

Identification No. 13 7134
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant DOUGLAS SORENSEN Phone: 897-5704
post office address SWAN LAKE, IDAHO 83281
2. Source of water supply WELL which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8 Township 13S
Range 38E B.M. BANNOCK County; additional points of diversion if any: NONE
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.46 CFS for IRRIGATION purpose from APRIL 1 to NOV. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.46 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 150 HP ELECTRIC MOTOR, DEEP WELL TURBINE PUMP, SPRINKLER IRRIGATION
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 65,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	38E	8	40	40	40		40			40									200
13S	38E	9					40												40

Total number of acres to be irrigated 240

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

9. a. Who owns the property at the point of diversion CLIFFE PETTY & DOUGLAS SORESEN
 b. Who owns the land to be irrigated or place of use CLIFFE PETTY & DOUGLAS SORESEN
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing THE LAND IS BEING PURCHASED FROM CLIFFE PETTY BY DOUGLAS SORENSEN UNDER A 15 YEAR CONTRACT

10. Remarks

POINT OF DIVERSION

IRRIGABLE LAND

NE-NW-NW-NE

SE-NW-SW-NE

SEC. 8

SEC. 9

TOWNSHIP 13S

TOWNSHIP 13S

RANGE 38E

RANGE 38E

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

Donna L. Pearson
(Applicant)

Proposed Priority 8-20-76

Received by CU Date 8-20-76 Time 10:50 A.

Preliminary check by ADJ Fee \$ 65.00

Receipted by CU Date 8-20-76 # 2522

Publication prepared by CU Date 8-20-76

Published in Idaho State Journal

Publication dates Aug 26 & Sept 2, 1976

Publication approved me Date 8-29-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

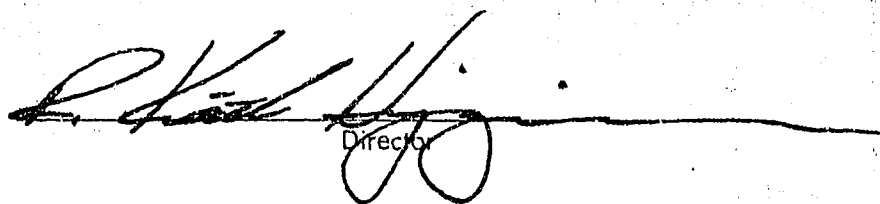
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7134, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 81.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 2 day of October, 19 76.


Director

PROOF OF PUBLICATION

RECEIVED
SEP 29 1976

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

Katherine Warner

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Douglas Sorensen, Swan Lake, Idaho has on 8-20-76 submitted Application No. 13-7134 for a permit to appropriate 4.46 cubic feet per second of water from a ground-water source by means of well and pump within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 13S, R. 38E, B.M., Bannock County; to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 13S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before September 13, 1976.

R. KEITH HIGGINSON
Director
Aug. 26, Sept. 2, 1976
No. 375

being first duly sworn on oath deposes and says: That.....She.....
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

August 26....., 19.....76....., 19.....
September 2....., 19.....76....., 19.....
....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Warner

Subscribed and sworn to before me this.....8th.....

day of.....September....., 19.....76

Dyane Roberts

Notary Public, State of Idaho
Residence: Pocatello, Idaho

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Douglas Sorenson

Item Initial Date

Application No. _____

- ☒ Source
- ☒ Point of Diversion
- ☒ County
- ☒ Quantity of Water and Period of Use
- ☒ Description of Diverting Works
- ☒ Time required for B/U of water
- ☒ Place of Use or Acres Irrigated
- ☒ Map
- ☒ Signature
- ☒ Fee

(1) *JNJ* *8/20/76*

In form to receipt *yes*

(2) *"* *"*

Send Copies to:

- NA* Idaho State Health Department
- NA* Idaho Fish and Game Department
- NA* Bureau of Land Management

(3) *"* *"*

- NA* Request Special Use Permit from U.S.F.S.
- NA* Request Easement from B.L.M.
- NA* Request Information from Applicant

(4) *"* *"*

In form for advertising *yes*

(5) *"* *"*

Platted on Map No. *135-38E*

(6) *"* *"*

Located within Water District No. *NA*

(7) *"* *"*

Critical groundwater area: yes *"* no ☒

(8) *"* *"*

Groundwater levels: *No obs well in area*

" Declining, *"* Stable, *"* Increasing
(comment) _____

(9) *"* *"*

Other rights on the same place of use *None*

(10) *"* *"*

Comments: *No conflicting water rights.*

(11) *AW* *9-29-76*

Affidavit of Publication received (date) *Sept. 29, 1976*

(12) *AW* *9-29-76*

Final date for protests *Sept. 13, 1976*

Protests received: yes *"* no ☒

(13) *JNJ* *9/29/76*

All requested information received from agencies or applicant: yes ☒ no *"*

(14) *"* *"*

Action recommended:

☒ Approve *"* Deny

8/20/76 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District *Eastern* By *Lynn Johnson* Date *9/29/76*

*Copy
11/5*

August 20, 1976

RE: Application for Permit No. 13-7134

Douglas Sorensen
Swan Lake,
Idaho 83281

Dear Mr. Sorensen:

Attached herewith is departmental receipt No. 2522 in the amount of \$65.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Douglas Sorensen,
Swan Lake, Idaho

has on 8-20-76 submitted Application No. 13-7134
for a permit to appropriate 4.46 cubic feet per second XXXXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.8, T. 13S, R. 38E, B.M., Bannock County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 240 acres

within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 13S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before September 13, 1976

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho

on August 26 and September 2, 1976

me. J. me. Q.

August 20, 1976

RE: Application for Permit No. 13-7134 SORENSEN

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 9-29-76 by AW

RDC:CW

Enc: Legal Notice (1)

September 13, 1976

RE: Application for Permit No. 13-7134 SORENSEN

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on August 26 and September 2, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:GW

cc: IDWR - State Office

*Called
9-20-76
CW*

October 4, 1976

Re: Permit No. 13-7134

Douglas Sorensen
Swan Lake, ID 83281

Dear Mr. Sorensen:

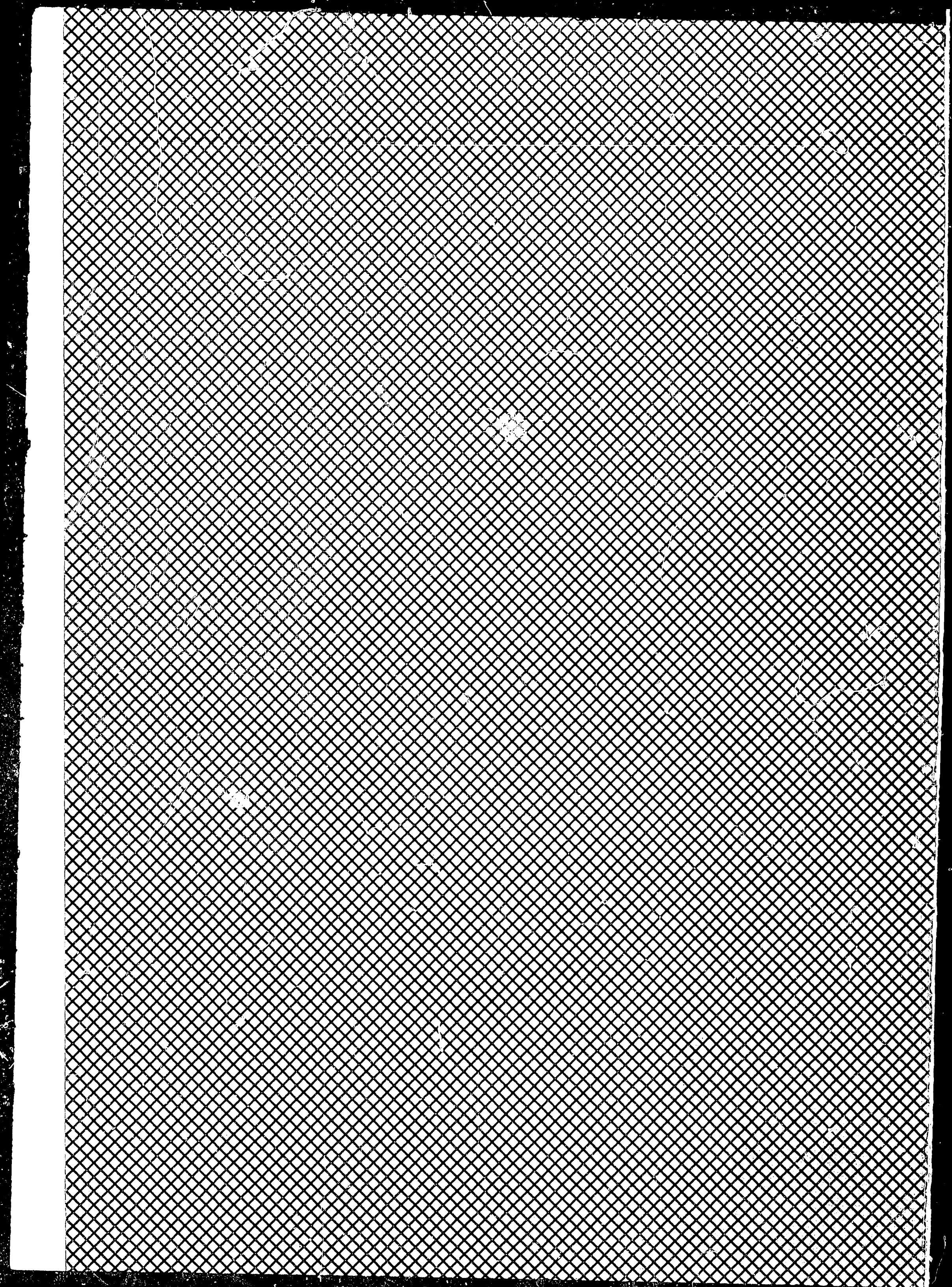
Enclosed is a copy of your approved Application for Permit No. 13-7134. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 13-7134

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

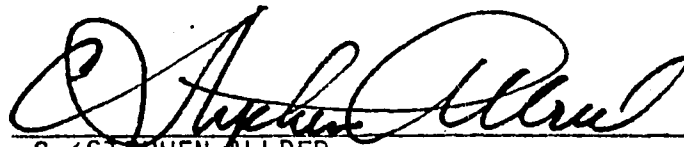
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

Ath: Shelley K

RECEIVED

JUL 26 1999

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 13-07134

Date of Priority: August 20, 1976

Maximum Diversion Rate: 3.18 CFS
Maximum Diversion Volume: 840.0 AF

Comes now DOUGLAS SORENSEN
PO BOX 52
SWAN LAKE ID 83281

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-07134, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.18 CFS	840.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW, Sec. 8, Township 13S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	38E	8	NENE 39	NWNE 38	SWNE 39	
			NENW 40	SENE 40		196
		9	NENW 7	NWNW 37		44

Total number of acres irrigated: 240

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Swan Lake, this 20 day of July, 1999.

John H. Probst
(Signature)
Owner of
Real Property

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07134

FOR DEPARTMENT USE ONLY

Preliminary check by SLK Fee = 50.- Received by HW # 1046112 Date 1/27/99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07134 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 13-07134 and 13-07144 when combined shall not exceed a total annual maximum diversion volume of 1953.0 af at the field headgate and the irrigation of a total of 558 acres.

Witness my hand this _____ day of _____, 19____.

KARL J. DREHER, Director

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 13-07134

Priority: August 20, 1976

Maximum Diversion Rate:

3.18 CFS

Maximum Diversion Volume:

840.0 AF

This is to certify, that DOUGLAS SORENSEN

PO BOX 52

SWAN LAKE ID 83281

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 20, 1976; and has submitted Proof of Beneficial Use on October 5, 1981. An examination indicates that the works have a diversion capacity of 3.180 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.18 CFS	840.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 8, Township 13S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	38E	8	NENE 39	NWNE 38	SWNE 39	
			NENW 40	SENE 40		196
		9	NENW 7	NWNW 37		44

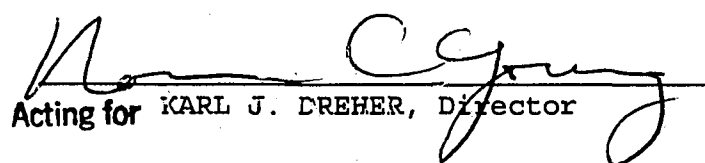
Total number of acres irrigated: 240

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 13-07134 and 13-07144 when combined shall not exceed a total annual maximum diversion volume of 1953.0 af at the field headgate and the irrigation of a total of 558 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 12TH day of

AUGUST, 1979.


Acting for KARL J. DREHER, Director

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5451

RECEIVED
JUN 07 1999

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
APR 09 1999

Department of Water Resources
Eastern Region

Department of Water Resources

Name of applicant John Probst and Jayne Probst Phone 208-897-5630
Post Office address 30974 Chicken Creek Road, Swan Lake, ID 83281

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 Applicants' intent is to combine two
existing water rights for use on property covered under both rights.
Change will not change total right or total acreage but will combine
the two rights so that the total of the two water rights can be used
on the total permissible place of use.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>13-07134</u>	<u>08/20/1976</u>	<u>4.460 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>13-07144</u>	<u>07/09/1973</u>	<u>5.240 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 9.70 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	8	13S	38E	Bannock	
		SE	SE	5	13S	38E	Bannock	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
135	38E	4									40		13	40		40			133
		5													10	32	33	39	114
		8	40	40	40		40			40									200
		9		39			38	40											117

Permissible Place of use Total acres 564

Page

2

of

6

Transfer No.

5451

PART 1

6. General Information:

a. Description of diversion system well pump

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

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

Water can be used more beneficially by combining properties and
water rights. No negative impact.

d. Remarks:

Combining rights should not affect any other use as applicant owns
all property to which rights pertain.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-07144

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	5.24 CFS	1239.0 AF

SOURCE

GROUNDWATER

Priority: 07/09/1973

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 5, Township 13S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S 38E ✓ 4	NESW 40	SWSW 13	SESW 40	133
✓ 5	NWSE 40	NWSE 32	SWSE 33	114
	NESE 10	NWNE 12		51
8	SESE 39	✓ NENW 38	NWNW 38	115
9	NENE 39			
	✓ NWNE 39			
		Total number of acres irrigated:		413

CONDITIONS/REMARKS:

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-07134

STAGE: PERMIT - See License

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	4.46 CFS

SOURCE

GROUNDWATER

Priority: 08/20/1976

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 8, Township 13S, Range 38E
BANNOCK CountyPLACE OF USE: IRRIGATION

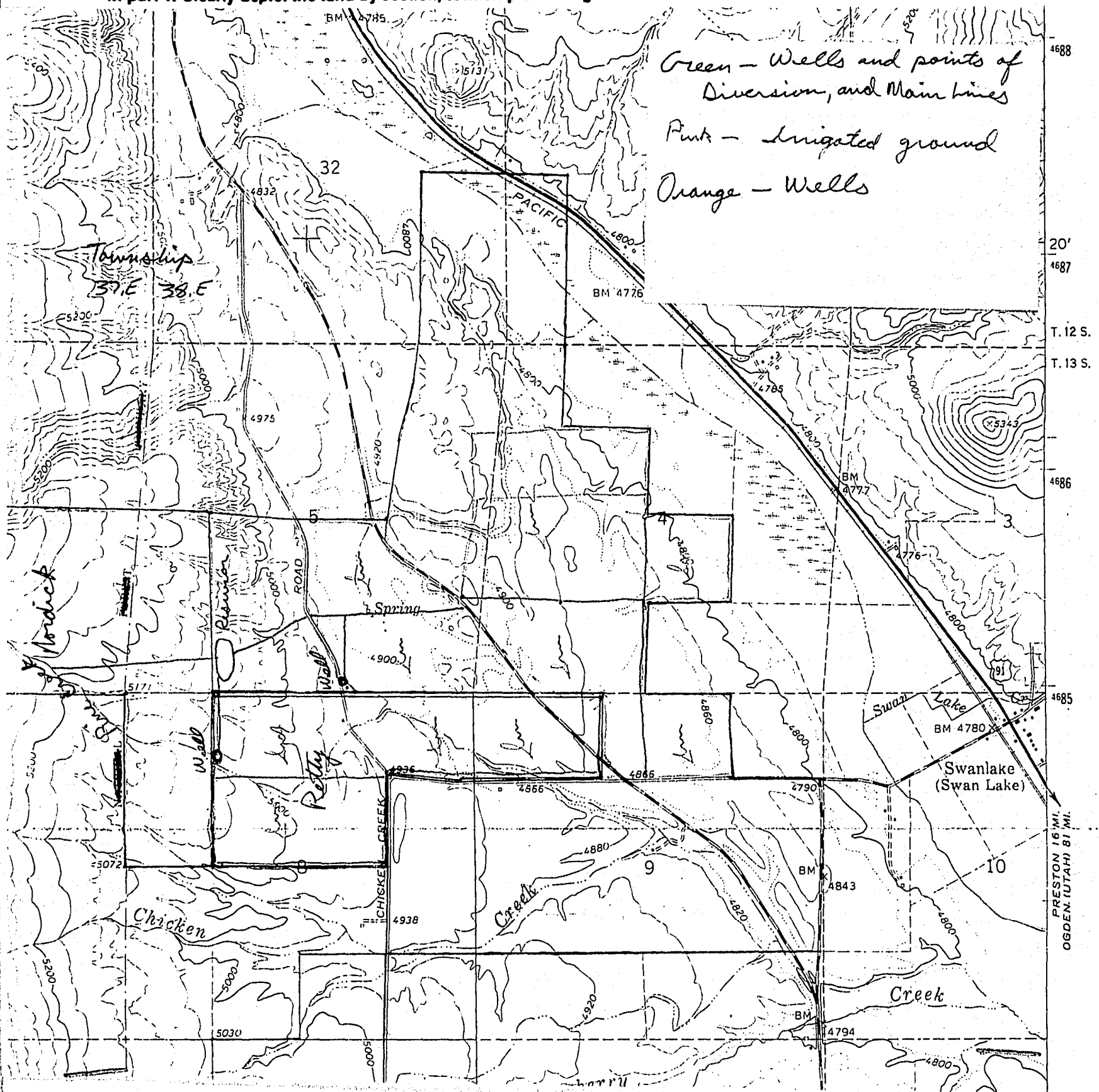
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	38E	8	NENE 40	NWNE 40	SWNE 40	200
			NENW 40	SENE 40		40
		9	NWNW 40			40
Total number of acres irrigated:						240

CONDITIONS/REMARKS:

1. The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

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

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



Page 6 of 6

Transfer No. 5451

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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

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

Subscribed and sworn to before me this

John H. Probst James P. Probst
(Signature of Applicant)

2nd day of April, 1999

JIM SPINNER
NOTARY PUBLIC
STATE OF IDAHO

Jim Spinner
(Notary Public)

My commission expires 5-16-2005

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by HWT Date 4-9-1999

Protest filed by _____

Prelim. check by _____ Fee \$100.00

Receipted by HWT #EO24890 Date 4-9-1999

Published in Idaho State Journal

Copies of protest forwarded by _____

Pub. dates May 6 & 13, 1999

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by PK

Copy of transfer sent to lien holder _____

TRANSFER OF WATER RIGHT

This is to certify that: **JOHN PROBST**
JAYNE PROBST
30974 CHICKEN CREEK RD
SWAN LAKE ID 83281

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 13-07134 :			
IRRIGATION	04/15 to 10/15	3.18 CFS	840.0 AF
Priority: 08/20/1976			
Right No. 13-07144 :			
IRRIGATION	04/15 to 10/15	5.24 CFS	1445.5 AF
Priority: 07/09/1973			
	TOTAL:	* 8.42 CFS	* 1953.0 AF

GROUNDWATER

SESE , Sec. 5, Township 13S, Range 38E
NENW , Sec. 8, Township 13S, Range 38E
BANNOCK County

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
13S	38E	4	NESW	40	SWSW	13	SESW	40	
			NWSE	40					133
		5	NESE	10	NWSE	32	SWSE	33	
			SESE	39					114
		8	NENE	40	NWNE	40	SWNE	40	
			NENW	40	SENW	40			200
		9	NWNE	39	NENW	38	NWNW	40	117
			Total number of acres irrigated:						** 564

TRANSFER NO. 5451
WATER RIGHT NO(S). 13-07134/13-07144

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5451 shall not exceed 8.42 cfs, nor total combined annual volume of 1953.0 af.
6. After specific notification by the department, the right holder shall measure the diversion 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.
- ** 7. Right 13-07134 is limited to the irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 13-07144 is limited to the irrigation of 413.0 acres in the place of use described above in a single irrigation season.
- ** * 9. Rights 13-07134 and 13-07144 when combined shall not exceed the total annual maximum diversion volume of 1953.0 af at the field headgate and the irrigation of 558.0 acres.

Dated this 17th day of August, 1999.

J. Glen Saylor
Chief, Water Allocation Bureau



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

October 20, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

SORENSEN, DOUGLAS
SWAN LAKE, ID 83281

138404

JULY 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7134 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7134

Name(s) of Permit Holder: DOUGLAS SORENSON

Post Office Address: SWAN LAKE, IDAHO 83281

Tel. No. 897-5704

Source of Water: WELL

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 240 (acres)
☐ Other

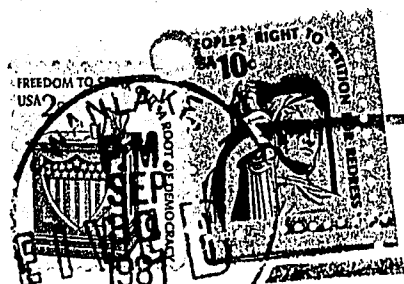
Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

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

9-30-81
Date

Douglas Sorenson
Signature of Permit Holder

DOUGLAS SORENSON
SWAN LAKE
IDAHO 83281



OCT 5 1981

IDAHO DEPARTMENT OF Water Resources
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 8, 1981

RE: Permit No. 13-7134

Douglas Sorensen
Swan Lake
Idaho 83281

Dear Mr. Sorensen:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

BOBBIE R. STEPHENS
Principal Clerk

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

DEC 10 1986

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

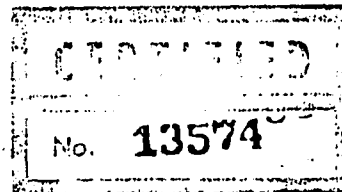
A. Kenneth Dunn
Director

Department of Water Resources

13-7134
SORENSEN, DOUGLAS
SWAN LAKE, ID 83281

December 8, 1986

EXAMINATION FEE NOTICE



Dear Permit Holder:

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

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

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

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

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

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

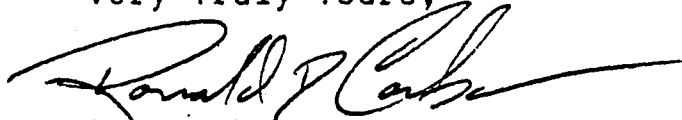
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

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

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

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

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures



Cecil Andrus
Governor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

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

A. Kenneth Dunn
Director

April 17, 1987

13-7134
SORENSEN, DOUGLAS
SWAN LAKE, ID 83281

Dear Permit Holder:

On December 9, 1986 this Department sent you a certified letter explaining the recent statutory changes in the licensing procedure that will pertain to the above referenced permit. The new statutes provide the permit holder with a choice of who will perform the licensing field examination. You may either choose a certified water rights examiner from the private sector, or select the Department. If you elect to have the examination done by the Department there is now a fee for this service based on the amount of water being diverted.

The letter advised you had a period of 60 days to notify the Department of your decision. You were to notify the Department by returning the examination fee information form which accompanied the certified letter and the appropriate examination fee, provided you wanted the Department to do the examination. As indicated in the certified letter, failure to return the form and submit the examination fee, within 60 days would cause the priority of your permit to be advanced.

Our records indicate you did not respond within the 60 day period. Starting with February 9, 1987 the priority of your permit will be advanced one day for each day your response is late. Failure to submit a completed examination fee information form, with the examination fee, by February 9, 1988 will result in the permit being lapsed.

As always our staff is available to assist you or answer questions concerning the above matter. For your convenience, we have enclosed another examination fee information form.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/md

Enclosure

4/86

OCT 5 1987

STATE OF IDAHO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 200.00
Date 10-5-87
Receipt # 42043
Receipt by dg
Sent to S.O. dg

RECEIVED

OCT 26 1987

1. Permit No. 13 7134

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: DOUGLAS SORENSEN

3. Post Office Address: SWAN LAKE, IDAHO 83281

Telephone No. 897-5704

4. Source of Water: DEEP WELL

5. Extent of Use:

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

Irrigation 240 230 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 4.46 cfs _____ acre-feet

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

MAY 1, 1977 - I am not completely certain on this

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

DOUGLAS SORENSEN OR DARWIN SORENSEN
(Name)

SWAN LAKE, IDAHO 83281
(Address)

897-5704
897-5170
(Telephone Number)

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

Sept 13, 1987
Date

Douglas Sorensen
Signature of Permit Holder (and title, if appropriate)

Sept. 13, 1987

Dear Sir,

I would respectfully request that my original priority date be left intact. I just haven't had the money to send in before now.

Yours truly,
Douglas Hansen

RECEIVED
OCT 26 1987

Department of Water Resources

RECEIVED

OCT 5 1987

Department of Water Resources
Eastern District Office

INTER-DEPARTMENT MEMO — 1

FROM ERIC VERNER

DATE 10-5-87

TO FILES

SUBJECT LATE EXAM FEE PAYMENT FOR PERMIT No. 13-7134

FEE DUE DATE: ~~April 13~~ Feb. 9, 1986

FEE RECIVED: Oct. 5, 1987

Permit should therefore loose 238 days priority.



SIGNATURE

MEMORANDUM

TO: ^{File} Skip Jones

THRU: Shelley Keen

FROM: Sharla

DATE: May 3, 1999

RE: Returned Field Exam 13-07134

Skip, I'm sending this one back to you for some direction as to system capacity and recommended rate of diversion. The information provided by the examiner in the narrative yields conflicting data.

First, he states that there are 32 birds per line (3 lines) with 8 gpm 3/16" nozzles; $3 \times 32 \times 8 = 768$ gpm or 1.71 cfs. He's used an average psi of 40, however, 3/16" nozzles @ 40 psi = 6.64 gpm/nozzle which is 1.42 cfs. The chart for sprinkler discharge shows 3/16" nozzles at 8 gpm/nozzle to correspond with 60 psi.

Next, he states that the well is 380' deep with 160' drop from the pump to the bottom of the system. That makes the pumping level 220'.

There wasn't a measurement, so a theoretical calculation is going to have to be used as the basis for capacity and the rate of diversion recommended will be influenced by "typical" nozzle discharge. But as you can see from the above, there is too much conflicting data to come to a conclusion we can stand behind.

I welcome whatever help you can provide for this one.

RECEIVED
APR 11 1966
Department of Water Resources

Permit No. 13-07134

1. Owner: DOUGLAS SORENSEN

Phone No. (208) 897-5704

Current Address: P.O. BOX 52, SWAN LAKE, IDAHO 83281

2. Accompanied by: OWNER

EXAM DATE : 9/12/95

Address: *N/A*

Phone No. *n/f*

Relationship to Permit Holder: *N/A*

3. Source: GROUND WATER tributary to N/A

RECEIVED

1. Other water rights with the same place of use: 13-07144

MAY 14 1999

2. Other water rights with the same point of diversion: NONE

Department of Water Resources

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

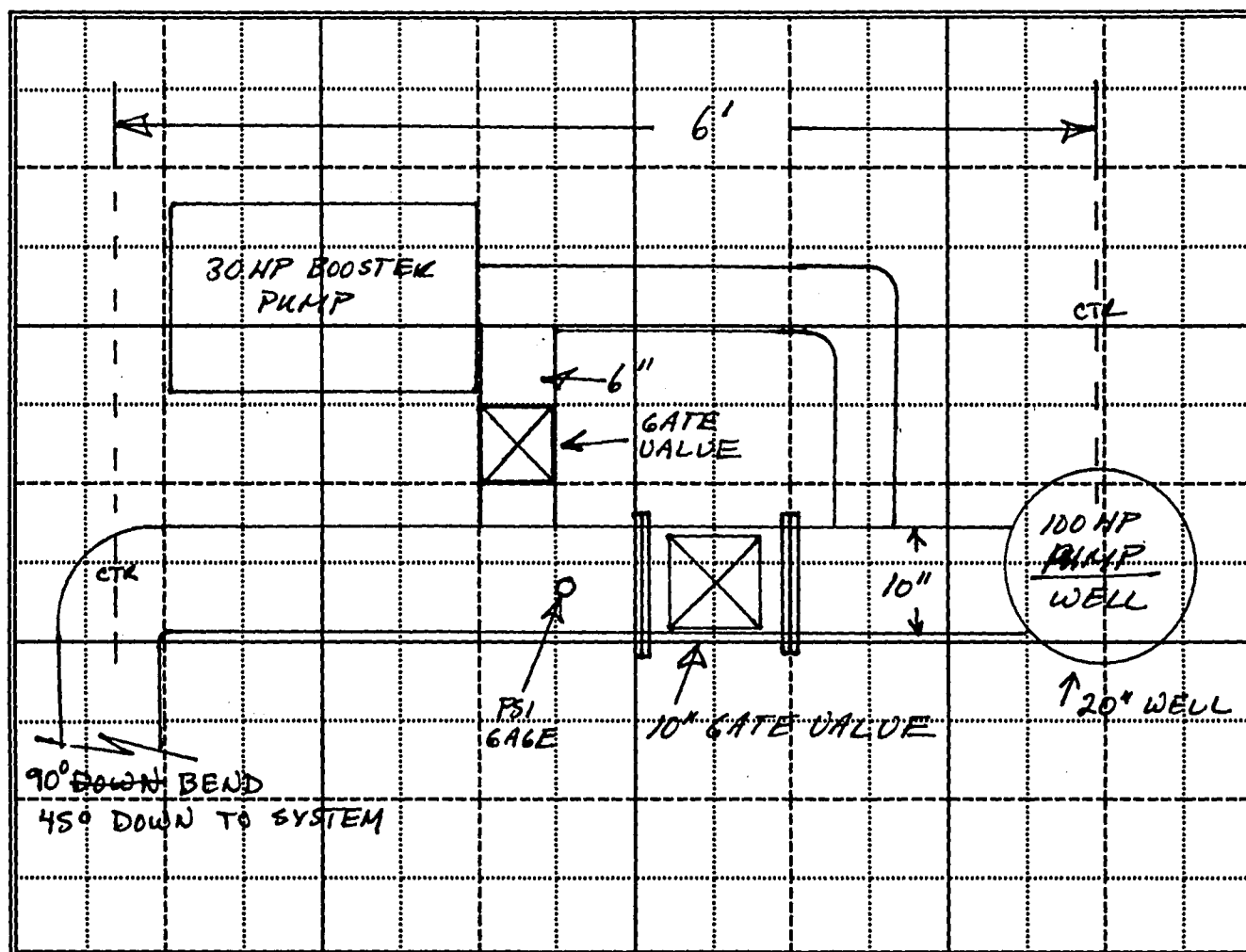
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL PUMP	GENERAL ELECTRIC	100	6NJ720262		10" DISCHARGE
BOOSTER PUMP	CENTURY	30		CENTRIFUGAL	6" DISCHARGE

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAGE	U.S.G.				0-100	40 PSI

2. Measurements: UNABLE TO USE SONIC METER DUE TO SYSTEM DESIGN.

E. NARRATIVE/REMARKS/COMMENTS

ON 9/12/95 AT APPROXIMATELY 1700 HRS A BENEFICIAL USE
FIELD EXAM WAS CONDUCTED FOR DOUGLAS SORENSEN
ON PERMIT # 13-7134.

THIS IS AN IRRIGATION SYSTEM WHICH USES A 100 HP MOTOR
TO LIFT WATER TO A ~~80~~ 30 HP BOOSTER PUMP WHICH PUMP
WATER TO A 12" MAIN LINE, THE MAIN LINE NECKS DOWN
FROM 12 TO 10 TO 8" AT BOTTOM OF FIELD. THREE
WHEEL LINES TAKE OFF Laterally FROM THE MAIN LINE.
EACH LINE IS 1/4 MILE LONG; THERE ARE 32 BIRDS PER
LINE WITH 8 GPM / MINUTE NOZZELS (BIRD NOZZEL CHECKED
WERE ALL 3/16").

WELL: 20" DIAMETER

380' DEEP

145' STATIC WATER

40 PSI AVERAGE SYSTEM PRESSURE

160' DROP FROM WELL PUMP TO BOTTOM OF SYSTEM

PUMP: 100 HP

BOOSTER PUMPS 30 HP

10" OUTPAT

6" OUTPAT

GRAY/LINE GREEN

SILVER/YELLOW

3 WHEEL LINES 1/4 MILE LONG

32 BIRDS / LINE

8 GPM / (3/16) NOZZEL DIAMETER.

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

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$$Q = 3.379 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 240 \times 3.5 = 840$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.379 \times 183 \times 1.9835 = 1,226.5$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 840$$

2. Volume Calculations for Other Uses:

PERMIT IN COMBINATION WITH OTHER WATER RIGHTS
LIMITS TO 0.02 CFS PER ACRE.

H. RECOMMENDATIONS PERMIT LIMITS TO 3.38 CFS.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	3.38	840 AFA
Totals:			3.38 cfs	840 AFA

2. Recommended Amendments

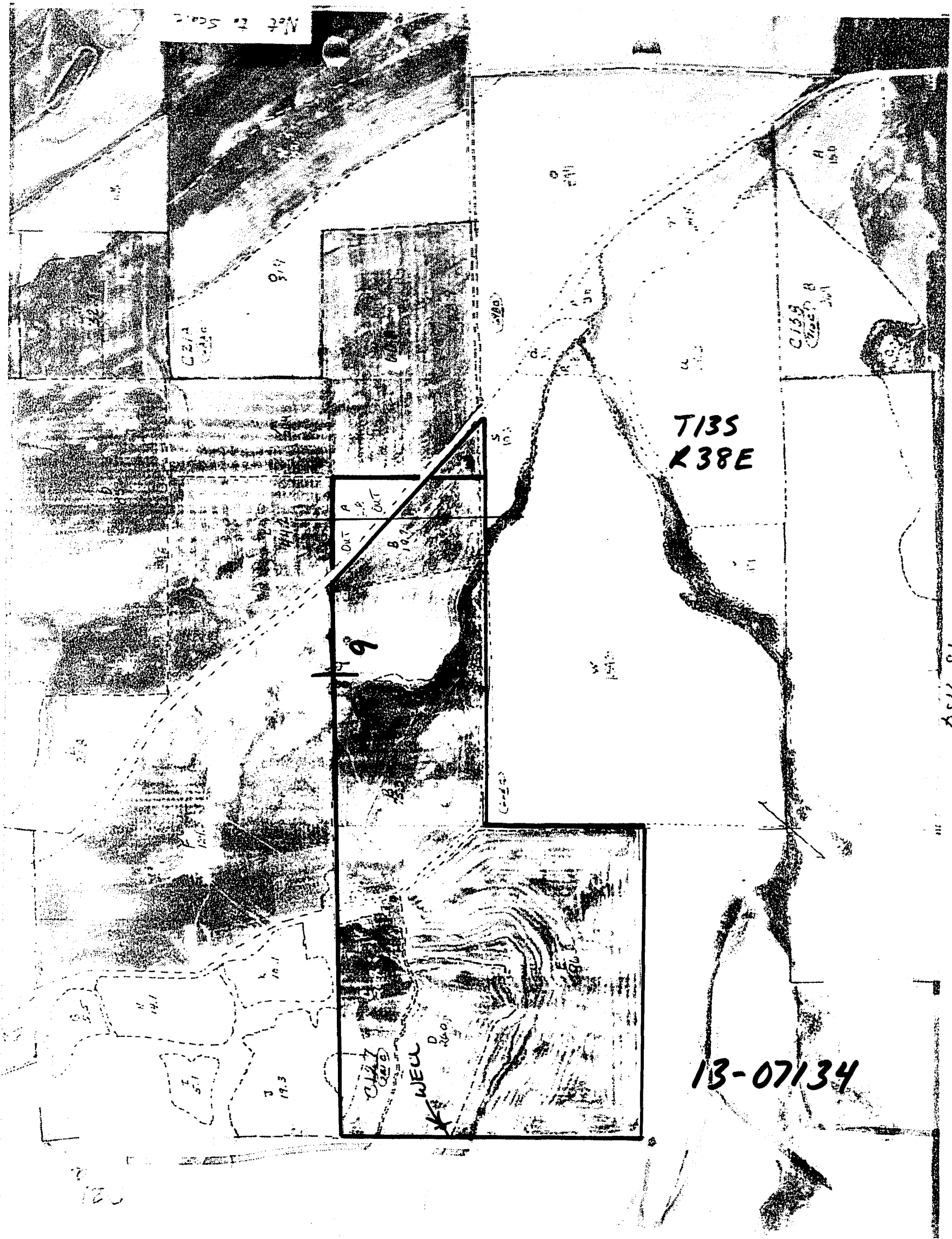
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

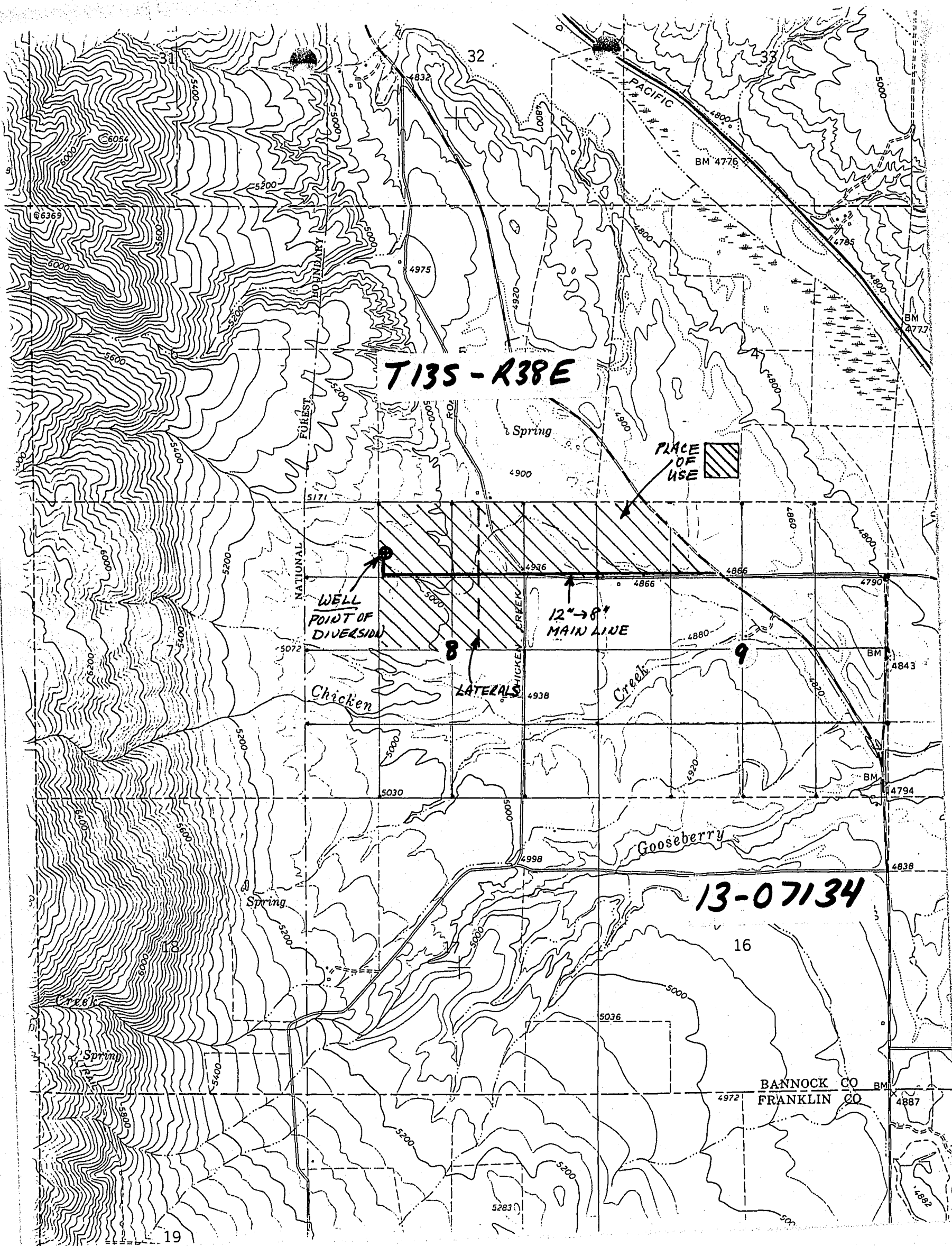
I. AUTHENTICATION

Field Examiner's Name DON SIMPKINS Date 12/15/95

Reviewer [Signature] Date 3/7/96

SEAL





THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 130
Eff = Efficiency = .70 (Usually 70%)
Lift: (Static Level + Assumed Drawdown)
Static Water Level = 145 ft.
Assumed Drawdown = + 10 ft.
Lift = 155

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 40 psi

$$Q_{cfs} = \left[\frac{130}{Hp} \times 8.814 \times \frac{.70}{Eff} \right] \div \left[\frac{155}{Lift} + \left(\frac{40}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = [\underline{802.074}] \div [\underline{237.32}]$$

$$Q_{cfs} = \underline{3.379} \text{ cfs}$$

PERMIT NO. 13-07134

DOUGLAS SORESEN

202



IRRIGATED
PLACE OF
USE

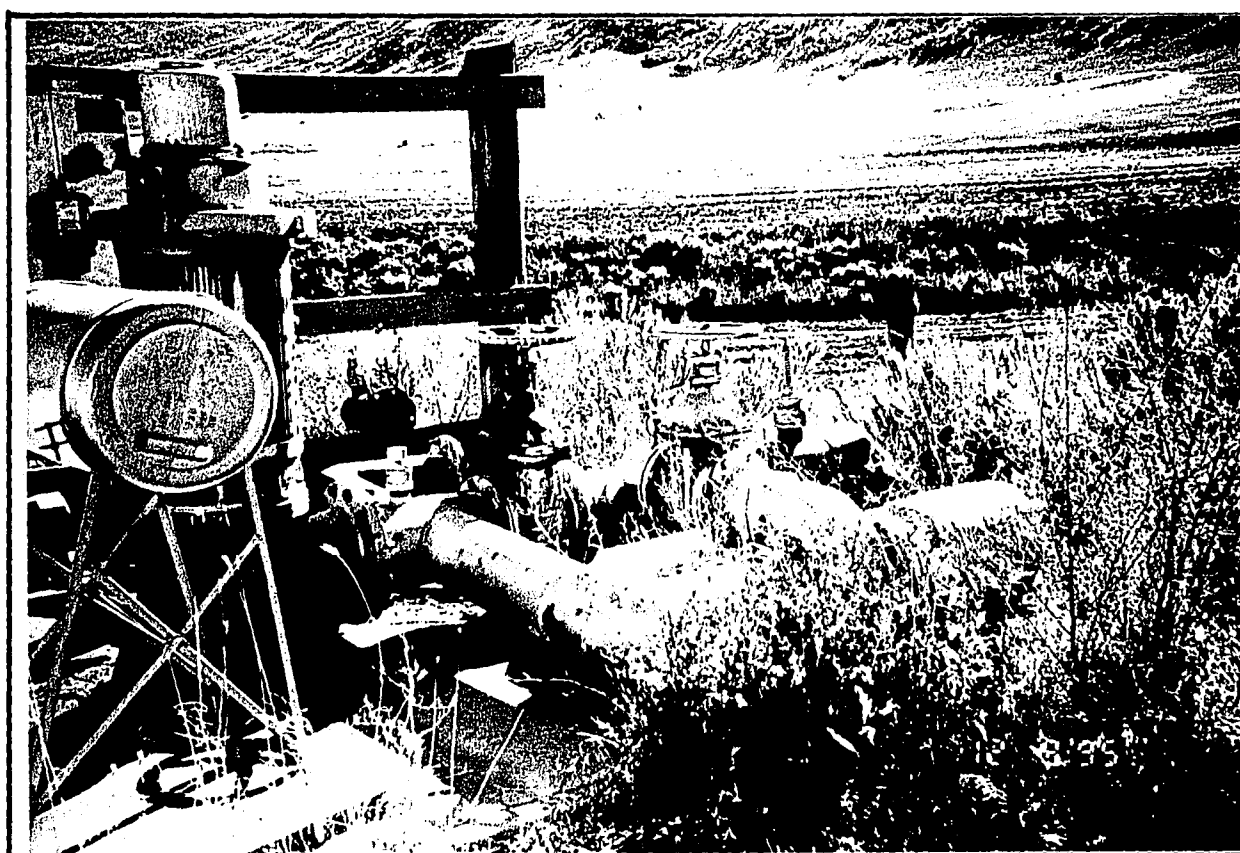


IRRIGATED
PLACE OF
USE

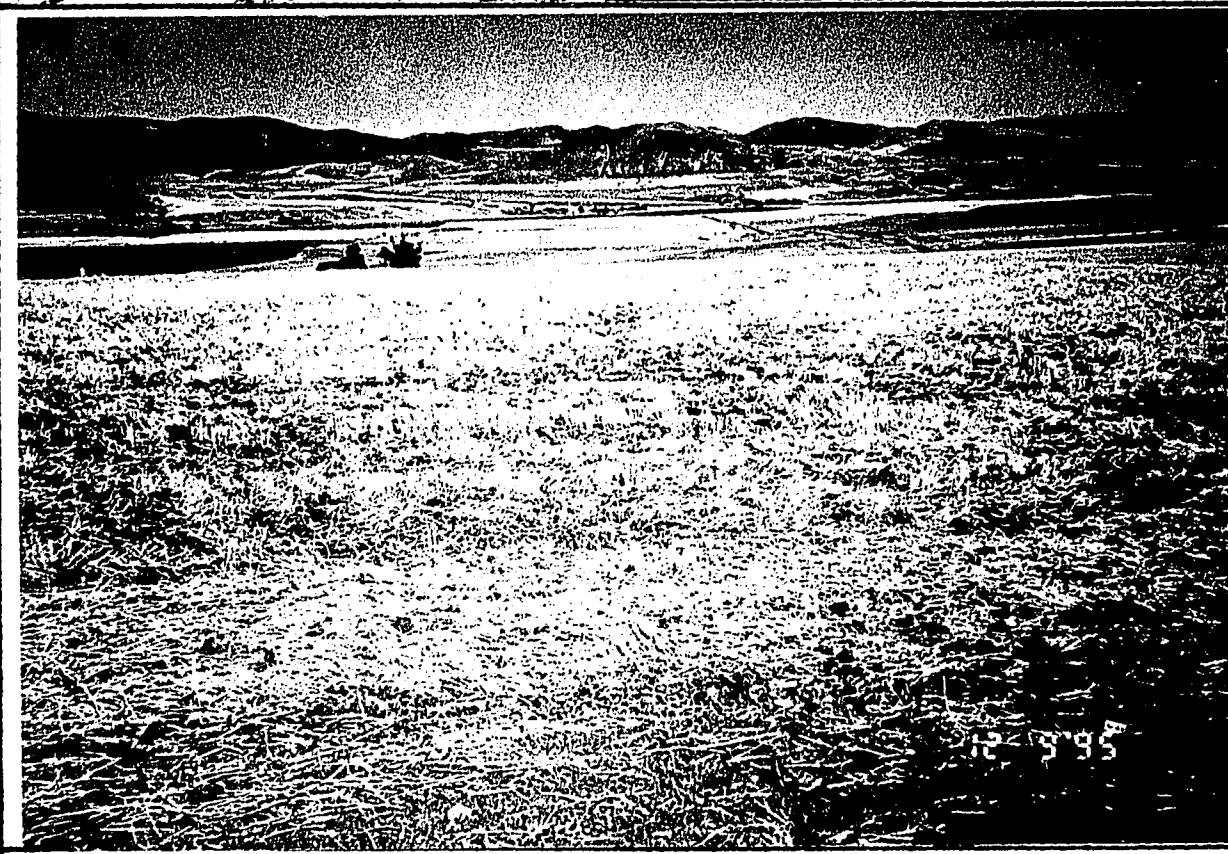
13-07134

DOUGLAS SORENSSEN
SWAN LAKE, ID

1/2



VIEW OF
PUMP - WELL
AND SYSTEM
MANIFOLD
POINT OF
DIVERSION



IRRIGATED
PLACE OF
USE

13-07134

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

RECEIVED

MAY 14 1999

Department of Water Resources

MEMORANDUM

File
TO: ~~SHARLA CURTIS~~
FROM: SKIP JONES
RE: FIELD EXAM 13-07134

I LOOKED AT THE FIELD EXAM DONE BY DON SIMPKINS AND THE FOLLOWING ARE MY SUGGESTIONS.

IT APPEARS THE SYSTEM WAS RUNNING BUT DON WAS UNABLE TO GET THE SONIC METER TO WORK ON THE CONFIGURATION. THE 40 PSI NUMBER SEEMS TO SUPPORT THAT. I WOULD IGNORE THE NOZZLE SIZE UP TO A POINT. I TALKED TO THE OWNER AND HE SAYS THAT THERE HAVE BEEN 7 LINES USED REGULARY NOT THE 3 LINES THAT DON STATES. THIS MAKES SENSE ALSO AS 3 LINES COULD NOT HANDLE 3.38 CFS.

THE OWNER, JOHN PROBST, SAYS THERE ARE 3 WHEEL LINES AND 4 HANDLINES WITH THE STATED 6 GPM NOZZLES.

I SUPPORT USING THE THEORETICAL THAT APPEARS BELOW:

$$\frac{130 \text{ hp} \times 8.814 \times .70 \text{ eff}}{160' \text{ lift} + (40 \text{ psi} \times 2.308)} = \frac{802.07}{252.3} = 3.179 \text{ cfs}$$

THE PUMPING LEVEL IS THE STATIC LEVEL MINUS THE DRAWDOWN. AS YOU CAN SEE ABOVE IVE USED 15 FEET AS THE DRAWDOWN. WITH THE 160' PUMPING LEVEL I THINK THE 3.18 CFS IS A REASONABLE NUMBER. THE OWNER, MR. PROBST, SAYS THAT THE PUMP WAS PULLED JUST RECENTLY AND THE STATIC LEVEL WAS AT 128'.

IF WE HAD TO DO A FIELD EXAM, MR PROBST SAID IT WOULD BE 3 TO 4 WEEKS BEFORE HE COULD GET HIS PUMP GOING. RIGHT NOW I HAVE TRANSFER 5451 PENDING AND WOULD LIKE TO GET THIS PERMIT LICENSED.

WJL 5-10-1999



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

June 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUGLAS SORENSEN
PO BOX 52
SWAN LAKE ID 83281

RE: WATER RIGHT NO. 13-07134

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

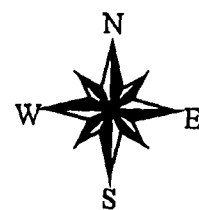
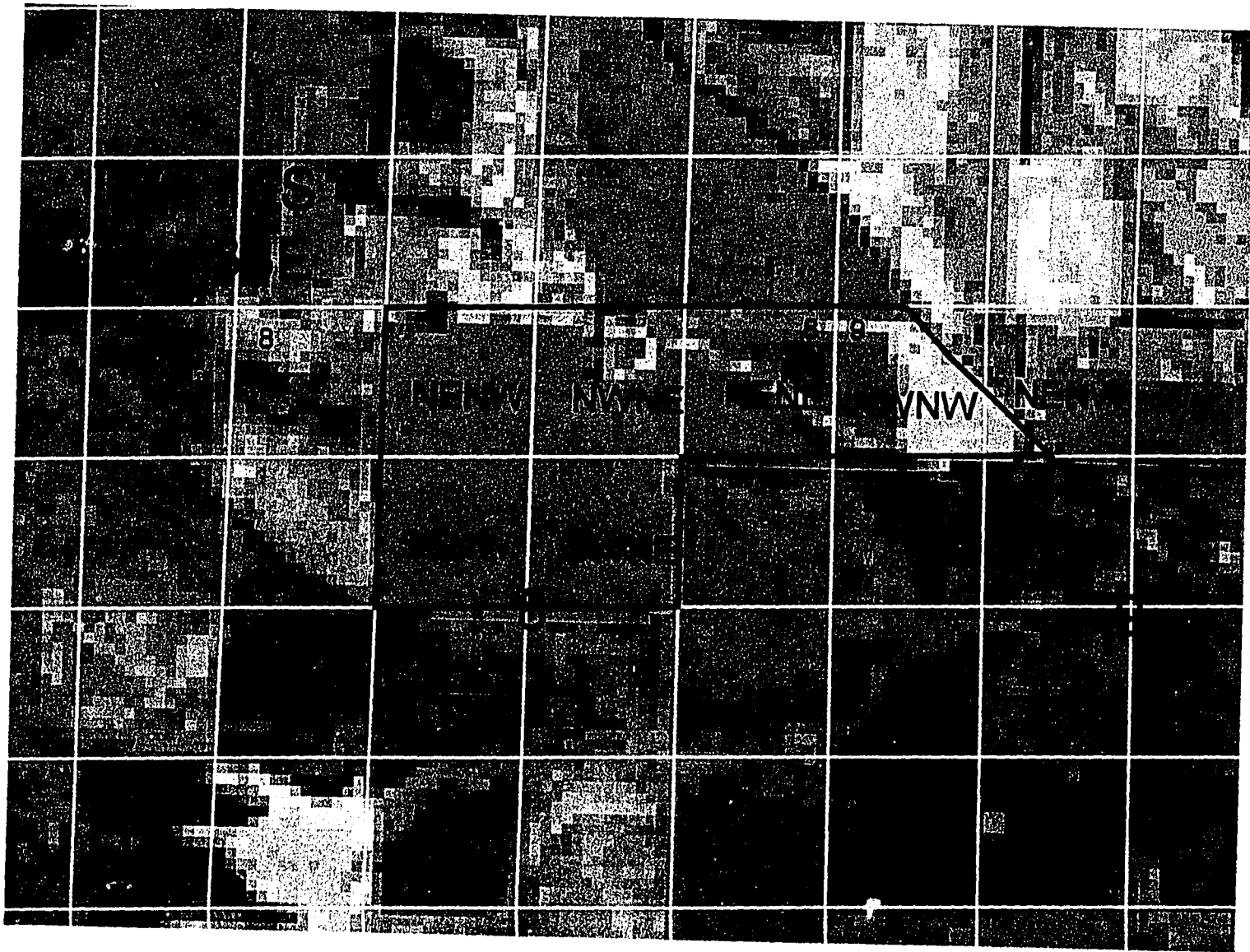
Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

Douglas Sorensen Water Right No. 13-07134



- Point of Diversion (NENW, S8, T13S, R38E)
- Place of Use
(Sections 8 and 9, T13S, R38E)

Prepared by Sharla Curtis
IDWR - April, 1999
Landsat Data 6/20/1991
Scene 39/30



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

June 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUGLAS SORENSEN
PO BOX 52
SWAN LAKE ID 83281

RE: WATER RIGHT NO. 13-07134

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C046112

Date: 7/27/1999
Time: 09:03:29

Received From: JOHN H PROBST FARM ACCT

Type of Payment	Program A cct	Amount
APPLICATION FOR AMMEND. #13-07134	56105 229 21 1155	50.00

CHECK 8848

Total \$ 50.00

Region: STATE

Signature: W. Wilcomb



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

June 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN PROBST
JAYNE PROBST

~~30974 CHICKEN CREEK RD~~
SWAN LAKE ID 83281

PO Box 41 - per telecon 7/21/99 SC

letter will be re-sent to this address

RE: WATER RIGHT 13-07134

Dear Mr. & Mrs. Probst:

I am writing to you about Water Right Permit 13-07134, which was approved in the name of Douglas Sorensen. IDWR recently received your Application for Transfer of Water Right indicating that you now own the property where a water use was established under Permit 13-07134. Before your transfer application can be processed, a water right license must be issued for the water use developed under the permit. Before a water right license can be issued, however, the permit must be amended to depict the water right as it has actually been developed.

Because permits are considered personal property, and Mr. Sorensen has not formally assigned his permit to you, I sent an Application for Amendment form to Mr. Sorensen, but he has not responded. Therefore, I am writing to give you the opportunity to complete the amendment so that a water right license can be issued. The enclosed Application for Amendment contains information that will be included on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee as soon as possible.

Because we have not received an assignment from Mr. Sorensen, the license will be issued in Mr. Sorensen's name. However, once the license is issued, the water right becomes appurtenant to the land regardless of the name listed on the document. Furthermore, the right will be changed to your name when your transfer application is processed.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:klt

Enclosures

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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

August 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUGLAS SORENSEN
PO BOX 52
SWAN LAKE ID 83281

RE: WATER RIGHT NO. 13-07134

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

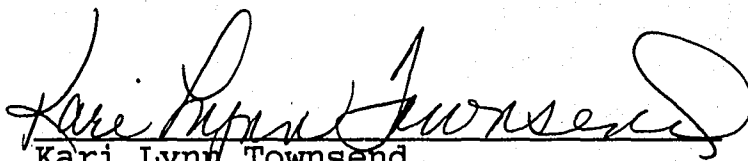
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07134

DOUGLAS SORENSEN
PO BOX 52
SWAN LAKE ID 83281


Kari Lynn Townsend
Secretary

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 09 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 13-07134 (see attached printout)
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Douglas Sorensen
Swan Lake, Idaho 83281
4. New Owner/Claimant(s) John Probst, Jayne Probst
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 30974 Chicken Creek Road
City, State and ZIP Code Swan Lake, Idaho 83281
New Telephone Number (208) 897-5630
5. Date you acquired the property February 23, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. Acquired total right and property to which right pertains.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner John H. Probst Date 4/2/99
or Claimant(s) Jayne Probst Date 4/2/99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

13-07134
Change of Ownership

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/04/99 10:51:52
Page 1

Water Right Number - 13-07134

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SORENSEN

DOUGLAS

1 -
2 -
3 -

City- SWAN LAKE
Phone -

State- ID Zip- 83281

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/20/1976 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
13S	38E	8	NE NW			(5)	BANNOCK			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		4.460	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.460 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	38E	8	NE NE		40.0	01	IRRIGATION	(5)	BANNOCK
13S	38E	8	NW NE		40.0	01	IRRIGATION	(5)	BANNOCK
13S	38E	8	SW NE		40.0	01	IRRIGATION	(5)	BANNOCK
13S	38E	8	NE NW		40.0	01	IRRIGATION	(5)	BANNOCK
13S	38E	8	SE NW		40.0	01	IRRIGATION	(5)	BANNOCK
13S	38E	9	NW NW		40.0	01	IRRIGATION	(5)	BANNOCK

Total Acres: 240.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/04/99 10:51:52
Page 2

Water right number - 13-07134

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +

- 01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install an access port or other device as specified by the
- Department.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - -Comments- - - - - +

No Comments Found

+ - - Audit Fields - 10/20/87 05/21/88 CONVERT 09/19/95 KWILSON 04/10/96 KWILSON

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 10/01/1981	Field Exam Made	- 09/12/1995	Field Exam Fee	- R
Approved/Denied	- 10/02/1976	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 04/11/1996	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

UNITED STATES MARSHAL'S DEED

THIS DEED, made and entered into this 23rd day of February, 1999, between James H. Benham, United States Marshal for the District of Idaho, by virtue of his office, of the first part, and John H. Probst, P.O. Box 41, Swan Lake, ID 83281, of the second part;

WHEREAS, in and by a Judgment and Decree of Foreclosure filed on the 9th day of May, 1996, in and by the District Court of the United States, held in and for the District of Idaho, in a lawsuit then pending in said Court, wherein the United States of America was plaintiff and Douglas Sorensen and Wilma M. Sorensen, Husband and Wife, were the defendants, it was, among other things, ordered, adjudged, and decreed that the mortgaged premises described in the Complaint and in the Judgment and Decree of Foreclosure in said action be sold at public auction by the United States Marshal for the District of Idaho in the manner directed by law, a copy of which a Second Order of Sale thereon was duly issued and delivered to said Marshal, requiring him to make sale of said property as therein directed;

AND WHEREAS, in obedience to said Judgment and Decree of Foreclosure and Second Order of Sale, and after due public notice given as required by law, the said Marshal did, on the 19th day of February, 1998, at 10:30 a.m. of said day, duly sell at public auction the premises described to John H. Probst, P.O. Box 41, Swan Lake, ID 83281, for \$210,000.00, that being the highest and best bid and John H. Probst the highest and best bidder which will more fully

appear by reference to a Certificate of Sale given to said John H. Probst, on behalf of the said United States Marshal bearing date on the 19th day of February, 1998.

NOW THEREFORE, I, James H. Benham, United States Marshal for the District of Idaho, by virtue of my office, for and in consideration of \$210,000.00 have sold and by these presents do sell the real property situated in the County of Bannock, State of Idaho, and more particularly described as follows:

PARCEL 1

REAL PROPERTY

West half of Northeast quarter, Northeast quarter of Northeast quarter, and East half of Northwest quarter, all in Section 8, Township 13 South, Range 38 East of Boise Meridian.

Also, all that portion of the North half of the Northwest quarter of Section 9, Township 13 South, Range 38 East of Boise Meridian, lying South and West of the County road, which extends 25 feet on either side of its center line which center line is described in Book 36 of Deeds, page 438 of the Records of the County Recorder of Bannock County, Idaho.

Also, 10 acres, more or less, lying in the North half of the Northwest quarter of Section 9 and North and East of the said County road and more particularly described as follows: beginning at a point on the Northeast boundary line of said County road where said boundary line intersects the Northerly boundary line of the North half of the Northwest quarter of said Section 9, which point is 934 feet, more or less, East of the corner of Section 4, 5, 8, and 9, Township 13 South, Range 38 East of the Boise Meridian, thence 987 feet, more or less, East along the section line between Sections 4 and 9, Township 13 South, Range 38 East of the Boise, Meridian, to a point which is distant in a Westerly direction 744, feet from the North quarter corner of said Section 9; thence South 916 feet to the northeasterly boundary line of said County road; thence Northwesterly following said boundary line a distance of 1340 feet, more or less, to the point of beginning.

Together with all rights, interests, easements, hereditament and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, all

water, water rights, and water stock pertaining thereto, and all payments at any time owing to the Senior Sorensens by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein; the State of Idaho.

Water rights under Permit #G-29138 and 13-7134.

APPURTENANT PROPERTY *

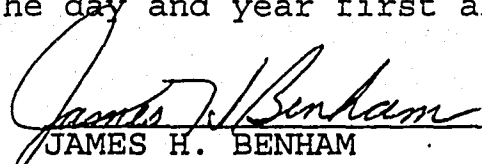
2500 ft. Main Line buried plastic	Size-12 inches
5640 ft. Main Line buried plastic	10 inches
1320 ft. Main Line buried plastic	8 inches
1320 ft. Main Line buried plastic	6 inches
900 ft. Main Line portable	10 inches
2000 ft. Main Line portable	8 inches
1000 ft. Main Line portable	6 inches
398 ft. Sprinkler Pipe 40 ft. long	4 inches
250 ft. Sprinkler Pipe 40 ft. long	3 inches

1	Pump & Panel Johnson 100 HP 1977
1	Electric Motor General Electric 100 HP 1977 KNJ 1020398
1	Pump Western 100 HP 1974 24788
1	Electric Motor Newman 250 HP 1974 X180802

*To the extent it still exists, it is located on the above real property.

TO HAVE AND TO HOLD, the above-described premises unto said grantees and assigns forever.

IN WITNESS WHEREOF, said grantor as Marshal aforesaid, doth hereunto set his hand the day and year first above written.


JAMES H. BENHAM
United States Marshal
for the District of Idaho

STATE OF IDAHO)
) s s.
County of Ada)

I, the undersigned, a Notary Public for the State of Idaho, do hereby certify that James H. Benham, United States Marshal for the District of Idaho, who is known to me to be the person who executed the foregoing deed of conveyance, this day personally appeared before me and acknowledged that he executed the same as

said United States Marshal for the District of Idaho, for the
uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my seal at the City of Boise, State of Idaho, this 23rd day of
February, 1999.

Sheryl Lynn Cross
NOTARY PUBLIC
Residing at Boise, Id
My Commission Expires: 12/6/2002

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 09 1999

Department of Water Resources
Eastern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 13-00132 (see attached printout)
Adjudication Claim No(s): See this folder for support documentation
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Alexander Beckstead
Swan Lake, Idaho 83281
4. New Owner/Claimant(s) John Probst, Jayne Probst
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 30974 Chicken Creek Road
City, State and ZIP Code Swan Lake, Idaho 83281
New Telephone Number (208) 897-5630
5. Date you acquired the property March 15, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. Acquired total right and property to which right pertains.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner John H Probst Date 4/2/99
or Claimant(s) Jayne Probst Date 4/2/99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 09 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 13407144 (see attached printout)
Adjudication Claim No(s).: see this folder for support documentation
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Gibbs Brothers, c/o Ned Gibbs, partner
Swan Lake, Idaho 83281
4. New Owner/Claimant(s) John Probst, Jayne Probst
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 30974 Chicken Creek Road
City, State and ZIP Code Swan Lake, Idaho 83281
New Telephone Number (208) 897-5630
5. Date you acquired the property March 15, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. Acquired total right and property to which right pertains.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) John Probst Date 4/2/99
Jayne Probst Date 4/2/99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

ACTION REQUIRED

FROM: H.W. Jones

TO: Transf 5451 - Probst

The Bannock Co. Assessor confirms that Mr Probst owns
the N $\frac{1}{2}$ NE $\frac{1}{4}$, SWNE + E $\frac{1}{2}$ NW of Sec 8 T13S R38E.
Also the NWNW Sec 9 T13S R38E.

Huf 6-3-1999

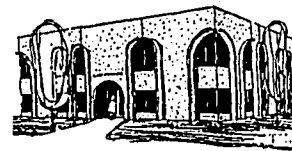
SERVICE, GASSER & KERL

Ron Kerl
Steven V. Richert
James A. Spinner

Archie W. Service

Attorneys and Counselors at Law
P.O. Box 6009 * 2043 East Center Street
Pocatello, Idaho 83205-6009

Telephone: (208) 232-4471
Facsimile: (208) 232-1808
E-mail: jas@sgklaw.net



Of Counsel:
Clark Gasser

April 8, 1999

IDWR Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

APR 09 1999

Department of Water Resources
Eastern Region

Re: John and Jayne Probst
Notices of Change of Water Right Ownership
Application For Transfer of Water Right

Dear Water Resources Department:

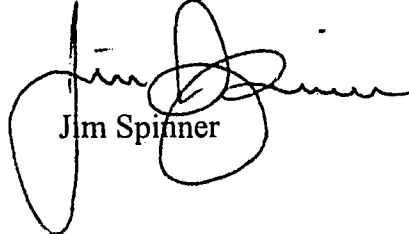
Enclosed please find the following:

1. Notice of Change of Water Right Ownership, regarding Water Right No. 13-07144;
2. Notice of Change of Water Right Ownership, regarding Water Right No. 13-07134;
3. Notice of Change of Water Right Ownership, regarding Water Right No. 13-00132;
4. Application for Transfer of Water Right in regard to Water Right Nos. 13-07134 and 13-07144, requesting a change in the place of use of said water rights. The Application is to combine two existing water rights for use on property covered under both rights. The change will not affect the total allowed water right or the total acreage but will allow both water rights to be used on the combined acreage;
5. Our check for \$100.00 for the filing fee on the Application For Transfer of Water Right.

Please process the Notices of Change of Water Right Ownership and Application For Transfer of Water Right. If you have any questions or need any further information, please contact me at the above address or John and Jane Probst at the address listed in the documents. Thank you for your kind assistance and consideration.

Very truly yours,

SERVICE, GASSER & KERL


Jim Spinner

JS/lml

cc: John and Jayne Probst

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5451

Notice is hereby given that John and Jayne Probst, 30974 Chicken Creek Rd, Swan Lake, ID 83281, has applied to the Department of Water Resources to change the place of use of a groundwater source. The rights sought to be changed are evidenced by licenses and recorded as follows:

License No.: 13-07134 Source: Groundwater
Amount: 4.46 cfs Priority: 08/20/1976
Point of Diversion(s): NENW SEC 8 T13S R38E, Bannock County
The water is used for irrigation of 240 acres within SEC 8 and 9 T13S R38E, B.M.

License No.: 13-07144 Source: Groundwater
Amount: 5.24 cfs Priority: 07/09/1973
Point of Diversion(s): SESE SEC 5 T13S R38E, Bannock County
The water is used for irrigation of 413 acres within SEC 4, 5, 8 and 9 T13S R38E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to consolidate both rights under the two wells and a common permissible place of use of 564 acres.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 24, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Idaho State Journal on May 6 and 13, 1999.



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

April 27, 1999

IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 May 24, 1999.

Respectfully submitted,

Sharla Cox
Administrative Assistant

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

April 27, 1999

- DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN AND JAYNE PROBST
30974 CHICKEN CREEK RD
SWAN LAKE ID 83281

RE: Application for Transfer #5451

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho State Journal on May 6 and 13, 1999. 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

PROOF OF PUBLICATION

RECEIVED

MAY 14 1999

Department of Water Resources
Eastern Region

STATE OF IDAHO }
County of Bannock } ss.

KAREN GROVER

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. T5451
Notice is hereby given
that John and Jayne
Probst, 30974 Chicken
Creed Rd, Swan Lake,
ID 83281, has applied
to the Department of
Water Resources to
change the place of
use of a groundwater
source. The rights
sought to be changed
are evidenced by li-
censes and recorded as
follows:

License No.: 13-07134
Source: Groundwater
Amount: 4.46 cfs
Priority 08/20/1976
Point of Diversion(s):
NENW SEC 8 T13S
R38E, Bannock County
The water is used for irri-
gation of 240 acres
within SEC 8 and 9
T13S R38E, B.M.

License No.: 13-07144
Source: Groundwater
Amount: 5.24 cfs
Priority: 07/09/1973
Point of Diversion(s):
SESE SEC 5 T13S
R38E, Bannock County
The water is used for irri-
gation of 413 acres
within SEC 4, 5, 8 and 9
T13S R38E, B.M.
TO BE CHANGED AS
FOLLOWS:

The applicant intends to
consolidate both rights
under the two wells and
a common permissible
place of use of 564 ac-
res.

Any protests against ap-
proval of the proposed
changes must be filed
with the Idaho Depart-
ment of Water Resourc-
es, 900 N Skyline Dr.
Ste A, Idaho Falls, ID
83402, together with a
protest fee of \$25.00
on or before May 24,
1999. The protestant
must also send a copy
of the protest to the ap-
plicant.

KARL J. DREHER
Director

May 6, 13, 1999
LN4680

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

MAY 6	19 99	19
MAY 13	19 99	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

Karen Grover

STATE OF IDAHO

COUNTY OF

BANNOCK

On this 13TH day of MAY in the year of 1999,
before me, a Notary Public, personally appeared

KAREN GROVER, known or identified to me

to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Lori A. Scholt
Notary Public for Idaho

Residing at POCATELLO

My commission expires: FEBRUARY 2003

MEMORANDUM

TO: SHARLA CURTIS
FROM: SKIP JONES
RE: FIELD EXAM 13-07134

I LOOKED AT THE FIELD EXAM DONE BY DON SIMPKINS AND THE FOLLOWING ARE MY SUGGESTIONS.

IT APPEARS THE SYSTEM WAS RUNNING BUT DON WAS UNABLE TO GET THE SONIC METER TO WORK ON THE CONFIGURATION. THE 40 PSI NUMBER SEEMS TO SUPPORT THAT. I WOULD IGNORE THE NOZZLE SIZE UP TO A POINT. I TALKED TO THE OWNER AND HE SAYS THAT THERE HAVE BEEN 7 LINES USED REGULARY NOT THE 3 LINES THAT DON STATES. THIS MAKES SENSE ALSO AS 3 LINES COULD NOT HANDLE 3.38 CFS.

THE OWNER, JOHN PROBST, SAYS THERE ARE 3 WHEEL LINES AND 4 HANDLINES WITH THE STATED 6 GPM NOZZLES.

I SUPPORT USING THE THEORETICAL THAT APPEARS BELOW:

$$\frac{130 \text{ hp} \times 8.814 \times .70 \text{ eff}}{160' \text{ lift} + (40 \text{ psi} \times 2.308)} = \frac{802.07}{252.3} = 3.179 \text{ cfs}$$

THE PUMPING LEVEL IS THE STATIC LEVEL MINUS THE DRAWDOWN. AS YOU CAN SEE ABOVE IVE USED 15 FEET AS THE DRAWDOWN. WITH THE 160' PUMPING LEVEL I THINK THE 3.18 CFS IS A REASONABLE NUMBER. THE OWNER, MR. PROBST, SAYS THAT THE PUMP WAS PULLED JUST RECENTLY AND THE STATIC LEVEL WAS AT 128'.

IF WE HAD TO DO A FIELD EXAM, MR PROBST SAID IT WOULD BE 3 TO 4 WEEKS BEFORE HE COULD GET HIS PUMP GOING. RIGHT NOW I HAVE TRANSFER 5451 PENDING AND WOULD LIKE TO GET THIS PERMIT LICENSED.

HWJ 5-10-1999

MEMORANDUM

TO: Skip Jones

THRU: Shelley Keen

FROM: Sharla *SC*

DATE: May 3, 1999

RE: Returned Field Exam 13-07134

RECEIVED
MAY 07 1999

Department of Water Resources
Eastern Region

Skip, I'm sending this one back to you for some direction as to system capacity and recommended rate of diversion. The information provided by the examiner in the narrative yields conflicting data.

First, he states that there are 32 birds per line (3 lines) with 8 gpm 3/16" nozzles; $3 \times 32 \times 8 = 768$ gpm or 1.71 cfs. He's used an average psi of 40, however, 3/16" nozzles @ 40 psi = 6.64 gpm/nozzle which is 1.42 cfs. The chart for sprinkler discharge shows 3/16" nozzles at 8 gpm/nozzle to correspond with 60 psi.

Next, he states that the well is 380' deep with 160' drop from the pump to the bottom of the system. That makes the pumping level 220'.

There wasn't a measurement, so a theoretical calculation is going to have to be used as the basis for capacity and the rate of diversion recommended will be influenced by "typical" nozzle discharge. But as you can see from the above, there is too much conflicting data to come to a conclusion we can stand behind.

I welcome whatever help you can provide for this one.

Permit No. 13-07134

Current Address: P.O. BOX 52, SWAN LAKE, IDAHO 83281

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

1. Other water rights with the same place of use: 13-07144

2. Other water rights with the same point of diversion: NONE

1. Point(s) of Diversion:

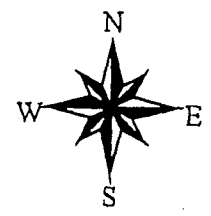
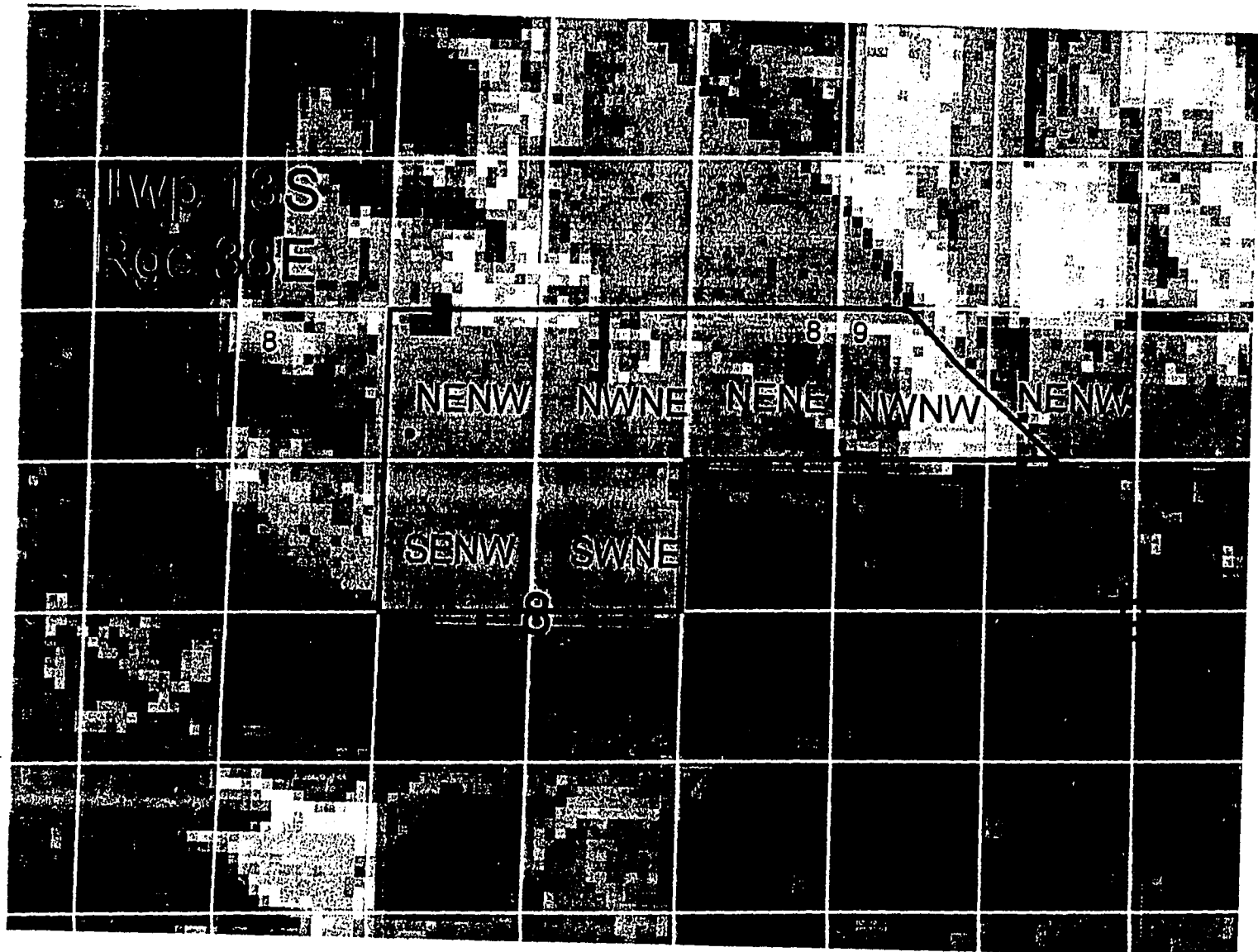
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

Douglas Sorensen Water Right No. 13-07134



- Point of Diversion
- Place of Use

Prepared by Sharla Curtis
IDWR - April, 1999
Landsat Data 6/20/1991
Scene 39/30

MEMORANDUM

TO: Files 13-07134 & 13-07144

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5451

DATE: August 16, 1999

Transfer 5451 adds a second point of diversion and changes the place of use under Rights 13-07134 and 13-07144. The applicant is combining the use of these irrigation rights on a 564.0 acre permissible place of use.

Season of use and diversion volume was adjusted to current standards. Recommended conditions include permissible place of use limits, multiple points of diversion/measuring devices, future measuring & annual reporting, combined right limits, irrigation overlap and standard transfer conditions.

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 18, 1999

JOHN PROBST
JAYNE PROBST
30974 CHICKEN CREEK RD
SWAN LAKE ID 83281

RE: TRANSFER OF WATER RIGHTS 13-07134/13-07144
Transfer (5451)

Dear Mr. & Mrs. Probst:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5451). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

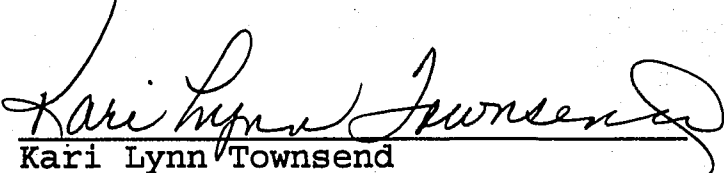
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: TRANSFER OF WATER RIGHTS 13-07134/13-07144
(Transfer 5451)**

**JOHN PROBST
JAYNE PROBST
30974 CHICKEN CREEK RD
SWAN LAKE ID 83281**


Kari Lynn Townsend
Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 5451 IN THE NAME OF)
JOHN PROBST AND JAYNE)
PROBST)

ORDER GRANTING PETITION
FOR RECONSIDERATION

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right transfer, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On August 17, 1999, the Department issued a preliminary order (order) granting approval of Water Right Transfer No. 5451 (transfer) in the name of John Probst and Jayne Probst (petitioners).
2. On August 31, 1999, the Department received a Petition for Reconsideration (petition) in connection with the order from Jason R. Miciak on behalf of the petitioners. The petitioners request that the Department reconsider its determination of place of use and irrigated acre limitations. Petitioner also requests additional time to file supporting affidavits and evidence for consideration and the opportunity to provide oral argument on the petition.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The Department should conditionally grant the petition for reconsideration of the order pursuant to Section 67-5243(3), *Idaho Code*, to give the petitioners an opportunity to provide information demonstrating that the Department should change its determination of place of use and irrigated acre limitations on the transfer.

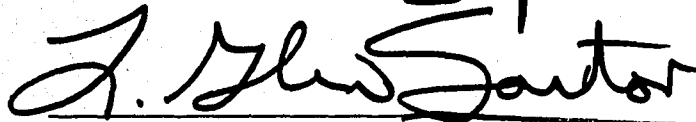
ORDER

IT IS HEREBY ORDERED that the petition is **CONDITIONALLY GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, to allow the petitioners 30 days to provide information demonstrating that the Department should change its determination of place of use and irrigated acre limitations on the transfer.

IT IS FURTHER ORDERED that if the petitioners do not submit additional information in support of the petition within 30 days of the service date of this order, the August 17, 1999, preliminary order issuing the transfer is automatically reinstated and shall again be in full force and effect.

IT IS FURTHER ORDERED that the petitioner's request for oral argument on its petition is moot since the petition has been granted and is therefore **DENIED**.

Dated this 2nd day of September, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 5451 IN THE NAME OF)
JOHN PROBST AND JAYNE)
PROBST)
_____)

**ORDER GRANTING REQUEST
FOR EXTENSION OF TIME**

This matter having come before the Department of Water Resources (Department) as a request for extension of time to provide information to reconsider the issuance of a water right transfer, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On August 17, 1999, the Department issued a preliminary order (order) granting approval of Water Right Transfer No. 5451 (transfer) in the name of John Probst and Jayne Probst (petitioners).
2. On August 31, 1999, the Department received a Petition for Reconsideration (petition) in connection with the order from Jason R. Miciak on behalf of the petitioners. The petitioners requested that the Department reconsider its determination of place of use and irrigated acre limitations. Petitioner also requested additional time to file supporting affidavits and evidence for consideration.
3. On September 2, 1999, the Department issued an Order Granting Petition for Reconsideration which allowed the petitioners 30 days to provide information demonstrating that the Department should change its determination of place of use and irrigated acre limitations on the transfer.
4. On October 4, 1999, the Department received a Request for Extension of Time to Provide Information from Jason R. Miciak on behalf of the petitioners. The petitioners request an additional ten (10) days to provide the necessary information. Reasonable cause has been shown for the delay.

CONCLUSIONS OF LAW

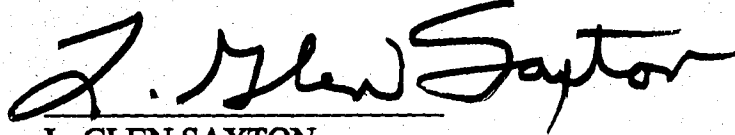
1. The Department should grant the request for extension of time to provide information.

ORDER

IT IS HEREBY ORDERED that the request is **GRANTED** to allow the petitioners an additional 10 days to provide information demonstrating that the Department should change its determination of place of use and irrigated acre limitations on the transfer.

IT IS FURTHER ORDERED that if the petitioners do not submit additional information in support of the petition within 10 days of the service date of this order, the August 17, 1999, preliminary order issuing the transfer is automatically reinstated and shall again be in full force and effect.

Dated this 12th day of October, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

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

IN THE MATTER OF TRANSFER NO.) 5451 IN THE NAME OF JOHN) PROBST AND JANE PROBST) _____)	ORDER GRANTING REQUEST FOR EXTENSION OF TIME
--	---

FINDINGS OF FACT

1. On August 17, 1999, the Department of Water Resources ("Department") issued a preliminary order ("order") granting approval of Water Right Transfer No. 5451 ("transfer") in the name of John Probst and Jayne Probst ("petitioners").
2. On August 31, 1999, the Department received a Petition for Reconsideration ("petition") in connection with the order from Jason R. Miciak on behalf of the petitioners requesting that the Department reconsider its determination of place of use and irrigated acre limitations. Petitioners also requested additional time to file supporting affidavits and evidence for consideration.
3. On September 2, 1999, the Department issued an Order Granting Petition for Reconsideration which allowed the petitioners 30 additional days to provide information demonstrating that the Department should change its determination of place of use and irrigated acre limitations on the transfer.
4. Upon a request from the petitioners on October 4, 1999, the Department granted an additional 10 days in which to submit the information.
5. On October 13, 1999, the petitioners submitted a third request asking for more time, until November 13, 1999, to submit the information.

CONCLUSIONS OF LAW

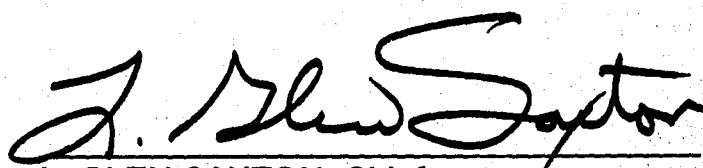
1. The Department should grant additional time to the petitioners to provide additional information for the department's consideration.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the petitioners have until **November 13, 1999**, to submit additional information.

IT IS FURTHER ORDERED, that if the petitioners do not timely submit the information, the August 17, 1999 preliminary order issuing the transfer is automatically reinstated and shall again be in full force and effect.

Dated this 20th day of October, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

AUG-31-99 04:58 PM ROLIG.AND.PETERSON

208 733 5553

P.01

ROLIG & PETERSON, L.L.P.
ATTORNEYS AT LAW

JEFFREY E. ROLIG

STEVEN D. PETERSON

JASON R. MICIAK

FIRST SECURITY BANK BUILDING
102 MAIN AVE. SOUTH, SUITE 6
POST OFFICE BOX 2749
TWIN FALLS, ID 83203-2749
TELEPHONE (208) 733-5500
FAX (208) 733-5553

E-MAIL: ROLIG_PETE@COMPUTER-DEPOT.COM

FACSIMILE COVER SHEET

TO: Jeff Peppersack
IDWR

FROM: Jason Miciak

DATE: 8-31-99

RE: John Probst

FAX NO.: 208-327-7866

OUR FAX NO.: (208) 733-5553

A total of 2 pages are being transmitted, not including this page.

IF THERE IS AN ERROR IN TRANSMISSION OR YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (208) 733-5500 IMMEDIATELY.

COMMENTS: _____

THIS IS A CONFIDENTIAL COMMUNICATION. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IT SHOULD NOT BE DELIVERED TO OR READ BY ANY OTHER PERSON. FACSIMILE TRANSMISSION IS NOT INTENDED TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE OR ANY OTHER PRIVILEGE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, THEN (1) YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED; (2) PLEASE CALL US TO COLLECT IMMEDIATELY AT THE TELEPHONE NUMBER SHOWN ABOVE; AND (3) PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS SHOWN ABOVE BY UNITED STATES MAIL. (WE GUARANTEE RETURN POSTAGE.)

Jason R. Miciak (5710)
ROLIG & PETERSON, L.L.P.
Attorneys at Law
P.O. Box 2749
102 Main Avenue South, Suite 6
Twin Falls, Idaho 83303-2749
Telephone: (208) 733-5500
FAX: (208) 733-5553

Attorneys for Claimants

RECEIVED

SEP 1 1999
AUG 31
DEPARTMENT OF WATER RESOURCES

WITHIN THE IDAHO DEPARTMENT OF WATER RESOURCES
ADMINISTRATIVE PROCEDURES

In Re Transfer Application 5451.)
JOHN PROBST and JAYNE PROBST.)
Claimants.)

PETITION TO RECONSIDER

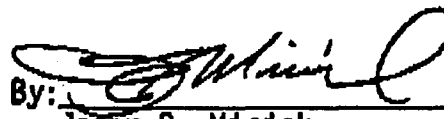
On August 17, 1999, the Idaho Department of Water Resources issued a preliminary order on transfer application 5451.

Petitioner now requests that the Department now reconsider its preliminary order; specifically, the determination of (a) place of use; (b) total number of acres irrigated; (c) Condition No. 7; (d) Condition No. 8; and (e) Condition No. 9. Petitioner requests that the transfer be approved with the exact total number of irrigated acres permitted and licensed under the rights transferred and the removal of the Conditions stated above.

Petitioner requests an extension of the 21-day period for which to file supporting affidavits and evidence to be considered by the Department. Petitioner also requests oral argument on this Petition.

DATED This 31st day of August, 1999.

ROLIG & PETERSON, L.L.P.

By: 
Jason R. Miciak
Attorney for Claimant

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that I am a resident attorney of the State of Idaho and that on the 31 day of August, 1999, I served a copy of the foregoing document upon the following:

Jeff Peppersack
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

by depositing a true copy thereof in the United States mail, postage prepaid.


JASON R. MICIAK

RECEIVED

SEP 01 1999

Department of Water Resources

Jason R. Miciak (5710)
ROLIG & PETERSON, L.L.P.
Attorneys at Law
P.O. Box 2749
102 Main Avenue South, Suite 6
Twin Falls, Idaho 83303-2749
Telephone: (208) 733-5500
FAX: (208) 733-5553

Attorneys for Claimants

WITHIN THE IDAHO DEPARTMENT OF WATER RESOURCES
ADMINISTRATIVE PROCEDURES

In Re Transfer Application 5451,)
JOHN PROBST and JAYNE PROBST,)
Claimants.) PETITION TO RECONSIDER

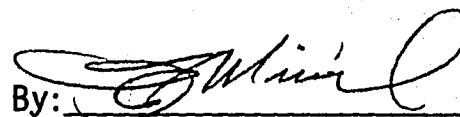
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Petitioner requests an extension of the 21-day period for which to file supporting affidavits and evidence to be considered by the Department. Petitioner also requests oral argument on this Petition.

DATED This 31st day of August, 1999.

ROLIG & PETERSON, L.L.P.

By: 

Jason R. Miciak
Attorney for Claimant

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that I am a resident attorney of the State of Idaho and that on the 31 day of August, 1999, I served a copy of the foregoing document upon the following:

Jeff Peppersack
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

by depositing a true copy thereof in the United States mail, postage prepaid.


JASON R. MICIAK



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 2, 1999

JOHN PROBST
JAYNE PROBST
C/O JASON R. MICIAK
ROLIG & PETERSON, L L P
P O BOX 2749
TWIN FALLS, ID 83303-2749

RE: Water Right Transfer No. 5451

Dear Water Right Holder(s):

Enclosed is an order granting your petition for reconsideration of the preliminary order to issue transfer no. 5451. Please note that the order requires you to act in support of your petition within thirty days.

Please call me at (208) 327-7940 if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

Enclosure

INTER-DEPARTMENT MEMO--1

FROM

Ylu

DATE

10-01-99

TO

Files T 5451

SUBJECT

Tason Miciak called today & asked for another 10 days to submit affidavits & evidence. I advised him that would be fine.

[Signature]

SIGNATURE

ROLIG & PETERSON, L.L.P.
ATTORNEYS AT LAW

JEFFREY E. ROLIG

STEVEN D. PETERSON

JASON R. MICIAK

FIRST SECURITY BANK BUILDING
102 MAIN AVE. SOUTH, SUITE 6
POST OFFICE BOX 2749
TWIN FALLS, ID 83303-2749
TELEPHONE (208) 733-5500
FAX (208) 733-5553
EMAIL: ROLIG_PETE@COMPUTER-DEPOT.COM**FACSIMILE COVER SHEET**TO: L. Glenn Saxton
Department of Water
ResourcesFROM: J. MiciaK

DATE: _____

RE: _____

FAX NO.: 208-327-7866OUR FAX NO.: (208) 733-5553A total of 2 pages are being transmitted, not including this page.

IF THERE IS AN ERROR IN TRANSMISSION OR YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (208) 733-5500 IMMEDIATELY.

COMMENTS: 13-7134-13-7144

THIS IS A CONFIDENTIAL COMMUNICATION. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IT SHOULD NOT BE DELIVERED TO OR READ BY ANY OTHER PERSON. FACSIMILE TRANSMISSION IS NOT INTENDED TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE OR ANY OTHER PRIVILEGE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, THEN (1) YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED; (2) PLEASE CALL US COLLECT IMMEDIATELY AT THE TELEPHONE NUMBER SHOWN ABOVE; AND (3) PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS SHOWN ABOVE BY UNITED STATES MAIL. (WE GUARANTEE RETURN POSTAGE.)

Jason R. Miciak (5710)
ROLIG & PETERSON, L.L.P.
Attorneys at Law
P.O. Box 2749
102 Main Avenue South, Suite 6
Twin Falls, Idaho 83303-2749
Telephone: (208) 733-5500
FAX: (208) 733-5553

Attorneys for Claimants

WITHIN THE IDAHO DEPARTMENT OF WATER RESOURCES
ADMINISTRATIVE PROCEDURES

In Re Transfer Application 5451.)
JOHN PROBST and JAYNE PROBST,)
Claimants.)

REQUEST FOR EXTENSION OF TIME
TO PROVIDE INFORMATION

On September 2, 1999, the Idaho Department of Water Resources granted Petitioners' Petition to Reconsider filed within this proceeding. The Department granted Petitioner 30 days to provide additional information in support of the Petition.

Petitioner respectfully requests that for good cause, an extension be granted allowing Petitioner ten (10) additional days to provide said information. The extension is required due to the difficulty associated with gathering all necessary deeds and conveyances of the property and comparing them to the records in the Department. Petitioner believes that a wrong legal description was mistakenly given to IDWR in the past, and has caused these issues

REQUEST FOR EXTENSION OF TIME TO
PROVIDE INFORMATION - Page 1

to arise in this context. Further, difficulty has been added by the fact that it is harvest season.

No unfairness will result from granting the extension because no other parties are involved in the transfer. Petitioner requests that October 13, 1999, be set as the new deadline to provide information.

DATED This 30th day of September, 1999.

ROLIG & PETERSON, L.L.P.

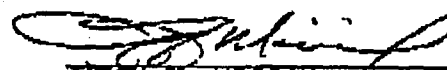
By: 
Jason R. Miciak
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Attorneys for Claimants

RECEIVED

OCT 04 1999

Department of Water Resources

WITHIN THE IDAHO DEPARTMENT OF WATER RESOURCES
ADMINISTRATIVE PROCEDURES

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Claimants.)

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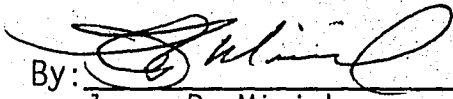
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DATED This 30th day of September, 1999.

ROLIG & PETERSON, L.L.P.

By: 

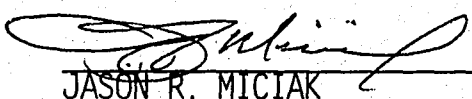
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JASON R. MICIAK



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 13, 1999

JOHN PROBST
JAYNE PROBST
C/O JASON R MICIAK
ROLIG & PETERSON LLP
PO BOX 2749
TWIN FALLS ID 83303-2479

RE: Transfer 5451

Dear Mr. & Mrs. Probst:

Enclosed please find an Order issued by the department
Granting Request for Extension of Time.

If you have any questions regarding this matter, please call
me at 327-7940.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right, Permits Section

JP:klt

Enclosure

ROLIG & PETERSON, L.L.P.
ATTORNEYS AT LAW

JEFFREY E. ROLIG

STEVEN D. PETERSON

JASON R. MICIAK

FIRST SECURITY BANK BUILDING
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TELEPHONE (208) 733-5500
FAX (208) 733-5553
E-MAIL: ROLIG_PETE@COMPUTER-DEPOT.COM

October 14, 1999

RECEIVED

OCT 19 1999

Department of Water Resources

L. Glenn Saxton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

Dear Mr. Saxton:

Per our conversation of October 13, 1999, this letter serves as a written request for an extension to file additional information supporting the Petition for Reconsideration in Transfer 5451. The additional information is to be submitted November 13, 1999.

Sincerely,

Steven D. Peterson
JASON R. MICIAK

13-07134
13-07135

JRM:eav



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1999

JOHN PROBST
JAYNE PROBST
C/O JASON R MICIAK
ROLIG & PETERSON LLP
PO BOX 2749
TWIN FALLS ID 83303-2479

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