



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 28, 1996

Dear Interested Parties:

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) 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.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.
- (7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



Norman C. Young

Encl.

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

**RECEIVED
JUL 02 1996**

**IN THE MATTER OF APPLICATIONS FOR)
TRANSFER NO. 4705 (WATER RIGHT NO.)
13-07198); NO. 4703 (WATER RIGHT NO.)
13-02259); AND NO. 4704 (WATER RIGHT)
NOS. 13-07165 & 13-07261) IN THE NAME)
OF GEM VALLEY FARMS)**

FINAL ORDER

Department of Water Resources
Eastern Region

On March 7, 1996, the Department of Water Resources (Department) conducted a hearing regarding protests filed against an application filed by Gem Valley Farms (Gem Valley), numbered in the Department files as application for transfer nos. 4705 (water right no. 13-07198), application for transfer no. 4703 (water right no. 13-02259), and application for transfer no. 4704 (water right no. 13-07165 & 13-07261). The application for transfer was protested by Lloyd Farms, Phil Yost and Warren & Jennie Lloyd.

The applications for transfer are related because some of the water rights do not describe sufficient acreage for an entire proposed system of circular pivots, and the remaining portion of the place of use had to be described by another water right. Each application for transfer describes how an individual water right (or two water rights) will be allocated to parts of three different systems, rather than each application for transfer describing an independent system.

A recommended order was issued on April 26, 1996. The parties did not request reconsideration, and they did not file exceptions.

The Director issues the following findings of fact, conclusions of law and order as a final order.

FINDINGS OF FACT

1. Gem Valley filed application for transfer nos. 4703, 4704, and 4705 for the purpose of rearranging its irrigation from a combined system of circular pivots, wheel lines and hand lines, some of which irrigated the corners on the borders of the circular pivots, to systems which operate only as circular systems. If approved, the applications for transfer would remove water traditionally applied to corners bordering the circular pivots and place the water on additional circular pivot systems. The total number of acres irrigated pursuant to the water right would not change.

2. Applicant's exhibit no. 4 depicts the place of use of the water right sought to be transferred as described by the Bancroft-Lund Adjudication. The water rights sought to be transferred are described as follows:

WATER RIGHT NO. 13-02259

FLOW RATE 2.10 cfs	SOURCE Groundwater	PRIORITY 8/5/1963	POINT OF DIVERSION T9S, R40, Section 20, NENW ¹
PLACE OF USE DESCRIPTION		ACRES	
T9S, R40E, Section 20	NENW	38	
T9S, R40E, Section 20	NWNW	37	
T9S, R40E, Section 20	SWNW	39	
T9S, R40E, Section 20	SEnw	40	
TOTAL		154	

WATER RIGHT NO. 13-07165

FLOW RATE 3.12 cfs	SOURCE Groundwater	PRIORITY 4/6/1977	POINT OF DIVERSION T9S, R40E, Section 20, SWSW
PLACE OF USE DESCRIPTION		ACRES	
T9S, R40E, Section 20	NESW	40	
T9S, R40E, Section 20	NWSW	39	
T9S, R40E, Section 20	SWSW	38	
T9S, R40E, Section 20	SESW	39	
TOTAL		156	

¹Public land survey descriptions of 40 acre parcels in this decision without a fraction following the quadrant description assume a fractional component of "1/4" stated as "quarter."

WATER RIGHT NO. 13-07261

FLOW RATE 2.00 cfs	SOURCE Groundwater	PRIORITY 9/10/1979	POINT OF DIVERSION² T9S, R40E, Section 20, SWSW
PLACE OF USE DESCRIPTION		ACRES	
T9S, R40E, Section 19	NESE		37
T9S, R40E, Section 19	NWSE		38
T9S, R40E, Section 19	SWSE		39
T9S, R40E, Section 19	SESE		39
TOTAL			153

WATER RIGHT NO. 13-07198

FLOW RATE 5.23 cfs	SOURCE Groundwater	PRIORITY 6/20/1977	POINT OF DIVERSION T9S, R40E, Section 29, SESW
PLACE OF USE DESCRIPTION		ACRES	
T9S, R40E, Section 29	NENE		32
T9S, R40E, Section 29	NWNE		32
T9S, R40E, Section 29	SWNE		32
T9S, R40E, Section 29	SENE		32
T9S, R40E, Section 29	NENW		32
T9S, R40E, Section 29	NWNW		32
T9S, R40E, Section 29	SWNW		32
T9S, R40E, Section 29	SESW		32
T9S, R40E, Section 29	NESW		39
T9S, R40E, Section 29	SESW		3
T9S, R40E, Section 29	NWSE		40
T9S, R40E, Section 29	SWSE		7
TOTAL			345

² Same well as the point of diversion described by water right no. 13-07165.

3. Applicant's exhibit no. 5 illustrates the places of use and location of wells proposed by the applications for transfer. Application for transfer nos. 4703, 4704, and 4705 propose the following descriptions of the water rights by system:

NORTH SYSTEM
 (two large pivots, one small pivot)
Point of Diversion: T9S, R40E, Section 20, NENW

Water Right Nos.		Flow Rate (cfs)	
13-02259		2.10	
13-07198C		1.66	
TOTAL		3.76	
Place of Use Description		Acres	Water Right
T9S, R40E, Section 20	NENE	29	13-07198C
T9S, R40E, Section 20	NWNE	30	13-07198C
T9S, R40E, Section 20	SWNE	30	13-07198C
T9S, R40E, Section 20	SWNE	7	13-02259
T9S, R40E, Section 20	SENE	21	13-07198C
T9S, R40E, Section 20	SENE	8	13-02259
T9S, R40E, Section 20	NENW	29	13-02259
T9S, R40E, Section 20	NWNW	29	13-02259
T9S, R40E, Section 20	SWNW	30	13-02259
T9S, R40E, Section 20	SENW	37	13-02259
T9S, R40E, Section 20	NESW	7	13-02259
T9S, R40E, Section 20	NWSE	7	13-02259
TOTAL		264	

CENTER SYSTEM
 (three large pivots)
Point of Diversion: T9S, R40E, Section 20, SWSW

Water Right		Flow Rate (cfs)	
13-07165		3.12	
13-07261		2.00	
13-07198B		0.64	
TOTAL		5.76	
Place of Use Description		Acres	Water Right
T9S, R40E, Section 19	NESE	29	13-07165 & 13-07261
T9S, R40E, Section 19	NWSE	29	13-07165 & 13-07261
T9S, R40E, Section 19	SWSE	15	13-07165 & 13-07261
T9S, R40E, Section 19	SWSE	15	13-07198B
T9S, R40E, Section 19	SESE	27	13-07198B
T9S, R40E, Section 20	NESW	30	13-07165 & 13-07261
T9S, R40E, Section 20	NWSW	29	13-07165 & 13-07261
T9S, R40E, Section 20	SWSW	30	13-07165 & 13-07261
T9S, R40E, Section 20	SESW	29	13-07165 & 13-07261
T9S, R40E, Section 20	NESE	29	13-07165 & 13-07261
T9S, R40E, Section 20	NWSE	30	13-07165 & 13-07261
T9S, R40E, Section 20	SWSE	30	13-07165 & 13-07261
T9S, R40E, Section 20	SESE	29	13-07165 & 13-07261
TOTAL		351	

SOUTH SYSTEM
(one large pivot, one medium pivot)
Point of Diversion: T9S, R40E, Section 29, SENW

Water Right		Flow Rate (cfs)	
13-07198A		2.93	
Place of Use Description		Acres	Water Right
T9S, R40E, Section 29	NENE	29	13-07198A
T9S, R40E, Section 29	NWNE	30	13-07198A
T9S, R40E, Section 29	SWNE	37	13-07198A
T9S, R40E, Section 29	SENE	29	13-07198A
T9S, R40E, Section 29	SENW	7	13-07198A
T9S, R40E, Section 29	NESW	31	13-07198A
T9S, R40E, Section 29	NWSE	30	13-07198A
TOTAL		193	

4. Gem Valley does not propose to cumulatively irrigate any more acres than are described by the water rights as approved by the Bancroft-Lund Adjudication.

5. The protestants expressed primary concern regarding the use of a well located in the SWSW Section 20, T9S, R40E, B.M. This well was referred to in the hearing as well no. 9, and was labeled as well no. 9 on applicant's exhibit no. 5 and on protestants' exhibit no. 1. The applications for transfer propose diversion from well no. 9 (hereafter referred to as the center well) for irrigation of lands by the center system.

6. Paul Christensen (Christensen), who owned a farm and several wells surrounding the center well site, was at the drilling site almost every day when the center well was drilled. Christensen testified that the well driller, after having drilled the well to approximately 130 feet, drilled into a layer of blue clay. Christensen testified the well driller ceased drilling and tested the well for productivity. He stated the well did not produce a significant flow of water and sand was pumped from the well.

7. A well log for the initial drilling was filed with the Department naming Leo Christensen as the owner. According to the well log, construction started in May of 1977 and concluded in July of 1977. The lithologic log describes "gray lava" beginning at a depth of ten feet and extending down to a depth of 175 feet. Water was encountered below a depth of 142 feet. The driller described a "sand & clay brown" strata between a depth of 175 feet and 200 feet. Between depths of 200 feet and 235 feet, the driller described black or gray lava. Finally, between a depth of 233 feet and the bottom of the well at 235 feet, the driller described "brown sand & lava." The driller wrote a comment across the lithologic log that the "hole [was] never

pumped. There is another rig on [the] hole now." The driller recorded a static water level of 143 feet.

8. According to Christensen, the owner of the well determined that he would drill deeper. Christensen testified the well driller cased the well to the upper boundary of the blue clay and drilled the well to a depth of approximately 500 feet, where he encountered a water bearing layer of gravel. Christensen testified that the water level in the well rose to a depth of between 130 and 200 feet below land surface.

9. Another well log in the Department files describes the deepening of the center well, completed in July, 1978. The well log describes a 16 inch diameter casing installed to a depth of 235 feet, the bottom of the first well hole. It also describes perforations in the casing between depths of 140 and 150 feet. The well log describes intermittent dry and water bearing zones to a depth of 525 feet deep, with a 25 foot water bearing strata at the bottom of the well from 500-525 feet. The well log also states that the static water level stood at 140 feet.

10. The well driller did not complete any of the pump testing portions of the well log. Warren Lloyd testified that when the well was test-pumped, it produced about "fourteen feet" (cfs) of water. A flow of fourteen cfs from the well described by the well logs is probably unrealistic. A Department examiner measured a flow of 5.24 cfs from the well in 1980 while examining the well for beneficial use. A flow of 5.24 cfs exceeds the combined authorized flow rate of 5.12 cfs authorized by water right nos. 13-07165 and 13-07261.

11. Warren Lloyd established that when the center well was tested for productivity, his well, located approximately three miles away in the NESE, Section 23, T9S, R39E, B.M., was affected within seven to eight hours of the productivity test. His well had never pumped sand prior to the productivity test for the center well. After the center well was test pumped, Warren Lloyd testified his wheel lines and hand lines partially filled with sand. He testified that when the center well productivity test was complete, the water in his well cleared up, but as soon as the water was pumped from the center well again for irrigation, his pump again began pumping sand. He testified that the water levels in his well have declined since the completion of and pumping from the center well. Because of the declines, Warren Lloyd had to drill a new well.

12. Protestants established that there is a direct relationship between water levels in their wells and water pumped from the center well. Phil Yost testified his wells begin to "suck air" two to three days after the center well begins pumping. Paul Christensen testified that he believes the center well affects a domestic well he owns (labeled as well no. 2 on protestant's exhibit no. 1) more than other wells, and that all the wells had plenty of water before the center well was drilled and began pumping.

13. George Kimball owns a fish propagation facility in Black Canyon, approximately five miles south of the center well. He owns water rights which authorize diversion of water from springs that emit from the north and west canyon wall of Black Canyon. George Kimball testified that on October 16, 1992, he lost 2,000 three-quarter pound fish because of a two cfs reduction in flow to his raceways. He surveyed the nearby wells and found that the center well was pumping.

The only other well pumping in the area was a well owned by Don Rigby, located approximately ten miles north of the center well.

14. There is a general hydrologic relationship between ground water in that portion of basin 13 located within the Bancroft-Lund Ground Water Management Area and spring flows that discharge from Black Canyon into the Bear River.

15. There is a general hydrologic relationship between all of the wells in basin 13 that are located within the Bancroft-Lund Ground Water Management Area.

16. Approval of these applications for transfer will result in the irrigation of 42 more acres by the center well than was authorized by water right nos. 13-07165 and 13-07261. Approximately one-third (42 acres) of the circular pivot located in the SE1/4 of Section 19, T9S, R40E, B.M. is proposed as a place of use for water right no. 13-07198, which currently only authorizes diversion of water from the well located in the SENW, Section 29, T9S, R40E, B.M.

17. The center well is the most productive well of the wells owned by Gem Valley. The center well will continue to produce water when the wells located in the NENW, Section 20, (north well) and the SENW, Section 29 (south well), T9S, R40E, B.M. cannot produce the flow rates authorized by the water rights. Chad Neibaur testified that water from the center well was pumped to irrigate lands that should be irrigated by the north well (identified as well no. 4 on the exhibits) since 1993 because of sand in the north well and because he finally couldn't pump water out of the north well.

18. Warren Lloyd testified that he noticed greater declines in the water levels in his well after Gem Valley started delivering water from the center well to lands that should have been irrigated by the north well.

19. Chad Neibaur testified that because of the installation of pivots and better application efficiency, the flow rate from the center well will be 1600 gallons per minute (3.57 cfs) instead of 2300 gallons per minute (5.12 cfs). A greater annual volume of water could be pumped from the center well, however, and more water will be consumed from the center well as a result of the application of water from the well to 42 additional acres.

20. The protestants argued that some of the corners alleged to be irrigated by Gem Valley and from which water is sought to be transferred have not been irrigated for more than five years. No significant proof was offered to support the allegations.

CONCLUSIONS OF LAW

1. *Idaho Code* § 42-222 provides in pertinent part as follows:

The Director of the Department of Water Resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the

change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. In determining the issue of enlargement, the Department reviews whether there will be an increase in three components of the water right: the instantaneous flow rate, the annual volume of water diverted and the annual consumptive use of water. In determining whether there will be an increase in consumptive use or annual volume, the number of acres described as a place of use by the water right, and on which the water is beneficially used, is compared to the number of acres proposed as a place of use. These criteria are generally, but not necessarily in total, satisfied by Gem Valley's applications.

3. The difficult legal question is whether, after the protestants have established that the center well directly affects their ability to divert water, the Department should microscopically refuse to allow more diversion of water from the center well and deny or limit the applications for transfer.

4. The protestants established through testimony that pumping from the center well reduces the quantity of water available in other nearby wells, particularly the well owned by Warren Lloyd.

5. Protestants established that pumping from the center well reduces the spring flows in Black Canyon diverted by George Kimball for fish propagation use.

6. The irrigation of 42 additional acres from the center well will result in greater consumptive use of water, and although the flow rate diverted will not increase, the total volume of water diverted will probably increase.

7. Irrigation from the center well must be limited to 309 acres. The place of use for the center system must be reduced by 42 acres.

8. As an alternative, if Gem Valley can prove, through well interference testing, that diversion from the center well has no more effect on nearby wells than pumping from the south well, the applications for transfer can be fully approved.

9. If Gem Valley can show no difference in the effect on other wells when pumping from the center well or the south well, Gem Valley may irrigate 351 acres from the center well. The place of use irrigated by the center well must be limited to circular pivots located in the S ½ of Section 20 and a circular pivot located in the SE ¼ of Section 19.

10. An application for transfer is not approved until the final order is issued. This final order is being issued midway through the irrigation season. Prior to this decision, Gem Valley was only authorized to divert and apply water as described by the water rights prior to the filing of the applications for transfer or issuance of the recommended order.

11. Without proper safeguards, final approval of an application for transfer midway through the irrigation season could result in application of water to both the old place of use and the new place of use authorized by the final order.

12. Gem Valley may only irrigate lands described by water right nos. 13-07168, 13-02259, 13-07165 and 13-07261 prior to this final order from ground water unless and until Gem Valley submits a plan of implementation for the transfers and the plan is approved by the department. The plan of implementation must insure that:

(a) The total number of acres irrigated in 1996, derived by summing all of the acres irrigated by ground water at any time during 1996, is limited to 808 acres; and

(b) The total number of acres irrigated in 1996 from the center well, located in the SWSW Section 20, T9S, R40E, B.M., derived by summing all of the acres irrigated from the center well at any time during 1996, is limited to 309 acres, or 352 acres if conditions 14 through 18 are fully satisfied.

13. A water right is forfeited if water is not beneficially used pursuant to the right for a period of five consecutive years. Forfeiture must be established by clear and convincing evidence. The party alleging forfeiture bears the burden of proof to establish forfeiture. The protestants did not present clear and convincing evidence that any of the rights sought to be transferred were forfeited.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 4703, 4704, and 4705 are APPROVED subject to the following conditions:

1. Irrigation from the well located in the SWSW, Section 20, T9S, R40E, B.M. (center well) is limited to 309 acres located within two circular pivots in the S ½ of Section 20, T9S, R40E, B.M. and one circular pivot located in the SE1/4 of Section 19, T9S, R40E, B.M. The acreage proposed for irrigation in the SE1/4 of Section 19, T9S, R40E, B.M. must be reduced by 42 acres. Irrigation from the center well of land located in the SWSE, Section 19, T9S, R40E, B.M. is limited to 15 acres. No land in the SESE, Section 19, T9S, R40E, B.M. may be irrigated with ground water or with surface water unless authorized pursuant to a valid water right. This condition will no longer be effective, however, if conditions 14 through 18 are fully satisfied.

2. Combined right nos. 13-02259 and 13-07198C shall not exceed a total combined rate of diversion of 3.76 cfs, a total combined annual diversion volume of 792 acre feet, nor the total combined annual irrigation of 264 acres.

3. Combined right nos. 13-07165, 13-07261 and 13-07198B shall not exceed a total combined rate of diversion of 5.12 cfs, a total combined annual diversion volume of 927 acre feet, nor the total combined annual irrigation of 309 acres.

4. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 13T.

6. Prior to diverting water under these transferred water rights, totalizing measuring device and lockable controlling works of a type approved by this Department shall be maintained on each of the diverting works in a manner that will provide the watermaster suitable control of the diversion.

7. Surface water shall not be commingled with ground water unless the ground water and surface water diversions are measured separately as approved by the Department.

8. These rights when combined with all other rights shall provide no more than 0.02 cfs per acre and not more than 3.0 af per acre for the lands above.

9. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

10. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

11. Approval of this transfer does not authorize use of canal water on the circular system located in the NW1/4 of Section 29, T9S, R40E, B.M. or on any other lands that are the subject of these transfers.

12. The rate of flow diverted from the well located in the SWSW, Section 20, T9S, R40E, B.M. shall not exceed 5.12 cfs.

13. None of these transfers shall be implemented midway through an irrigation season if implementation results in the irrigation of a combined total acreage during the irrigation season in excess of the irrigated acreage authorized pursuant to the transferred water rights.

IT IS FURTHER ORDERED that, as an alternative, 351 acres described by the applications for transfer in the S1/2 of Section 20 and the SE1/4 of Section 19, T9S, R40E, B.M. may be irrigated by the well located in the SWSW, Section 20, T9S, R40E, B.M., only after satisfaction of the following conditions within one year of final approval of these transfers:

14. A well interference test is conducted for the well located in the SWSW, Section 20, T9S, R40E, B.M., and for the well located in the SENW, Section 29, T9S, R40E, B.M. The effect on wells owned by Warren Lloyd, Keith Lloyd and Phil Yost must be determined for each well test. The effect caused by pumping from the well located in the SWSW, Section 20, T9S, R40E, B.M. cannot have a greater effect on the protestants' wells than pumping from the well located in the SENW, Section 29, T9S, R40E, B.M.

15. A plan for the well test must be submitted to the Department and approved prior to the tests being conducted.

16. The well test must be conducted by a professional engineer, professional geologist or by a person who can demonstrate sufficient qualifications to conduct the test.

17. Written results of the well test must be distributed to the Department and to the protestants for review.

18. The Department will issue another decision following submittal of the written report documenting the well test. The parties may request a hearing as provided by Idaho Code § 42-1701A.

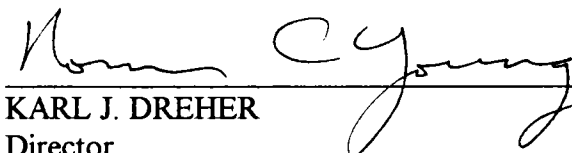
19. If conditions 14-18 are satisfied, condition no. 3 will no longer be effective, and combined right nos. 13-07165, 13-07261 and 13-07198B shall not exceed a total combined rate of diversion of 5.12 cfs, a total combined annual diversion volume of 1056 acre feet, nor the total combined annual irrigation of 352 acres.

IT IS FURTHER ORDERED that Gem Valley may only irrigate lands authorized for irrigation by water right nos. 13-07198, 13-02259, 13-07165 and 13-07261 from ground water as described by the water rights prior to filing of the applications for transfer, unless and until Gem Valley submits a plan of implementation for the transfers and the plan is approved by the department. The plan of implementation must insure that:

(a) The total number of acres irrigated in 1996, derived by summing all of the acres irrigated from ground water at any time during 1996, is limited to 808 acres; and

(b) The total number of acres irrigated in 1996 from the center well located in the SWSW, Section 20, T9S, R40E, B.M., derived by summing all of the acres irrigated from the center well at any time during 1996, is limited to 309 acres, or 352 acres if conditions 14 through 18 are fully satisfied.

Signed this 28TH day of June, 1996.

for 
KARL J. DREHER
Director

CERTIFICATE OF MAILING

I do hereby certify that on this 28th day of June, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:


Chad Neibaur
Gem Valley Farms
1550 Central Rd.
Bancroft, ID 83217

David Lloyd
1917 Lund Rd.
Bancroft, ID 83217

Phil Yost
1760 Rich Rd.
Grace, ID 83241

Warren & Jennie Lloyd
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DEBORAH DREW-ELLIS
Legal Secretary