:

CHECK#:
CASH

TXNT 1-99

RECEIVED

DEC 22 2000

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68539

This is to certify that: DOUG R RALLISON
PO BOX 277
FRANKLIN ID 83237

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
13-2181	WR/License	08/21/1954	0.1 cfs		5.0	5.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

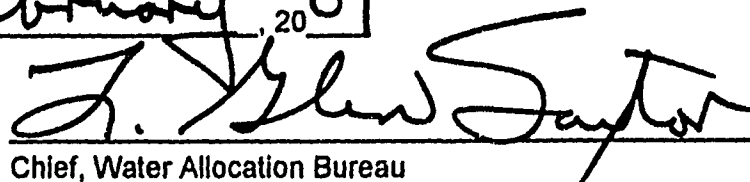
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-2181	NO	YES	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-2181	13-2181	0.1 cfs	12.5 af	N/A	N/A		N/A	N/A		N/A
TOTALS		0.1 cfs	12.5 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of February, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 13-2181
As Modified by Transfer No. 68539

In accordance with the approval of Transfer No. 68539, Water Right No. 13-2181 is now described as follows.

Right Holder: RALLISONS DOUBLE R FARMS INC
C/O DAVID JAMES RALLISON
PO BOX 277
FRANKLIN ID 83237

Priority Date: 08/21/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.10 CFS	12.5 AF
			0.10 CFS	12.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESW Sec. 16 Twp 16S Rge 40E FRANKLIN County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	40E	16																	

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Commercial use is for a dairy.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of February, 2001


Chief, Water Allocation Bureau



**State of Idaho
DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

October 25, 2000

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**Jody L Williams
Kruse Landa & Maycock
50 W Broadway 8th Floor
Salt Lake City UT 84101**

RE: Application for Transfer #5856 and Application for Permit 13-07585

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is November 20, 2000, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

**Harold W. Jones
Water Right Supervisor**

HWJ: sc

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Randall C Budge
Racine Olson Nye Cooper & Budge
PO Box 1391
Pocatello ID 83204-1391

RE: Application for Transfer #5856

Dear Randy:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is November 20, 2000, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Doug R Rallison
PO Box 277
Franklin ID 83237

RE: Applications for Transfer #5856

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on November 2 and 9, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5856

Notice is hereby given that Doug R Rallison, PO Box 277, Franklin ID 83237, has applied to the Department of Water Resources to change the point of diversion, to change the nature of use and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 13-02181 Source: Ground water
Amount: 0.10 cfs Priority: 08/21/1954
Point(s) of Diversion: SESW SEC 16 T16S R40E, FRANKLIN COUNTY
The water is used for irrigation of 5 acres, stockwater and domestic within SEC 16 T16S R40E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up the 5 irrigated acres and use the 0.10 cfs for a dairy operation in the same location.

The point of diversion will be changed to the NESW SEC 16 T16S R40E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 20, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Preston Citizen on November 2 and 9, 2000.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 24, 2000

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



No 5100

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

RECEIVED

DEC 06 2000

Department of Water Resources
Eastern Region

Necia Seamans
being duly sworn,

deposes and says:

That he is the *Editor* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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 of 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

Nov. 1, 2000, and ending

with the issue of Nov. 8, 2000

Necia Seamans

Fee \$ 73.²⁵

Subscribed and sworn to before me this 14th day

Ann Hawlin
NOTARY
Notary Public Residing at Preston, Idaho
10/26/06

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5856

Notice is hereby given that Doug R. Rallison, PO Box 277, Franklin ID 83237, has applied to the Department of Water Resources to change the point of diversion, to change the nature of use and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No. 13-02181

Source: Ground water

Amount: 0.010 CFS

Priority: 08/21/1954

Point(s) of Diversion: SESW Sec 16
T16S R40E, FRANKLIN COUNTY

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up the 5 irrigated acres and use the 0.10 cfs for a dairy operation at the same location.

The point of diversion will be changed to the NESW SEC 16 T16S R40E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with an exception fee of \$25 on or before Nov. 20, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Legal No. 5100 - Publish Nov. 1 and 8, 2000.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

December 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RACINE OLSON NYE BUDGE & BAILEY
RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

RE: Application for Transfer No. 5856

Dear Protestant:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

DOUG R RALLISON
PO BOX 277
FRANKLIN ID 83237

Page 2

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR - State Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
December 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG R RALLISON
PO BOX 277
FRANKLIN ID 83237

RE: Application for Transfer No.: 5856

Dear Applicant:

Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN

*ALSO MEMBER IL & WY BARS

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@radnelaw.net

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON*****

**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR
*****ALSO MEMBER UT BAR

October 31, 2000

Idaho Department of Water Resources
Eastern Division
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Attention: Ron Carlson
Harold Jones

Re: Application No. 13-02181/Doug R. Rallison
Application No. 13-07584/Dena Christensen

Dear Ron and Harold:

Enclosed for filing please find two Protests of Bear River Water Users Association, together with our check in the amount of \$50 for filing fee.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: D. Brent Rose
Bear River Water Users' Association
Applicant

RECEIVED

NOV 02 2000

Department of Water Resources
Eastern Region

Receipt # E026302

Randall C. Budge
RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED
P.O. Box 1391; 201 E. Center
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109

RECEIVED

NOV 02 2000

Department of Water Resources
Eastern Region

D. Brent Rose
Clyde, Snow & Swenson, P.C.
One Utah Center, Suite 1000
201 South Main Street
Salt Lake City, Utah 84111-2208
Telephone: 801-322-2516

**BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

IN THE MATTER OF THE APPLICATION	)	PROTEST OF BEAR RIVER
FOR PERMIT FILED BY	)	WATER USERS' ASSOCIATION
DOUG R. RALLISON, Applicant,	)	
Application No. 13-02181.	)	
	)	

Bear River Water Users' Association, by and through its legal counsel, Randall C. Budge of Racine, Olson, Nye, Budge & Bailey, Chartered, and D. Brent Rose of the firm Clyde, Snow & Swenson, P.C., hereby protests the granting of the above-described Application for Permit (the "Application"). In support of its protest, the Association hereby states as follows:

1. Bear River Water Users' Association (the "Association") is a non-profit corporation and cooperative association organized in 1994 to represent Bear River Basin water users for the purpose, among other things, of monitoring, protecting and defending their respective decreed and appropriated water rights and other contract rights and common interests in and to the natural flow of water in the Bear River and its tributaries and irrigation storage water in Bear Lake. The prior vested rights of the Association's members must be protected and preserved inviolate from interference and impairment.

2. The Association's membership includes the Last Chance Canal Company, West Cache Canal Company and Cub River Irrigation Company and approximately 22 irrigation pumpers in Idaho, and Bear River Canal Company and approximately 81 irrigation pumpers in Utah. Collectively, the Association's members represent approximately 3000 family farms having a combined irrigated acreage of approximately 151,000 acres in Idaho and Utah.

3. Members of the Association hold decreed and other appropriated rights under the respective laws of the States of Idaho and Utah for the diversion and use of the natural flow of water in the Bear River and its tributaries, for irrigation, stockwatering and other purposes. The direct flow rights of the Association's members are all supplemented with water which is held in storage in Bear Lake and released to them for use pursuant to contracts executed by and between each of the individual members and Utah Power and Light Company, a subsidiary of PacifiCorp.

4. The diversion and use of water by the Applicant pursuant to the proposed Application will adversely impair the decreed and appropriated water rights of the Association's members by diminishing the amount of water flowing naturally in the Bear River and its tributaries to which the Association's members have the prior vested right.

5. Further, when the natural flow of the Bear River is insufficient to satisfy the water rights of the Association's members, the members of the Association depend upon the supplemental water supply delivered out of storage in Bear Lake by PacifiCorp in satisfaction of its contractual obligations. The diversion and use of water by the Applicant pursuant to the proposed Application thus adversely impairs the contractual rights of the Association's members. The decrease in the natural flow of the Bear River and its tributaries resulting from new appropriations in the Bear River Basin correspondingly increases the already unsustainable demand on Bear Lake storage water which PacifiCorp is obligated to deliver pursuant to its supplemental irrigation water contracts with the Association's members.

6. In light of the foregoing, authorizing the diversion and use of water as proposed in the Application is inconsistent with the best interest of the public. Any action which serves to decrease the supply of water in storage in Bear Lake is detrimental, not only on the irrigators who depend on the stored water supply in the lake for their livelihood, but it is likewise detrimental to

the local economy of the communities surrounding Bear Lake as well as those having non-consumptive uses and interests in Bear Lake including recreation, wildlife and fish habitat.

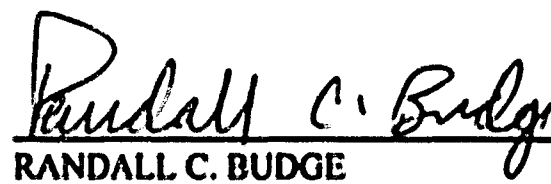
7. Finally, the Association asserts that the source of supply from which Applicant seeks a right as described in the Application is fully appropriated and has been applied to beneficial use by the members of the Association and others; and as such, there is no unappropriated water in the source.

WHEREFORE, in consideration of the foregoing, the Association respectfully protests the granting of the Application. In the event a hearing is scheduled in connection with the Application, the Association requests notice and an opportunity to participate as a party in the proceedings.

In the event the Idaho Department of Water Resources grants the Application, the Association alternatively requests that such approval be issued subject to appropriate conditions, including conditions clearly specifying that the right to divert and use water under the Application is subject to all prior rights to the use of groundwater and surface water hydrologically connected to the Applicant's source of supply, that the Department of Water Resources will conjunctively manage groundwater and surface water withdrawals in accordance with Idaho law which may require curtailment and/or mitigation by junior priority rights, in full or in part, as necessary to protect prior rights in times of shortage.

DATED this 1 day of November, 2000.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED


RANDALL C. BUDGE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of November, 2000, I mailed a true and complete copy of the foregoing document, postage prepaid, to the following:

Idaho Department of Water Resources
Eastern Division
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Marcus J. Gibbs, President
BRWUA
632 Highway 34
Grace, Idaho 83241

Jody Williams
8th Floor, Bank One Tower
50 West Broadway (300 South)
Salt Lake City, Utah 84101-2034

Jim Kimball
Bear Lake Watch, Inc.
P.O. Box 145
St. Charles, ID 83272

Bear River Water Users Association
c/o Dave Styer, Manager
Bear River Canal Co.
275 N. 1600 E.
Tremonton, Utah 84337

Love Bear Lake
c/o Eulalie Langford
333 N. 2nd
Montpelier, Idaho 83254

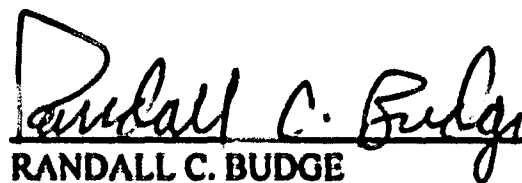
Reagan Wheeler, Manager
Cub River Irrigation Co.
P.O. Box 215
2530 W. 2000 S.
Lewiston, Utah 84320

Joseph Larsen, President
West Cache Canal Company
5397 W. 7200 N.
Newton, Utah 84327

James T. Watterson
Utah Pumpers Association
4705 W. 3800 N.
Benson, Utah 84335

Jerry C. Simmonds
Idaho Pumpers Association
47 W. 1200 N.
Trenton, Utah 84338

Doug R. Rallison
P.O. Box 277
Franklin, Idaho 83237


RANDALL C. BUDGE

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
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JOHN B. INGELSTROM
DANIEL C. GREEN
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KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN

*ALSO MEMBER IL & WY BARS

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racnelaw.net

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
LANE V. ERICKSON*****

**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR
*****ALSO MEMBER UT BAR

December 12, 2000

Harold W. Jones
Water Right Supervisor
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
DEC 14 2000
Department of Water Resources
Eastern Region

Re: *Doug R. Rallison*
Right No. 13-02181 - Transfer No. 5856

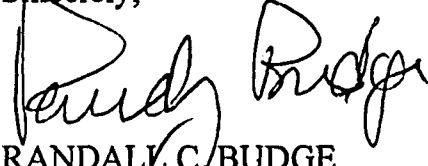
Dear Harold:

Based on our discussions with the applicant, Doug R. Rallison, and further review of his Transfer No. 5856, it appears that 0.1 cfs of this right is being changed from irrigation use to commercial use in a dairy on a year-round basis. Further, that there will be no increase in the consumption level or depletion of the ground water source. As a result, there appears to be no expansion or injury to other rights.

Based on these assumptions, the Bear River Water Users Association hereby withdraws its protest, upon the condition that the transfer be approved subject to all prior rights and on the basis that there is no increase in the consumption level from the prior use.

Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr

cc: Doug R. Rallison
Bear River Water Users Association
D. Brent Rose
Protest Service List



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

December 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG R RALLISON
PO BOX 277
FRANKLIN ID 83237

RE: Withdrawal of protest on Application for Transfer No. 5856

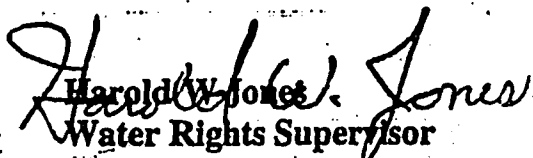
Dear Sir:

This Department has received a withdrawal of protest from Bear River Water Users Association.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,


Harold W. Jones
Water Rights Supervisor

HWJ/sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

December 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RACINE OLSON NEY BUDGE & BAILEY
PO BOX 1391
POCATELLO ID 83204-1391

RE: Withdrawal of protest on Application for Transfer No.: 5856

Dear Protestants:

This Department has received your withdrawal of protest against the application for Doug R Rallison. We will continue to process this application.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones
Harold W Jones
Water Rights Supervisor

HWJ/sc

**Idaho Secretary of State
Business Entity Search**

RALLISON'S DOUBLE "R" FARMS, INC.**5437 MAPLE CREEK ROAD
FRANKLIN, ID 83237**

Type of Business: CORPORATION, GENERAL BUSINESS**Status:** GOODSTANDING**State of Origin:** IDAHO**Date of** 19 Feb 1991**Origination/Authorization:****Initial Registered Agent:** DAVID JAMES RALLISON
3487 E. 3800 S.
PO BOX 277
FRANKLIN, ID 83237**Filing Number:** C-94539**Number of Authorized Stock** 100,000
Shares:**Date of Last Annual Report:** 20 Jul 1999**Related Documents:** 19 Feb 1991 - INCORPORATION (RALLISON'S DOUBLE "R" FARMS, INC.)
15 Oct 1991 - 1991 ANNUAL REPORT
09 Nov 1992 - 1992 ANNUAL REPORT
15 Oct 1993 - 1993 ANNUAL REPORT
22 Nov 1993 - 1993 ANNUAL REPORT
07 Nov 1994 - 1994 ANNUAL REPORT
06 Nov 1995 - 1995 ANNUAL REPORT
01 Aug 1996 - 1996 ANNUAL REPORT
28 Jul 1997 - 1997 ANNUAL REPORT
23 Jul 1998 - 1997 ANNUAL REPORT (UNDELIVERABLE)
22 Jan 1999 - 1998 ANNUAL REPORT
20 Jul 1999 - 1999 ANNUAL REPORT

Get a certificate of existence for RALLISON'S DOUBLE "R" FARMS, INC.

New Search

No. C 94539		Annual Report Form Due No Later Than November 30, 1999		2. Registered Agent and Office NOT A P.O. BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FEE REQUIRED		1. Mailing Address: Please Check "If Not Current" RALLISON'S DOUBLE "R" FARMS, PO BOX 277 DAVID JAMES RALLISON 5437 MAPLE CREEK ROAD PO BOX 277 FRANKLIN ID 83237		DAVID JAMES RALLISON 3487 E. 3800 S. PO BOX 277 FRANKLIN ID 83237	
* FIRST NOTICE *		FRANKLIN ID 83237		ID C 94539	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors Limited Liability Companies: Enter Names and Addresses of ☐ Managers or ☐ Members (check one)					
Office held	Name	Street or P.O. Address	City	State	Zip
President	David J. Rallison	5437 Maple Creek Rd.	Franklin	ID	83237
Secretary	Sherrie L. Rallison	P.O. Box 277	Franklin	ID	83237
Director	Douglas R. Rallison	P.O. Box 277	Franklin	ID	83237
Vice Pres.					
5. Signature of New Registered Agent			6.		
			Signature <u>Sherrie L. Rallison</u> Date <u>7/13/99</u>		
			Name (Typed) <u>Sherrie L. Rallison</u> Title <u>Secretary</u>		

ISSUED: 07-03-1999

2417



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

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DATE: 2.9.01

TO: Deseret Cent. Financial
Attn: Janelle
1-801-493-0111

FROM: Pam Skaggs
IDWR

DOCUMENT
DESCRIPTION: Railson Water Right Transfer 68539

COMMENTS:

COVER SHEET + 2 PAGES

PLEASE CONTACT Kari Lynn J. IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT 208-327-7941

*Per 2.9.01
ret*

**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, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

February 12, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RALLISONS DOUBLE R FARMS INC
C/O DAVID JAMES RALLISON
DOUG R RALLISON
PO BOX 277
FRANKLIN ID 83237-0277

RE: Transfer No.: 68539 - Water Right No.:13-2181 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

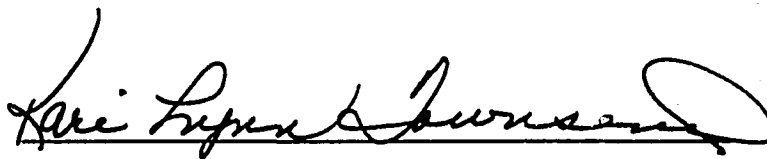
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on February 12, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68539 - WATER RIGHTS NO. 13-2181

**RALLISONS DOUBLE R FARMS INC
C/O DAVID JAMES RALLISON
DOUG R RALLISON
PO BOX 277
FRANKLIN ID 83237-0277**

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

**Kari Lynn Townsend
Secretary**